

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1979

TWENTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 1, 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	Den Ouden	Johnson, D.	Nelsen, B.	Sarna
Adams	Drew	Jude	Nelsen, M.	Schreiber
Ainley	Eken	Kahn	Nelson	Sherwood
Albrecht	Eloff	Kaley	Niehaus	Sieben, M.
Anderson, B.	Ellingson	Kalis	Norman	Simoneau
Anderson, D.	Enebo	Kelly	Norton	Stadum
Anderson, G.	Erickson	Kempe	Novak	Stoa
Anderson, I.	Esau	Knickerbocker	Nysether	Stowell
Anderson, R.	Evans	Kostohryz	Olsen	Sviggum
Battaglia	Ewald	Kvam	Onnen	Swanson
Begich	Faricy	Laidig	Osthoff	Thiede
Berglin	Fjoslien	Lehto	Otis	Tomlinson
Berkelman	Friedrich	Levi	Patton	Valan
Biersdorf	Fritz	Long	Pavlak	Valento
Blatz	Fudro	Ludeman	Pehler	Vanasek
Brinkman	Greenfield	Luknic	Peterson	Waldorf
Byrne	Halberg	Mann	Piepho	Weaver
Carlson, D.	Haukoos	McCarron	Pleasant	Welch
Carlson, L.	Heap	McDonald	Prahl	Welker
Casserly	Heinitz	McEachern	Redalen	Wenzel
Clark	Hoberg	Mehrrens	Reding	Wieser
Clawson	Hokanson	Metzen	Rees	Wigley
Corbid	Jacobs	Minne	Reif	Wynia
Crandall	Jaros	Moe	Rice	Zubay
Dean	Jennings	Munger	Rose	Speaker Searle
Dempsey	Johnson, C.	Murphy	Rothenberg	

A quorum was present.

Forsythe; Kroening; Searles; Sieben, H., and Voss were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson 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. 9 and 295 and S. F. Nos. 88, 51, 81, 198, 254 and 59 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Mann from the Committee on Agriculture to which was referred:

H. F. No. 22, A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

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

The report was adopted.

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

H. F. No. 59, A bill for an act relating to towns; providing an alternate method of vacating town roads; amending Minnesota Statutes 1978, Section 164.06.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. The town boards of the towns of Black Hammer, Brownsville, Caledonia, Crooked Creek, Hokah, Houston, Jefferson, LaCrescent, Mayville, Money Creek, Mound Prairie, Sheldon, Spring Grove, Union, Wilmington, Winnebago, and Yucatan in Houston county may by resolution determine whether to open or maintain town roads upon which no maintenance or construction has been conducted for 25 years or more when duly authorized by a vote of the electors of any annual meeting or a special meeting called for that purpose. The provisions of Minnesota Statutes, Section 163.16 shall not apply to town roads upon which no maintenance or construction has been conducted for 25 years or more.

Sec. 2. This act is effective for each town in section 1 upon the approval of the town board of supervisors and upon compliance with Minnesota Statutes, Section 645.021."

Further amend the title as follows:

Delete lines 2 and 4 and insert:

"relating to towns in Houston county; providing a method for determining whether to open or maintain certain town roads."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 87, A bill for an act relating to highways; providing for bus shelters and benches on streets and highways; authorizing road authorities to grant franchises; amending Minnesota Statutes 1978, Section 160.27, Subdivision 2.

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

The report was adopted.

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

H. F. No. 102, A bill for an act relating to children; changing liability of parents for damage done by their minor children; amending Minnesota Statutes 1978, Section 540.18, Subdivision 1.

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

The report was adopted.

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

H. F. No. 116, A bill for an act relating to banks and banking; extending the period for activation of detached facilities after issuance of certificates of authorization; amending Minnesota Statutes 1978, Section 47.54, Subdivision 4.

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

The report was adopted.

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

H. F. No. 125, A bill for an act relating to bonds; requiring claimant filing notice of action on a bond to pay postage costs; amending Minnesota Statutes 1978, Section 574.32.

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 127, A bill for an act relating to the Minnesota Historical Society; repealing Minnesota Statutes 1978, Section 138.02.

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

The report was adopted.

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

H. F. No. 145, A bill for an act relating to health; changing requirements for school employee tuberculosis examinations; amending Minnesota Statutes 1978, Section 123.69, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 10, delete "*has complied*" and insert "*is in compliance*"

Page 2, line 13, delete "*have*"

Page 2, line 14, delete "*complied*" and insert "*be in compliance*"

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

The report was adopted.

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

H. F. No. 157, A bill for an act relating to labor and employment; prohibiting mandatory retirement of public and private employees before the age of 70; amending Minnesota Statutes 1978, Sections 43.051, Subdivision 1; 125.12, Subdivision 5;

181.81; 181.811; 354.44, Subdivision 1a; 354.49, Subdivision 3; 354A.05; 354A.21; 356.32, Subdivision 1; 423.076; 473.419; and Chapter 181, by adding a section.

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

The report was adopted.

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

H. F. No. 201, A bill for an act relating to political subdivisions; regarding public officers; permitting contracts between hospital district boards and board members; amending Minnesota Statutes 1978, Section 471.88, Subdivision 1.

Reported the same back with the following amendments:

After line 16, add a section to read:

"Sec. 2. This act is effective 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.

Wigley from the Committee on Energy and Utilities to which was referred:

H. F. No. 218, A bill for an act relating to public utilities; removing cooperative telephone associations from the rate jurisdiction of the public service commission; granting associations an option as to rate regulation; amending Minnesota Statutes 1978, Section 237.06.

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 232, A bill for an act relating to the secretary of state; providing for printing and distributing the student edition of the legislative manual; appropriating money; amending Minnesota Statutes 1978, Section 5.09.

Reported the same back with the following amendments:

Page 1, delete lines 16 to 22

Page 2, delete line 1 and insert:

"Subd. 2 Up to 75,000 copies of the students' edition of the legislative manual shall be printed and distributed as follows:

(1) Up to 30 copies shall be distributed free to any public elementary or secondary school upon request; additional copies shall be furnished at cost.

(2) The remainder shall be distributed to the general public upon request."

Page 2, line 5, delete "June 30, 1981" and insert "expended for the purpose for which it is intended"

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

The report was adopted.

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

H. F. No. 237, A bill for an act relating to the city of Richfield; authorizing the issuance of bonds for a certain recreational facility; authorizing the pledge of certain revenues as security therefor.

