

## STATE OF MINNESOTA

## SEVENTIETH SESSION - 1977

## FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 13, 1977

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

Voss was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McCollar 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.

## PETITIONS AND COMMUNICATIONS

The following report was received and filed in the Chief Clerk's Office: The Impact of Fluctuating School Enrollments on Minnesota Educational Systems submitted by The Advisory Council on Fluctuating School Enrollment.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Jacobs, Hokanson, Hanson, Carlson, A., and Adams introduced:

H. F. No. 37, A bill for an act relating to commerce; requiring individually marked prices on certain retail food packaging.

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

Sieben, M., introduced:

H. F. No. 38, A bill for an act relating to housing; providing implied and express warranties on the sale of new housing upon the seller.

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

Arlandson, Reding, Neisen and Friedrich introduced:

H. F. No. 39, A bill for an act relating to public utilities; regulating telephone company rates; amending Minnesota Statutes 1976, Chapter 237, by adding a section; repealing Minnesota Statutes 1976, Section 237.08.

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

Kelly, R.; Adams; Beauchamp; Hanson and Arlandson introduced:

H. F. No. 40, A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; amending Minnesota Statutes 1976, Section 82.22, Subdivision 6, and by adding a subdivision.

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

**Knickerbocker, Petrafeso, Clark, Rose and Pehler introduced:**

H. F. No. 41, A bill for an act relating to public safety; requiring fire detection devices in certain residential housing; directing the commissioner of administration to amend the state building code; amending Minnesota Statutes 1976, Section 16.85, by adding a subdivision.

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

**Jensen, Skoglund, Munger, Kalis and Sherwood introduced:**

H. F. No. 42, A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

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

**Faricy; Kempe, A.; Kelly, R.; and Laidig introduced:**

H. F. No. 43, A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2, 3 and 4; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.493, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65; 609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivision 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.13, Subdivision 1; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

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

Sieben, M.; Wenzel; Dean; Nelson and Faricy introduced:

H. F. No. 44, A bill for an act relating to education; providing for minimum reading standards and tests of reading achievement; providing state aid for reading teachers; appropriating money.

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

Munger, Sabo, Skoglund, Dean and Nelson introduced:

H. F. No. 45, A bill for an act relating to environmental protection; prohibiting sale of milk in non-refillable plastic containers; prescribing penalties.

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

Forsythe, Munger, Casserly, Hanson and Carlson, A., introduced:

H. F. No. 46, A bill for an act relating to taxation; exempting from sales, use, and property tax certain property to be used to provide a solar energy heating or cooling system for buildings; amending Minnesota Statutes 1976, Sections 272.02, Subdivision 1; and 297A.25, Subdivision 1.

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

Sieben, M., introduced:

H. F. No. 47, A bill for an act relating to the environment; prohibiting sale of milk in non-refillable plastic containers; prescribing penalties.

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

George, Vanasek, Arlandson, Cummiskey and Stanton introduced:

H. F. No. 48, A bill for an act proposing an amendment to the Minnesota Constitution, Article VII, Section 6; providing that all eligible voters may hold most elective offices.

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

Sieben, M., introduced:

H. F. No. 49, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Sections 2 and 3; providing for congressional and legislative apportionments by a commission.

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

Samuelson, Eken, Beauchamp, Nelsen, B., and Setzepfandt introduced:

H. F. No. 50, A bill for an act relating to elections; providing for payment of costs of certain special elections; amending Minnesota Statutes 1976, Section 204A.24.

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

Searle, Samuelson, Biersdorf and Anderson, I., introduced:

H. F. No. 51, A bill for an act relating to elections; providing for election judges in certain precincts; amending Minnesota Statutes 1976, Sections 204A.17, Subdivision 5; and 204A.18, Subdivision 1.

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

Knickerbocker introduced:

H. F. No. 52, A bill for an act relating to elections; providing for elections to vacancies in the United States senate; amending Minnesota Statutes 1976, Sections 202A.61; 202A.62, Subdivision 2; 202A.67, Subdivision 3; and 202A.72.

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

Petrafeso, Knickerbocker, Clawson, Beauchamp and Kelly, W., introduced:

H. F. No. 53, A bill for an act relating to the Minnesota municipal board; providing for per diem compensation and reimbursement of expenses for board members; amending Minnesota Statutes 1976, Section 414.01, Subdivision 6a.

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

Faricy introduced:

H. F. No. 54, A bill for an act relating to state government; purchase of products and services from sheltered workshops and work activity programs; setting standards for price determination; amending Minnesota Statutes 1976, Section 16.281, Subdivision 1.

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

McDonald introduced:

H. F. No. 55, A bill for an act relating to state government; requiring an economic impact statement for proposed administrative rules; amending Minnesota Statutes 1976, Section 15.0412, Subdivision 4, and by adding a subdivision.

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

Sieben, M., introduced:

H. F. No. 56, A bill for an act relating to children; providing visitation rights to minor children in certain cases; amending Minnesota Statutes 1976, Section 257.022, Subdivision 2.

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

Heinitz, Swanson, Clark, Kroening and Forsythe introduced:

H. F. No. 57, A bill for an act relating to health and safety; licensing and certification of ambulance services; amending Minnesota Statutes 1976, Chapter 144, by adding a section; Sections 144.801; 144.802; 144.803; 144.804; and 144.805.

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

Faricy, Byrne and White introduced:

H. F. No. 58, A bill for an act relating to health; providing standards of consent for abortions; amending Minnesota Statutes 1976, Chapter 145, by adding a section.

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

Vanasek; Anderson, G.; Samuelson; Carlson, D.; and Haugerud introduced:

H. F. No. 59, A bill for an act relating to ambulance services; reimbursing volunteer ambulance attendants for training school expenses; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

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

Forsythe, Hanson, Kostohryz, Wenstrom and Carlson, D., introduced:

H. F. No. 60, A bill for an act relating to health care; establishing a program for the care and treatment of hemophiliacs; providing certain financial assistance to hemophiliacs; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

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

Sieben, M., introduced:

H. F. No. 61, A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

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

Niehaus, Schulz, McEachern, Dahl and McDonald introduced:

H. F. No. 62, A bill for an act relating to towns; annual audit report; eliminating the requirement that a copy of the report be furnished to the state auditor; amending Minnesota Statutes 1976, Section 366.22.

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

Erickson and Anderson, B., introduced:

H. F. No. 63, A bill for an act relating to the city of Luverne; authorizing the taking of a special federal census, and providing that the results thereof shall be the population of the city for all purposes.

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

Pehler, Patton, Berg, Zubay and Pleasant introduced:

H. F. No. 64, A bill for an act relating to shade tree disease control; changing the size of cities eligible for grants-in-aid for wood utilization or disposal; amending Minnesota Statutes 1976, Section 18.023, Subdivision 3a.

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

Braun; Anderson, I.; Mann and Fjoslien introduced:

H. F. No. 65, A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

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

Sieben, M., introduced:

H. F. No. 66, A bill for an act relating to shade tree disease control; providing for grants-in-aid to municipalities with approved shade tree disease control programs; appropriating money.

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

Carlson, A., introduced:

H. F. No. 67, A bill for an act relating to state government; establishing and empowering a Minnesota municipal bond bank for the purpose of assisting counties, municipalities and public bodies in financing public improvements through the issuance and purchase of municipal bonds, notes and evidences of debt.

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



Suss; Kelly, W.; Savelkoul; Haugerud and Sieben, H., introduced:

H. F. No. 68, A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.-212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivisions 1 and 2; 271.12; 271.-13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.06, Subdivision 5; 271.11; 271.14; and 271.16.

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

Anderson, G.; Wenstrom; Vanasek; Pleasant and Johnson introduced:

H. F. No. 69, A bill for an act relating to taxation; providing for an individual credit for taxpayers providing home for foreign students; amending Minnesota Statutes 1976, Section 290.06, Subdivision 3c.

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

Jaros, Adams, Skoglund, Fugina and Wynia introduced:

H. F. No. 70, A bill for an act relating to taxation; exempting sales of electricity, gas, water, steam, and heating fuels sold for residential use from the sales tax; amending Minnesota Statutes 1976, Sections 297A.01, Subdivision 3, and 297A.25, Subdivision 1.

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

Rose introduced:

H. F. No. 71, A bill for an act relating to taxation; increasing the amount of rent considered to constitute property taxes for purposes of income-adjusted homestead credit; amending Minnesota Statutes 1976, Section 290A.03, Subdivision 11.

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

Wigley introduced :

H. F. No. 72, A bill for an act relating to taxation; extending and increasing pollution control equipment credits; amending Minnesota Statutes 1976, Section 290.06, Subdivisions 9 and 9a.

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

Anderson, R., introduced :

H. F. No. 73, A bill for an act relating to taxation; increasing the maximum income-adjusted homestead credit amount for persons over 65 or disabled; amending Minnesota Statutes 1976, Section 290A.04, Subdivision 1.

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

Knickerbocker introduced :

H. F. No. 74, A bill for an act relating to taxation; providing for optional rent credit amount in lieu of income-adjusted homestead credit; amending Minnesota Statutes 1976, Section 290A.04, Subdivision 1, and by adding a subdivision.

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

Sieben, M., introduced :

H. F. No. 75, A bill for an act relating to public safety; requiring railroad companies to reimburse local governments for expenses incurred to extinguish locomotive caused fires.

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

Niehaus, Schulz, McEachern, Dahl and Albrecht introduced :

H. F. No. 76, A bill for an act relating to highways; providing for the removal of trees, shrubs and other obstructions within highway limits; amending Minnesota Statutes 1976, Sections 160.22, Subdivision 8; and 160.27, Subdivision 6; repealing Minnesota Statutes 1976, Section 160.22, Subdivision 7.

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

McDonald introduced:

H. F. No. 77, A bill for an act relating to motor vehicles; ownership and operation; requiring a valid drivers license to purchase a passenger automobile or station wagon; providing a mandatory one year drivers license revocation upon conviction of second or subsequent offense of driving under the influence of drugs or alcoholic beverages; prescribing penalties; amending Minnesota Statutes 1976, Chapter 168, by adding a section; and Section 169.121, Subdivision 4.

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

#### HOUSE ADVISORIES

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

Jensen and Sherwood introduced:

H. A. No. 1, A proposal for protection of our natural waterways and the preservation of groves and woodlands.

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

Haugerud, Tomlinson and Carlson, D., introduced:

H. A. No. 2, A proposal for judicial selection and retention.

The advisory was referred to the Committee on Governmental Operations.

#### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

House Concurrent Resolution No. 2, A house concurrent resolution relating to adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Anderson, I., for the Committee on Rules and Legislative Administration, offered the following resolution and moved its adoption:

*Be It Resolved*, by the Committee on Rules and Legislative Administration, that the Chief Clerk is authorized and directed to make payment for long distance telephone expenses incurred by each member of the House of Representatives not exceeding \$600.00 per year. Such payment shall be made directly to the billing telephone company and shall be made only upon the presentation to the Chief Clerk, by the member, the bill issued by such company on the credit account established for such member in his capacity as a state representative.

The question was taken on the adoption of the resolution and the roll was called. There were 127 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ewald                      Heinitz

The motion prevailed and the resolution was adopted.

## MOTIONS AND RESOLUTIONS

Jacobs moved that the name of Abeln be added as an author on H. F. No. 5. The motion prevailed.

Faricy moved that the name of Cohen be added as an author on H. F. No. 43. The motion prevailed.

Sieben, M., moved that the name of Faricy be added as an author on H. F. No. 47. The motion prevailed.

Kalis introduced:

House Resolution No. 1, A house resolution congratulating the Elmore High School Band on its participation in the Inauguration of Jimmy Carter and Walter F. Mondale.

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

Anderson, I., introduced:

House Resolution No. 2, A house resolution authorizing living expense and mileage reimbursement during the 70th Legislature.

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

## ADJOURNMENT

Anderson, I., moved that when the House adjourns today it adjourn until 1:30 p.m., Monday, January 17, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:30 p.m., Monday, January 17, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

