

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1979

THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 12, 1979

The House of Representatives convened at 1:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Nysether was 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. 523, 716, 982, 1097, 307, 500, 623, 686, 912, 1129, 792 and 555 and S. F. No. 307 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

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

H. F. No 123, A bill for an act relating to crimes; prohibiting solicitation or inducement concerning prostitution, promoting the prostitution of a person, receiving profit derived from prostitution, engaging in prostitution, and patronizing a prostitute; limiting defenses to prosecution; establishing rules of evidence; establishing immunity from prosecution for certain testimony; providing penalties; repealing Minnesota Statutes 1978, Section 609.32.

Reported the same back with the following amendments:

Page 6, line 12, delete "one year" and insert "90 days".

Page 6, line 13, delete "\$1,000" and insert "\$500".

Page 6, after line 18, insert:

"Whoever violates the provisions of this subdivision within two years of a previous conviction may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 346, A bill for an act relating to crimes; establishing a program for undercover arson investigation; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [WHITE COLLAR CRIME AND ARSON INVESTIGATION PROGRAM.] Subdivision 1. There is established a program for the investigation of criminal activity re-

lated to economic crimes and the intentional destruction or damage of real or personal property for unlawful purposes including but not limited to defrauding an insurer (section 609.611), arson (sections 609.561 to 609.563), theft (section 609.52, subdivision 2, clauses (3) or (4)).

Subd. 2. Subject to the limitation of funds appropriated for investigation, county sheriffs, county attorneys, the chief administrative officer of municipal fire department arson squads, or the chief administrative officer of municipal police departments may make application for the use of funds for criminal investigatory activity in cooperation with the bureau of criminal apprehension and the attorney general, as appropriate, including the purchase of information. Application for funds shall be made to the commissioner of public safety on forms and pursuant to procedures developed by the superintendent of the bureau of criminal apprehension. The application shall be maintained as a confidential record.

Subd. 3. The commissioner shall submit an annual report to appropriate committees of the legislature indicating the number of persons arrested, the nature of charges filed, number of convictions and terms of sentence, nature and value of property involved, the amount of funds paid to informants, and an accounting of those funds applied for and used in the investigation of white collar crime and arson.

Sec. 2. [SPECIAL INQUIRY JUDGE; PETITION FOR ORDER.] The chief judge of the district court shall, upon request of the county attorney, designate a judge of the district, county or county municipal court to serve as a special inquiry judge for proceedings authorized by this act. When the county attorney, based on information in his possession, has reasonable grounds to believe that any person has violated any of the laws of this state referred to in section 1, and there is reason to believe that there are persons who may be able to give material testimony or provide material evidence, including but not limited to documents, papers, books, accounts, letters, photographs or checks concerning such violations, the county attorney may petition the special inquiry judge for that county for an order directed to such persons commanding them to appear at a designated time and place in the county and to then and there answer questions concerning such violations as the special inquiry judge may approve, or provide evidence as directed by the special inquiry judge.

Sec. 3. [SPECIAL INQUIRY JUDGE; PERSONS AUTHORIZED TO ATTEND HEARING.] County attorneys, the witness under examination, interpreters when needed, and for the purpose of recording the evidence, a court reporter or operator of a recording instrument may be present while the hearing is in session. Upon order of the special inquiry judge, for the purpose of security, a designated peace officer may be present while

a specified witness is testifying. If a witness before the special inquiry judge has been advised of his constitutional rights and has effectively waived his immunity from self-incrimination he shall be advised that his attorney may be present while the witness is testifying, provided the attorney is then and there available for that purpose or his presence can be secured without unreasonable delay in the proceedings. The attorney shall not be permitted to participate in the proceedings except to advise and consult with the witness while he is testifying.

Sec. 4. [SPECIAL INQUIRY JUDGE; SECRECY; EXCEPTIONS; USE OF EVIDENCE.] Subdivision 1. No county attorney, private attorney, court reporter, operator of recording instrument, interpreter, peace officer, witness, judge, or other person may disclose the testimony of a witness examined before a special inquiry judge or other evidence received, except when required by the court to disclose the testimony of the witness examined before the special inquiry judge for the purpose of ascertaining whether it is consistent with that of the witness given before the court, or to disclose his testimony given before the special inquiry judge by any person upon a charge against such person for perjury in giving his testimony or upon trial therefor, or when permitted by the court in furtherance of justice.

Subd. 2. The county attorney shall have access to all special inquiry judge evidence and testimony and may introduce such evidence and testimony before any grand jury, in any criminal complaint or search warrant application, or at any trial in which the evidence may be relevant.

Subd. 3. The court upon a showing of good cause may make any or all special inquiry judge evidence or testimony available to any other county attorney upon proper application and with the concurrence of the county attorney attending the special inquiry judge proceeding.

Subd. 4. Upon motion of the defendant with notice to the county attorney, the district court at any time before trial shall, subject to such protective order as may be granted, order that defense counsel may obtain a transcript or copy of: (1) any recorded testimony of the defendant before a special inquiry judge in the case against the defendant, (2) the recorded testimony of any person appearing before the special inquiry judge whom the prosecution intends to call as a witness at the defendant's trial, (3) the recorded testimony of any witness appearing before the special inquiry judge in the case against the defendant, or (4) any evidence obtained which may be available to the defendant.

Sec. 5. [SPECIAL INQUIRY JUDGE; WITNESSES.] Subdivision 1. Except as provided in this section, no person has

a right to appear as a witness in a special inquiry judge proceeding.

Subd. 2. A county attorney may call as a witness in special inquiry judge proceedings, any person believed by him to possess information or knowledge relevant thereto and may issue legal process and subpoena to compel his attendance and the production of evidence.

Subd. 3. The special inquiry judge may cause to be called as a witness any person believed by him to possess relevant information or knowledge. If the special inquiry judge desires to hear any such witness who has not been called by the county attorney, he may direct a county attorney to issue and serve a subpoena upon such witness and the county attorney must comply with such direction. At any time after service of the subpoena and before the return date thereof, however, the county attorney may apply to the special inquiry judge for an order vacating or modifying the subpoena on the grounds that to do so is in the public interest. Upon application, the court may in its discretion vacate the subpoena, extend its return date, attach reasonable conditions to directions, or make other qualification thereof as is appropriate.

Subd. 4. Whenever a prosecution is commenced against any person and evidence relevant to that prosecution was obtained pursuant to the provision of this act, the defendant therein shall have the right to recall any witness that appeared in a special inquiry judge proceeding for the purpose of eliciting further testimony. Testimony taken pursuant to this subdivision shall be upon examination by the defendants attorney. The defendant shall have the right to compel attendance by the witness at any such examination and the special inquiry judge shall issue orders appropriate to insure compliance whenever necessary.

Subd. 5. The proceedings to summon a person and compel him to testify or provide evidence shall, as far as possible, be the same as proceedings to summon witnesses and compel their attendance at district court criminal trials. Persons summoned as witnesses shall receive only those fees paid witnesses in district court criminal trials.

Sec. 6. [SPECIAL INQUIRY JUDGE; DISQUALIFICATION FROM SUBSEQUENT PROCEEDINGS.] The judge serving as special inquiry judge shall be disqualified from acting as a magistrate or judge in any subsequent court proceeding arising from the inquiry except alleged contempt for neglect or refusal to appear, testify or provide evidence at the inquiry in response to an order, summons or subpoena.

Sec. 7. [SPECIAL INQUIRY JUDGE; DIRECTIONS TO COUNTY ATTORNEY TO PARTICIPATE IN PROCEED-

INGS IN ANOTHER COUNTY.] Upon petition of a county attorney to the special inquiry judge that based on information in his possession he has reasonable grounds to believe that there exists evidence that any person has violated any of the laws of this state referred to in section 1, in another county, and with the concurrence of the special inquiry judge and county attorney of the other county, the special inquiry judge may direct the county attorney to attend and participate in special inquiry judge proceedings in the other county held to inquire into such violations which relate to the inquiry under investigation in the initiating county. The proceedings of the special inquiry judge may be transcribed, certified, and filed in the county of the county attorney's jurisdiction at the expense of that county.

Sec. 8. [REPORT OF SUSPICIOUS FIRES.] Any person who has reason to believe that any other person has violated the laws of this state regarding arson or defrauding an insurer shall, for the purpose of notification and further investigation, so notify in writing the county attorney, county sheriff, the chief administrative officer of the municipal fire department arson squad, or chief administrative officer of the municipal police department of the jurisdiction in which such violation occurred, and shall provide that official with all information known to that person relating to such violation. Any person complying with such reporting requirements in good faith shall not be liable to any other person in a civil action solely on account of compliance with this section.

Sec. 9. [APPROPRIATION.] The sum of \$ is appropriated from the general fund to the department of public safety for the purposes of this act for the biennium beginning July 1, 1979."

Delete the title and insert:

"A bill for an act relating to crimes; establishing an uncover arson and related economic crime investigation program; establishing special inquiry judge proceedings; providing for the power to subpoena witnesses; providing for the use of evidence obtained; requiring reporting of suspected arson or related crimes; limiting liability; appropriating money."

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

The report was adopted.

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

H. F. No. 357, A bill for an act relating to professional regulation; regulating architects, engineers, surveyors, and landscape

architects; adding an additional member to the board of architecture, engineering, land surveying and landscape architecture; amending Minnesota Statutes 1978, Sections 326.02, Subdivision 4; and 326.04.