Reported the same back with the following amendments:

Page 3, after line 11, insert the following:

"Sec. 5. [VOTER APPROVAL.] The city council of the city of Richfield prior to the issuance of any bonds authorized by section 1 shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper of the city. The bonds may be issued without the submission of the question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting an election signed by at least eight percent of the registered voters of the city voting in the last general election is filed with the city clerk-treasurer. If a petition is filed no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election.

Sec. 6. [REVENUE BONDS.] The city of Richfield may also issue and sell its revenue bonds for the purposes specified in section 1 pursuant to Minnesota Statutes, Section 471.91, Subdivision 2, or pursuant to chapter 475, and may pledge to the bondholders for the payment of such bonds any defined portion

of the net revenues of its municipal liquor dispensary. Bonds issued pursuant to this section shall be deemed to be payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58."

Renumber the section in sequence

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 245, A bill for an act relating to the department of public safety; changing the name of the highway patrol to the state patrol; amending Minnesota Statutes 1978, Section 299D.01, Subdivision 1.

Reported the same back with the following amendments:

Page 1, line 20, delete "*patrolman*" and insert "*trooper*".

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 259, A bill for an act relating to cooperative associations; providing for boards of directors; prescribing the minimum number of directors governing a cooperative apartment corporation; amending Minnesota Statutes 1978, Section 308.11.

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

The report was adopted.

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

H. F. No. 263, A bill for an act relating to juvenile court referees; authorizing referees to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Section 484.70, Subdivision 3.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 291, A bill for an act relating to taxation; defining conveyances that must be presented to the auditor before recording; eliminating duty of county recorder to list judgments affecting real estate titles; eliminating payment to county recorder for making lists; amending Minnesota Statutes 1978, Sections 272.12; and 272.17; repealing Minnesota Statutes 1978, Section 272.18.

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

The report was adopted.

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

H. F. No. 303, A bill for an act validating and legalizing certain state assignment certificates.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 330, A bill for an act relating to courts; eliminating erroneous and ambiguous references relating to municipal courts outside Hennepin and Ramsey counties; amending Minnesota Statutes 1978, Sections 480.055, Subdivision 1; 487.01, Subdivision 8; 487.16; 487.38; 488A.113; 488A.282; 525.011, Subdivision 1; 525.013, Subdivisions 1 and 8; and 525.014.

Reported the same back with the following amendments:

Page 2, line 14, after "951" insert "*and Laws 1973, Chapter 679*"

Page 2, lines 15 and 16, after "*in*" delete "*cities of the first class*" and insert "*Hennepin and Ramsey Counties*"

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

The report was adopted.

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

H. F. No. 340, A bill for an act relating to the town of Leota in Nobles county; authorizing the establishment of a detached banking facility.

Reported the same back with the following amendments:

Page 1, line 9, delete "in this state" and insert "within 25 miles of the town of Leota in Nobles county"

Page 1, line 11, delete "in the town of Leota in Nobles county"

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. 360, A bill for an act relating to commerce; extending an exception for certain loans from the usury laws; amending Minnesota Statutes 1978, Section 334.01, Subdivision 2.

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

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 395, A bill for an act relating to state historic sites; authorizing management contracts with counties, municipalities, or county or local historical societies.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 416, A bill for an act relating to legal process; providing for replevin of personal property before and after a hearing; providing for bonds; providing a penalty; repealing Minnesota Statutes 1978, Sections 565.01; 565.02; 565.03; 565.04; 565.05; 565.06; 565.07; 565.08; 565.09; 565.10; and 565.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [565.011] [POSSESSION OF PERSONAL PROPERTY.] In an action to recover possession of personal property, the claimant may obtain possession of the property prior to final judgment in the manner prescribed in this act.

Sec. 2. [565.012] [DEFINITIONS.] Subdivision 1. For the purposes of this act the terms in this section have the meanings given them.

Subd. 2. "Claimant" means a party asserting, in a pleading before a court, a claim for the recovery of possession of personal property, whether the claim is asserted in a complaint, counterclaim or reply.

Subd. 3. "Respondent" means a person against whom a claimant asserts a claim and who has, or is alleged to have, possession of the personal property which the claimant seeks to recover.

Sec. 3. [565.021] [RECOVERY OF POSSESSION AFTER NOTICE AND HEARING.] Subdivision 1. A claimant seeking to recover possession of property after service of a summons and complaint but prior to final judgment shall proceed by motion. The motion shall be accompanied by an affidavit which states:

(a) The particular property sought to be recovered by the claimant;

(b) The facts giving rise to claimant's right to possession, referring to the documents, if any, evidencing the claimant's right to possession and the underlying obligation supporting the right;

(c) The facts showing that respondent is wrongfully detaining the property;

(d) If the property being claimed is security for an obligation, the date and the amount of the original obligation, the amount which has been paid by respondent and the amount now owing to claimant;

(e) If the claimant asserts that the respondent is wrongfully detaining the property by reason of a breach of contractual duty other than the failure to pay money, the claimant shall state the specific contractual provision and the facts relating thereto; and

(f) A good faith approximation of the current market value of each item of property being claimed.

Subd. 2. The claimant's motion to recover possession of property together with claimant's affidavit and a notice of hearing shall be served upon respondent in the manner prescribed for service of a summons in a civil action in district court. If the respondent has already appeared in the action, the motion shall be served in the manner prescribed for service of pleadings subsequent to the summons. The date of hearing shall be fixed in accordance with rule 6 of the Minnesota rules of civil procedure, unless a different date is fixed by order of the court.

The notice of hearing served upon the respondent shall be signed by the claimant or the attorney for the claimant and shall provide, at a minimum, the following information in substantially the following language:

"NOTICE OF HEARING

TO: [the Respondent]

A hearing will be held on the day of, 19..., at o'clock, ..M., [place] to determine whether the sheriff shall remove from your possession and deliver to [claimant] (hereinafter "claimant") the following property:

[list property]

You have a right to appear at this hearing on your own behalf or with an attorney. You will have the opportunity to present defenses to the claimant's claims and to state reasons why the property described above should not be taken.

If the court determines that the claimant has a right to have possession of the property while this lawsuit is pending, you may nevertheless keep the property until the lawsuit is decided if you file with the court a surety bond in the amount of \$..... [In amount computed pursuant to section 5].

