

## STATE OF MINNESOTA

## SEVENTY-FIRST SESSION - 1979

## NINETEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 22, 1979

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:

Aasness	Drew	Jude	Nelsen, M.	Searles
Adams	Eken	Kahn	Nelson	Sherwood
Ainley	Elioff	Kaley	Niehaus	Sieben, H.
Albrecht	Ellingson	Kalis	Norman	Sieben, M.
Anderson, B.	Enebo	Kelly	Norton	Simoneau
Anderson, D.	Erickson	Kempe	Novak	Stadum
Anderson, G.	Esau	Knickerbocker	Nysether	Stoa
Anderson, I.	Evans	Kostohryz	Olsen	Stowell
Anderson, R.	Ewald	Kroening	Onnen	Sviggum
Battaglia	Faricy	Kvam	Osthoff	Swanson
Begich	Fjoslien	Laidig	Otis	Thiede
Berglin	Forsythe	Lehto	Patton	Tomlinson
Berkelman	Friedrich	Levi	Pavlak	Valan
Biersdorf	Fritz	Long	Pehler	Valento
Blatz	Fudro	Ludeman	Peterson	Vanasek
Brinkman	Greenfield	Luknic	Piepho	Voss
Byrne	Halberg	Mann	Pleasant	Waldorf
Carlson, D.	Haukoos	McCarron	Prahl	Weaver
Carlson, L.	Heap	McDonald	Redalen	Welch
Cassery	Heinitz	McEachern	Reding	Welker
Clark	Hoberg	Mehrkens	Rees	Wenzel
Clawson	Hokanson	Metzen	Reif	Wieser
Corbid	Jacobs	Minne	Rice	Wigley
Crandall	Jaros	Moe	Rose	Wynia
Dean	Jennings	Munger	Rothenberg	Zubay
Dempsey	Johnson, C.	Murphy	Sarna	Speaker Searle
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Erickson 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 S. F. Nos. 66, 130, 187, 68, 138, 388, 298, 236, 389, 39 and 88 have been placed in the members' files.

## REPORTS OF STANDING COMMITTEES

## POINT OF ORDER

The pending point of order raised by Sieben, H., on Monday, February 19, 1979, on the Knickerbocker point of order and printed in the Journal of the House on pages 244 and 245 was reported to the House.

## CALL OF THE HOUSE

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

Aasness	Drew	Jude	Nelsen, M.	Searles
Adams	Eken	Kahn	Nelson	Sherwood
Ainley	Elioff	Kaley	Niehaus	Sieben, H.
Albrecht	Ellingson	Kalis	Norman	Sieben, M.
Anderson, B.	Enebo	Kelly	Norton	Simoneau
Anderson, D.	Erickson	Kempe	Novak	Stadum
Anderson, G.	Esau	Knickerbocker	Nysether	Stoa
Anderson, I.	Evans	Kostohryz	Olsen	Stowell
Anderson, R.	Ewald	Kroening	Onnen	Sviggum
Battaglia	Faricy	Kvam	Osthoff	Swanson
Begich	Fjoslien	Laidig	Otis	Thiede
Berglin	Forsythe	Lehto	Patton	Tomlinson
Berkelman	Friedrich	Levi	Pavlak	Valan
Biersdorf	Fritz	Long	Pehler	Valento
Blatz	Fudro	Ludeman	Peterson	Vanasek
Brinkman	Greenfield	Luknic	Piepho	Voss
Byrne	Halberg	Mann	Pleasant	Waldorf
Carlson, D.	Haukoos	McCarron	Prahl	Weaver
Carlson, L.	Heap	McDonald	Redalen	Welch
Cassery	Heinitz	McEachern	Reding	Welker
Clark	Hoberg	Mehrken	Rees	Wenzel
Clawson	Hokanson	Metzen	Reif	Wieser
Corbid	Jacobs	Minne	Rice	Wigley
Crandall	Jaros	Moe	Rose	Wynia
Dean	Jennings	Munger	Rothenberg	Zubay
Dempsey	Johnson, C.	Murphy	Sarna	Speaker Searle
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	

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

Sieben, H., withdrew his point of order on the Knickerbocker point of order as raised on Monday, February 19, 1979.

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

## RECESS

During the recess his Excellency Peter M. Towe, Canadian Ambassador to the United States, addressed the members of the House and Senate.