Reported the same back with the following amendments:

Page 1, line 19, delete "*any work*"

Page 1, line 20, delete "*involving*"

Page 1, line 22, after "*elevations*" delete the comma and insert "*and*" and delete "*and*" and insert "*or*"

Page 1, line 23, delete "*within*"

Page 1, line 24, delete "*workings*"

Page 2, line 4, after "(c)" insert "*planning, designing, and*"

Pages 2 and 3, delete Sections 2 and 3

Further amend the title:

Page 1, line 7, after "1978" delete "Sections" and insert "Section"

Page 1, lines 7 and 8, delete "; and 326.04"

With the recommendation that when so amended 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. 381, A bill for an act relating to education; increasing the maximum awards for scholarships and grants-in-aid; changing the eligibility for certain financial assistance; increasing the bonding authority of the higher education coordinating board; requiring that data on certain applicants for student financial assistance be classified as private and providing an exception; increasing the eligibility for a tuition subsidy for a public post-secondary vocational-technical school; appropriating money; amending Minnesota Statutes 1978, Sections 136A.121, Subdivisions 4, 5, 7 and 8; 136A.162; 136A.171; and 136A.236, Subdivision 2.

Reported the same back with the following amendments:

Page 4, line 19, after the period insert "Subdivision 1."

Page 4, after line 25, insert:

"Subd. 2. The sum of \$1,561,900 is appropriated to the higher education coordinating board for each year of the biennium ending June 30, 1981, to implement the change made by section 7."

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

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 430, A bill for an act relating to elections; allowing employees of the state or its political subdivisions to serve as election judges; amending Minnesota Statutes 1978, Section 204A.18, Subdivision 3; repealing Minnesota Statutes 1978, Section 204A.17, Subdivision 5.

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. 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:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 3, is amended by adding a section to read:

[3.979] [LEGISLATIVE OFFICE OF FISCAL NOTES.]
Subdivision 1. A legislative office of fiscal notes is established under the jurisdiction and control of the legislative coordinating commission to prepare fiscal notes to accompany bills which require the expenditure of public funds by local units of government.

Subd. 2. The legislative coordinating commission may employ and may fix the compensation of the professional, clerical and technical assistants it deems necessary for the legislative office of fiscal notes to perform its duties. All employees of the legislative office of fiscal notes are employees of the legislature in the unclassified service of the state.

Subd. 3. The legislative office of fiscal notes may call upon any department or agency of the state or any political subdivision thereof for such data as may be available to assist it in the preparation of fiscal notes and the department, agency or political subdivision shall cooperate with the office to the fullest extent possible.

Sec. 2. Minnesota Statutes 1978, Chapter 3, is amended by adding a section to read:

[3.9795] [FISCAL NOTES ON BILLS AFFECTING CERTAIN POLITICAL SUBDIVISIONS.] *Subdivision 1. The chairman of the senate or house standing committee to which a bill is originally referred shall, at least ten days before the bill is heard in committee, request the legislative office of fiscal notes to prepare a fiscal note for any bill requiring an expenditure of public funds by, or otherwise having a fiscal impact on, a county, town, school district, home rule charter city or statutory city. The legislative office of fiscal notes shall prepare and return the fiscal note to the chairman within ten days after receipt of the request. The fiscal note shall be printed at the end of each bill as part of an engrossment of the bill after it is reported by the first committee to which it is assigned.*

Subd. 2. The fiscal note, where possible, shall cite: (1) the estimated total cost to counties, towns, school districts, statutory cities or home rule charter cities of implementing or complying with the proposed law for the two years immediately following the effective date; and (2) the long range fiscal implications, if any; and (3) whether the levy limits established pursuant to sections 275.50 to 275.59 apply to the required expenditure. The fiscal note may comment upon the technical or mechanical defects of the bill but shall not express any opinion concerning the merits of the proposal.

Sec. 3. Minnesota Statutes 1978, Section 3.98, Subdivision 1, is amended to read:

3.98 [FISCAL NOTES ON BILLS AFFECTING STATE DEPARTMENTS AND AGENCIES.] *Subdivision 1. Whenever a bill requires an expenditure of public funds by a department or agency of the state government the head or chief administrative officer of each department or agency (OF THE STATE GOVERNMENT) shall prepare a fiscal note at the request of the chairman of the standing committee to which a bill has been*

referred, or the chairman of the house appropriations committee, or the chairman of the senate committee on finance.

Sec. 4. Minnesota Statutes 1978, Section 15.0412, Subdivision 7, is amended to read:

Subd. 7. (IF THE ADOPTION OF A RULE BY AN AGENCY WILL REQUIRE THE EXPENDITURE OF PUBLIC MONEYS BY LOCAL PUBLIC BODIES, THE NOTICE OF THE PROPOSED RULE AS REQUIRED BY THIS SECTION SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT GIVING THE AGENCY'S REASONABLE ESTIMATE OF THE TOTAL COST TO ALL LOCAL PUBLIC BODIES IN THE STATE TO IMPLEMENT THE RULE FOR THE TWO YEARS IMMEDIATELY FOLLOWING ADOPTION OF THE RULE IF THE ESTIMATED TOTAL COST EXCEEDS \$100,000 IN EITHER OF THE TWO YEARS. FOR PURPOSES OF THIS SECTION, LOCAL PUBLIC BODIES SHALL MEAN OFFICERS AND GOVERNING BODIES OF THE POLITICAL SUBDIVISIONS OF THE STATE AND OTHER OFFICERS AND BODIES OF LESS THAN STATE WIDE JURIDICITION WHICH HAVE THE AUTHORITY TO LEVY TAXES.)

No later than 45 days before a proposed agency rule which requires an expenditure of public funds by, or otherwise having a fiscal impact on, a county, town, school district, statutory city, or home rule charter city is scheduled for a public hearing, the agency shall send a copy of the proposed rule to the legislative office of fiscal notes. The office shall prepare a fiscal note on the proposed rule. The fiscal note, where possible, shall cite: (1) the estimated total cost to counties, towns, school districts, statutory cities, or home rule charter cities of implementing or complying with the proposed rule for the two years immediately following the effective date; and (2) the long range fiscal implications, if any; and (3) whether the levy limits established pursuant to Minnesota Statutes, Sections 275.50 to 275.59 apply to the required expenditure. The legislative office of fiscal notes shall send the fiscal note to the assigned hearing examiner not later than 15 days after he or she received the proposed rule. The notice of the public hearing on the proposed rule provided by subdivision 4, shall state that a copy of the fiscal note prepared by the legislative auditor may be obtained from the hearing examiner upon request.

Sec. 5. *The sum of \$..... is appropriated from the general fund to the legislative office of fiscal notes for the purpose of preparing fiscal notes on bills and administrative rules affecting counties, towns, school districts, statutory city or home rule charter city and shall be available until June 30, 1981.*

Sec. 6. *Minnesota Statutes 1978, Section 3.98, is repealed on July 1, 1982.*

Sec. 7. *Sections 1 to 4 of this act are repealed on July 1, 1982. Sections 1 to 4 of this act are effective on July 1, 1979."*

Further, amend the title to read:

Delete the title in its entirety and insert:

"A bill for an act relating to fiscal notes; creating a legislative office of fiscal notes; requiring fiscal notes to accompany certain bills and administrative rules; appropriating money; amending Minnesota Statutes 1978, Sections 3.98, Subdivision 1; 15.0412, Subdivision 7; and Chapter 3, by adding sections."

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. 499, A bill for an act relating to Lac qui Parle and Big Stone Counties; changing the boundary lines between the counties; amending Laws 1937, Chapter 423, Section 1, as amended.

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. 581, A bill for an act relating to education; authorizing certain school districts to make a certain levy; correcting a section reference; amending Minnesota Statutes 1978, Section 122.531, Subdivision 2.

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

The report was adopted.

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

H. F. No. 606, A bill for an act relating to controlled substances; amending certain schedules; adding the precursors of phencyclidine; amending Minnesota Statutes 1978, Section 152.02, Subdivisions 2, 3, 4, 5 and 6.

Reported the same back with the following amendments:

Page 1, after line 7, insert a section to read:

"Section 1. Minnesota Statutes 1978, Section 152.01, Subdivision 9, is amended to read:

Subd. 9. [MARIJUANA.] "Marijuana" means all parts of the plant of *any species of the genus Cannabis (SATIVAL.)*, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination."

Page 5, line 27, strike "1-phenylcyclonexylamine" and insert "1-phenylcyclonexylamine"

Page 6, line 4, strike "Methpyphenidate" and insert "Methylphenidate"

Page 8, delete lines 7 to 33

Page 9, delete lines 1 to 7

Renumber the sections

Delete the title and insert:

"A bill for an act relating to controlled substances; amending the definition of Cannabis; amending certain schedules; adding the precursors of phencyclidine; amending Minnesota Statutes 1978, Section 152.01, Subdivision 9; Section 152.02, Subdivisions 2, 3, and 4."

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

The report was adopted.

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

H. F. No. 691, A bill for an act relating to crimes; controlling telephone communications with certain offenders; allowing po-

lice to prevent unauthorized communications; providing penalties.

Reported the same back with the following amendments:

Page 1, lines 10 and 11, delete "the following words have the meanings given them:"

Page 1, line 12, delete "(a)"

Page 1, line 14, delete "section 609.25 or 609.255, or any other state" and insert "a person is being unlawfully confined"

Page 1, delete line 15

Page 1, line 16, delete "is being violated"

Page 1, lines 17 and 18, delete "one or more persons are being unlawfully confined;" and insert "the violation is believed to be occurring."