If you do not appear at the hearing, the court has authority to issue an order directing that the above described property be immediately taken from your possession."

Subd. 3. After a hearing, the court shall order seizure of the property from respondent and delivery to claimant if claimant has demonstrated the probability of success on the merits entitling claimant to possession of the property and upon compliance with the bonding requirements set forth in section 5, subdivision 1, unless the court makes the following findings:

(a) Respondent has shown a defense to the merits of claimant's claim, the defense is a fair basis for litigation and the defense would, if established at hearing on the merits, entitle respondent to retain possession of the property;

(b) The interests of respondent cannot be adequately protected by the bond filed by claimant pursuant to section 5, subdivision 1 if the property is delivered to the claimant prior to final decision on the merits; and

(c) The harm suffered by the respondent would be substantially greater than the harm which would be suffered by the claimant if the property were not delivered to the claimant prior to final decision on the merits.

Subd. 4. If the court makes the findings prescribed by subdivision 3 and orders that respondent may retain possession pending final decision on the merits, the court shall enter a further order protecting the rights of the claimant to the extent possible. The order may require that respondent make partial payment of the debt which may be due and that the payment shall be made either directly to claimant or into an escrow, that respondent post a bond in an amount set by the court, that respondent make the property available for inspection from time to time, that respondent be restrained from certain activities, including, but not limited to, selling, disposing or otherwise encumbering the property, or any other provision the court may deem just and appropriate.

Subd. 5. An order requiring seizure of property may be stayed up to three days to allow the respondent time to post a bond pursuant to section 5, subdivision 2.

Sec. 4. [565.031] [RECOVERY OF POSSESSION PRIOR TO NOTICE AND HEARING.] Subdivision 1. A claimant seeking to recover possession of property prior to notice and hearing as provided in section 3 shall proceed by motion seeking such relief. The motion shall be accompanied by an affidavit setting forth:

(a) The information required by section 3, subdivision 1;

(b) The facts establishing grounds for a prehearing seizure, as specified in subdivision 2.

Subd. 2. The court may order seizure of the property from the respondent prior to a hearing only if it makes specific findings, based upon competent evidence in the form of affidavit or oral testimony, that:

(a) A good faith effort has been made to inform respondent of the motion for a prehearing seizure or that so informing respondent would endanger the ability of the claimant to recover the property;

(b) Claimant has demonstrated the probability of success on the merits entitling the claimant to possession of the property; and

(c) (1) respondent is about to remove the property in question from the state with the intent to hinder, delay or defraud the claimant;

(2) respondent is about to conceal, damage or dispose of the property with intent to hinder, delay or defraud the claimant; or

(3) due to other circumstances, which must be specified in the court's order, the claimant will suffer irreparable harm if possession of the property is not obtained prior to a hearing; and

(d) Claimant's interest in the property cannot be protected, pending a hearing pursuant to section 3 by an appropriate order of the court other than directing seizure.

Subd. 3. If the court makes the findings required by subdivision 2, clauses (a), (b) and (c) but does not direct seizure, it may issue an appropriate order protecting the claimant's interest in the property pending a hearing pursuant to section 3.

Subd. 4. If the court issues an order pursuant to subdivisions 2 or 3, the order shall establish a date for a hearing at which respondent may be heard and which shall be conducted at the earliest practicable time and shall take precedence over all matters except older matters of the same character.

Subd. 5. The hearing held pursuant to subdivision 4 shall be conducted in accordance with the criteria established in section 3, subdivisions 3, 4 and 5. In addition, if the court finds that the motion for a prehearing seizure was made in bad faith the court may, in its discretion, award respondent the actual damages incurred by reason of seizure of the property.

Subd. 6. The respondent shall be served with a copy of the order issued pursuant to this section together with a copy of all pleadings and supporting documents and a notice of hearing. Service shall be in the manner prescribed for personal service of a summons or the court in its discretion may prescribe alternative methods of service calculated to provide actual notice to respondent.

The notice of hearing served upon the respondent shall be signed by claimant or the attorney for claimant and shall provide, at a minimum, the following information in substantially the following language:

“NOTICE OF HEARING

Court action has been taken which affects the following property:

[list property]

[Claimant] (hereinafter “claimant”) has claimed that claimant is entitled to this property and that claimant’s interest in this property would have been harmed unless this court took immediate action.

You have a right to challenge claimant’s claims at a hearing before a judge. This hearing has been scheduled for the . . . day of . . . , 19 . . . , at . . . o’clock, . . . m., at [place] After this hearing the judge will decide, what should be done with the property pending a final decision on claimant’s claim.

Sec. 5. [565.041] [BONDING REQUIREMENTS.] Subdivision 1. An order for seizure of property from the respondent shall provide that the seizure shall be contingent upon claimant’s filing of a bond approved by the court conditioned for the return of the property to the respondent, if a return be adjudged, and for the payment to him of the sums as may be adjudged in his favor in a sum which is 1-1/2 times the fair market value of the property seized.

Subd. 2. (a) Except as otherwise provided in clause (b), the respondent may retain or regain possession of the property by filing of a bond approved by the court conditioned that the property shall be delivered to the claimant, if delivery be adjudged, and for the payment to him of the sum as may be adjudged against the respondent: in a sum 1-1/4 times the fair market value of the property or 1-1/2 times the amount of the claimant’s claim, whichever is less. An order for seizure may specify a time limitation within which the bond must be filed. For the purpose of protecting or preserving the property pending final hearing on the merits, the court may in extraordinary circumstances, which shall be specified in its order, provide that the respondent may not retain or regain possession of the prop-

erty upon rebonding, or may limit or condition the right to retain or regain the property upon rebonding. The costs of regaining possession of the property from the sheriff or the claimant shall be borne by respondent except as set forth in clause (b).

(b) If at a hearing following seizure of property pursuant to section 4 claimant fails to establish a right to continued possession, the court shall order the property returned to respondent, the costs to be borne by claimant. The court may order claimant's bond to continue in an amount sufficient to offset damages claimed by respondent by reason of the seizure.

Subd. 3. The current fair market value of the property shall initially be presumed as stated in the affidavit submitted pursuant to section 3, subdivision 1. If the court determines the current fair market value of the property is different, it shall adjust the required amount of the bonds.

Subd. 4. In lieu of filing a bond, either claimant or respondent may satisfy bonding requirements by depositing with the court cash, cashier's check, or a certified check.