## RECONVENED

The House reconvened and was called to order by the Speaker

## POINT OF ORDER

The pending point of order raised by Knickerbocker on Monday, February 19, 1979, relating to "Reports of Standing Committees" and printed in the Journal of the House on pages 244 and 245 was reported to the House. The Speaker ruled the point of order well taken.

Sieben, H., appealed the decision of the Chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" The roll was called and there were 72 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Olsen	Stowell
Ainley	Ewald	Kvam	Onnen	Sviggum
Albrecht	Fjoslien	Laidig	Pavlak	Thiede
Anderson, D.	Forsythe	Lehto	Peterson	Valan
Anderson, R.	Friedrich	Levi	Piepho	Valento
Biersdorf	Fritz	Ludeman	Pleasant	Voss
Blatz	Halberg	Luknic	Redalen	Weaver
Carlson, D.	Haukoos	McDonald	Rees	Welker
Crandall	Heap	Mehrkins	Reif	Wieser
Dean	Heinitz	Moe	Rose	Wigley
Dempsey	Hoberg	Nelsen, B.	Rothenberg	Zubay
Den Ouden	Jennings	Niehaus	Schreiber	Speaker Searle
Drew	Johnson, D.	Norman	Searles	
Erickson	Kahn	Norton	Sherwood	
Esau	Kaley	Nystether	Stadum	

Those who voted in the negative were:

Adams	Berkelman	Corbid	Greenfield	Kelly
Anderson, B.	Brinkman	Eken	Hokanson	Kempe
Anderson, G.	Byrne	Elioff	Jacobs	Kostohryz
Anderson, I.	Carlson, L.	Ellingson	Jaros	Kroening
Battaglia	Casserly	Enebo	Johnson, C.	Long
Beighch	Clark	Faricy	Jude	Mann
Berglin	Clawson	Fudro	Kalis	McCarron

McEachern	Nelson	Prahl	Simoneau	Welch
Metzen	Novak	Reding	Stoa	Wenzel
Minne	Osthoff	Rice	Swanson	Wynia
Munger	Otis	Sarna	Tomlinson	
Murphy	Patton	Sieben, H.	Vanasek	
Nelsen, M.	Pehler	Sieben, M.	Waldorf	

So it was the judgment of the House that the decision of the Speaker should stand.

Pleasant from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 48, A bill for an act relating to the city of Austin; authorizing an on-sale liquor license for Riverside Arena.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Notwithstanding any statute, ordinance or charter to the contrary, the governing body of the city of Austin may by ordinance authorize any holder of an on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair at the premises known and used as Riverside Arena. Such a licensee must be engaged to dispense intoxicating liquor at such an event held by a person or organization permitted to use space at the arena, and may dispense intoxicating liquor only to members and guests attending the event. Such dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent herewith. Nothing in this act shall authorize the dispensing of intoxicating liquor to any person attending or participating in any athletic event at the arena.

Sec. 2. This act is effective upon approval by the governing body of the city of Austin and compliance with Minnesota Statutes, Section 645.021.”

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

The report was adopted.

Pleasant from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 186, A bill for an act relating to metropolitan government; providing for the debt of the metropolitan transit commission; amending Minnesota Statutes 1978, Section 473.446, Subdivision 1; and Chapter 473, by adding a section.

Reported the same back with the following amendments:

Page 1, line 11, before "The" insert "Subdivision 1. [GENERAL AUTHORITY.]"

Page 1, line 19, delete "or" and insert a comma

Page 1, line 19, after "bonds," insert "or other obligations,"

Page 1, line 22, after "or" insert "received"

Page 2, line 19, delete everything after the period

Page 2, delete lines 20-22

Page 2 after line 22, insert subdivisions to read as follows:

"Subd. 2. [LEGAL INVESTMENTS.] Promissory notes, certificates of indebtedness, bonds, or other obligations issued by the commission may be purchased by the state board of investment for any trust fund of the state or other fund administered by such board, and shall be proper for investment of any funds administered by such board, and shall be proper for investment of any funds by any savings bank, trust company, insurance company or public or municipal corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys.

Subd. 3. [TAX EXEMPT.] Promissory notes, certificates of indebtedness, bonds, or other obligations of the commission shall be deemed and treated as instrumentalities of a public government agency and as such, together with interest thereon, exempt from taxation.