Page 1, delete lines 19, 20, 21

Page 2, line 3, delete "with a violator"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 709, A bill for an act relating to the state civil service; including veterans in the protected group for the purpose of the statewide affirmative action program; amending Minnesota Statutes 1978, Section 43.15, Subdivision 1.

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

The report was adopted.

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

H. F. No. 710, A bill for an act relating to intoxicating liquor; authorizing Washington County to issue an off-sale license in Denmark township.

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

The report was adopted.

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

H. F. No. 728, A bill for an act relating to education; allowing not more than ten days used by kindergarten teachers for parent-teacher conferences or teachers' workshops to count as part of the required minimum number of days school is in session; amending Minnesota Statutes 1978, Section 124.19, Subdivision 1.

Reported the same back with the following amendments:

Page 2, line 18, delete "*teachers*" and insert "*classes*"

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

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 733, A bill for an act relating to veterans; increasing the maximum amount of certain educational grants to certain persons; amending Minnesota Statutes 1978, Section 197.75, Subdivision 1.

Reported the same back with the following amendments:

Page 2, after line 19, insert:

"Sec. 2. Minnesota Statutes 1978, Section 197.11, is amended to read:

197.11 [LIMITATION ON PAYMENTS.] Not more than (\$250) \$350 shall be paid under the provisions of sections 197.09 to 197.11 for any one child for any one year.

Sec. 3. [APPROPRIATION.] *There is appropriated to the commissioner of veterans affairs from the general fund the sum of \$44,000 to be used for the purposes of this act during the biennium ending June 30, 1981.*"

Amend the title as follows:

Page 1, line 4, after "persons;" insert "appropriating money;"

Page 1, line 4, delete "Section" and insert "Sections 197.11; and"

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

The report was adopted.

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

H. F. No. 774, A bill for an act relating to state government; prohibiting certain expense accounts expenditures for alcoholic beverages; amending Minnesota Statutes 1978, Section 16A.16.

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. 790, A bill for an act relating to government regulation; establishing a study commission to assess the economic impact of state regulations on business and industry; 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.

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

H. F. No. 813, A bill for an act relating to crimes; regulating dance halls; removing the limitation on persons under the age of 16; amending Minnesota Statutes 1978, Section 624.49.

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:

H. F. No. 842, A bill for an act relating to local government; providing for certain local improvements and special assess-

ments; amending Minnesota Statutes 1978, Sections 429.011, by adding a subdivision; and 429.021, Subdivision 1.

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. 870, A bill for an act relating to education; requiring that certain schools provide a prospective student with a school catalog before accepting the student; providing in certain cases for tuition refunds from private business, trade, and correspondence schools that do not use written contracts; providing for certain exemptions under the private business, trade and correspondence school act; amending Minnesota Statutes 1978, Sections 141.25, Subdivision 9; 141.271, Subdivision 3 and 141.35.

Reported the same back with the following amendments:

Page 5, after line 4, insert:

"Sec. 3. Minnesota Statutes 1978, Section 141.271, is amended by adding a subdivision to read:

Subd. 13. If a student's enrollment in a school is cancelled for any reason, the school shall notify any agency providing financial aid to the student of the cancellation within 30 days."

Renumber the remaining section.

Amend the title as follows:

Page 1, line 11, after "Subdivision 3" insert ", and by adding a subdivision;"

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:

H. F. No. 900, A bill for an act relating to municipalities; authorizing creation of storm sewer reserve funds within storm sewer improvement districts; authorizing special levies in anticipation of capital improvements and bond retirement in

storm sewer improvement districts; amending Minnesota Statutes 1978, Chapter 444, by adding a section.

Reported the same back with the following amendments:

Page 1, line 16, after "*taxes*" insert "*at a rate not to exceed one mill*"

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. 913, A bill for an act relating to small businesses; increasing state procurement from small businesses; amending Minnesota Statutes 1978, Section 16.083, Subdivisions 1 and 4.

Reported the same back with the following amendments:

Page 2, line 9, delete "*20*" and insert "*15*"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 936, A bill for an act relating to education; expanding a definition of "American Indian child"; extending the deadline for a report required by the American Indian language and culture education act; providing for an advisory task force on American Indian language and culture education programs; amending Minnesota Statutes 1978, Sections 126.47, Subdivision 2; 126.52, Subdivision 10; and Chapter 126, by adding a section; repealing Minnesota Statutes 1978, Section 126.53.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 2, 3 and 4

Amend the title as follows:

Page 1, line 3, delete "extending the deadline"

Page 1, delete lines 4, 5 and 6

Page 1, line 7, delete "and culture education programs;"

Page 1, delete lines 9 and 10

Page 1, line 11, delete "Section 126.53"

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

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 976, A bill for an act relating to gambling; raising the compensation allowed persons conducting a bingo occasion; amending Minnesota Statutes 1978, Section 349.17, Subdivision 1.

Reported the same back with the following amendments:

Amend the title as follows:

Page 1, line 2, delete "gambling" and insert "bingo"

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

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1050, A bill for an act relating to the department of veterans affairs; increasing the bed capacity at the Hastings veterans home; eliminating the requirement of certain informational reports relating to the interment of deceased veterans; amending Minnesota Statutes 1978, Section 198.31; repealing Minnesota Statutes 1978, Section 149.07.

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

The report was adopted.

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

H. F. No. 1065, A bill for an act relating to state government; regulating meetings, indemnification and appointment of the investment advisory council and annual reports of the state board of investment; amending Minnesota Statutes 1978, Sections 11.117, Subdivisions 4 and 6; 11.118 and 11.145.

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. 1106, A bill for an act relating to economic security; providing for the establishment of placement services for public school employees; 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.

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

H. F. No. 1158, A bill for an act relating to Independent School District No. 275; providing for the consolidation of Independent School District No. 275.

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. 1214, A bill for an act relating to Independent School District No. 786, Bertha-Hewitt; exempting it from certain requirements for obtaining one capital loan from the equalization aid review committee; setting a limit for that loan.

Reported the same back with the following amendments:

Page 2, line 1, delete "loan" and after "approval" insert "of the bond issue by the voters"

Page 2, line 5, after "approval" insert "of the bond issue by the voters"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 118, A bill for an act relating to crimes; defining the crime of receiving stolen property; amending Minnesota Statutes 1978, Section 609.53, Subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 609.53, is amended to read:

609.53 [RECEIVING STOLEN GOODS.] Subdivision 1. Any person who receives, *possesses, transfers*, buys or conceals any stolen property or property obtained by robbery, knowing the same to be stolen or obtained by robbery (, MAY BE SENTENCED AS FOLLOWS:)

((1) IF THE VALUE OF THE PROPERTY RECEIVED, BOUGHT OR CONCEALED IS \$100 OR MORE, TO IMPRISONMENT FOR NOT MORE THAN TEN YEARS OR TO PAYMENT OF A FINE OF NOT MORE THAN \$10,000, OR BOTH;)

((2) IF THE VALUE OF THE PROPERTY RECEIVED, BOUGHT OR CONCEALED IS LESS THAN \$100, TO PUNISHMENT AS A MISDEMEANOR.)

(SUBD. 2. ANY PERSON WHO RECEIVES, BUYS OR CONCEALS ANY STOLEN PROPERTY OR PROPERTY OBTAINED BY ROBBERY, BELIEVING THE SAME TO BE SO STOLEN OR OBTAINED BY ROBBERY, MAY BE SENTENCED TO PUNISHMENT AS A MISDEMEANOR) *shall be sentenced, upon conviction, in accordance with the provisions of section 609.52, subdivision 3, clauses (1), (2) and (5).*

Subd. (3) 2. Any person convicted of a second or subsequent violation under subdivision (2 WITHIN A PERIOD OF ONE YEAR MAY) *1 shall be sentenced (AS PROVIDED IN SUBDIVISION 1, CLAUSE (1)) to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.*

Subd. (4) 3. Any person who has been injured by a violation of subdivision 1 may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit and reasonable attorney's fees.

Subd. (5) 4. In this section, "value" has the meaning defined in section 609.52, subdivision 1, clause (3).

Sec. 2. *This act is effective August 1, 1979 and applies to all offenses committed on or after that date and to all persons convicted of a crime committed on or after that date."*

Delete the title and insert:

"A bill for an act relating to crimes; repealing the lesser included offense of receiving property believing it to have been stolen; providing penalties; amending Minnesota Statutes 1978, Section 609.53."

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:

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.

Reported the same back with the following amendments:

Page 2, line 24, delete "*110 percent of*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 322, A bill for an act relating to guardianship; providing that a petition for guardianship may be treated as a petition for conservatorship; providing for the transfer of guardianship to conservatorship; amending Minnesota Statutes 1978, Sections 201.15; 525.551; and 525.61.

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

The report was adopted.

Swanson from the Committee on General Legislation and Veterans Affairs to which was referred:

S. F. No. 484, A bill for an act relating to elections; requiring recounts in county, municipal and school district elections under certain circumstances; setting a time limit for appeal of a district court determination in a school district election contest; amending Minnesota Statutes 1978, Chapter 204A, by adding a section; Sections 123.32, Subdivision 25, and by adding a sub-

division; 205.11, by adding a subdivision; and 205.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, after line 21, insert:

"A losing candidate for nomination or election to a county or municipal office may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the county auditor or municipal clerk a bond, cash or surety in an amount set by the governing body of the jurisdiction for the payment of the recount expenses."

Page 3, after line 29, insert:

"A losing candidate for nomination or election to a school district may request a recount in the manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by clauses (a) to (e). The votes shall be recounted as provided in this section if the requesting candidate files with the school board a bond, cash or surety in an amount set by the board for the payment of the recount expenses."