Sec. 6. [565.051] [ORDER FOR SEIZURE OF PROPERTY.] Subdivision 1. An order for seizure of property shall:

(a) Identify the property to be seized;

(b) Direct the sheriff to seize the property; and

(c) Specify that the claimant is authorized, immediately or after a specified reasonable period of time, to sell or otherwise dispose of the property pending final hearing on the merits unless the court makes a specific finding that the interests of respondent cannot be adequately protected by the bond.

Subd. 2. An order for seizure of property may:

(a) Describe the place or places which may be entered by force by the sheriff subject to the limitations of clause (c);

(b) Require the respondent, his agents or employees, to deliver the property to claimant, or to disclose its location, and that if delivery is not made or the location is not disclosed that respondent must appear in court at a specified time and place to give testimony as to the location of the property and to show cause why an order should not be entered finding respondent in contempt of court for failure to deliver such property or to disclose its location; and

(c) Provide that if the property, or any of it be concealed in a building or elsewhere, and a public demand made by the sheriff for its delivery is refused or there is no response, he shall

cause the building or enclosure to be broken open and take the property therefrom. The sheriff may not enter the residence of a person other than respondent unless the order so specifies, identifying with particularity the residence or residences which may be so entered, on the basis of a finding by the court that probable cause exists to believe that the property is at this residence.

Sec. 7. [565.061] [SUFFICIENCY OF SURETY.] A person asserting a claim to property seized by order of the court may by motion challenge the sufficiency of the surety for the bond filed with the court. If the court finds the surety insufficient, it may grant a reasonable time for the filing of another bond.

Sec. 8. [565.071] [FEES TO SHERIFF.] When the sheriff has taken property pursuant to an order of the court, he shall keep it in a secure place and shall deliver it to the party entitled thereto as soon as reasonably possible upon receiving his lawful fees and expenses for taking and keeping the property.

The sheriff shall promptly return, without cost, any property taken not specified in the court's order.

Sec. 9. [565.081] [ADVANCEMENT ON CALENDAR.] A motion for advancement on the calendar or for a date certain for final hearing on the merits may be presented at any time and may be combined with any other motion and the court may advance the case or set a date certain as the ends of justice require.

Sec. 10. [REPEALER.] Minnesota Statutes 1978, Sections 565.01; 565.02; 565.03; 565.04; 565.05; 565.06; 565.07; 565.08; 565.09; 565.10; and 565.11 are repealed."

With the recommendation that when so amended the bill pass.

The report was adopted.

Enebo from the Committee on Governmental Operations to which was referred:

H. F. No. 484, A bill for an act relating to fiscal notes; requiring fiscal notes to accompany certain bills and administrative rules; appropriating money; amending Minnesota Statutes 1978, Section 15.0412, Subdivision 7; and Chapter 3, by adding a section.

Reported the same back with the following amendments:

Page 1, lines 12 and 13, delete "*A fiscal note shall be prepared by the legislative auditor*" and insert "*The chairman of the*

senate or house committee to which a bill is originally referred shall, at least 10 days before the bill is heard in committee, request the legislative auditor to prepare a fiscal note"

Page 1, line 16, after the period insert "*The legislative auditor shall prepare and return the fiscal note to the chairman within 10 days of receipt of the request.*"

Page 1, line 20, after "cite" insert ":(1)"

Page 1, line 21, after "estimated" insert "total" and delete "a county, town, school district" and insert "counties, towns, school districts"

Page 1, line 22, in both cases delete "city" and insert "cities"

Page 1, line 23, after "law" insert "for the two years immediately following the effective date;" and after "and" insert "(2)"

Page 2, line 1, after "any" insert "and (3) whether the levy limits established pursuant to sections 275.50 to 275.59 apply to the required expenditure"

Page 2, delete subdivision 3

Page 2, line 30, after "cite" insert ":(1)" and after "estimated" insert "total" and delete "a county, town" and insert "counties, towns"

Page 2, line 31, delete "district" and insert "districts" and in both cases delete "city" and insert "cities"

Page 2, line 32, after "rule" insert "for the two years immediately following the effective date;" and after "and" insert "(2)"

Page 2, line 33, after "any" insert "and (3) whether the levy limits established pursuant to Minnesota Statutes, Sections 275.50 to 275.59 apply to the required expenditure"

Page 3, line 7, delete "\$250,000" and insert a blank

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

The report was adopted.

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

H. F. No. 498, A bill for an act relating to education; requiring school board hearings on a schoolhouse closing to be held at the

schoolhouse; amending Minnesota Statutes 1978, Section 123.36, Subdivision 11.

Reported the same back with the following amendments:

Page 1, line 14, before the period insert *"unless the board determines that there is a compelling reason for holding it elsewhere"*

Amend the title as follows:

Page 1, lines 2, 3, and 4 delete "school board hearings on a schoolhouse closing to be held at the schoolhouse" and insert "hearings on schoolhouse closings to be held at the school absent a compelling reason for another location"

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

The report was adopted.

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

S. F. No. 67, A bill for an act relating to statutes; providing for the effect of grammar and punctuation; amending Minnesota Statutes 1978, Section 645.18.

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

The report was adopted.

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

S. F. No. 138, A bill for an act relating to civil actions; providing for authority for attorney to bind his client and execute a satisfaction of judgment; amending Minnesota Statutes 1978, Sections 481.08 and 548.15.

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

The report was adopted.

Biersdorf from the Committee on Commerce, Economic Development and Housing to which was referred:

S. F. No. 187, A bill for an act relating to employment agencies; providing an exemption for management consultant

firms from employment agency regulation; amending Minnesota Statutes 1978, Section 184.22.

Reported the same back with the recommendation that 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. 388, A bill for an act relating to towns; changing certain limits on payments for attorney's fees; amending Minnesota Statutes 1978, Section 368.121.

Reported the same back with the following amendments:

After line 13, add a section to read:

"Sec. 2. This act is effective 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.

SECOND READING OF HOUSE BILLS

H. F. Nos. 59, 87, 102, 116, 125, 127, 145, 157, 201, 218, 237, 245, 259, 263, 291, 303, 330, 340, 360, 395, 416 and 498 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 67, 138, 187 and 388 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rothenberg, Dempsey, Casserly and Crandall introduced:

H. F. No. 616, A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

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

Welch; Nelsen, B.; Clawson; Carlson, D., and McEachern introduced:

H. F. No. 617, A bill for an act relating to education; requiring notice to certain parties when a court or state agency places a child in a school district other than his district of residence; increasing participation in the placement decisions; amending Minnesota Statutes 1978, Section 124.212, Subdivision 20, and by adding a subdivision.

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

Welch, Clawson, Onnen, Elioff and Nelsen, B., introduced:

H. F. No. 618, A bill for an act relating to public health; creating a rural medical care initiative; providing for the development of regional emergency medical services systems; establishing a program of technical assistance to rural communities; appropriating money.

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

Prahl, Rice and Anderson, I., introduced:

H. F. No. 619, A bill for an act relating to local government; permitting self insurance for local governments; authorizing insurance pooling; amending Minnesota Statutes 1978, Sections 60A.02, Subdivisions 3 and 4; 79.01, Subdivisions 2 and 3; and Chapter 471, by adding sections.

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.

Johnson, D.; Johnson, C.; Niehaus and Jennings introduced:

H. F. No. 620, A bill for an act relating to fences; providing for the compensation of fence viewers; amending Minnesota Statutes 1978, Section 344.18.

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

Nelsen, M.; Begich; Elioff; Carlson, D., and Biersdorf introduced:

H. F. No. 621, A bill for an act proposing an amendment to the Minnesota Constitution, Article I, adding a section to provide that the right to possess and use arms shall not be abridged.

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

Patton introduced:

H. F. No. 622, A bill for an act relating to retirement; providing a surviving spouse annuity to certain surviving spouses of certain former members of the public employees retirement association.

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

Patton and Pehler introduced:

H. F. No. 623, A bill for an act relating to state lands; providing for the conveyance of state land to the city of St. Cloud for use as a fire station.

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.

Friedrich, McCarron, Biersdorf and Osthoff introduced:

H. F. No. 624, A bill for an act relating to counties; fixing the amounts that may be spent for Memorial Day observances; amending Minnesota Statutes 1978, Sections 375.34; and 375.35.

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

Patton, Biersdorf and Sarna introduced:

H. F. No. 625, A bill for an act relating to the public employees retirement association; authorizing the acquisition of real estate and the construction of a building thereon; authorizing a lease with the state and specifying minimum rents; appropriating money.

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

Wieser, Wynia, Piepho, Clark and Niehaus introduced:

H. F. No. 626, A bill for an act relating to welfare; establishing a program of subsidies to families caring in the home for certain mentally retarded, autistic and cerebral palsied minor dependents; appropriating money; amending Minnesota Statutes 1978, Chapter 245, by adding a section; repealing Minnesota Statutes 1978, Section 252.27, Subdivision 4.

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

Forsythe, Pleasant, Dean, Hokanson and Berkelman introduced:

H. F. No. 627, A bill for an act relating to natural resources; authorizing cities to acquire conservation easements; amending Minnesota Statutes 1978, Sections 84.64, Subdivision 1; and 84.65, Subdivision 1.

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

Clawson; Anderson, B.; Welch and Otis introduced:

H. F. No. 628, A bill for an act relating to taxation; property tax; reducing the assessment ratio of certain residential real estate; amending Minnesota Statutes 1978, Section 273.13, Subdivision 19.

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

Adams, Ewald, Corbid, Pleasant and Norton introduced:

H. F. No. 629, A bill for an act relating to savings banks; allowing the commissioner of banks to grant powers of federal mutual savings banks to mutual savings banks organized under state law; exceptions; amending Minnesota Statutes 1978, Chapter 50, by adding a section.

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

Casserly, Schreiber, Crandall, Ewald and Voss introduced:

H. F. No. 630, A bill for an act relating to metropolitan government; regulating solid waste; amending Minnesota Statutes 1978, Sections 473.121, by adding a subdivision; 473.149, Subdivision 1; 473.803, Subdivision 1; 473.811, Subdivision 5; and 473.823, Subdivision 3, and by adding a subdivision.

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

Reding; Nelsen, M.; Munger; Fjoslien and Sherwood introduced:

H. F. No. 631, A bill for an act relating to game and fish; contracts for removal of rough fish; repealing Minnesota Statutes 1978, Section 97.4861.

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

Clawson, Voss, Jude, Sieben, M., and Pleasant introduced:

H. F. No. 632, A bill for an act relating to courts; establishing the appellate division of the district court; providing for the election of judges; prescribing duties; providing for appellate division staff; appropriating money; repealing Minnesota Statutes 1978, Sections 484.63; and 487.39.

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

Tomlinson, Wynia, Berglin, Dean and Faricy introduced:

H. F. No. 633, A bill for an act relating to taxation; repealing the termination date for a law denying tax deductions relating to substandard housing; amending Laws 1975, Chapter 226, Section 4.

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

Greenfield, Clawson, Onnen and Berglin introduced:

H. F. No. 634, A bill for an act relating to public welfare; establishing pilot programs for registration of certain supplemental child day care providers; appropriating money.

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

Anderson, B.; Anderson, D.; Anderson, R., and Anderson, I., introduced:

H. F. No. 635, A bill for an act relating to taxation; sales tax; reducing the tax rate on certain farm machinery; amending Minnesota Statutes 1978, Sections 297A.01, by adding a subdivision; 297A.02; 297A.14; and 297A.24.

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

Ludeman, Rose and Norman introduced:

H. F. No. 636, A bill for an act relating to unemployment compensation; making certain employees of educational cooperative service units ineligible for benefits during certain periods; amending Minnesota Statutes 1978, Section 268.08, Subdivision 6.

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

Greenfield, Enebo, Rice, Clark and Casserly introduced:

H. F. No. 637, A bill for an act relating to labor; reducing the time at which overtime compensation must be paid; increasing overtime compensation; prohibiting mandatory overtime; providing penalties; amending Minnesota Statutes 1978, Section 177.25, Subdivisions 1 and 2; and Chapter 181, by adding a section.

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

Jude introduced:

H. F. No. 638, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1978, Sections 5.06; 15.0411, Subdivision 2; 16.723; 16A.71; 18.023, Subdivision 3a; 43.224; 52.04, Subdivision 1; 61A.245, Subdivisions 4, 7, and 12; 112.87; 122.531, Subdivision 4; 124.17, Subdivision 1; 150A.06, Subdivision 2a; 168.041, Subdivision 2; 168A.01, Subdivisions 18 and 19; 176.611, Subdivision 6a; 179.70, Subdivision 1; 192A.25, Subdivision 2; 192A.555; 221.011, Subdivision 22; 237.295, Subdivision 3; 270.01; 270.02, Subdivision 4; 270.10, Subdivision 1; 273.02, Subdivisions 2 and 3; 273.061, Subdivision 8; 274.18; 276.07; 279.03; 281.275; 282.15; 282.341, Subdivision 2; 290.01, Subdivision 20; 294.26; 326.48, Subdivision 2; 352B.-11, Subdivision 2; 352D.02, Subdivision 1; 352E.01, Subdivision 2; 353.16; 354.44, Subdivisions 4 and 6; 355.56; 356.20, Subdi-

vision 2; 356.60, Subdivision 1; 414.033, Subdivision 1; 414.035; 420.06; 422A.09, Subdivision 3; 423.076; 458A.03, Subdivision 2; 458A.06, Subdivisions 1 and 4; 462A.05, Subdivision 16; 462A.21, Subdivision 5; 507.09; 507.10; 507.13; 507.14; 518.005, Subdivisions 3 and 4; 524.3-303; 648.31, Subdivision 1; Laws 1975, Chapter 339, Section 10; repealing Minnesota Statutes 1978, Section 144.49, Subdivisions 2, 3 and 4; Laws 1977, Chapter 11, Section 8; 412, Section 2; Laws 1978, Chapters 538, Section 6; and 720, Section 5.

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

Pavlak, Heinitz, Ellingson, Brinkman and Wenzel introduced:

H. F. No. 639, A bill for an act relating to banks and banking; regulating interest rates charged by state banks; amending Minnesota Statutes 1978, Chapter 48, by adding a section.

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

Anderson, I., introduced:

H. F. No. 640, A bill for an act relating to the city of South International Falls; authorizing the city to lease municipal buildings.

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.

Berkelman, Blatz, Dean, Ainley and Stoa introduced:

H. F. No. 641, A bill for an act relating to human rights; prohibiting discrimination against students in housing; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 2; and 363.12, Subdivision 1.

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

Berkelman, Blatz, Welch, Metzen and Welker introduced:

H. F. No. 642, A bill for an act relating to commerce; providing attendant services at certain gasoline stations.

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

Faricy, for the Committee on Judiciary, introduced:

H. F. No. 643, A bill for an act relating to marriage; eliminating certain information from the marriage license application; providing that only two copies of the marriage certificate be prepared; defining terms; requiring personal service in a dissolution; providing for the court's findings in an uncontested dissolution; providing mutual restraining orders pending a dissolution determination; providing additional relevant factors for making custody determinations and for awarding maintenance; permitting retroactive modification of support and maintenance orders for inability to pay; amending Minnesota Statutes 1978, Sections 517.03; 517.08, Subdivision 1a; 517.10; 517.101; 518.07; 518.09; 518.10; 518.13; 518.135, Subdivision 2; 518.155; 518.156; 518.165; 518.17, Subdivision 1; 518.176; 518.54, Subdivision 5; 518.552, Subdivision 2; 518.58; 518.64, Subdivision 2; and Chapter 518, by adding a section.

The bill was read for the first time and laid over one day.

Berkelman, Heinitz, Byrne, Clawson and Reif introduced:

H. F. No. 644, A bill for an act relating to health; prohibiting applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training; requiring the board of dentistry to promulgate rules establishing requirements for this education and training; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under which dentists may practice; authorizing the board of dentistry to promulgate rules governing advertising by dentists; establishing penalties; amending Minnesota Statutes 1978, Sections 150A.06, Subdivisions 1, 2 and 2a; 150A.09, Subdivision 3; and 150A.11, Subdivisions 1 and 2.

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

Pavlak, Drew, Niehaus and Carlson, D., introduced:

H. F. No. 645, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; providing that the legislature meet in regular session only in odd numbered years.

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

Wenzel introduced:

H. F. No. 646, A bill for an act relating to state parks; deleting certain land from the boundaries of Father Hennepin state park.

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

Wenzel introduced:

H. F. No. 647, A bill for an act relating to state lands; directing the exchange of certain public lands bordering on public waters in Mille Lacs County.

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

Kahn, Greenfield, Vanasek, Fjoslien and Carlson, D., introduced:

H. F. No. 648, A bill for an act relating to public safety; regulating the transportation of certain radioactive materials; establishing civil penalties.

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

Kahn, Greenfield, Vanasek, Fjoslien and Carlson, D., introduced:

H. F. No. 649, A bill for an act relating to nuclear energy; providing for the storage and disposal of certain radioactive wastes; requiring licensure of radioactive waste management facilities in Minnesota.

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

Kahn, Greenfield, Vanasek, Fjoslien and Rees introduced:

H. F. No. 650, A bill for an act relating to large energy facilities; establishing certain conditions for the issuance of certificates of need; amending Minnesota Statutes 1978, Section 116H.13, by adding a subdivision.

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

Berglin, Clark, Drew and Byrne introduced:

H. F. No. 651, A bill for an act relating to welfare; requiring certain facilities exempted from licensing under the public welfare licensing act to meet certain requirements for maintenance and operation; amending Minnesota Statutes 1978, Section 245.-791.

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

Evans, Dempsey, Albrecht, Ellingson and Corbid introduced:

H. F. No. 652, A bill for an act relating to taxation; repealing the mortgage registration tax; repealing Minnesota Statutes 1978, Sections 287.01 to 287.12.

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

Weaver; Sieben, H.; Redalen; Ludeman and Carlson, D., introduced:

H. F. No. 653, A bill for an act relating to game and fish; authorizing a season on mourning doves; setting maximum daily and possession limits; amending Minnesota Statutes 1978, Sections 100.27, Subdivision 6; and 100.28, Subdivision 2.

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

Nysether, Corbid, Ainley, Eken and Ludeman introduced:

H. F. No. 654, A bill for an act relating to the state auditor; providing for state payment of county audits; appropriating money; amending Minnesota Statutes 1978, Sections 6.56; and 6.57.

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

Kroening, Swanson, Jacobs, Kvam and Casserly introduced:

H. F. No. 655, A bill for an act relating to taxation; property tax; clarifying certain limitations on property subject to the agricultural property tax; amending Minnesota Statutes 1978, Section 273.111, Subdivision 6.

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

Kroening, Faricy, Voss, Casserly and Rose introduced:

H. F. No. 656, A bill for an act relating to probate; clarifying certain witness requirements for inheritance by illegitimates; amending Minnesota Statutes 1978, Section 525.172.

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

Rothenberg introduced:

H. F. No. 657, A bill for an act relating to taxation; income; providing for annual adjustments of individual income tax brackets and individual credits; amending Minnesota Statutes 1978, Section 290.06, Subdivisions 2c, 3c, and by adding a subdivision.

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

Rothenberg introduced:

H. F. No. 658, A bill for an act relating to corrections; providing for rehabilitation services for battered women and the development of model treatment and therapy programs for their violent partners; amending Minnesota Statutes 1978, Sections 241.62, Subdivisions 1 and 4; and 241.64, Subdivision 1.

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

Thiede introduced:

H. F. No. 659, A bill for an act relating to local government; providing for facilities of the jointly owned airport of the city of Brainerd and Crow Wing County; authorizing the issuance of bonds to finance the acquisition and betterment of airport facilities.

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

REPORTS FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, designated the committee referral of the following bills, which bills were referred to the committee upon objection pursuant to the organizational agreement:

<i>H.F. No.</i>	<i>Date Referred to Committee</i>	<i>Committee Referral</i>
438	Feb. 15, 1979	Governmental Operations
441	Feb. 15, 1979	Local and Urban Affairs
453	Feb. 15, 1979	Taxes
459	Feb. 15, 1979	Judiciary
468	Feb. 15, 1979	Taxes
481	Feb. 15, 1979	Governmental Operations
489	Feb. 19, 1979	Local and Urban Affairs
491	Feb. 19, 1979	Commerce, Economic Develop- ment and Housing
494	Feb. 19, 1979	Environment and Natural Re- sources
496	Feb. 19, 1979	Energy and Utilities
500	Feb. 19, 1979	Commerce, Economic Develop- ment and Housing
503	Feb. 19, 1979	Local and Urban Affairs
504	Feb. 19, 1979	Local and Urban Affairs
513	Feb. 19, 1979	Local and Urban Affairs
514	Feb. 19, 1979	Criminal Justice
521	Feb. 19, 1979	Judiciary
522	Feb. 22, 1979	Local and Urban Affairs
535	Feb. 22, 1979	Commerce, Economic Develop- ment and Housing
536	Feb. 22, 1979	Commerce, Economic Develop- ment and Housing
542	Feb. 22, 1979	Judiciary
543	Feb. 22, 1979	Commerce, Economic Develop- ment and Housing

<i>H.F. No.</i>	<i>Date Referred to Committee</i>	<i>Committee Referral</i>
553	Feb. 22, 1979	Education
557	Feb. 22, 1979	Transportation
561	Feb. 22, 1979	Taxes
567	Feb. 26, 1979	Labor-Management Relations
588	Feb. 26, 1979	Local and Urban Affairs
594	Feb. 26, 1979	Judiciary
595	Feb. 26, 1979	Governmental Operations
606	Feb. 26, 1979	Criminal Justice
608	Feb. 26, 1979	Taxes
612	Feb. 26, 1979	Governmental Operations

Anderson, I., for the Committee on Rules and Legislative Administration, designated the committee referral of the following House Advisory, which House Advisory was referred to the committee upon objection pursuant to the organizational agreement:

<i>H.A. No.</i>	<i>Date Referred to Committee</i>	<i>Committee Referral</i>
7	Feb. 26, 1979	Commerce, Economic Development and Housing

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 219 and 231.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 219, A bill for an act relating to state government; abolishing achievement awards for commissioners and deputy constitutional officers; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 6; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Section 43.069.

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

S. F. No. 231, A bill for an act relating to bonds; requiring claimant filing notice of action on a bond to pay postage costs; amending Minnesota Statutes 1978, Section 574.32.

The bill was read for the first time.

Reding moved that S. F. No. 231 and H. F. No. 125, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR

H. F. No. 13, A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

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 116 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Friedrich	Knickerbocker	Nelsen, M.
Adams	Clark	Fritz	Kostohryz	Nelson
Ainley	Clawson	Fudro	Kvam	Niehaus
Albrecht	Crandall	Halberg	Laidig	Novak
Anderson, B.	Dean	Haukoos	Lehto	Nysether
Anderson, D.	Dempsey	Heap	Levi	Olsen
Anderson, G.	Den Ouden	Heinitz	Ludeman	Onnen
Anderson, I.	Drew	Hoberg	Luknic	Osthoff
Anderson, R.	Eken	Hokanson	Mann	Otis
Battaglia	Elioff	Jacobs	McCarron	Patton
Begich	Ellingson	Jennings	McDonald	Pavlak
Berglin	Enebo	Johnson, C.	McEachern	Pehler
Berkelman	Erickson	Johnson, D.	Mehrkens	Peterson
Biersdorf	Esau	Jude	Metzen	Piepho
Blatz	Evans	Kaley	Minne	Pleasant
Brinkman	Ewald	Kalis	Munger	Prahl
Byrne	Faricy	Kelly	Murphy	Redalen
Carlson, D.	Fjoslien	Kempe	Nelsen, B.	Reding

Rees	Simoneau	Tomlinson	Welch	Zubay
Reif	Stadum	Valan	Welker	Speaker Searle
Rothenberg	Stoa	Valento	Wenzel	
Sarna	Stowell	Vanasek	Wieser	
Schreiber	Sviggum	Waldorf	Wigley	
Sherwood	Swanson	Weaver	Wynia	

Those who voted in the negative were:

Casserly	Greenfield	Long	Norton	Sieben, M.
Corbid	Kahn			

The bill was passed and its title agreed to.

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; repealing Minnesota Statutes 1978, Section 473.438, Subdivisions 5 and 6.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Friedrich	Jennings	Ludeman
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The bill was passed and its title agreed to.

H. F. No. 373 was reported to the House and given its third reading.

UNANIMOUS CONSENT

Anderson, G., requested unanimous consent to offer an amendment. The request was granted.

Anderson, G., moved to amend H. F. No. 373, as follows:

Page 1, line 12, after "*identifying*" insert "*food*"

The motion prevailed and the amendment was adopted.

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.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Pleasant

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

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.

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:

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

The bill was passed and its title agreed to.

Schreiber was excused at 2:20 p.m.

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.

Former Governor Orville L. Freeman briefly addressed the members of the House.

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. 9 which it recommended to pass.

H. F. No. 295 which it recommended to pass with the following amendments:

Offered by Elioﬀ and as amended by the Wenzel amendment:

Page 1, line 13, after "*writing*" delete "30" and insert "*at least 60*"

Offered by Berkelman:

Page 1, line 18, delete "*or prospectively*"

Page 1, line 20, delete "*section 256B.48, subdivision 1,*"

Page 1, line 21, delete "*clause (a) and*"

On the motion of Berglin 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 calls were taken in the Committee of the Whole:

Elioﬀ moved to amend H. F. No. 295, as follows:

Page 1, line 13, after "*writing*" delete "30" and insert "*at least 45*"

Wenzel moved to amend the Elioﬀ amendment to H. F. No. 295 as follows:

Delete "45" and insert "60"

The question was taken on the adoption of the Wenzel amendment to the Elioﬀ amendment and the roll was called. There were 88 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, R.	Berglin	Brinkman	Casserly
Anderson, G.	Battaglia	Biersdorf	Byrne	Clark
Anderson, I.	Begich	Blatz	Carlson, L.	Clawson

Crandall	Hokanson	Luknic	Otis	Sieben, M.
Dempsey	Jacobs	Mann	Patton	Simoneau
Drew	Jaros	McCarron	Pavlak	Stadum
Eken	Johnson, C.	McEachern	Pehler	Stoa
Elioff	Jude	Metzen	Peterson	Swanson
Enebo	Kahn	Minne	Piepho	Tomlinson
Evans	Kalis	Moe	Pleasant	Valan
Faricy	Kelly	Nelsen, M.	Prahl	Vanasek
Fjoslien	Kempe	Nelson	Redalen	Waldorf
Fritz	Knickerbocker	Norman	Reding	Welch
Fudro	Kostohryz	Norton	Rees	Wenzel
Greenfield	Laidig	Novak	Rice	Wynia
Haukoos	Lehto	Nysether	Rothenberg	Zubay
Heap	Levi	Olsen	Sarna	
Hoberg	Long	Osthoff	Sherwood	

Those who voted in the negative were:

Aasness	Den Ouden	Johnson, D.	Niehaus	Weaver
Ainley	Erickson	Kaley	Onnen	Welker
Albrecht	Esau	Kvam	Reif	Wieser
Anderson, B.	Ewald	Ludeman	Rose	Wigley
Anderson, D.	Friedrich	McDonald	Stowell	Speaker Searle
Carlson, D.	Halberg	Mehrkins	Sviggun	
Corbid	Heinitz	Murphy	Thiede	
Dean	Jennings	Nelsen, B.	Valento	

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

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

Those who voted in the affirmative were:

Adams	Elioff	Kahn	Norman	Sarna
Anderson, G.	Ellingson	Kelly	Norton	Sieben, M.
Anderson, I.	Enebo	Kempe	Novak	Simoneau
Battaglia	Evans	Knickerbocker	Nysether	Stoa
Begich	Faricy	Kostohryz	Olsen	Swanson
Berglin	Fjoslien	Laidig	Osthoff	Tomlinson
Berkelman	Fritz	Lehto	Otis	Valan
Biersdorf	Fudro	Long	Pavlak	Vanasek
Blatz	Greenfield	Luknic	Pehler	Waldorf
Byrne	Halberg	Mann	Peterson	Weaver
Carlson, L.	Heap	McCarron	Piepho	Welch
Casserly	Hoberg	McEachern	Prahl	Wenzel
Clark	Hokanson	Mehrkins	Reding	Wynia
Clawson	Jacobs	Metzen	Rees	Zubay
Crandall	Jaros	Minne	Rice	
Drew	Johnson, C.	Moe	Rose	
Eken	Jude	Nelson	Rothenberg	

Those who voted in the negative were:

Aasness	Dempsey	Heinitz	McDonald	Stowell
Ainley	Den Ouden	Jennings	Nelsen, B.	Sviggun
Albrecht	Erickson	Johnson, D.	Niehaus	Thiede
Anderson, B.	Esau	Kaley	Onnen	Welker
Anderson, D.	Ewald	Kvam	Redalen	Wieser
Corbid	Friedrich	Levi	Reif	Wigley
Dean	Haukoos	Ludeman	Stadum	Speaker Searle

The motion prevailed and the amendment as amended was adopted.

The question was taken on the motion to recommend passage of H. F. No. 295, as amended, and the roll was called. There were 117 yeas and 10 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Corbid	Esau	Kalis	Wieser
Anderson, D.	Dempsey	Johnson, D.	Sviggum	Wigley

The motion prevailed.

Speaker pro tem Heinitz was called to the chair.

MOTIONS AND RESOLUTIONS

Simoneau moved that the name of Anderson, I., be added as an author on H. F. No. 34. The motion prevailed.

Begich moved that the name of Ludeman be added as an author on H. F. No. 371. The motion prevailed.

Heap moved that his name be stricken as an author on H. F. No. 438. The motion prevailed.

Jennings moved that his name be stricken as an author on H. F. No. 591. The motion prevailed.

McEachern moved that the names of Tomlinson and Metzen be stricken and the names of Den Ouden and Ludeman be added as authors on H. F. No. 487. The motion prevailed.

Friedrich moved that the name of Kostohryz be added as an author on H. F. No. 624. The motion prevailed.

Rothenberg moved that the name of Drew be added as an author on H. F. No. 658. The motion prevailed.

Blatz moved that the name of Searle be added as an author on H. F. No. 574. The motion prevailed.

Prahl moved that House File No. 154 be returned to its author. The motion prevailed.

Anderson, B.; Kalis; Anderson, G.; Nelsen, B.; and Biersdorf introduced:

House Concurrent Resolution No. 4, A house concurrent resolution relating to trade restrictions on the import of agricultural products; requesting the President and Congress of the United States not to threaten nor place trade restrictions on the export of agricultural products; or to threaten massive importations of foreign agricultural products.

The resolution was referred to the Committee on Agriculture.

ADJOURNMENT

Berglin moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 5, 1979. The motion prevailed.

Berglin moved that the House adjourn. The motion prevailed, and the Speaker pro tem declared the House stands adjourned until 2:00 p.m., Monday, March 5, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