Subd. 4. [LIMITATIONS.] Promissory notes, certificates of indebtedness, bonds, or other obligations issued by the commission pursuant to this section or section 473.438, for purposes of acquisition and betterment of property and other improvements of a capital nature, shall not exceed an aggregate principal amount of \$9,000,000 and shall be issued only for the purposes of purchasing buses and related equipment, and constructing maintenance and other buildings, bus shelters and road related improvements."

Page 3, line 9, delete "or" and insert a comma

Page 3, line 9, after "bonds" insert ", or other obligations"

Page 3, line 9, after "section 1" insert "for purposes of acquisition and betterment of property and other improvements of a capital nature"

Page 3, line 11, strike everything after "clause"

Page 3, strike lines 12 to 14.

Page 3, line 15, strike everything before the period

Page 3, after line 15 insert a new section to read:

*"Sec. 3. Minnesota Statutes 1978, Section 473.438, Subdivisions 5 and 6, are repealed."*

Renumber the following section accordingly

Further amend the title as follows:

Page 1, line 6, after "section" insert " ; repealing Minnesota Statutes 1978, Section 473.438, Subdivisions 5 and 6"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 325, A bill for an act relating to township mutual fire insurance companies; authorizing indemnification of certain expenses incurred by officers, employees, agents and other individuals; amending Minnesota Statutes 1978, Section 67A.06.

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

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 373, A bill for an act relating to agriculture; allowing food products grown, processed or manufactured in Minnesota to be so labeled; amending Minnesota Statutes 1978, Chapter 17, by adding a section.

Reported the same back with the following amendments:

Page 1, lines 11 and 13, delete "may" insert "shall"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pleasant from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 88, A bill for an act relating to cities; allowing installment purchases by certain cities; amending Minnesota Statutes 1978, Section 465.71.

Reported the same back with the following amendments:

Page 1, after line 16, insert a section to read:

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

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

The report was adopted.

Pleasant from the Committee on Local and Urban Affairs to which was referred:

S. F. No. 92, A bill for an act relating to the city of Ashby; authorizing issuance of general obligation bonds for the purpose of building a fire hall-administrative building and purchasing a fire truck.

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

The report was adopted.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 48, 186, 325 and 373 were read for the second time.

#### SECOND READING OF SENATE BILLS

S. F. Nos. 88 and 92 were read for the second time.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Sieben, M.; Laidig; Levi and Simoneau introduced:

H. F. No. 522, A bill for an act relating to courts; tenth judicial district; authorizing two additional judges; amending Minnesota Statutes 1978, Section 2.722, Subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Crandall, Byrne and Reif introduced:

H. F. No. 523, A bill for an act relating to public health; prescribing fees for diagnostic laboratory services provided by the department of health; providing exemptions for charging fees; authorizing the commissioner of health to promulgate rules; amending Minnesota Statutes 1978, Chapter 144, by adding a section.

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

Drew introduced:

H. F. No. 524, A bill for an act relating to taxation; income; adopting 1978 federal amendments increasing the exclusion from gross income of gain from a sale of a residence for certain persons; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

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

Drew, Mehrkens, Valento and Novak introduced:

H. F. No. 525, A bill for an act relating to taxation; income tax; providing a deduction for a lessee's share of real property taxes paid on his rented residence; amending Minnesota Statutes 1978, Section 290.09, Subdivision 4.

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

Kelly and Clark introduced:

H. F. No. 526, A bill for an act relating to taxes; providing for a property tax exclusion for repairs made after destruction by natural disaster; amending Minnesota Statutes 1978, 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.

Halberg; Pavlak; Sieben, H.; Metzen and Kempe introduced:

H. F. No. 527, A bill for an act relating to taxation; property; decreasing the penalties for delinquent real estate taxes; amending Minnesota Statutes 1978, Section 279.01.

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

Halberg; Pavlak; Sieben, H.; Svingum and Kempe introduced:

H. F. No. 528, A bill for an act relating to real property; providing for certification of taxes paid before recording instruments; amending Minnesota Statutes 1978, Sections 272.12; 272.14; 508.47, Subdivision 4; and Chapter 272, by adding a section.

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

Clawson, Berglin, Clark, Greenfield and McEachern introduced:

H. F. No. 529, A bill for an act relating to welfare; authorizing the commissioner of public welfare to make grants to counties for employability services programs under certain conditions; appropriating money; amending Minnesota Statutes 1978, Chapter 256, by adding a section.