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. 549, A bill for an act relating to local government; requiring additional local participation in consolidation procedures; amending Minnesota Statutes 1978, Section 414.041.

Reported the same back with the following amendments:

Page 2, line 18 after "a" insert "separate"

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. 871, A bill for an act relating to Anoka County; permitting redistricting of commissioner districts to seven for the 1982 election.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 123, 357, 430, 499, 581, 606, 691, 710, 728, 774, 813, 842, 870, 900, 913, 936, 976, 1065, 1158 and 1214 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 118, 219, 322, 484, 549 and 871 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Carlson, L.; McEachern; Nelsen, M.; Heap and Novak introduced:

H. F. No. 1354, A bill for an act relating to education; providing for hearings before an arbitrator in certain cases and for a school board to furnish a teacher with certain transcripts; eliminating certain hearings before a school board; requiring that probationary teachers be placed on unnegotiated, unrequested leave in the inverse order of their employment; correcting certain references; amending Minnesota Statutes 1978, Section 125.12, Subdivisions 2, 3, 4, 6b, 8, 9, 10 and 11.

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

Vanasek introduced:

H. F. No. 1355, A bill for an act relating to metropolitan government; removing the city of Northfield from definition of metropolitan areas; adding the city of Northfield to region ten; amending Minnesota Statutes 1978, Sections 473.121, Subdivision 2; 473.123, Subdivision 3; 473.403; 473F.02, Subdivisions 2 and 8.

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

Pehler introduced:

H. F. No. 1356, A bill for an act relating to taxation; exempting certain taxicabs from gasoline and special fuels tax; amending Minnesota Statutes 1978, Sections 296.01, by adding a subdivision; 296.02, Subdivision 1; 296.025, Subdivision 1; and 296.18, Subdivision 1.

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

Kempe and Laidig introduced:

H. F. No. 1357, A bill for an act relating to motor vehicles; requiring certain documents indicating vehicle weight to be carried in certain vehicles; authorizing law enforcement officers to examine the documents; providing that the documents be prima facie evidence of the weight of the vehicle and load; amending Minnesota Statutes 1978, Chapter 169, by adding a section.

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

Sieben, H., introduced:

H. F. No. 1358, A bill for an act relating to taxation; increasing the income tax exclusion for pension income; extending the availability of the low income credit; providing for adjustment of income tax brackets, credits, and the maximum standard deduction according to the rate of increase in the consumer price index; increasing personal credits; increasing the maximum standard deduction; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20; 290.06, Subdivisions 2c, 3c and 3d, and by adding a subdivision; and 290.09, Subdivision 15.

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

Byrne, Drew, Wenzel, Berglin and Anderson, I., introduced:

H. F. No. 1359, A bill for an act relating to welfare; excluding educational grants and loans from income when determining the amount of assistance granted under aid to families with dependent children; amending Minnesota Statutes 1978, Section 256.74, Subdivision 1.

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

Onnen, McEachern, Elioff and Wenzel introduced:

H. F. No. 1360, A bill for an act relating to the Minnesota municipal board; providing for the membership of the board; amending Minnesota Statutes 1978, Section 414.01, Subdivision 2.

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

Pehler, Dempsey, Evans, Vanasek and Hoberg introduced:

H. F. No. 1361, A bill for an act relating to local government; providing for certain adjustments to the levy limit bases of cities and towns; requiring preparation of annual population estimates by the state demographer; providing a means for distributing state aid to local units of government; appropriating money; amending Minnesota Statutes 1978, Sections 275.51, Subdivision 3d; 275.52, Subdivision 4; 275.53, Subdivision 1, and by adding a subdivision; and 477A.01, Subdivisions 1 and 4; repealing Minnesota Statutes 1978, Section 477A.01, Subdivisions 3 and 4a.

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

Rees, Pavlak, Kahn and Forsythe introduced:

H. F. No. 1362, A bill for an act relating to crimes; providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to prosecution for criminal sexual conduct; amending Minnesota Statutes 1978, Section 609.349.

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

Rees, Vanasek, Jennings and Johnson, C., introduced:

H. F. No. 1363, A bill for an act relating to game and fish; authorizing special bow and arrow deer seasons in certain state waysides during 1979; requiring a stamp; appropriating proceeds.

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

Olsen; Sieben, M.; Adams; Forsythe and Ainley introduced:

H. F. No. 1364, A bill for an act relating to the regulation of securities; exempting certain securities from certain registration and filing requirements; amending Minnesota Statutes 1978, Section 80A.15, Subdivision 1.

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

Dempsey introduced:

H. F. No. 1365, A bill for an act relating to education; permitting a student enrolled in a nonpublic school outside his district of residence to attend a public school in the district; amending Minnesota Statutes 1978, Section 120.075.

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

Dempsey and Piepho introduced:

H. F. No. 1366, A bill for an act relating to the state fire marshal; providing for orders to remove fire hazards; providing procedures to enforce and challenge orders; amending Minnesota Statutes 1978, Sections 299F.10; 299F.13; 299F.14; 299F.15; 299F.16; 299F.17, Subdivision 1; and 299F.18.

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

Dempsey introduced:

H. F. No. 1367, A bill for an act relating to the supreme court; authorizing the supreme court to regulate by rules the pleading, practice and procedure in the juvenile court; authorizing the supreme court to promulgate rules of evidence for the juvenile court.

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

Dempsey, Kvam, Knickerbocker, Valento and Crandall introduced:

H. F. No. 1368, A bill for an act relating to taxation; changing computation of the homestead base value; increasing the homestead credits; increasing the state paid agricultural credit; increasing the maximum property tax refund; providing an additional credit for certain homeowners; appropriating money; amending Minnesota Statutes 1978, Sections 273.122, Subdivision 2; 273.13, Subdivisions 6, 6a, 7 and 14a; 273.132; 290A.03, Subdivisions 11 and 13; 290A.04, Subdivisions 2, 2a, 2b, and by adding a subdivision; repealing Minnesota Statutes 1978, Section 273.122, Subdivision 1.

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

Mehrkens introduced:

H. F. No. 1369, A bill for an act relating to highways; appropriating money for the upgrading of county state aid highways in Goodhue County; providing for repayment from the county's state aid allotments.

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

Den Ouden and Redalen introduced:

H. F. No. 1370, A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1978, Section 216B.02, Subdivision 4.

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

Halberg and Hoberg introduced:

H. F. No. 1371, A bill for an act proposing an amendment to the Minnesota Constitution, Article XI, adding a section; providing constitutional limits on state spending.

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

Halberg and Crandall introduced:

H. F. No. 1372, A bill for an act relating to intoxicating liquor; requiring proof of financial responsibility; amending Minnesota Statutes 1978, Sections 340.11, by adding a subdivision; 340.12; and 340.353, by adding a subdivision.

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

Brinkman, Patton and Kostohryz introduced:

H. F. No. 1373, A bill for an act relating to motor vehicles; establishing gross weight limitations on certain highways for certain vehicles and combinations of vehicles; providing an exception; providing for the enforcement of weight limitations and providing penalties; authorizing the employment of certain personnel in the unclassified service to enforce certain motor vehicle and traffic laws, and prescribing the conditions of employment; amending Minnesota Statutes 1978, Sections 168.013, Subdivision 3; 169.03, Subdivision 6; 169.83, Subdivision 2; 169.832, Subdivision 2, and by adding a subdivision; 169.85; and 299D.06.

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

Reif, Swanson and Drew introduced:

H. F. No. 1374, A bill for an act relating to education; requiring the council on quality education to make grants for pilot comprehensive health education programs; providing for applications for the grants, selection of recipients and for certain reports; authorizing the use of supplemental funds for the pilot programs; providing for an advisory task force on comprehensive health education programs, for state board of education support of pilot programs and for advisory committees for each program; appropriating money; amending Minnesota Statutes 1978, Chapter 3, by adding sections.

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

Berkelman; Munger; Anderson, I.; Lehto and Elioff introduced:

H. F. No. 1375, A bill for an act relating to regional development; setting a maximum tax levy for region 3.

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

Reding introduced:

H. F. No. 1376, A bill for an act relating to local government; providing that mileage allowances be set locally; amending Minnesota Statutes 1978, Section 471.665.

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

Johnson, D.; Wynia; Jennings and Metzen introduced:

H. F. No. 1377, A bill for an act relating to financial institutions; providing intervals for examination of institutions by state or federal agencies; amending Minnesota Statutes 1978, Section 46.04.

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

Patton, Enebo, Berglin and Norton introduced:

H. F. No. 1378, A bill for an act relating to retirement; establishing and empowering a temporary joint legislative and public commission on public pension policy; appropriating funds.

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

Pavlak, Moe, Lehto, Minne and Jennings introduced:

H. F. No. 1379, A bill for an act relating to peace officers; authorizing the peace officers standards and training board to receive complaints, require investigations, and hold revocation hearings with respect to statutes or rules it is empowered to enforce; amending Minnesota Statutes 1978, Section 214.10, by adding subdivisions.

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

Niehaus, Waldorf, Esau, Blatz and Kempe introduced:

H. F. No. 1380, A bill for an act relating to children; providing for the adoption of unborn children; allowing for the payment of expenses of delivery of an unborn child by the adopting person or the placing agency; allowing reimbursement to placing agencies for child delivery expenses; amending Minnesota Statutes 1978, Sections 259.21, Subdivision 2; 259.22, Subdivision 2; 259.23, Subdivision 2; 259.24, Subdivision 6, and by adding a subdivision; 259.25, Subdivision 2, and by adding a subdivision; 259.26, Subdivision 1; and 317.65, Subdivision 7.

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

Minne introduced:

H. F. No. 1381, A bill for an act relating to the county of St. Louis; permitting the sale of certain tax-forfeited land.

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

Hoberg and Valan introduced:

H. F. No. 1382, A bill for an act relating to local government; establishing the Moorhead-Clay County area redevelopment authority; terminating the existence of the Moorhead local redevelopment agency and the Clay County local redevelopment agency; granting certain powers to the city of Moorhead and the county of Clay.

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

Battaglia and Begich introduced:

H. F. No. 1383, A bill for an act relating to public safety; requiring marking of plowed roads on lakes.

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

Battaglia introduced:

H. F. No. 1384, A bill for an act relating to game and fish; restricting the power of the commissioner of natural resources to close the season on lake trout.

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

Sieben, M.; Laidig and Levi introduced:

H. F. No. 1385, A bill for an act relating to Washington County; providing for the appointment and compensation of probation officers; amending Laws 1978, Chapter 693, Section 2.

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

Wynia, Faricy, Drew, Norton and Tomlinson introduced:

H. F. No. 1386, A bill for an act relating to the city of St. Paul; fixing the rate of the franchise fee for utility supplies to residential dwellings.

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

Pleasant, Adams, Ewald, Knickerbocker and Carlson, L., introduced:

H. F. No. 1387, A bill for an act relating to certain independent school districts in the county of Hennepin; requiring that a joint school board established by any districts to govern an area vocational-technical school include a member appointed by the teachers' association which represents the faculty of the school; amending Laws 1967, Chapter 822, Section 2.

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

Johnson, D.; Blatz and Dempsey introduced:

H. F. No. 1388, A bill for an act relating to taxation; income; extending the time for which a taxpayer is deemed to have made a contribution to an individual retirement account, annuity or bond for a taxable year; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

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

Simoneau, Pehler, Biersdorf and Searle introduced:

H. F. No. 1389, A bill for an act relating to agency rules; providing for comparison of state and federal standards; amending Minnesota Statutes 1978, Chapter 15, by adding a section.

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

Albrecht, Stadum, Wenzel, Welker and Anderson, G., introduced:

H. F. No. 1390, A bill for an act relating to taxation; providing that the proceeds of the motor vehicle excise tax shall be deposited in the highway user tax distribution fund for highway purposes; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 297B.035, Subdivision 2; and 297B.09.

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

HOUSE ADVISORIES

The following House Advisories were introduced:

Kelly, Novak, Crandall, Pavlak and Sherwood introduced:

H. A. No. 23, A proposal to study the need for a secure facility for juvenile offenders.

The advisory was referred to the Committee on Criminal Justice.

Otis, Eken, Levi, Olsen and Johnson, C., introduced:

H. A. No. 24, A proposal for study of the administration of financial assistance to post-secondary vocational-technical school students.

The advisory was referred to the Committee on Education.

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>
1183	Apr. 5, 1979	Judiciary
1186	Apr. 5, 1979	Labor-Management Relations
1196	Apr. 5, 1979	General Legislation and Veterans Affairs

<i>H.F. No.</i>	<i>Date Referred to Committee</i>	<i>Committee Referral</i>
1208	Apr. 5, 1979	Appropriations
1212	Apr. 5, 1979	Local and Urban Affairs
1217	Apr. 5, 1979	Appropriations
1224	Apr. 5, 1979	Labor-Management Relations
1229	Apr. 5, 1979	Health and Welfare
1231	Apr. 5, 1979	Appropriations
1235	Apr. 5, 1979	Judiciary
1244	Apr. 5, 1979	General Legislation and Veterans Affairs
1251	Apr. 9, 1979	Financial Institutions and Insurance
1263	Apr. 9, 1979	Transportation
1265	Apr. 9, 1979	Governmental Operations
1282	Apr. 9, 1979	Environment and Natural Resources
1283	Apr. 9, 1979	General Legislation and Veterans Affairs
1300	Apr. 9, 1979	Health and Welfare
1301	Apr. 9, 1979	Health and Welfare
1306	Apr. 9, 1979	Financial Institutions and Insurance
1316	Apr. 11, 1979	Judiciary
1328	Apr. 11, 1979	Taxes
1335	Apr. 11, 1979	Transportation
1348	Apr. 11, 1979	Taxes

Anderson, I., for the Committee on Rules and Legislative Administration, designated the committee referral of the following

House Advisory, which 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>
21	Apr. 9, 1979	Commerce, Economic Development and Housing

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

House Resolution No. 18, A house resolution eulogizing John A. Hartle and commemorating the exemplary nature of his life and work.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

HOUSE RESOLUTION NO. 18

A house resolution eulogizing John A. Hartle and commemorating the exemplary nature of his life and work.

Whereas, John A. Hartle was born on his father's farm in Havana Township, Steele County, Minnesota, on August 6, 1891; and,

Whereas, John A. Hartle attended the country schools in Steele County, graduated from Owatonna High School in 1908, and with his father and brother operated the family farm for many years; and,

Whereas, John A. Hartle was elected to the House of Representatives of the State of Minnesota and served there continuously from 1935 until he chose not to stand for re-election in 1968; and,

Whereas, during his seventeen terms in the House of Representatives he served eight terms on the tax committee including once as its chairman; five terms on the education committee including twice as its chairman; nine terms as a member of the civil administration committee including four times as its chairman; three terms on the markets and marketing committee including once as its chairman; twelve terms on the insurance committee; seven terms as a member of the highways committee; six terms as a member of the rules committee; three terms as a member of the employee's compensation committee;

five terms as a member of the appropriations committee; and for a single term at various times of his career as a member of fourteen other committees; and,

Whereas, from 1949 through 1953 John A. Hartle was elected to and served as Speaker of the House of Representatives; and,

Whereas, John A. Hartle was principally responsible for the 1967 tax reform bill which provided for the state sales tax; and,

Whereas, he was the principal author of many other laws which benefited the people of the state of Minnesota and of Steele County; and,

Whereas, after retirement from the legislature, John A. Hartle continued to work for the betterment of the people of the state of Minnesota; and,

Whereas, John A. Hartle died on April 5, 1979; *now therefore*,

Be it resolved by the House of Representatives of the State of Minnesota:

(1) It commends to the people of the state of Minnesota the record of John A. Hartle as life, work and spirit worth emulation.

(2) It extends its condolences to his wife, Ruth, to his son and daughter, to his godson, to his sister and two brothers, and to all the people of Steele County who knew him.

(3) The Chief Clerk of the House of Representatives is directed to prepare an enrolled copy of this resolution and to present it to Ruth Hartle.

Biersdorf moved that House Resolution No. 18 be now adopted. The motion prevailed and House Resolution No. 18 was adopted.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 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.

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the adoption by the Senate of the following House Concurrent Resolution, herewith returned:

House Concurrent Resolution No. 3, A House Concurrent Resolution relating to transportation; urging the appropriate federal agencies to provide assistance to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (The Milwaukee Road); affirming the consideration of affirmative action by the Minnesota legislature to provide economic and viable rail transportation service for the people of Minnesota.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 122, 420 and 498.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. Nos. 58, 144 and 842.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 122, A bill for an act relating to life insurance; providing for advance payment of certain benefits under policies in-

suring persons who are absent and presumed dead; amending Minnesota Statutes 1978, Chapter 576, by adding sections.

The bill was read for the first time.

Norton moved that S. F. No. 122 and H. F. No. 545, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 420, A bill for an act relating to agriculture; changing the eligibility requirements for a family farm security loan; changing the eligibility standards for payment adjustments received pursuant to a family farm security loan; amending Minnesota Statutes 1978, Sections 41.55; and 41.57, Subdivision 3.

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

S. F. No. 498, A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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

S. F. No. 58, A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; clarifying legislative intent concerning stacking of insurance policies; amending Minnesota Statutes 1978, Sections 65B.44, Subdivision 1; 65B.47, by adding a subdivision; and 65B.49, Subdivisions 4 and 6.

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

S. F. No. 144, A bill for an act relating to taxation; repealing obsolete references to a tax on money and credits; repealing Minnesota Statutes 1978, Chapter 285.

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

S. F. No. 842, A bill for an act relating to aeronautics; appropriating and transferring money for construction of hangars.

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

CONSENT CALENDAR

S. F. No. 603, A bill for an act relating to courts; sixth judicial district; providing that terms of court no longer shall be held in Ely; authorizing terms of court to be held at places other than Duluth, Hibbing or Virginia; amending Minnesota Statutes 1978, Sections 484.48; 484.50; and Chapter 484, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CALENDAR

H. F. No. 399, A bill for an act relating to health; prohibiting family planning funds to any corporation which performs abortions; prohibiting counties or cities from contracting with any corporation, agency, individual or entity which performs abortions; providing that certain provisions of law are nonseverable under certain conditions; amending Minnesota Statutes 1978, Sections 145.912, Subdivision 9; 145.92, Subdivision 1; and 145.925, Subdivision 2.

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 85 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kelly	Norman	Sieben, H.
Ainley	Elioff	Kempe	Olsen	Sieben, M.
Albrecht	Erickson	Kostohryz	Onnen	Stadum
Anderson, B.	Esau	Kroening	Osthoff	Stowell
Anderson, D.	Evans	Kvam	Patton	Sviggum
Anderson, I.	Fjoslien	Laidig	Pavlak	Thiede
Anderson, R.	Fritz	Ludeman	Pehler	Valan
Battaglia	Fudro	Luknic	Peterson	Valento
Begich	Halberg	Mann	Piepho	Vanasek
Biersdorf	Heap	McDonald	Redalen	Waldorf
Blatz	Hoberg	McEachern	Rees	Weaver
Brinkman	Jacobs	Mehrkens	Reif	Welch
Carlson, D.	Jennings	Metzen	Rice	Welker
Corbid	Johnson, C.	Murphy	Rose	Wenzel
Crandall	Johnson, D.	Nelsen, B.	Sarna	Wieser
Dempsey	Jude	Nelsen, M.	Schreiber	Wigley
Den Ouden	Kalis	Niehaus	Sherwood	Zubay

Those who voted in the negative were:

Anderson, G.	Ellingson	Jaros	Munger	Stoa
Berglin	Enebo	Kahn	Nelson	Swanson
Berkelman	Ewald	Kaley	Norton	Tomlinson
Byrne	Faricy	Knickerbocker	Novak	Voss
Carlson, L.	Forsythe	Lehto	Otis	Wynia
Casserly	Friedrich	Levi	Pleasant	Speaker Searle
Clark	Greenfield	Long	Reding	
Clawson	Haukoos	McCarron	Rothenberg	
Dean	Heinitz	Minne	Searles	
Eken	Hokanson	Moe	Simoneau	

The bill was passed and its title agreed to.

H. F. No. 555, A bill for an act relating to crimes; 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 agents of the bureau of criminal apprehension to obtain search warrants; clarifying the locus of venue; providing penalties; amending Minnesota Statutes 1978, Sections 609.02, by adding subdivisions; 609.11; 609.25, Subdivision 2; 609.341, Subdivision 3, and by adding a subdivision; 609.343; 609.344; 609.345; 609.52, Subdivision 3; 609.562; 609.563; 609.595, Subdivision 1; 611.033; 626.05, Subdivision 2; 626.11; 626.13; 627.01; Chapters 152, by adding a section; and 609, by adding sections; repealing Minnesota Statutes 1978, Sections 246.43; 609.22; and 609.225.

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 124 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Cassery	Jaros	Kahn	Moe	Rice
Greenfield				

The bill was passed and its title agreed to.

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 third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, D.	Begich	Byrne	Clawson
Adams	Anderson, G.	Berkelman	Carlson, D.	Corbid
Ainley	Anderson, I.	Biersdorf	Carlson, L.	Crandall
Albrecht	Anderson, R.	Blatz	Cassery	Dean
Anderson, B.	Battaglia	Brinkman	Clark	Dempsey

Den Ouden	Hoberg	Ludeman	Osthoff	Stoa
Drew	Hokanson	Luknic	Otis	Stowell
Eken	Jacobs	Mann	Patton	Swigum
Elioff	Jaros	McCarron	Pavlak	Swanson
Ellingson	Jennings	McDonald	Pehler	Thiede
Enebo	Johnson, C.	McEachern	Peterson	Tomlinson
Erickson	Johnson, D.	Mehrkens	Piepho	Valan
Esau	Jude	Metzen	Pleasant	Valento
Evans	Kahn	Minne	Redalen	Vanasek
Ewald	Kaley	Moe	Reding	Voss
Faricy	Kalis	Munger	Rees	Waldorf
Fjoslien	Kelly	Murphy	Reif	Weaver
Forsythe	Kempe	Nelsen, B.	Rice	Welch
Friedrich	Knickerbocker	Nelsen, M.	Rose	Welker
Fritz	Kostohryz	Nelson	Rothenberg	Wenzel
Fudro	Kroening	Niehaus	Sarna	Wieser
Greenfield	Kvam	Norman	Schreiber	Wigley
Halberg	Laidig	Norton	Searles	Wynia
Haukoos	Lehto	Novak	Sherwood	Zubay
Heap	Levi	Olsen	Sieben, M.	Speaker Searle
Heinitz	Long	Onnen	Simoneau	

The bill was passed and its title agreed to.

S. F. No. 307, A bill for an act relating to health; permitting placement of pets in certain institutions; requiring placement efforts by the Minnesota humane society; amending Minnesota Statutes 1978, Chapters 144, by adding a section; 144A, by adding a section; and 343, by adding a section.

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

The question was taken on the passage of the bill and the roll was called. There were 77 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Adams	Esau	Knickerbocker	Nelson	Sieben, H.
Anderson, B.	Evans	Kostohryz	Norman	Sieben, M.
Anderson, I.	Ewald	Kroening	Norton	Stoa
Anderson, R.	Fjoslien	Kvam	Novak	Tomlinson
Berglin	Fritz	Laidig	Olsen	Vanasek
Berkelman	Fudro	Lehto	Onnen	Voss
Blatz	Greenfield	Levi	Otis	Weaver
Carlson, L.	Halberg	Long	Pehler	Welch
Casserly	Heap	Luknic	Reding	Welker
Clark	Heinitz	Mehrkens	Rees	Wieser
Corbid	Hokanson	Metzen	Reif	Wynia
Crandall	Jacobs	Minne	Rice	Zubay
Dean	Jude	Munger	Rose	Speaker Searle
Drew	Kahn	Murphy	Rothenberg	
Ellingson	Kaley	Nelsen, B.	Searles	
Enebo	Kelly	Nelsen, M.	Sherwood	

Those who voted in the negative were:

Aasness	Anderson, G.	Brinkman	Dempsey	Erickson
Ainley	Battaglia	Byrne	Den Ouden	Faricy
Albrecht	Begich	Carlson, D.	Eken	Forsythe
Anderson, D.	Biersdorf	Clawson	Elioff	Friedrich

Haukoos	Kempe	Osthoff	Schreiber	Valento
Hoberg	Ludeman	Pavlak	Stadum	Waldorf
Jaros	Mann	Peterson	Stowell	Wenzel
Jennings	McCarron	Piepho	Sviggum	Wigley
Johnson, C.	McDonald	Pleasant	Swanson	
Johnson, D.	McEachern	Redalen	Thiede	
Kalis	Niehaus	Sarna	Valan	

The bill was passed and its title agreed to.

Swanson was excused at 1:30 p.m. Biersdorf and Sarna were excused at 2:25 p.m. Murphy was excused at 4:30 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. 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. 455 which it recommended progress with the following amendment offered by Weaver:

Page 2, after line 30, insert:

"Subd. 1a. When an equal opportunity to participate in the athletic program of an educational institution or public service is not provided to members of a sex whose athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with a substantially equal opportunity to participate in its athletic program."

Page 3, line 10, strike "Educational institutions and public services"

Page 3, strike lines 11 to 21

Page 4, line 26, delete "have exclusive"

Page 4, line 27, delete "state agency jurisdiction over" and insert "investigate all"

Page 4, line 29, after "programs" insert ", shall make a determination as to whether or not there is probable cause to credit an allegation of unfair discriminatory practices and shall notify the commissioner of human rights of its determination within 60 days after the charge is filed. If the state board determines that no probable cause exists to credit the allegation of an unfair discriminatory practice, its decision or a reaffirmation of its decision after compliance with section 363.06, subdivision 4, clause (1), shall be binding on the commissioner of human rights. If the state board determines that probable cause exists to credit the allegation, the commissioner of human rights shall review that determination and may either affirm it and proceed pursuant to this chapter or reject it and return it to the state board of education. The state board of education shall review all determinations rejected by the commissioner. If it affirms its original determination that probable cause exists, the state board shall so notify the commissioner who shall then proceed pursuant to this chapter"

Page 4, line 31, delete "over" and insert "in its investigation of"

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 calls were taken in the Committee of the Whole:

Weaver moved to amend H. F. No. 455 as follows:

Page 2, after line 30, insert:

"Subd. 1a. When an equal opportunity to participate in the athletic program of an educational institution or public service is not provided to members of a sex whose athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with a substantially equal opportunity to participate in its athletic program.

Page 3, line 10, strike "Educational institutions and public services"

Page 3, strike lines 11 to 21

Page 4, line 26, delete "have exclusive"

Page 4, line 27, delete "state agency jurisdiction over" and insert "investigate all"

Page 4, line 29, after "programs" insert ", shall make a determination as to whether or not there is probable cause to credit an allegation of unfair discriminatory practices and shall notify the commissioner of human rights of its determination within 60 days after the charge is filed. If the state board determines that no probable cause exists to credit the allegation of an unfair discriminatory practice, its decision or a reaffirmation of its decision after compliance with section 363.06, subdivision 4, clause (1), shall be binding on the commissioner of human rights. If the state board determines that probable cause exists to credit the allegation, the commissioner of human rights shall review that determination and may either affirm it and proceed pursuant to this chapter or reject it and return it to the state board of education. The state board of education shall review all determinations rejected by the commissioner. If it affirms its original determination that probable cause exists, the state board shall so notify the commissioner who shall then proceed pursuant to this chapter"

Page 4, line 31, delete "over" and insert "in its investigation of"

Dean moved to amend the Weaver amendment to H. F. No. 455, as follows:

After "the excluded sex in" delete the remainder of the sentence and insert "those sports in which members previously had limited opportunities to participate."

Faricy moved that H. F. No. 455 be re-referred to the Committee on Education.

The question was taken on the motion to re-refer H. F. No. 455 to the Committee on Education and the roll was called. There were 22 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Berglin	Faricy	Moe	Prahl	Voss
Byrne	Greenfield	Norton	Sieben, M.	Wynia
Cassery	Kahn	Novak	Stoa	
Corbid	Lehto	Osthoff	Tomlinson	
Enebo	Long	Otis	Vanasek	

Those who voted in the negative were:

Aasness	Anderson, D.	Begich	Carlson, L.	Den Ouden
Adams	Anderson, G.	Berkelman	Clawson	Drew
Ainley	Anderson, I.	Biersdorf	Crandall	Eken
Albrecht	Anderson, R.	Brinkman	Dean	Elioff
Anderson, B.	Battaglia	Carlson, D.	Dempsey	Ellingson

Erickson	Jacobs	Mann	Pavlak	Stowell
Esau	Jennings	McDonald	Peterson	Sviggum
Evans	Johnson, C.	McEachern	Piepho	Thiede
Ewald	Johnson, D.	Mehrkins	Pleasant	Valan
Fjoslien	Jude	Metzen	Redalen	Valento
Forsythe	Kaley	Minne	Rees	Waldorf
Friedrich	Kalis	Munger	Reif	Weaver
Fritz	Kelly	Murphy	Rice	Welch
Fudro	Kempe	Nelsen, B.	Rose	Welker
Halberg	Knickerbocker	Nelsen, M.	Rothenberg	Wenzel
Haukoos	Kroening	Niehaus	Sarna	Wieser
Heap	Laidig	Norman	Schreiber	Wigley
Heinitz	Levi	Olsen	Sherwood	Zubay
Hoberg	Ludeman	Onnen	Simoneau	Speaker Searle
Hokanson	Luknic	Patton	Stadum	

The motion did not prevail.

The question recurred on the adoption of the Dean amendment to the Weaver amendment and the roll was called. There were 46 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Berglin	Enebo	Lehto	Novak	Stoa
Berkelman	Forsythe	Levi	Osthoff	Sviggum
Byrne	Greenfield	Long	Otis	Tomlinson
Carlson, L.	Hokanson	McCarron	Pehler	Vanasek
Casserly	Jacobs	Moe	Prahl	Voss
Clark	Jaros	Munger	Reding	Wynia
Clawson	Kahn	Murphy	Rice	
Corbid	Kelly	Nelson	Rothenberg	
Dean	Kroening	Norman	Sieben, H.	
Ellingson	Laidig	Norton	Sieben, M.	

Those who voted in the negative were:

Aasness	Drew	Johnson, C.	Nelsen, B.	Sherwood
Adams	Eken	Johnson, D.	Nelsen, M.	Simoneau
Ainley	Elioff	Jude	Niehaus	Stadum
Albrecht	Erickson	Kaley	Olsen	Stowell
Anderson, D.	Esau	Kalis	Onnen	Thiede
Anderson, G.	Evans	Kempe	Patton	Valan
Anderson, I.	Ewald	Knickerbocker	Pavlak	Valento
Anderson, R.	Fjoslien	Kostohryz	Peterson	Weaver
Battaglia	Friedrich	Kvam	Piepho	Welch
Begich	Fritz	Ludeman	Pleasant	Welker
Biersdorf	Fudro	Luknic	Redalen	Wenzel
Blatz	Halberg	Mann	Rees	Wieser
Brinkman	Haukoos	McDonald	Reif	Wigley
Carlson, D.	Heap	McEachern	Rose	Zubay
Crandall	Heinitz	Mehrkins	Sarna	Speaker Searle
Dempsey	Hoberg	Metzen	Schreiber	
Den Ouden	Jennings	Minne	Searles	

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

The question recurred on the adoption of the Weaver amendment and the roll was called. There were 84 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Kaley	Olsen	Simoneau
Adams	Esau	Kalis	Onnen	Stadum
Albrecht	Evans	Kempe	Patton	Stowell
Anderson, D.	Ewald	Knickerbocker	Pavlak	Sviggum
Anderson, G.	Fjoslien	Kvam	Peterson	Thiede
Battaglia	Friedrich	Ludeman	Piepho	Valan
Begich	Fritz	Luknic	Pleasant	Valento
Biersdorf	Fudro	Mann	Prahl	Waldorf
Blatz	Halberg	McDonald	Redalen	Weaver
Brinkman	Haukoos	McEachern	Reding	Welch
Carlson, D.	Heap	Mehrkens	Rees	Welker
Crandall	Heinitz	Metzen	Reif	Wenzel
Dempsey	Hoberg	Minne	Rose	Wieser
Den Ouden	Jennings	Nelsen, B.	Rothenberg	Wigley
Drew	Johnson, C.	Nelsen, M.	Sarna	Zubay
Eken	Johnson, D.	Niehaus	Schreiber	Speaker Searle
Elioff	Jude	Norman	Sherwood	

Those who voted in the negative were:

Ainley	Clawson	Jaros	Moe	Rice
Anderson, I.	Corbid	Kahn	Munger	Sieben, H.
Anderson, R.	Dean	Kelly	Murphy	Sieben, M.
Berglin	Ellingson	Kostohryz	Nelson	Stoa
Berkelman	Enebo	Laidig	Norton	Tomlinson
Byrne	Faricy	Lehto	Novak	Vanasek
Carlson, L.	Forsythe	Levi	Osthoff	Voss
Casserly	Greenfield	Long	Otis	Wynia
Clark	Jacobs	McCarron	Pehler	

The motion prevailed and the amendment was adopted.

Otis moved to amend H. F. No. 455, as follows:

Page 2, after line 30, insert:

"Notwithstanding the other provisions of this subdivision, when an educational institution or a public service operates an athletic team in a noncontact individual sport or in a sport in which a pupil competes in any event on an individual basis against another pupil, membership on the team shall not be restricted to participants of one sex."

The question was taken on the adoption of the amendment and the roll was called. There were 48 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Berglin	Ellingson	Kostohryz	Norton	Rothenberg
Berkelman	Enebo	Laidig	Novak	Sieben, H.
Blatz	Faricy	Lehto	Osthoff	Sieben, M.
Byrne	Forsythe	Levi	Otis	Vanasek
Carlson, L.	Greenfield	Long	Patton	Voss
Casserly	Hokanson	McCarron	Pehler	Welch
Clark	Jaros	Moe	Prahl	Wynia
Clawson	Kahn	Munger	Reding	Zubay
Corbid	Kaley	Murphy	Reif	
Dean	Kempe	Nelson	Rice	

Those who voted in the negative were:

Aasness	Eken	Johnson, D.	Norman	Svigum
Adams	Erickson	Jude	Olsen	Thiede
Ainley	Esau	Kalis	Onnen	Tomlinson
Albrecht	Evans	Knickerbocker	Pavlak	Valan
Anderson, D.	Ewald	Kroening	Peterson	Valento
Anderson, G.	Fjoslien	Kvam	Piepho	Waldorf
Anderson, I.	Friedrich	Ludeman	Pleasant	Weaver
Battaglia	Fritz	Luknic	Redalen	Welker
Begich	Fudro	Mann	Rees	Wenzel
Biersdorf	Halberg	McDonald	Rose	Wieser
Brinkman	Haukoos	McEachern	Schreiber	Wigley
Carlson, D.	Heap	Mehrkens	Searles	Speaker Searle
Crandall	Hoberg	Metzen	Sherwood	
Dempsey	Jacobs	Minne	Stadum	
Den Ouden	Jennings	Nelsen, B.	Stoa	
Drew	Johnson, C.	Niehaus	Stowell	

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

Kahn moved to amend H. F. No. 455 as follows:

Page 1, line 26, delete "*or public services*"

Page 2, line 12, delete "*or a public*"

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

Page 4, line 20, delete "*or a*"

Page 4, line 21, delete "*public service*"

Page 5, line 3, after the period insert, "*(d) Notwithstanding any other provisions of this chapter or any law to the contrary, in athletic programs operated by public services and designed for participants 12 years old or older, or in the seventh grade or above, it is not an unfair discriminatory practice:*

(1) *to restrict membership on an athletic team to participants of one sex, if this restriction is necessary to provide members of each sex with an equal opportunity to participate in the athletic program; provided, if a membership restriction on the basis of sex results in the operation of two teams in the same sport which are separated or substantially separated according to sex, the two teams shall be operated in compliance with all the provisions of clause (2); or*

(2) *to provide two teams in the same sport which are in fact separated or substantially separated according to sex, if the two teams are provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects are treated in a substantially*

equal manner. The two teams shall be operated separately only in those activities where separation is necessary to provide the members of each sex equal opportunity to participate in the athletic program.

(e) Nothing in this chapter shall be construed so as to prohibit separation of events according to sex in coeducational competition or special activities, teams, or programs designed to improve the skills of participants in athletics who would otherwise be unable or unwilling to participate in the athletic program."

The question was taken on the adoption of the amendment and the roll was called. There were 38 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Laidig	Norton	Stoa
Berglin	Ellingson	Lehto	Novak	Sviggum
Berkelman	Enebo	Long	Otis	Tomlinson
Byrne	Faricy	McCarron	Prahl	Voss
Carlson, L.	Jaros	Moe	Reding	Wynia
Casserly	Kahn	Munger	Rothenberg	Zubay
Clark	Kaley	Murphy	Sieben, H.	
Corbid	Kelly	Nelson	Sieben, M.	

Those who voted in the negative were:

Aasness	Den Ouden	Hokanson	McEachern	Schreiber
Ainley	Drew	Jacobs	Mehrrens	Searles
Albrecht	Eken	Jennings	Minne	Sherwood
Anderson, B.	Elioff	Johnson, C.	Nelsen, B.	Simoneau
Anderson, D.	Erickson	Johnson, D.	Niehaus	Stadum
Anderson, G.	Esau	Jude	Norman	Stowell
Anderson, I.	Evans	Kalis	Olsen	Thiede
Anderson, R.	Ewald	Kempe	Onnen	Valan
Battaglia	Fjoslien	Knickerbocker	Pavlak	Valento
Begich	Forsythe	Kroening	Peterson	Weaver
Biersdorf	Friedrich	Kvam	Piepho	Welch
Blatz	Fritz	Levi	Pleasant	Welker
Brinkman	Fudro	Ludeman	Redalen	Wenzel
Carlson, D.	Halberg	Luknic	Rees	Wieser
Crandall	Haukoos	Mann	Reif	Wigley
Dempsey	Hoberg	McDonald	Rose	Speaker Searle

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

Kahn moved to amend H. F. No. 455 as follows:

Page 2, line 4, reinstate the stricken language.

Page 2, line 5, reinstate the stricken language.

Page 2, line 6, reinstate the stricken language.

The question was taken on the adoption of the amendment and the roll was called. There were 37 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Berglin	Enebo	Laidig	Novak	Stoa
Byrne	Faricy	Lehto	Osthoff	Tomlinson
Carlson, L.	Greenfield	Long	Otis	Vanasek
Casserly	Hokanson	McCarron	Reding	Voss
Clark	Jaros	Moe	Rice	Wynia
Corbid	Kahn	Murphy	Rothenberg	
Dean	Kaley	Nelson	Sieben, H.	
Ellingson	Kelly	Norton	Sieben, M.	

Those who voted in the negative were:

Aasness	Den Ouden	Jacobs	Metzen	Searles
Adams	Drew	Jennings	Nelsen, B.	Sherwood
Ainley	Eken	Johnson, C.	Nelsen, M.	Stadum
Albrecht	Elioff	Johnson, D.	Niehaus	Stowell
Anderson, B.	Erickson	Jude	Norman	Sviggum
Anderson, D.	Esau	Kalis	Olsen	Thiede
Anderson, G.	Evans	Kempe	Onnen	Valan
Anderson, I.	Ewald	Knickerbocker	Patton	Valento
Anderson, R.	Fjoslien	Kostohryz	Pavlak	Waldorf
Battaglia	Forsythe	Kroening	Peterson	Weaver
Begich	Friedrich	Kvam	Piepho	Welch
Berkelman	Fritz	Levi	Pleasant	Welker
Biersdorf	Fudro	Ludeman	Prahl	Wenzel
Blatz	Halberg	Luknic	Redalen	Wieser
Brinkman	Haukoos	Mann	Rees	Wigley
Carlson, D.	Heap	McDonald	Reif	Zubay
Crandall	Heinitz	McEachern	Rose	Speaker Searle
Dempsey	Hoberg	Mehrkens	Schreiber	

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

Kahn moved to amend H. F. No. 455 as follows:

Page 2, line 18, after "offered" delete the balance of line 18, all of lines 19 and 20, and insert: "*if allowing members of the excluded sex to try out contributes to providing an equal opportunity for the excluded sex to participate in the athletic program; and*"

The question was taken on the adoption of the amendment and the roll was called. There were 39 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Berglin	Ellingson	Kaley	Murphy	Rice
Byrne	Enebo	Kelly	Nelson	Sieben, H.
Carlson, L.	Faricy	Laidig	Norton	Sieben, M.
Casserly	Fjoslien	Lehto	Novak	Stoa
Clark	Greenfield	Long	Osthoff	Tomlinson
Corbid	Hokanson	McCarron	Otis	Voss
Dean	Jaros	Moe	Pehler	Wynia
Elioff	Kahn	Munger	Prahl	

Those who voted in the negative were:

Aasness	Adams	Ainley	Albrecht	Anderson, D.
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Anderson, G.	Evans	Kempe	Norman	Stowell
Anderson, I.	Ewald	Knickerbocker	Olsen	Svigum
Anderson, R.	Forsythe	Kostohryz	Onnen	Thiede
Battaglia	Friedrich	Kroening	Pavlak	Valan
Begich	Fritz	Kvam	Peterson	Valento
Berkelman	Fudro	Levi	Piepho	Waldorf
Biersdorf	Halberg	Ludeman	Pleasant	Weaver
Blatz	Haukoos	Luknic	Redalen	Welker
Brinkman	Heap	Mann	Reding	Wenzel
Carlson, D.	Heinitz	McDonald	Rees	Wieser
Crandall	Hoberg	McEachern	Reif	Wigley
Dempsey	Jacobs	Mehrkens	Rose	Zubay
Den Ouden	Jennings	Metzen	Rothenberg	Speaker Searle
Drew	Johnson, C.	Minne	Schreiber	
Eken	Johnson, D.	Nelsen, B.	Searles	
Erickson	Jude	Nelsen, M.	Sherwood	
Esau	Kalis	Niehaus	Stadum	

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

Rice moved to amend H. F. No. 455 as amended by the Weaver amendment adding a new Subd. 1a on page 2, after line 30:

Delete "*substantially equal*" and insert "*equitably comparable*"

The question was taken on the adoption of the amendment and the roll was called. There were 62 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Adams	Clawson	Kaley	Nelsen, M.	Sieben, H.
Ainley	Corbid	Kelly	Nelson	Sieben, M.
Anderson, B.	Dean	Kempe	Norman	Stoa
Anderson, G.	Elioff	Kostohryz	Norton	Tomlinson
Anderson, I.	Ellingson	Kroening	Novak	Vanasek
Begich	Enebo	Laidig	Osthoff	Voss
Berglin	Faricy	Lehto	Otis	Waldorf
Berkelman	Forsythe	Levi	Pehler	Welch
Blatz	Fudro	Long	Prahl	Wenzel
Byrne	Greenfield	McCarron	Reding	Wynia
Carlson, L.	Hokanson	Metzen	Reif	
Casserly	Jacobs	Moe	Rice	
Clark	Kahn	Munger	Sarna	

Those who voted in the negative were:

Aasness	Esau	Jude	Onnen	Svigum
Albrecht	Evans	Kalis	Patton	Thiede
Anderson, D.	Ewald	Knickerbocker	Pavlak	Valan
Anderson, R.	Fjoslien	Kvam	Peterson	Valento
Battaglia	Friedrich	Ludeman	Piepho	Weaver
Biersdorf	Fritz	Luknic	Pleasant	Welker
Brinkman	Halberg	Mann	Redalen	Wieser
Carlson, D.	Haukoos	McDonald	Rees	Wigley
Crandall	Heap	McEachern	Rose	Zubay
Dempsey	Heinitz	Mehrkens	Rothenberg	Speaker Searle
Den Ouden	Hoberg	Minne	Schreiber	
Drew	Jennings	Nelsen, B.	Searles	
Eken	Johnson, C.	Niehaus	Sherwood	
Erickson	Johnson, D.	Olsen	Stowell	

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

Berglin moved to amend H. F. No. 455, as amended by the Weaver amendment, as follows:

Page 4, delete lines 26 to 33

Page 4, delete lines 1 to 3

Page 1, Weaver Amendment, delete lines 17 to 21

Page 2, Weaver Amendment, delete lines 1 to 21

The question was taken on the adoption of the amendment and the roll was called. There were 39 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Berglin	Dean	Kaley	Nelson	Rice
Berkelman	Elioff	Kelly	Norton	Sieben, H.
Byrne	Ellingson	Lehto	Novak	Sieben, M.
Carlson, L.	Enebo	Long	Osthoff	Stoa
Casserly	Faricy	Luknic	Otis	Tomlinson
Clark	Greenfield	McCarron	Patton	Welch
Clawson	Hokanson	Moe	Pehler	Wynia
Corbid	Kahn	Munger	Prahl	

Those who voted in the negative were:

Aasness	Eken	Jude	Nelsen, M.	Stadum
Adams	Esau	Kalis	Niehaus	Stowell
Ainley	Evans	Kempe	Norman	Sviggum
Albrecht	Ewald	Knickerbocker	Olsen	Thiede
Anderson, B.	Fjoslien	Kostohryz	Onnen	Valan
Anderson, G.	Friedrich	Kroening	Peterson	Valento
Anderson, I.	Fritz	Kvam	Piepho	Vanasek
Anderson, R.	Fudro	Laidig	Pleasant	Waldorf
Battaglia	Halberg	Levi	Redalen	Weaver
Begich	Haukoos	Ludeman	Reding	Welker
Biersdorf	Heap	Mann	Rees	Wenzel
Blatz	Heinitz	McDonald	Reif	Wieser
Brinkman	Hoberg	McEachern	Rose	Wigley
Carlson, D.	Jacobs	Mehrkens	Rothenberg	Zubay
Crandall	Jennings	Metzen	Schreiber	Speaker Searle
Dempsey	Johnson, C.	Minne	Searles	
Den Ouden	Johnson, D.	Nelsen, B.	Sherwood	

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

MOTIONS AND RESOLUTIONS

Clawson moved that the name of Carlson, D., be added as an author on H. F. No. 754. The motion prevailed.

Clawson moved that the name of Long be added as an author on H. F. No. 1341. The motion prevailed.

Heinitz moved that the name of Blatz be added as an author on H. F. No. 1289. The motion prevailed.

Drew moved that H. F. No. 543 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Judiciary. The motion prevailed.

Knickerbocker introduced:

House Resolution No. 19, A house resolution relating to compensating members of the House and members-elect who attended freshman orientation.

The resolution was referred to the Committee on Rules and Legislative Administration.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, April 16, 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, April 16, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives