

STATE OF MINNESOTA

SEVENTIETH SESSION - 1978

SEVENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 22, 1978

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Adams and Fudro were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Jude 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. 1965, 2067, 2190, 1736, 2081 and 2102 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1243, A bill for an act relating to public utilities; providing for base usage rates and quantities for electricity and natural gas; amending Minnesota Statutes 1976, Chapter 216B, by adding a section.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 216B, is amended by adding a section to read:

[216B.031] [LIFELINE RATES.] *Subdivision 1. The legislature hereby finds that the cost of service is no longer the proper standard to use for determining the rate to be charged for an essential amount of energy consumption for residential, small business and family farm customers; that all classes of customers should bear the cost of providing the quality of life; that the escalation of the cost of essential energy for residential customers should be slowed; and that conservation should be encouraged.*

Subd. 2. [RESIDENTIAL; DEFINITION.] For the purpose of this section "residential" means the permanent dwelling of a user and excludes vacation residences and residences which are unoccupied for more than 180 days in a year.

Subd. 3. [ELECTRICITY.] The public service commission shall establish lifeline rates for residential electrical customers in accordance with the following provisions:

(1) Existing service charges shall be eliminated or converted to a minimum usage charge;

(2) The lifeline rate for each utility shall not exceed the average revenue per kilo watt-hour (kwh) for either the utility as a whole or the residential class thereof;

(3) The lifeline rate shall be applied to no less than the first 500 kwh per month, taking into consideration regional differences in usage;

(4) *The commission shall not unduly burden high usage residential customers;*

(5) *Existing summer-winter rate differentials shall not be eliminated;*

(6) *The commission shall create a new class to be designated "master metered multifamily residential". In determining lifeline rates, the commission shall give the master metered multifamily residential class the same degree of protection that it provides to single metered residential users;*

(7) *Special lifeline rates shall be established for family farms, as defined by Minnesota Statutes, Section 500.24, Subdivision 1, Clauses (b) and (c);*

(8) *No utility's small business class that is shown to be generating a disproportionately higher rate of return, as compared to the utility's other nonresidential classes, shall be required to absorb a portion of any interclass burden created by implementation of lifeline rates;*

(9) *The public service commission shall require that every public utility file a schedule of lifeline rates no later than January 1, 1979, consistent with the provisions of this section. The commission shall not authorize an increase in the lifeline rate until the average revenue per kilo watt-hour of nonlifeline rates for the public utility has increased 25 percent or more, exclusive of fuel adjustment clauses. This requirement shall apply to the initial increase in a utility's lifeline rate and all subsequent increases in the lifeline rate.*

Subd. 4. [NATURAL GAS.] *The public service commission is directed to explore and design potential natural gas rates based on the lifeline principles set forth in this section. The commission is authorized to implement natural gas lifeline rates as may be feasible.*

Subd. 5. [ELECTRICAL COOPERATIVES; EXEMPTION.] *Any electrical cooperative that serves less than 10,000 customers and derives 90 percent or more of its gross revenue from residential customers may petition the public service commission to be excluded from the provisions of this section. If the commission determines that the electrical cooperative satisfies the requirements of this subdivision, it shall exempt the cooperative from the provisions of this section for a period of three years. The denial of an exemption may be appealed by an electrical cooperative pursuant to chapter 15. The public service commission shall promulgate rules necessary to carry out the purposes of this subdivision.*

Sec. 2. *This act shall be effective the day following final enactment."*

Further, amend the title as follows:

Page 1, line 2, delete "for base".

Page 1, line 3, delete "usage" and insert "lifeline".

Page 1, line 3, delete "and quantities".

Page 1, line 4, after the semicolon insert "providing exemptions for electrical cooperatives;"

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

The report was adopted.

Hanson from the Committee on Commerce and Economic Development to which was referred:

H. F. No. 1882, A bill for an act relating to commerce; repealing the fair trade laws; repealing Minnesota Statutes 1976, Sections 325.08 to 325.14.

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

The report was adopted.

Moe from the Committee on Criminal Justice to which was referred:

S. F. No. 804, A bill for an act relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 169.121, is amended to read:

169.121 [MOTOR VEHICLE DRIVERS UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.] Subdivision 1. It (SHALL BE) *is* a misdemeanor for any person (DESCRIBED IN CLAUSES (A), (B), (C) OR (D)) to drive (,) *or operate a motor vehicle within the state* or be in (ACTUAL) physical control of (ANY) *a motor vehicle (WITHIN THIS STATE) upon a public highway*:

(a) (A) *When the person (WHO) is under the influence of (AN ALCOHOLIC BEVERAGE OR NARCOTIC DRUG) alcohol*;

(b) (A) *When the person (WHO IS AN HABITUAL USER OF NARCOTIC DRUGS OR WHO) is under the influence of a controlled substance (WHICH IMPAIRS THE ABILITY TO DRIVE)*;

(c) (A) *When the person (WHO) is under the influence of a combination of any two or more of the elements named in clauses (a) and (b) (HEREOF)*; *or*

(d) (A PERSON WHOSE) *When the person's (BLOOD CONTAINS) alcohol concentration is 0.10 (PERCENT) or more (BY WEIGHT OF ALCOHOL) as defined in subdivision 2 of this section.*

(WHEN A POLICE OFFICER HAS REASON TO BELIEVE FROM THE MANNER IN WHICH A DRIVER IS DRIVING, OPERATING, OR ACTUALLY CONTROLLING, OR HAS DRIVEN, OPERATED, OR ACTUALLY CONTROLLED, A VEHICLE THAT SUCH DRIVER MAY BE VIOLATING THIS SUBDIVISION HE MAY REQUIRE THE DRIVER TO PROVIDE A SAMPLE OF HIS BREATH FOR AN IMMEDIATE PRELIMINARY SCREENING TEST OR ANALYSIS BEFORE AN ARREST IS MADE, USING A DEVICE APPROVED BY THE COMMISSIONER FOR THIS PURPOSE. THE RESULTS OF SUCH A PRELIMINARY SCREENING TEST OR ANALYSIS SHALL BE USED ONLY FOR THE PURPOSE OF GUIDING THE OFFICER IN DECIDING WHETHER AN ARREST SHOULD BE MADE, AND SHALL NOT BE USED AS EVIDENCE IN ANY COURT ACTION.)

(THE DRIVER OF ANY MOTOR VEHICLE SHALL FURNISH SUCH A SAMPLE OF HIS BREATH WHEN REQUIRED TO DO SO. THE PROVISIONS OF SECTION 169.123, SHALL APPLY TO ANY DRIVER WHO REFUSES TO FURNISH A SAMPLE OF HIS BREATH; PROVIDED THAT THE LICENSE OR PERMIT OF A DRIVER SHALL NOT BE REVOKED PURSUANT TO SECTION 169.123, SUBDIVISION 4, FOR REFUSAL TO PROVIDE A SAMPLE OF HIS BREATH FOR PRELIMINARY SCREENING PURPOSES, IF HE SUBMITS TO A BLOOD, BREATH OR URINE

TEST TO DETERMINE THE ALCOHOLIC CONTENT OF HIS BLOOD PURSUANT TO SECTION 169.123, SUBDIVISION 2. ANOTHER TEST MAY BE REQUIRED OF THE DRIVER FOLLOWING THE SCREENING TEST PURSUANT TO THE PROVISIONS OF THIS CHAPTER, WHICH SHALL BE ADMISSIBLE EVIDENCE IN ACCORDANCE THEREWITH.)

(NOTHING IN THIS SUBDIVISION AUTHORIZING SUCH PRELIMINARY SCREENING TEST OR ANALYSIS SHALL BE CONSTRUED AS CHANGING, LIMITING, OR OTHERWISE MODIFYING THE PROCEDURES, SAFEGUARDS, AND OTHER PROVISIONS OF SECTIONS 169.121 TO 169.123 OR ORDINANCES IN CONFORMITY THEREWITH.)

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or (WHO) is in (ACTUAL) physical control of any *motor* vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Subd. 2. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or *being* in (ACTUAL) physical control of a motor vehicle in violation of (SUBPARAGRAPHS A, C, OR D OF) subdivision 1 (HEREOF), the court may admit evidence of the amount of alcohol *or a controlled substance* in the person's blood, breath, or urine as shown by a medical or chemical analysis thereof; if (SAID) *the* test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time *an alcohol concentration of 0.05 (PERCENT) or less (BY WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD)* is prima facie evidence that (SUCH) *the* person was not under the influence of (AN ALCOHOLIC BEVERAGE) *alcohol*;

(b) evidence that there was at the time *an alcohol concentration of more than 0.05 (PERCENT) and less than 0.10 (PERCENT BY WEIGHT OF ALCOHOL IN THE PERSON'S BLOOD)* is relevant evidence (BUT IT IS NOT TO BE GIVEN PRIMA FACIE EFFECT) in indicating whether or not the person was under the influence of (AN ALCOHOLIC BEVERAGE) *alcohol*.

The foregoing provisions (SHALL NOT BE CONSTRUED AS LIMITING) *do not limit* the introduction of any other com-

petent evidence bearing upon the question whether or not (SUCH) *the person was under the influence of (AN ALCOHOLIC BEVERAGE) alcohol or a controlled substance.*

(FOR THE PURPOSES OF THIS SECTION, AN "ALCOHOLIC BEVERAGE" MEANS ANY LIQUID CONTAINING MORE THAN ONE-HALF OF ONE PERCENT OF ALCOHOL BY VOLUME.)

For the purposes of this (SECTION) *chapter* "(PERCENT BY WEIGHT OF) *alcohol concentration*" (SHALL BE DEFINED AS) *means*:

(a) the number of grams of alcohol per 100 milliliters of blood, *or*,

(b) *the number of grams of alcohol per 210 liters of breath,*
or

(c) *the number of grams of alcohol per 67 milliliters of urine.*

Subd. 3. Every person (WHO IS) convicted of a violation of this section (SHALL BE) *is punishable by imprisonment of not (LESS THAN TEN DAYS NOR) more than 90 days, or by a fine of not (LESS THAN \$10 NOR) more than (\$300) \$500, or both, and his driver's license, permit, or driving privileges shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section, when (SUCH) the violation is found to be the proximate cause of (GRIEVOUS) great bodily (INJURY) harm as defined in section 609.02, subdivision 8, or death to another person, shall be punished by imprisonment for not (LESS THAN 60 DAYS NOR) more than 90 days, or by fine of not more than (\$300) \$500, or both and his driver's license, permit, or driving privileges shall be revoked for not less than 90 days.*

Any person whose license, permit or driving privilege has been revoked pursuant to section 169.123 is not subject to the mandatory revocation provision of this subdivision for the same act or acts.

Subd. 4. Every person who is convicted of a violation of this section *or an ordinance in conformity therewith* within three years of any previous conviction (UNDER THIS SECTION) *for said offense shall be punished by imprisonment for not (LESS THAN TEN DAYS NOR) more than 90 days or a fine of not more than \$500 or both, and his driver's license, permit, or driving privilege shall be revoked for not less than 90 days.*

(SUBD. 5. WHENEVER A PERSON IS CHARGED WITH A VIOLATION OF THIS SECTION WITHIN THREE YEARS

OF A PREVIOUS CONVICTION HEREUNDER, AND HE SHALL FORFEIT HIS BAIL, IT SHALL BE THE DUTY OF THE PROSECUTING OFFICER TO IMMEDIATELY APPLY TO THE FORTHWITH ISSUE A WARRANT FOR THE ARREST OF THE ACCUSED.)

Subd. (6) 5. The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4 on the condition that the convicted person submit to treatment by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

Subd. 6. When a peace officer has reason to believe from the manner in which a person is driving, operating, or controlling, or has driven, operated, or controlled, a motor vehicle that the driver may be violating or has violated subdivision 1 he may require the driver to provide a sample of his breath for a screening test using a device approved by the commissioner of public safety for this purpose. The results of this screening test may not be used as evidence in any court action but shall be used for the purpose of deciding whether an arrest should be made and whether to require the chemical tests, authorized in section 169.123. Following the screening test another test may be required of the driver pursuant to the provisions of section 169.123.

The driver of a motor vehicle who refuses to furnish a sample of his breath for a screening test is subject to the provisions of section 169.123, unless, in compliance with 169.123, he submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.

(SUBD. 7. ANY PERSON WHOSE LICENSE HAS BEEN REVOKED PURSUANT TO SECTION 169.127 SHALL NOT BE SUBJECT TO THE MANDATORY REVOCATION PROVISION OF SUBDIVISION 3.)

Subd. 7. On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section. The court shall take the license or permit of the driver, if any, or obtain a sworn affidavit stating that the license or permit cannot be produced, and send it to the commissioner with a record of the conviction and issue a temporary license effective only for the period during which an appeal from the conviction may be taken. No person who is without driving privileges at the time shall be issued a temporary license and any temporary license issued shall bear the same restrictions and limitations as the driver's license or permit for which it is exchanged. The commissioner shall issue additional temporary

licenses until the final determination of whether there shall be a revocation under this section.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 169.123, Subdivision 1, is amended to read:

169.123 [CHEMICAL TESTS FOR INTOXICATION.] Subdivision 1. [PEACE OFFICER DEFINED.] For the purposes of this section and section 169.121, (SUBDIVISION 2,) the term peace officer means a state highway patrol officer, university of Minnesota peace officer, or full time police officer of any municipality, including towns having powers under section 368.01, or county having satisfactorily completed a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the University of Minnesota or similar course considered equivalent by the commissioner of public safety.

Sec. 3. Minnesota Statutes 1976, Section 169.123, Subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] (a) Any person who drives (OR), operates, or is in physical control of a motor vehicle (UPON THE PUBLIC HIGHWAYS OF) within this state (SHALL BE DEEMED TO HAVE GIVEN CONSENT) consents, subject to the provisions of this section and section 169.121, (SUBDIVISION 2,) to a chemical test of his blood, breath, or urine for the purpose of determining the (ALCOHOLIC CONTENT OF HIS BLOOD) presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be (ADMINISTERED) required of a person when (THE) an officer has (REASONABLE AND) probable (GROUNDS) cause to believe (THAT A) the person was driving or operating a motor vehicle within the state (WHILE SAID PERSON WAS UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE,) or in physical control of a motor vehicle upon a public highway in violation of section 169.121 and one of the following conditions exist: (1) the (SAID) person has been lawfully placed under arrest for (ALLEGED COMMISSION OF THE SAID DESCRIBED OFFENSE IN) violation of section 169.121 (, OR AN ORDINANCE IN CONFORMITY THEREWITH); or (2) the person has been involved in a motor vehicle collision resulting in property damage, personal injury, or death; or, (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more. (THE TEST MAY ALSO BE ADMINISTERED WHEN THE OFFICER HAS REASON TO BELIEVE THAT A PERSON WAS DRIVING OR OPERATING A MOTOR VEHICLE IN VIOLATION OF SECTION 169.121 OR AN ORDINANCE IN CONFORMITY THEREWITH AND THE PERSON HAS EITHER RE-

FUSED TO TAKE THE PRELIMINARY SCREENING TEST PROVIDED FOR BY SECTION 169.121, SUBDIVISION 1, OR SUCH PRELIMINARY SCREENING TEST WAS ADMINISTERED AND RECORDED A BLOOD ALCOHOL LEVEL OF .10 PERCENT OR MORE BY WEIGHT OF ALCOHOL.) Any person may decline to take a direct blood test and elect to take either a breath(,) or urine test, whichever is available(, IN LIEU THEREOF, AND EITHER A BREATH OR URINE TEST SHALL BE MADE AVAILABLE TO THE ARRESTED PERSON WHO MAKES SUCH AN ELECTION) *and offered*. No action (SHALL) *may* be taken against the person for declining to take a direct blood test unless either a breath(,) or urine test was available *and offered*. (AT THE TIME THE PEACE OFFICER REQUESTS SUCH CHEMICAL TEST SPECIMEN, HE SHALL INFORM THE ARRESTED PERSON THAT HIS RIGHT TO DRIVE MAY BE REVOKED OR DENIED IF HE REFUSES TO PERMIT THE TEST AND THAT HE HAS THE RIGHT TO HAVE ADDITIONAL TESTS MADE BY A PERSON OF HIS OWN CHOOSING.)

(b) At the time a chemical test specimen is requested, the person shall be informed that if testing is refused, the person's right to drive will be revoked for a period of six months; that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a period of 90 days; that the person has a right to consult with an attorney but that this right is limited to the extent that it cannot unreasonably delay administration of the test or the person will be deemed to have refused the test; that after submitting to testing, the person has the right to have additional tests made by a person of his or her own choosing.

Sec. 4. Minnesota Statutes 1976, Section 169.123, Subdivision 3, is amended to read:

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the (ALCOHOLIC CONTENT THEREIN) *presence of alcohol or controlled substance*. This limitation (SHALL) *does not* apply to the taking of a breath (,) or urine specimen. The person tested (SHALL HAVE) *has* the right to (A PHYSICIAN, A MEDICAL TECHNICIAN, MEDICAL TECHNOLOGIST, LABORATORY ASSISTANT OR REGISTERED NURSE) *have a person of his own choosing* (TO) administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of (SAID) *the person* (BE) *is* obtained at the place where (SUCH) *the person* is in custody, *after the test administered at the direction of a peace officer*, and at no expense to the state. (SAID PERSON SHALL HAVE THE

RIGHT TO IMMEDIATELY COMMUNICATE WITH HIS ATTORNEY, DOCTOR OR ANY OTHER PERSON IN ORDER TO SECURE A PHYSICIAN, MEDICAL TECHNICIAN, MEDICAL TECHNOLOGIST, LABORATORY ASSISTANT OR REGISTERED NURSE OF HIS OWN CHOOSING FOR THE PURPOSE OF ADMINISTERING SUCH ADDITIONAL TEST OR TESTS; BUT THIS SHALL IN NO WAY DELAY THE ADMINISTERING OF THE TEST AT THE DIRECTION OF THE PEACE OFFICER.) The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the peace officer shall be made available to him. The physician, medical technician, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining (ALCOHOLIC CONTENT) *alcohol concentration* shall in no manner be liable in any civil or criminal action except for negligence in drawing the blood. The person administering (SUCH) *a* test at the request and direction of (SUCH) *a* peace officer shall be fully trained in the administration of (SUCH) *the* tests pursuant to standards promulgated by rule by the commissioner of public safety.

Sec. 5. Minnesota Statutes 1976, Section 169.123, Subdivision 4, is amended to read:

Subd. 4. [REFUSAL, CONSENT TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the (COMMISSIONER OF PUBLIC SAFETY, UPON THE RECEIPT OF A CERTIFICATE OF THE PEACE OFFICER THAT HE HAD REASONABLE AND PROBABLE GROUNDS TO BELIEVE THE PERSON HAD BEEN DRIVING OR OPERATING A MOTOR VEHICLE UPON THE PUBLIC HIGHWAYS WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE, AND THAT THE PERSON HAD REFUSED TO PERMIT THE TEST, SHALL REVOKE HIS LICENSE OR PERMIT TO DRIVE AND ANY NONRESIDENT OPERATING PRIVILEGE FOR A PERIOD OF SIX MONTHS. IF THE PERSON IS A RESIDENT WITHOUT A LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE IN THIS STATE, THE COMMISSIONER OF PUBLIC SAFETY SHALL DENY TO THE PERSON THE ISSUANCE OF A LICENSE OR PERMIT FOR A PERIOD OF SIX MONTHS AFTER THE DATE OF THE ALLEGED VIOLATION, SUBJECT TO REVIEW AS HEREINAFTER PROVIDED) *peace officer shall report such refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. If a person submits to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the results of the test shall be reported to the commissioner of public safety and to the authority having*

responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred.

Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person had refused to submit to chemical testing, the commissioner of public safety shall revoke the person's license or permit to drive, and any nonresident operating privilege, for a period of six months. Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance and that the person submitted to chemical testing and the test results indicate an alcohol concentration of 0.10 or more, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of 90 days. If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.

Sec. 6. Minnesota Statutes 1976, Section 169.123, Subdivision 5, is amended to read:

Subd. 5. [NOTICE OF INTENTION TO REVOKE AND REQUEST FOR HEARING.] No revocation under subdivision 4 shall be made until the commissioner of public safety notifies the person (BY CERTIFIED OR REGISTERED MAIL) of (THE) *his* intention to revoke (AND ALLOWS SAID PERSON A 20 DAY PERIOD AFTER THE DATE OF RECEIVING SAID NOTICE TO REQUEST OF THE COMMISSIONER OF PUBLIC SAFETY, IN WRITING, A HEARING AS HEREIN PROVIDED. IF NO REQUEST IS FILED WITHIN THE 20 DAY PERIOD THE COMMISSIONER OF PUBLIC SAFETY MAY THEN ISSUE AN ORDER OF REVOCATION. HOWEVER IF A REQUEST FOR HEARING IS FILED, NO REVOCATION HEREUNDER SHALL BE MADE UNTIL FINAL JUDICIAL DETERMINATION RESULTING IN AN ADVERSE DECISION TO SAID PERSON). *Notice required herein shall be written and may be given, on behalf of the commissioner of public safety, by a peace officer offering or administering a test to determine the presence of alcohol or a controlled substance pursuant to this section, or by a prosecuting authority or clerk of court whenever a violation of section 169.121 is charged. A copy of said notice shall be filed with the clerk of the municipal or county court and a copy forwarded to the commissioner of public safety. In any case wherein notice has not been given by another, on behalf of the commissioner of public safety, the notice shall be given by the commissioner of public safety by certi-*

fied or registered mail with a return receipt showing proof of delivery.

The person shall have 30 days from the date of notice to either file with the clerk of court for the jurisdiction in which the act occurred a written request for hearing as herein provided or to surrender his driver's license to the court or to the commissioner of public safety. If no hearing is requested within the 30 day period, the revocation shall then become effective but the period of revocation required under subdivision 4 shall not commence to run until surrender of the person's driver's license or upon filing of a sworn affidavit from the person stating that his drivers license or permit be produced. If no hearing is requested and if the person's driver's license has not been surrendered, the court shall confiscate the person's driver's license, or obtain the person's sworn affidavit stating that the person cannot produce his license, at the time of any court appearance subsequent to the 30 day period and forward it to the commissioner of public safety for his further action.

However, if a request for hearing is filed, the revocation is not effective until the final judicial determination resulting in a decision adverse to the person, at which time the court shall confiscate the person's driver's license, or obtain a sworn affidavit from the person stating that the person's license cannot be produced, and forward it to the commissioner of public safety along with certificate of such adverse determination. For the purposes of this section "drivers license" includes temporary licenses issued pursuant to subdivision 7 of section 169.121.

Sec. 7. Minnesota Statutes 1976, Section 169.123, Subdivision 6, is amended to read:

Subd. 6. [HEARING.] (THE) A hearing *under this section* shall be before a municipal or county (JUDGE, LEARNED IN THE LAW) court with a right of trial by jury, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. (THE HEARING SHALL BE RECORDED AND PROCEED AS IN A CRIMINAL MATTER, WITHOUT THE RIGHT OF TRIAL BY JURY, AND ITS SCOPE SHALL COVER THE ISSUES OF WHETHER THE PEACE OFFICER HAD REASONABLE AND PROBABLE GROUNDS TO BELIEVE THE PERSON WAS DRIVING OR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE; WHETHER THE PERSON WAS LAWFULLY PLACED UNDER ARREST, IF APPLICABLE; WHETHER HE REFUSED TO PERMIT THE TEST, AND IF HE REFUSED WHETHER HE HAD REASONABLE GROUNDS FOR REFUSING TO PERMIT THE TEST; AND WHETHER AT THE TIME OF REQUEST FOR THE TEST THE PEACE OFFICER INFORMED THE SAID PERSON THAT HIS

RIGHT TO DRIVE MIGHT BE REVOKED OR DENIED IF HE REFUSED TO PERMIT THE TEST AND OF HIS RIGHT TO HAVE ADDITIONAL TESTS MADE BY A PERSON OF HIS OWN CHOOSING. THE MUNICIPAL COURT SHALL ORDER EITHER THAT THE REVOCATION OR DENIAL BE RESCINDED OR SUSTAINED AND REFER SUCH ORDER TO THE COMMISSIONER OF PUBLIC SAFETY FOR HIS FURTHER ACTION.) *In cases where no jury demand is made the hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon motions in the criminal prosecution under section 169.121 if any. The hearing shall be recorded. The commissioner of public safety may appear through his own attorney or, by agreement with the jurisdiction involved, through the prosecuting authority for that jurisdiction. In order to sustain the revocation, the commissioner of public safety shall have the burden of proving by a preponderance of the evidence: (1) that the peace officer had probable cause to believe the person was driving, operating, or in physical control of a motor vehicle while under the influence of alcohol or a controlled substance; and, that the person was either lawfully placed under arrest for violation of section 169.121, or the person was involved in a motor vehicle collision resulting in property damage, personal injury or death, or the person refused to take a screening test provided for by section 169.121, subdivision 6, or the screening test was administered and recorded an alcohol concentration of 0.10 or more; and (2) that at the time of the request for the test the peace officer informed the person of his rights and the consequences of taking or refusing the test as required by subdivision 2; and (3) either (a) that the person refused to permit the test; or, (b) that a test was taken and the test results indicated an alcohol concentration of 0.10 or more at the time said person was driving, operating, or in physical control of a motor vehicle, that the testing method used was valid and reliable, and that the test results were accurately evaluated. It shall be an affirmative defense for the person to prove that his refusal to permit the test was based upon reasonable grounds. The court shall order either that the revocation be rescinded or sustained and forward the order and, if the revocation is sustained, the person's driver's license to the commissioner of public safety for his further action.*

Sec. 8. Minnesota Statutes 1976, Section 169.123, Subdivision 7, is amended to read:

Subd. 7. [REVIEW BY DISTRICT COURT.] If the revocation or denial is sustained, the person whose license or permit to drive, or nonresident operating privilege has been revoked or denied, may within 20 days after notice of the determination by the commissioner of public safety file a petition for a hearing of the matter in the district court in the county where the hearing pursuant to subdivision 6 was held unless there is agreement that the hearing may be held in some other county. The petition shall be filed with the clerk of the said court together with proof

of service of a copy thereof on the commissioner of public safety. It (SHALL BE) is the duty of the court to set the matter for hearing on a day certain with reasonable notice thereof to the parties. The (MATTER) hearing shall be (HEARD DE NOVO WITH A RIGHT OF TRIAL BY JURY) conducted on the record in the same manner as provided for appeal of misdemeanor convictions.

Sec. 9. Minnesota Statutes 1976, Section 169.123, is amended by adding subdivisions to read:

Subd. 9. [LIMITED LICENSE.] In any case where a license has been revoked under this section, the commissioner may issue a limited license to the driver. The commissioner in issuing a limited license may impose the conditions and limitations which in his judgment are necessary to the interests of the public safety and welfare including re-examination of the driver's qualifications, attendance at a driver improvement clinic, or attendance at counseling sessions. The license may be limited to the operation of particular vehicles and to particular classes and time of operation. The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under a limited license shall have the license in his possession at all times when operating as a driver. In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness or prior convictions and the entire driving record of the driver.

Subd. 10. [TERMINATION OF REVOCATION PERIOD.] If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counseling sessions, or participation in treatment for an alcohol problem the commissioner may, 30 days prior to the time the revocation period would otherwise expire, terminate the revocation period. The commissioner shall not terminate the revocation period under this subdivision for a driver who has had a license revoked under section 169.121 or this section on a prior occasion during the preceding three year period for another incident.

Sec. 10. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.1261] [REINSTATEMENT OF DRIVING PRIVILEGES; NOTICE.] *Upon expiration of any period of revocation under section 169.121 or section 169.123, the commissioner of public safety shall notify the person that driving privileges can be reinstated but only upon successful completion of a driving test and proof of compliance with any terms of alcohol treatment or counseling previously prescribed, if any, and any other requirements imposed by the commissioner and applicable to that particular case, and shall notify the person that if driving is re-*

sumed without compliance with said terms, the person will be subject to criminal penalties.

Sec. 11. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.128] [RULES OF THE COMMISSIONER OF PUBLIC SAFETY.] *The commissioner of public safety may promulgate rules, including emergency rules, to carry out the provisions of sections 169.121 and 169.123. The rules may include forms for notice of intention to revoke which shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing, and forms for revocation and notice of reinstatement of driving privileges as provided in section 10, and forms for temporary driving licenses. Rules promulgated pursuant to this section are exempt from the procedure required by chapter 15.*

Sec. 12. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.129] [AGGRAVATED VIOLATIONS; PENALTY.] *Any person who drives, operates, or is in physical control of a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 before his driver's license or driving privilege has been reinstated following its cancellation, suspension, revocation or denial (1) because he drove, operated, or was in physical control of a motor vehicle while under the influence of alcohol or a controlled substance; or while he had an alcohol concentration of 0.10 or more; or (2) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the district court.*

Sec. 13. Minnesota Statutes 1976, Section 171.30, Subdivision 1, is amended to read:

171.30 [LIMITED LICENSE.] Subdivision 1. In any case where a person's license has been suspended under (SECTIONS 169.123 OR) section 171.18 or revoked under sections (169.123) 169.121 or 171.17, if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of his driver's license, the commissioner may at this own discretion and shall upon recommendation by the court excluding justices of the peace in which the driver was convicted, issue a limited license to (SUCH) the driver. (IN CASES INVOLVING A SUSPENSION OR REVOCATION OF A DRIVER'S LICENSE UNDER MINNESOTA STATUTES 1969, SECTION 169.123, THE COMMISSIONER SHALL NOT ISSUE A LIMITED LICENSE TO ANYONE WHOSE DRIVER'S LICENSE HAS BEEN REVOKED UNDER MINNESOTA STATUTES 1969, SECTION 171.17, CLAUSE (2),

OR UNDER MINNESOTA STATUTES 1969, SECTION 169.123, DURING THE PRECEDING THREE YEAR PERIOD.) The commissioner in issuing (SUCH) a limited license may impose such conditions and limitations as in his judgment are necessary to the interests of the public safety and welfare including re-examination as to the driver's qualifications. (SUCH) The license may be limited to the operation of particular vehicles, to particular classes and times of operation and to particular conditions of traffic.

The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under (SUCH) the limited license shall have (SUCH) the license in his possession at all times when operating as a driver.

In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by (SUCH) the driver annually.

Sec. 14. *Minnesota Statutes 1976, Sections 171.245 and 169.127, are repealed.*

Sec. 15. [EFFECTIVE DATE.] *Section 11 of this act is effective the date following final enactment. The remainder of sections 1 to 14 are effective September 1, 1978 and shall apply to all offenses committed on or after that date. Cases pending in the courts of this state on September 1, 1978 shall be subject to the procedures in effect prior to the effective date of this act for adjudication and appellate review of the relevant offenses."*

Further, amend the title:

Page 1, line 5, delete "revocation of" and insert "intention to revoke".

Page 1, line 6, delete ", retention of the license".

Page 1, line 7, delete "or permit by a court or peace officer".

Page 1, line 9, delete "providing for county court".

Page 1, delete line 10.

Page 1, line 11, delete "offenses;".

Page 1, line 13, after "169.123" insert ", Subdivisions 2, 3, 4, 5, 6, 7, and by adding subdivisions".

Page 1, line 13, delete "169.127" and insert "171.30, Subdivision 1".

Page 1, line 14, after "sections;" insert "Minnesota Statutes, 1977 Supplement, Section 169.123, Subdivision 1;"

Page 1, line 15, delete "Section" and insert "Sections 169.127 and".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2098, A bill for an act relating to family planning services; providing for the establishment of a comprehensive state family planning services plan; appropriating funds.

Reported the same back with the following amendments:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 145.922, is amended by adding a subdivision to read:

Subd. 3. The commissioner shall make special grants to cities, counties, groups of cities or counties, or nonprofit corporations to provide pre-pregnancy family planning services.

Sec. 2. [EMERGENCY RULES.] *The commissioner of health shall promulgate reasonable rules, including emergency rules, for approval of plans and budgets submitted to the commissioner pursuant to section 145.922, subdivision 3.*

Sec. 3. [APPROPRIATION.] *The sum of \$1,200,000 is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1979, for the funding of pre-pregnancy family planning services pursuant to section 145.922, subdivision 3.*

Sec. 4. [EFFECTIVE DATE.] *Section 2 is effective the day following final enactment."*

Further, strike the title and insert:

"A bill for an act relating to family planning services; providing for special grants to provide family planning services; appropriating funds; amending Minnesota Statutes 1976, Section 145.922, by adding a subdivision."

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

The report was adopted.

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

H. F. No. 1708, A bill for an act relating to abortion; declaring a state policy on abortion and childbirth and the funding thereof; amending Minnesota Statutes 1976, Section 256B.02, Subdivision 8; and Chapter 256B, by adding sections.

Reported the same back with the following amendments:

Page 2, delete lines 17 to 30 and insert:

"(13) Abortion services, but only when the abortion is medically necessary. For the purpose of this provision, "medically necessary" means:

(a) Where the life of the mother would be endangered if the fetus is carried to term;

(b) Where the pregnancy of a person who is not defined as mentally retarded pursuant to section 252A.02, subdivision 2, nor defined as a victim of criminal sexual conduct, pursuant to the provisions of clause (c) is the result of rape or incest, and, in the case of rape, the rape has been reported within 60 days to a law enforcement agency or health agency;

(c) Where the pregnant person is a victim of criminal sexual conduct, pursuant to sections 609.342, clause (a) or (b), or 609.344, clause (a) or (b); or where the pregnant person is defined as mentally retarded pursuant to section 252A.02, subdivision 2, and is pregnant as the result of rape or incest; provided that the victim or the mentally retarded person has received pre-abortion counselling from the physician performing the abortion regarding potential physiological and psychological complications and regarding the financial and social responsibilities arising from an abortion and its alternatives; or

(d) Where severe and long lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by a physician.

The commissioner of public welfare shall promulgate rules to ensure that appropriate and comprehensive pre-abortion counselling occurs with regard to any abortion which is medically necessary. These rules shall ensure that persons eligible for medically necessary abortions according to this provision who elect to carry the pregnancy to term are eligible for full coverage of pre-

natal services regardless of the person's eligibility for any other assistance program."

Page 3, line 7, delete "[256B.40]" and insert "[256B.241]"

Page 3, line 8, delete "agency, county, municipality or any".

Page 3, line 9, delete "other".

Page 3, line 11, delete "or paid" and insert "for payment" and delete "or in".

Page 3, line 12, delete "connection with".

Page 3, after line 13, insert:

"Sec. 4. Minnesota Statutes 1976, Chapter 261, is amended by adding a section to read:

[261.28] [SUBSIDY FOR ABORTIONS PROHIBITED.]
No funds of this state or any subdivision thereof including programs administered under authority of this chapter shall be authorized for any abortion that is not medically necessary as that term is defined in section 2.

Sec. 5. Minnesota Statutes 1976, Section 393.07, is amended by adding a subdivision to read:

Subd. 11. [ABORTION SERVICES; POLICY AND POWERS.] In keeping with the public policy of Minnesota to give preference to childbirth over abortion, Minnesota county welfare boards shall not provide any form of public welfare, public assistance, federal social security benefits not mandated by law, general assistance, or county supplementation, for any abortion not medically necessary as that term is defined in section 2.

Sec. 6. [APPROPRIATION.] *The sum of \$..... is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1979, to pay the costs of the increased number of live births resulting from the provisions of this act."*

Further, amend the title as follows:

Page 1, line 3, after the semicolon insert "appropriating money;"

Page 1, line 4, delete "Section" and insert "Sections".

Page 1, line 5, after the semicolon insert "393.07, by adding a subdivision;"

Page 1, line 5, delete "Chapter" and insert "Chapters".

Page 1, line 6, before the period insert "; and 261, by adding a section".

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

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 1787, A bill for an act relating to education; higher education coordinating board; providing financial assistance for certain married students.

Reported the same back with the following amendments:

Page 1, line 10, delete "136A.131" and insert "136A.144".

Page 1, line 16, delete "by reason of marital status".

Page 1, after line 18, insert:

"Sec. 2. To implement this act the executive director of the higher education coordinating board is given final discretion to designate appropriate formulae for determining students' financial needs."

Further amend the title:

Delete line 4 to the period.

With the recommendation that when so amended the bill pass.

The report was adopted.

Fugina from the Committee on Higher Education to which was referred:

H. F. No. 1907, A bill for an act relating to veterans; providing tuition assistance; providing a study of academic credit for military training and experience; appropriating money; amending Minnesota Statutes 1976, Section 197.75, Subdivisions 1 and 2.

Reported the same back with the following amendments:

Page 1, line 20, strike "university of higher learning" and insert "*post-secondary institution*".

Page 2, line 31, before "who" insert "*who is otherwise eligible*,".

Page 3, delete new language on lines 2 and 3.

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

The report was adopted.

Enebo from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2043, A bill for an act relating to the legislature; continuation in or return of members to their employment after legislative sessions; prescribing a period during which a member may not be discharged except for good cause; amending Minnesota Statutes 1976, Section 3.083.

Reported the same back with the following amendments:

Page 2, line 4, delete "*greater*" and insert "*no less*".

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly, W., from the Committee on Taxes to which was referred:

H. F. No. 838, A bill for an act relating to natural resources; watershed districts; changing bonding provisions for managers; changing and clarifying administrative provisions; establishing a survey and data acquisition fund; creating fees for applications for permits and for field inspections; requiring a permit applicant to post a bond; providing penalties and enforcement provisions; amending Minnesota Statutes 1976, Sections 112.42, Subdivision 1; 112.43, Subdivision 1; 112.48, Subdivision 4; 112.49, by adding a subdivision; 112.50, Subdivision 1; 112.55; 112.61, by adding a subdivision; 112.62, by adding a subdivision; 112.69; 112.761, Subdivision 1; 112.85, Subdivision 1; and Chapter 112, by adding sections.

Reported the same back with the following amendments:

Page 9, line 16, delete "*annual*".

Page 9, line 17, after "*levy*" insert "*which can be levied not more than once every five years*,".

Page 9, line 17, delete "*two mills*" and insert "*one mill*".

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1882, 1787, 2043 and 838 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 804 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Braun, Stanton, Fjoslien and Langseth introduced:

H. F. No. 2415, A bill for an act relating to agriculture; dairy promotion; changing representation on the council; establishing maximum fees; eliminating block voting by cooperative associations of producers; requiring annual reporting to producers; amending Minnesota Statutes 1976, Sections 32B.04, Subdivisions 1, 4, and 5.

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

St. Onge introduced:

H. F. No. 2416, A bill for an act relating to appropriations; appropriating funds for the repair and reconstruction of a certain dam.

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

Murphy, McCarron, Welch and Berkelman introduced:

H. F. No. 2417, A bill for an act relating to aircraft patrolling of highways; authorizing the commissioner of public safety to maintain aircraft and pilots; repealing restrictions on numbers of aircraft and pilots.

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

Zubay, Kaley and Reding introduced:

H. F. No. 2418, A bill for an act relating to education; school aids; increasing foundation aid; amending Minnesota Statutes, 1977 Supplement, Section 124.212, Subdivision 7b.

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

Beauchamp, Voss, Stoa, Rose and Clawson introduced:

H. F. No. 2419, A bill for an act relating to courts; supreme court; providing for publishing of reports of decisions; amending Minnesota Statutes 1976, Section 480.12.

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

Den Ouden, Suss, Albrecht, Adams and McDonald introduced:

H. F. No. 2420, A bill for an act relating to eminent domain; concerning an appeal from the award of the commissioners; regarding attorney, expert witness and appraisal fees; relating to owners costs; amending Minnesota Statutes 1976, Section 117.175, by adding a subdivision.

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

Biersdorf introduced:

H. F. No. 2421, A bill for an act relating to retirement; public employees retirement association, purchase of prior service and repayment of refunds by certain elected officials.

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

Patton, Beauchamp, Reding and Biersdorf introduced:

H. F. No. 2422, A bill for an act relating to retirement; elected state officers plan; providing increased retirement benefits for constitutional officers and certain commissioners; appropriating money; amending Minnesota Statutes 1976, Sections 352C.01; 352C.04, Subdivisions 1 and 2a, and by adding a subdivision; 352C.09, Subdivisions 1 and 2; 352C.091, by adding subdivisions; and Chapter 352C, by adding sections; repealing Minnesota Statutes 1976, Sections 352C.02; 352C.03; 352C.04, Subdivision 3; 352C.05; 352C.06; and 352C.08.

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

Wynia, Heinitz, Begich, Adams and Williamson introduced:

H. F. No. 2423, A bill for an act relating to courts; referee positions; providing for retention of referee positions and authorizing additional judges for certain courts; amending Minnesota Statutes, 1977 Supplement, Section 484.70.

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

Berkelman, Jaros, Lehto, Munger and Murphy introduced:

H. F. No. 2424, A bill for an act relating to health; ambulance licensing law; providing that certain licenses are valid.

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

McCarron and Kostohryz introduced:

H. F. No. 2425, A bill for an act relating to Ramsey county; changing the day of county board meetings; amending Laws 1974, Chapter 435, Section 2.05, as amended.

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

Pehler, Cummiskey, Jaros and Vanasek introduced:

H. F. No. 2426, A bill for an act relating to public employees; political subdivisions; prohibiting denial or abridgement of the right to engage in political activities, except under certain circumstances.

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

Beauchamp, Evans, McDonald, Eken and Langseth introduced:

H. F. No. 2427, A bill for an act relating to taxation; property tax; excluding improvements in existing buildings or structures from valuation by assessors; amending Minnesota Statutes 1976, Section 273.11, Subdivision 1 and by adding a subdivision.

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

Albrecht, Den Ouden, Redalen, Niehaus and Novak introduced:

H. F. No. 2428, A bill for an act relating to taxation; inheritance tax; changing exemption from tax for certain beneficiaries; providing for annual adjustment of exemptions by commissioner of revenue to reflect inflation; amending Minnesota Statutes 1976, Section 291.05; and Chapter 291, by adding a section.

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

Cummiskey introduced:

H. F. No. 2429, A bill for an act relating to the city of Mankato; prohibiting regulation of the rates of the public transit system by the public service commission.

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

McCollar and Neisen introduced:

H. F. No. 2430, A bill for an act relating to the town of White Bear; permitting the town of White Bear to exercise all the powers of a city conferred by Minnesota Statutes, Chapter 444.

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

HOUSE ADVISORIES

Pursuant to rule 5.3, the following House Advisory was introduced:

Biersdorf, Sarna and Osthoff introduced:

H. A. No. 73, A proposal to study need for legislation setting standards for operation of mobile home parks.

The advisory was referred to the Committee on Commerce and Economic Development.

CONSENT CALENDAR

H. F. No. 1767, A bill for an act relating to the city of Anoka; fire department relief association benefits; amending Laws 1971, Chapter 184, Section 1, Subdivisions 2, 3, 4, 5 and 6, as amended; and Section 2, Subdivision 2, as amended.

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 100 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Corbid	Kelly, R.	Norton	Simoneau
Albrecht	Dean	Kelly, W.	Novak	Skoglund
Anderson, G.	Den Ouden	Kempe, R.	Onnen	Smogard
Anderson, I.	Eckstein	King	Osthoff	Stoa
Anderson, R.	Enebo	Knickerbocker	Peterson	Suss
Arlandson	Erickson	Kroening	Petrateso	Swanson
Battaglia	Evans	Langseth	Pleasant	Tomlinson
Begich	Faricy	Lehto	Prahl	Vanasek
Berglin	Fjoalien	Lemke	Reding	Waldorf
Berkelman	Friedrich	Mangan	Rice	Wenstrom
Biersdorf	Fugina	McCarron	Rose	Wenzel
Birnstihl	George	McDonald	St. Onge	White
Brandl	Gunter	McEachern	Samuelson	Wieser
Braun	Hanson	Moe	Sarna	Wigley
Brinkman	Heinitz	Munger	Savelkoul	Zubay
Byrne	Jacobs	Murphy	Scheid	Speaker Sabo
Carlson, D.	Jaros	Neisen	Schulz	
Carlson, L.	Jensen	Nelsen, B.	Searle	
Clark	Jude	Nelsen, M.	Searles	
Clawson	Kaley	Nelson	Sherwood	
Cohen	Kalis	Niehaus	Sieben, M.	

The bill was passed and its title agreed to.

H. F. No. 1781, A bill for an act relating to the city of Maplewood; authorizing the payment of lump sum service pensions by the Maplewood firefighters relief association.

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 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Anderson, G.	Arlandson	Begich	Berkelman
Albrecht	Anderson, I.	Battaglia	Berg	Biersdorf
Anderson, D.	Anderson, R.	Beauchamp	Berglin	Birnstihl

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

The bill was passed and its title agreed to.

H. F. No. 1782 was reported to the House.

Carlson, D., offered an amendment to H. F. No. 1782.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9. The Speaker ruled the point of order well taken and the amendment out of order.

Upon objection of ten members H. F. No. 1782 was stricken from the Consent Calendar and returned to General Orders.

H. F. No. 1821, A bill for an act relating to the city of Brainerd; firefighters' service pensions; amending Laws 1973, Chapter 170, Section 1.

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 119 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Birnstihl	Carlson, L.	Den Ouden
Albrecht	Beauchamp	Brandl	Casserly	Eckstein
Anderson, D.	Begich	Braun	Clark	Eken
Anderson, G.	Berg	Brinkman	Clawson	Ellingson
Anderson, I.	Berglin	Byrne	Corbid	Enebo
Anderson, R.	Berkelman	Carlson, A.	Cummiskey	Erickson
Arlandson	Biersdorf	Carlson, D.	Dean	Esau

Evans	Kalis	McEachern	Redalen	Spanish
Faricy	Kelly, R.	Metzen	Reding	Stanton
Fjoslien	Kelly, W.	Moe	Rose	Stoa
Forsythe	Kempe, A.	Munger	St. Onge	Suss
Friedrich	Kempe, R.	Murphy	Samuelson	Swanson
Fugina	King	Neisen	Sarna	Tomlinson
George	Knickerbocker	Nelsen, B.	Savelkoul	Voss
Gunter	Kroening	Nelsen, M.	Scheid	Waldorf
Hanson	Kvam	Nelson	Schulz	Wenstrom
Heinitz	Langseth	Niehaus	Searle	Wenzel
Jacobs	Lehto	Norton	Searles	White
Jaros	Lemke	Novak	Sherwood	Wieser
Jensen	Mangan	Onnen	Sieben, H.	Wigley
Johnson	Mann	Osthoff	Sieben, M.	Wynia
Jude	McCarron	Peterson	Simoneau	Zubay
Kahn	McCollar	Petrafaso	Skoglund	Speaker Sabo
Kaley	McDonald	Prahl	Smogard	

The bill was passed and its title agreed to.

H. F. No. 1859, A bill for an act relating to retirement; providing for an exclusion from public pension coverage for those persons covered by certain federal public service employment programs in compliance with federal regulations; establishment of reserve accounts for certain provisional members; amending Minnesota Statutes 1976, Sections 69.29; 136.80, Subdivision 1; 352B.01, Subdivision 2; 353.64, by adding a subdivision; 354A.10; 423.23; 423.372; 423.43; 423.801, Subdivision 2; 424.03; Chapter 356, by adding sections; and Laws 1969, Chapter 950, Section 1; Minnesota Statutes, 1977 Supplement, Sections 352.01, Subdivision 2B; 353.01, Subdivision 2b; 354.05, Subdivision 2; and 422A.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	Carlson, A.	Fjoslien	Kempe, R.	Neisen
Albrecht	Carlson, D.	Forsythe	King	Nelsen, B.
Anderson, D.	Carlson, L.	Friedrich	Knickerbocker	Nelsen, M.
Anderson, G.	Casserly	Fugina	Kostohryz	Nelson
Anderson, I.	Clark	George	Kroening	Niehaus
Anderson, R.	Clawson	Gunter	Kvam	Norton
Arlandson	Cohen	Hanson	Langseth	Novak
Battaglia	Corbid	Heinitz	Lehto	Onnen
Beauchamp	Cummiskey	Jacobs	Lemke	Osthoff
Begich	Dean	Jaros	Mangan	Patton
Berg	Den Ouden	Jensen	Mann	Pehler
Berglin	Eckstein	Johnson	McCarron	Peterson
Berkelman	Eken	Jude	McCollar	Pleasant
Biersdorf	Ellingson	Kahn	McDonald	Prahl
Birnstihl	Enebo	Kaley	McEachern	Redalen
Brandl	Erickson	Kalis	Metzen	Reding
Braun	Esau	Kelly, R.	Moe	Rose
Brinkman	Evans	Kelly, W.	Munger	St. Onge
Byrne	Faricy	Kempe, A.	Murphy	Samuelson

Sarna	Sieben, H.	Stoa	Welch	Wynia
Savelkoul	Sieben, M.	Suss	Wenstrom	Zubay
Scheid	Simoneau	Swanson	Wenzel	Speaker Sabo
Schulz	Skoglund	Tomlinson	White	
Searle	Smogard	Vanasek	Wieser	
Searles	Spanish	Voss	Wigley	
Sherwood	Stanton	Waldorf	Williamson	

The bill was passed and its title agreed to.

H. F. No. 1866, A bill for an act relating to the firefighters' relief association of the city of Karlstad; computation of years of service for volunteer firefighters.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 1997, A bill for an act relating to commerce; regulating interest rates; providing loan yield computations; providing investigation powers; amending Minnesota Statutes 1976, Sections 51A.39, Subdivision 1; 56.19; 334.02; 334.03; Chapter 46, by adding a section; Minnesota Statutes, 1977 Supplement, Section 47.20, Subdivisions 2, 4, 13.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1736, A bill for an act relating to state-leased buildings and sites for state meetings; concerning the handicapped; requiring state-leased buildings and sites for state meetings to be accessible to the handicapped; amending Minnesota Statutes 1976, Section 471.467, by adding subdivisions.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Battaglia	Brandl	Clark	Eken
Albrecht	Beauchamp	Braun	Clawson	Ellingson
Anderson, B.	Begich	Brinkman	Cohen	Enebo
Anderson, D.	Berg	Byrne	Corbid	Erickson
Anderson, G.	Berglin	Carlson, A.	Cummiskey	Esau
Anderson, I.	Berkelman	Carlson, D.	Dean	Evans
Anderson, R.	Biersdorf	Carlson, L.	Den Ouden	Ewald
Arlandson	Birnstihl	Casserly	Eckstein	Faricy

Fjoslien	Kempe, A.	Moe	Reding	Stoa
Forsythe	Kempe, R.	Munger	Rose	Suss
Friedrich	King	Murphy	St. Onge	Swanson
Fugina	Knickerbocker	Neisen	Samuelson	Tomlinson
George	Kostohryz	Nelsen, B.	Sarna	Vanasek
Gunter	Kroening	Nelsen, M.	Savelkoul	Voss
Hanson	Kvam	Nelson	Scheid	Waldorf
Heinitz	Laidig	Niehaus	Schulz	Welch
Jacobs	Langseth	Norton	Searle	Wenstrom
Jaros	Lehto	Novak	Searles	Wenzel
Jensen	Lemke	Onnen	Sherwood	White
Johnson	Mangan	Osthoff	Sieben, H.	Wieser
Jude	Mann	Patton	Sieben, M.	Wigley
Kahn	McCarron	Pehler	Simoneau	Williamson
Kaley	McCollar	Peterson	Skoglund	Wynia
Kalis	McDonald	Petrafeso	Smogard	Zubay
Kelly, R.	McEachern	Pleasant	Spanish	Speaker Sabo
Kelly, W.	Metzen	Redalen	Stanton	

The bill was passed and its title agreed to.

H. F. No. 2000, A bill for an act relating to rates of interest on money; permitting higher interest rates for loans secured by savings and time deposit accounts; amending Minnesota Statutes 1976, Chapter 334, by adding a section.

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 125 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Faricy Kelly, R.

The bill was passed and its title agreed to.

H. F. No. 1598, A bill for an act relating to uses and trusts; providing for the application to and limitation of certain general trust statutes in relation to industrial revenue bonds; amending Minnesota Statutes 1976, Section 501.37; and Minnesota Statutes, 1977 Supplement, Section 501.34.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1765, A bill for an act relating to the legislature; concerning the legislative commission to review administrative rules; conferring subpoena powers; amending Minnesota Statutes 1976, Section 3.965, by adding a subdivision.

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 97 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cummiskey	Kempe, R.	Neisen	Smogard
Anderson, G.	Den Ouden	King	Neisen, M.	Spanish
Anderson, I.	Eckstein	Knickerbocker	Nelson	Stanton
Arlandson	Ellingson	Kostohryz	Norton	Stoa
Battaglia	Enebo	Kroening	Novak	Suss
Beauchamp	Farcy	Kvam	Osthoff	Swanson
Berg	Fugina	Laidig	Patton	Tomlinson
Berglin	George	Langseth	Pehler	Vanasek
Berkelman	Gunter	Lehto	Petrafeso	Voss
Birnstihl	Hanson	Lemke	Reding	Waldorf
Brandl	Heinitz	Mangan	Rose	Welch
Braun	Jacobs	Mann	St. Onge	Wenstrom
Brinkman	Jaros	McCarron	Sarna	Wenzel
Byrne	Jensen	McCollar	Scheid	White
Carlson, L.	Johnson	McDonald	Schulz	Wigley
Casserly	Jude	McEachern	Sherwood	Williamson
Clark	Kahn	Metzen	Sieben, H.	Wynia
Clawson	Kalis	Moe	Sieben, M.	
Cohen	Kelly, W.	Munger	Simoneau	
Corbid	Kempe, A.	Murphy	Skoglund	

Those who voted in the negative were:

Abeln	Carlson, D.	Fjoslien	Onnen	Searles
Albrecht	Dean	Forsythe	Peterson	Wieser
Anderson, D.	Eken	Friedrich	Pleasant	Zubay
Anderson, R.	Erickson	Kaley	Redalen	Speaker Sabo
Begich	Esau	Kelly, R.	Samuelson	
Biersdorf	Evans	Nelsen, B.	Savelkoul	
Carlson, A.	Ewald	Niehaus	Searle	

The bill was passed and its title agreed to.

H. F. No. 1766, A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Beltrami county.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Begich	Carlson, A.	Den Ouden	Fjoslien
Albrecht	Berg	Carlson, D.	Eckstein	Forsythe
Anderson, B.	Berglin	Carlson, L.	Eken	Friedrich
Anderson, D.	Berkelman	Casserly	Ellingson	Fugina
Anderson, G.	Biersdorf	Clark	Enebo	George
Anderson, I.	Birnstihl	Clawson	Erickson	Gunter
Anderson, R.	Brandl	Cohen	Esau	Hanson
Arlandson	Braun	Corbid	Evans	Heinitz
Battaglia	Brinkman	Cummiskey	Ewald	Jacobs
Beauchamp	Byrne	Dean	Farcy	Jaros

Jensen	Langseth	Nelson	Sarna	Swanson
Johnson	Lehto	Niehaus	Savelkoul	Tomlinson
Jude	Lemke	Norton	Scheid	Vanasek
Kahn	Mangan	Novak	Schulz	Voss
Kaley	Mann	Onnen	Searle	Waldorf
Kalis	McCarron	Osthoff	Searles	Welch
Kelly, R.	McCollar	Patton	Sherwood	Wenstrom
Kelly, W.	McDonald	Pehler	Sieben, H.	Wenzel
Kempe, A.	McEachern	Peterson	Sieben, M.	White
Kempe, R.	Metzen	Petrafaso	Simoneau	Wieser
King	Moe	Pleasant	Skoglund	Wigley
Knickerbocker	Munger	Redalen	Smogard	Williamson
Kostohryz	Murphy	Reding	Spanish	Wynia
Kroening	Neisen	Rose	Stanton	Zubay
Kvam	Nelsen, B.	St. Onge	Stoa	Speaker Sabo
Laidig	Nelsen, M.	Samuelson	Suss	

The bill was passed and its title agreed to.

H. F. No. 1940, A bill for an act relating to the environmental education board; transferring the board to the department of natural resources.

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 95 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeln	Dean	Kempe, A.	Norton	Sieben, H.
Anderson, B.	Ellingson	Kempe, R.	Novak	Sieben, M.
Arlandson	Enebo	King	Onnen	Simoneau
Battaglia	Erickson	Kostohryz	Osthoff	Skoglund
Beauchamp	Ewald	Kroening	Patton	Smogard
Berg	Faricy	Langseth	Pehler	Stanton
Berglin	George	Lehto	Petrafaso	Stoa
Berkelman	Gunter	Mangan	Prahl	Suss
Biersdorf	Hanson	McCarron	Reding	Swanson
Brandl	Hokanson	McCollar	Rose	Tomlinson
Braun	Jacobs	McEachern	St. Onge	Vanasek
Byrne	Jaros	Metzen	Samuelson	Voss
Carlson, A.	Jensen	Moe	Sarna	Welch
Carlson, L.	Johnson	Munger	Savelkoul	Wenstrom
Casserly	Jude	Murphy	Scheid	Wenzel
Clark	Kahn	Neisen	Schulz	White
Clawson	Kaley	Nelsen, B.	Searle	Wynia
Cohen	Kelly, R.	Nelsen, M.	Searles	Zubay
Cummiskey	Kelly, W.	Nelson	Sherwood	Speaker Sabo

Those who voted in the negative were:

Albrecht	Carlson, D.	Fjoslien	Lemke	Wieser
Anderson, D.	Corbid	Friedrich	Mann	Wigley
Anderson, G.	Den Ouden	Fugina	McDonald	Williamson
Anderson, I.	Eckstein	Kalis	Niehaus	
Anderson, R.	Eken	Knickerbocker	Peterson	
Begich	Esau	Kvam	Redalen	
Birnstihl	Evans	Laidig	Waldorf	

The bill was passed and its title agreed to.

H. F. No. 1225, A bill for an act relating to Ramsey county and the city of Saint Paul; changing the name of the Ramsey county hospital and sanitarium commission; further prescribing its powers and duties, removing obsolete provisions; amending Laws 1974, Chapter 435, Section 3.14.

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 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dean McCollar

The bill was passed and its title agreed to.

H. F. No. 1793, A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, by adding a section.

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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Osthoff

The bill was passed and its title agreed to.

H. F. No. 1966, A bill for an act relating to motor vehicles; extending protection provided by motor vehicle dealer surety bonds; authorizing the issuance of nontransferable certificates of title; changing the definition of a bus; amending Minnesota Statutes 1976, Sections 168A.07, Subdivision 2; 171.01, Subdivision 19; Minnesota Statutes, 1977 Supplement, Section 168.27, Subdivision 24.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeln	Beauchamp	Brinkman	Corbid	Esau
Albrecht	Begich	Byrne	Cummiskey	Evans
Anderson, B.	Berg	Carlson, A.	Dean	Ewald
Anderson, D.	Berglin	Carlson, D.	Den Ouden	Faricy
Anderson, G.	Berkelman	Carlson, L.	Eckstein	Fjoslien
Anderson, I.	Biersdorf	Casserly	Eken	Forsythe
Anderson, R.	Birnstihl	Clark	Ellingson	Friedrich
Arlandson	Brandl	Clawson	Enebo	Fugina
Battaglia	Braun	Cohen	Erickson	George

Gunter	Kostohryz	Nelsen, B.	Samuelson	Tomlinson
Hanson	Kroening	Nelsen, M.	Sarna	Vanasek
Heinitz	Kvam	Nelson	Savelkoul	Voss
Hokanson	Laidig	Niehaus	Scheid	Waldorf
Jacobs	Langseth	Norton	Schulz	Welch
Jaros	Lehto	Novak	Searle	Wenstrom
Jensen	Lemke	Onnen	Searles	Wenzel
Johnson	Mangan	Osthoff	Sherwood	White
Jude	Mann	Patton	Sieben, H.	Wieser
Kahn	McCarron	Pehler	Sieben, M.	Wigley
Kaley	McCollar	Peterson	Simoneau	Williamson
Kalis	McDonald	Petrafeso	Skoglund	Wynia
Kelly, R.	McEachern	Pleasant	Smogard	Zubay
Kelly, W.	Metzen	Prahl	Spanish	Speaker Sabo
Kempe, A.	Moe	Redalen	Stanton	
Kempe, R.	Munger	Reding	Stoa	
King	Murphy	Rose	Suss	
Knickerbocker	Neisen	St. Onge	Swanson	

The bill was passed and its title agreed to.

S. F. No. 1004, A bill for an act relating to metropolitan government; providing for the investment of metropolitan airports commission funds; amending Minnesota Statutes 1976, Section 473.606, 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 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

McDonald

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sabo in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

H. F. Nos. 1782 and 1822 which it recommended to pass.

H. F. No. 1739 which it recommended be returned to its author.

H. F. No. 842 which it recommended progress.

H. F. No. 1612 which it recommended progress until Wednesday, March 1, 1978.

H. F. No. 1726 which it recommended to pass with the following amendment offered by Kempe, A.:

Page 3, strike line 5.

Page 3, line 6, strike "*the validity or*".

Page 3, line 7, strike "*amount of*".

Page 3, line 7, strike "*tax assessments*" and insert "*taxes*".

H. F. No. 1857 which it recommended to pass with the following amendment offered by Beauchamp:

Page 1, line 12, after the first word "*county*" insert "*except Clay county*".

Page 1, line 21, after the period insert "*The county board of Clay county may appoint a veterans service officer and assistant veterans service officers as provided in this subdivision.*"

Further amend the title.

Page 1, line 2, delete "all".

On the motion of Anderson, I., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Carlson, D., moved to amend H. F. No. 1782, as follows:

Page 3, after line 21, insert:

"Sec. 2. Minnesota Statutes 1976, Section 43.09, is amended by adding a subdivision to read:

Subd. 2b. [CAMPAIGN ACTIVITIES; PROHIBITIONS.] Notwithstanding any law to the contrary, no employee or officer in the state auditor's office unclassified service shall, directly or indirectly, during his hours of employment participate or take part in the campaign of any candidate who seeks nomination for election or election to any statewide or legislative office.

Sec. 3. *This act is effective the day following its final enactment.*"

Amend the title as follows:

Page 1, line 2, delete "state auditor" and insert "unclassified service of the state; prohibiting campaign activities by unclassified personnel during the hours of employment".

Page 1, line 5, after "2" insert ", and by adding a subdivision".

The question was taken on the adoption of the amendment and the roll was called. There were 36 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeln	Den Ouden	Kaley	Nelsen, B.	Searles
Albrecht	Esau	Kempe, A.	Niehaus.	Wieser
Anderson, D.	Evans	Kempe, R.	Onnen	Wigley
Anderson, R.	Ewald	Knickerbocker	Peterson	Zubay
Biersdorf	Fjoslien	Kvam	Pleasant	
Carlson, A.	Forsythe	Laidig	Redalen	
Carlson, D.	Friedrich	McCarron	Rose	
Dean	Heinitz	McDonald	Savelkoul	

Those who voted in the negative were:

Anderson, B.	Clawson	Kahn	Nelson	Skoglund
Anderson, G.	Corbid	Kalis	Norton	Smogard
Anderson, I.	Cummiskey	Kelly, R.	Novak	Spanish
Arlandson	Eckstein	Kelly, W.	Osthoff	Stanton
Battaglia	Eken	King	Patton	Stoa
Beauchamp	Ellingson	Kostohryz	Pehler	Suss
Begich	Enebo	Kroening	Petrafeso	Tomlinson
Berg	Faricy	Langseth	Prahl	Vanasek
Berglin	Fugina	Lehto	Reding	Voss
Berkelman	Gunter	Lemke	St. Onge	Waldorf
Birnstihl	Hanson	Mangan	Sarna	Wenstrom
Brandl	Hokanson	McCollar	Scheid	Wenzel
Braun	Jacobs	McEachern	Schulz	White
Byrne	Jaros	Metzen	Sherwood	Williamson
Carlson, L.	Jensen	Munger	Sieben, H.	Wynia
Casserly	Johnson	Murphy	Sieben, M.	Speaker Sabo
Clark	Jude	Neisen	Simoneau	

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

MOTIONS AND RESOLUTIONS

Jude moved that S. F. No. 1613 be recalled from the Committee on Governmental Operations and together with H. F. No. 2016, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

McCarron moved that the name of Osthoff be added as an author on H. F. No. 2425. The motion prevailed.

Wigley moved that the name of Johnson be added as an author on H. F. No. 1722. The motion prevailed.

ADJOURNMENT

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, February 23, 1978.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

The first of these is the fact that the
 Government has not been able to
 obtain the necessary funds to
 carry out its program. This is
 due to the fact that the
 Government has not been able to
 raise the necessary funds through
 the sale of bonds. This is
 due to the fact that the
 Government has not been able to
 sell the bonds at the price
 which it has offered. This is
 due to the fact that the
 Government has not been able to
 convince the public that the
 Government's program is
 necessary and that the
 Government is able to carry
 out its program. This is
 due to the fact that the
 Government has not been able to
 convince the public that the
 Government is able to carry
 out its program. This is
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