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

Heinitz, Wigley, Munger and Biersdorf introduced:

H. F. No. 530, A bill for an act relating to game and fish; establishing separate licenses and seasons for deer and bear; amending Minnesota Statutes 1978, Sections 98.46, Subdivisions 2 and 14; and 100.27, Subdivisions 2 and 9.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Heinitz, Reif, Crandall, Swanson and Rice introduced:

H. F. No. 531, A bill for an act relating to medical assistance; clarifying availability of benefits for treatment of chemical dependency in certain residential treatment programs; amending Minnesota Statutes 1978, Section 256B.02, Subdivisions 7 and 8.

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

Thiede, Wenzel, Ellingson, Valento and Svingum introduced:

H. F. No. 532, A bill for an act relating to taxation; real property; providing property tax exemptions for certain heat recovery devices; amending Minnesota Statutes 1978, Section 273.11, by adding a subdivision.

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

Nelsen, B.; Albrecht; Anderson, B.; Dean and Brinkman introduced:

H. F. No. 533, A bill for an act relating to taxation; providing that inheritance tax exemptions be based on the statewide average annual wage; amending Minnesota Statutes 1978, Section 291.05.

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

Anderson, B., introduced:

H. F. No. 534, A bill for an act relating to Murray County; allowing the county and local government units to participate in a federal railroad assistance program.

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

Rose, Simoneau and Osthoff introduced:

H. F. No. 535, A bill for an act relating to automobile insurance; regulating damage appraisals, adjustments and related repair practices; prohibiting certain acts by insurers, adjusters and appraisers; amending Minnesota Statutes 1978, Chapter 72B, by adding sections.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance. Rose objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Rose, Simoneau and Osthoff introduced:

H. F. No. 536, A bill for an act relating to insurance; removing certain licensing and regulatory controls from appraisers, adjusters, solicitors and other persons handling insurance claims; repealing Minnesota Statutes 1978, Chapter 72B.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance. Rose objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Begich, Battaglia, Minne and Elioff introduced:

H. F. No. 537, A bill for an act relating to taxation; municipal development districts tax increments; placing a moratorium on the inclusion of townships in determining tax increments.

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

Begich; Anderson, I.; Battaglia; Minne and Elioff introduced:

H. F. No. 538, A bill for an act relating to highway traffic regulations; authorizing school buses and other authorized emergency vehicles equipped with studded tires to use the public highways between certain dates; amending Minnesota Statutes 1978, Section 169.72, Subdivision 1.

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

Wenzel, Sarna, Adams, Sviggum and Evans introduced:

H. F. No. 539, A bill for an act relating to taxation; income tax; extending the credit for members of the National Guard to active members of the reserves; amending Minnesota Statutes 1978, Section 290.06, Subdivision 12.

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

Osthoff, Kroening, Swanson, McCarron and Biersdorf introduced:

H. F. No. 540, A bill for an act relating to elections; further prescribing conditions for automatic recounts in certain election contests; amending Minnesota Statutes 1978, Sections 204A.51, Subdivisions 2 and 3; and 204A.53, Subdivisions 2 and 3.

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

Jacobs, Dempsey, Reding, Schreiber and Simoneau introduced:

H. F. No. 541, A bill for an act relating to taxation; motor vehicle excise tax; providing a credit for taxes paid in certain lease transactions; amending Minnesota Statutes 1978, Section 297B.08.

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

Wenzel; Berkelman; Johnson, D.; Albrecht and Fjoslien introduced:

H. F. No. 542, A bill for an act relating to limitation of actions; exempting town roads from the marketable title act; amending Minnesota Statutes 1978, Section 541.023, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Drew, Heinitz, Jude and Ellingson introduced:

H. F. No. 543, A bill for an act relating to corporations; authorizing purchase of insurance to provide indemnification of certain persons for certain liabilities and expenses; amending Minnesota Statutes 1978, Section 300.082, Subdivision 7.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Ellingson introduced:

H. F. No. 544, A bill for an act relating to real estate; enacting the uniform condominium act; providing for taxation as a separate parcel; regulating eminent domain awards; regulating the creation of condominiums; protecting the purchasers of condominiums; regulating condominium declaration; regulating the management of condominiums.

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

Norton, Mehrkens, Byrne and Crandall introduced:

H. F. No. 545, A bill for an act relating to life insurance; providing for advance payment of certain benefits under policies insuring persons who are absent and presumed dead; amending Minnesota Statutes 1978, Chapter 576, by adding sections.

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

Wynia, Kelly, Heinitz, Blatz and Ellingson introduced:

H. F. No. 546, A bill for an act relating to insurance; prohibiting discrimination in the sale of automobile insurance solely on the basis of a disability; providing procedures for establishing discrimination in the sale of automobile insurance on the basis of race or disability; providing penalties; amending Minnesota Statutes 1978, Sections 65B.13 and 72A.20, Subdivision 1.

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

Pehler, Rice and Enebo introduced:

H. F. No. 547, A bill for an act relating to labor relations; changing negotiable terms of employment for certain public professional employees; amending Minnesota Statutes 1978, Section 179.63, Subdivision 18.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Elioff and Begich introduced:

H. F. No. 548, A bill for an act relating to state property; authorizing a conveyance to the city of Leonidas.

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

Zubay, Kaley and Friedrich introduced:

H. F. No. 549, A bill for an act relating to Independent School District No. 535, Rochester; providing that the funds previously authorized for certain purposes may be spent entirely for one of those purposes.

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

Nelson introduced:

H. F. No. 550, A bill for an act relating to taxation; providing that gross income for Minnesota income tax purposes be reduced by amount of federal energy tax credits received by taxpayer; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20; and 290.14.

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

Olsen; Dempsey; Johnson, C.; Nelson and Tomlinson introduced:

H. F. No. 551, A bill for an act relating to taxation; providing an income tax credit to taxpayers with blind dependents; amending Minnesota Statutes 1978, Section 290.06, Subdivision 3c.

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

Olsen, Dempsey, Nelson, Tomlinson and Valento introduced:

H. F. No. 552, A bill for an act relating to taxation; providing for a reduction to gross income for Minnesota income tax purposes; providing for a state credit for qualifying energy improvement expenditures; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20; 290.06, by adding a subdivision; and 290.14.

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

McEachern, Kalis, Esau, Murphy and Long introduced:

H. F. No. 553, A bill for an act relating to education; prohibiting teachers on certain extended leaves of absence from receiving retirement service credit for teaching part of a year; amending Minnesota Statutes 1978, Section 354.091.

The bill was read for the first time and referred to the Committee on Governmental Operations. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Kalis, Nelson, Esau, Long and Olsen introduced:

H. F. No. 554, A bill for an act relating to education; clarifying tuition charges at the Minnesota school for the deaf and the Minnesota braille and sight saving school; amending Minnesota Statutes 1978, Section 120.17, Subdivision 7a.

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

Crandall, Kelly, Novak, Pavlak and Laidig introduced:

H. F. No. 555, A bill for an act relating to crimes; limiting juvenile court jurisdiction with respect to certain juveniles; requiring the defendant in criminal actions to prove duress by a preponderance of the evidence; providing that expunged conviction records may be used for certain purposes; specifying the crime of offering substances purporting to be prohibited for sale; creating a new category of offense for assault; reclassifying assaults by degrees; specifying the crime of interference with privacy; reclassifying the pecuniary categories of the crime of theft; redefining certain felonies; authorizing arrest without warrant for gross misdemeanors although not committed in a

peace officer's presence; authorizing agents of the bureau of criminal apprehension to obtain search warrants; clarifying the locus of venue; providing penalties; amending Minnesota Statutes 1978, Sections 260.015, by adding a subdivision; 260.111, by adding a subdivision; 609.02, by adding subdivisions; 609.08; 609.11; 609.12, Subdivisions 1 and 3; 609.168; 609.25, Subdivision 2; 609.341, Subdivision 3, and by adding a subdivision; 609.343; 609.344; 609.345; 609.52, Subdivision 3; 609.53; 609.562; 609.563; 609.595, Subdivision 1; 626.05, Subdivision 2; 627.01; 629.34; 629.35; Chapters 152, by adding a section; and 609, by adding sections; repealing Minnesota Statutes 1978, Sections 246.43; 609.12, Subdivision 2; 609.22; 609.225; and 611.038.

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

Eliooff, Begich, Battaglia, Olsen and Kalis introduced:

H. F. No. 556, A bill for an act relating to Independent School District No. 706, Virginia; permitting it to transfer certain surplus in its debt service fund to its capital expenditure fund for a certain purpose; providing that the amount transferred shall not be used to reduce a certain levy.

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

Kelly introduced:

H. F. No. 557, A bill for an act relating to motor vehicles; requiring dealers to notify buyers of option to register vehicles themselves; limiting dealer fee; amending Minnesota Statutes 1978, Section 168.27, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

Faricy introduced:

H. F. No. 558, A bill for an act relating to retirement; granting increases in annuities to certain deferred annuitants; appropriating funds.

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

Kelly introduced:

H. F. No. 559, A bill for an act relating to automobile insurance; eliminating the right to offset under insured motorist benefits; requiring communication of coverages available; amending Minnesota Statutes 1978, Section 65B.49, Subdivision 6, and by adding a subdivision.

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

Osthoff, Dean, Norton, Searle and Anderson, I., introduced:

H. F. No. 560, A bill for an act relating to museums; appropriating funds for the science museum of Minnesota.

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

Patton, Schreiber and Dempsey introduced:

H. F. No. 561, A bill for an act relating to metropolitan government; providing for financing of metropolitan sports facilities; appropriating money; amending Minnesota Statutes 1978, Sections 473.581, Subdivision 3; and 473.591, Subdivision 2, and by adding a subdivision; repealing Minnesota Statutes 1978, Section 473.568.

The bill was read for the first time and referred to the Committee on Taxes. Anderson, I., objected to the reference and the bill was referred to the Committee on Rules and Legislative Administration.

## GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Searle 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. No. 3 which it recommended to pass.

H. F. No. 13 which it recommended progress.

On the motion of Sieben, H., 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:

The question was taken on the motion to recommend passage of H. F. No. 3 and the roll was called. There were 73 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Adams	Eliooff	Kahn	Nelsen, M.	Schreiber
Anderson, B.	Ellingson	Kelly	Nelson	Sieben, H.
Anderson, I.	Enebo	Knickerbocker	Norman	Sieben, M.
Battaglia	Erickson	Kostohryz	Norton	Simoneau
Berglin	Ewald	Kroening	Novak	Stoa
Berkelman	Faricy	Laidig	Olsen	Swanson
Byrne	Forsythe	Lehto	Otis	Tomlinson
Carlson, L.	Fudro	Long	Pavlak	Vanasek
Casserly	Greenfield	Mann	Pehler	Voss
Clark	Hoberg	McCaron	Peterson	Welch
Clawson	Hokanson	Metzen	Pleasant	Wenzel
Corbid	Jacobs	Minne	Prahl	Wynia
Crandall	Jaros	Moe	Reding	Speaker Searle
Dean	Johnson, C.	Munger	Rice	
Eken	Jude	Murphy	Sarna	

Those who voted in the negative were:

Aasness	Drew	Kaley	Nysether	Stadum
Ainley	Esau	Kalis	Onnen	Stowell
Albrecht	Evans	Kempe	Osthoff	Sviggum
Anderson, D.	Fjoslien	Kvam	Patton	Thiede
Anderson, G.	Friedrich	Levi	Piepho	Valan
Anderson, R.	Fritz	Ludeman	Redalen	Valento
Begich	Halberg	Luknic	Rees	Weaver
Blatz	Haukoos	McDonald	Reif	Welker
Brinkman	Heap	McEachern	Rose	Wieser
Carlsen, D.	Heinitz	Mehrkens	Rothenberg	Wigley
Dempsey	Jennings	Nelsen, B.	Searles	Zubay
Den Ouden	Johnson, D.	Niehaus	Sherwood	

The motion prevailed.

#### MOTIONS AND RESOLUTIONS

Eliooff moved that H. F. No. 166 be returned to its author. The motion prevailed.

Ellingson moved that the name of Rothenberg be added as an author on H. F. No. 477. The motion prevailed.

Tomlinson moved that the name of Long be added as an author on H. F. No. 464. The motion prevailed.

Kalis moved that his name be stricken as an author on H. F. No. 25. The motion prevailed.

Kalis moved that his name be stricken as an author on H. F. No. 170. The motion prevailed.

Patton moved that the name of Adams be added as an author on H. F. No. 561. The motion prevailed.

Fjoslien moved that the names of Albrecht, Olsen, and Wynia be added as authors on H. F. No. 9. The motion prevailed.

Drew moved that the name of Pleasant be added as an author on H. F. No. 524. The motion prevailed.

#### ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, February 26, 1979. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, February 26, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives