

STATE OF MINNESOTA  
SEVENTIETH SESSION - 1977

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SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 17, 1977

The House of Representatives convened at 1:30 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:

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

A quorum was present.

Beauchamp, Berglin, Prah and Rice were 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 Minnesota Family Farm Security Act of 1976 prepared by the Minnesota Family Farm Advisory Council.

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
ST. PAUL 55155

January 17, 1977

The Honorable Edward J. Gearty  
President of the Senate  
The Honorable Martin O. Sabo  
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 70th Session of the Minnesota Legislature on Tuesday, January 25, 1977, at 12:00 noon for the purpose of presenting my budget recommendations for the 1977-78 biennium to the Legislature.

Sincerely,

RUDY PERPICH  
Governor

Anderson, I., moved that the House accede to the request of the Governor for a Joint Convention to hear the budget message of the Governor at 12:00 noon, Tuesday, January 25, 1977; that the Chief Clerk be instructed to invite the Senate to meet in Joint Convention at 11:50 a.m. and advise the Governor regarding the Joint Convention; and that the Speaker appoint a committee of five members to act with a similar committee to be appointed by the Senate to escort the Governor to the Joint Convention. The motion prevailed.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

Stanton, Fjoslien, Erickson, Kahn and Anderson, B., introduced:

H. F. No. 78, A bill for an act relating to weather modification; prescribing powers and duties for the commissioner of agriculture; providing for weather modification research; requiring the obtaining of licenses and permits prior to engaging in weather modification; prescribing penalties; creating a weather modification advisory council.

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

Anderson, B.; Stanton; Biersdorf; Evans and Sherwood introduced:

H. F. No. 79, A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

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

Peterson; Anderson, G.; Metzen; Faricy and Anderson, R., introduced:

H. F. No. 80, A bill for an act relating to economic development; establishing and empowering a Minnesota small business development authority for the purpose of aiding small businesses within the state; authorizing revenue bonds; appropriating funds.

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

Pleasant, Reding, Knickerbocker, Adams and Ewald introduced:

H. F. No. 81, A bill for an act relating to housing; allowing townhouse developments to be governed by the Minnesota condominium act; making necessary clarifications and revisions; amending Minnesota Statutes 1976, Sections 515.01; 515.02, Subdivision 2 and by adding a subdivision; and 515.26.

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

Stanton; Carlson, A.; Casserly and Nelson introduced:

H. F. No. 82, A bill for an act relating to crimes; raising the amount of pecuniary gain which must be received by a person incident to a violation of law before the violation is categorized as a felony; amending Minnesota Statutes 1976, Sections 609.27, Subdivision 2; 609.52, Subdivision 3; 609.53, Subdivision 1; 609.551, Subdivision 1; 609.563, Subdivision 1; 609.576, Subdivision 1; 609.595, Subdivision 1; and 609.615.

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

Carlson, A.; Clark; Esau; Samuelson and Faricy introduced:

H. F. No. 83, A bill for an act relating to crime victims reparations; eliminating the minimum claim amount necessary for reparations; raising the amount of reparations paid to claimants suffering economic loss; amending Minnesota Statutes 1976, Sections 299B.03, Subdivision 2; and 299B.04.

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

Munger, Kahn, Searle, Faricy and Laidig introduced:

H. F. No. 84, A bill for an act relating to state parks; authorizing the commissioner of natural resources to acquire lands within the boundaries of state parks by eminent domain proceedings; amending Minnesota Statutes 1976, Section 85.012, Subdivision 1.

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

Wenstrom, Clawson, Nelson, Carlson, A., and Smogard introduced:

H. F. No. 85, A bill for an act relating to state agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state.

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

Kelly, R.; McEachern; Byrne; Williamson and Begich introduced:

H. F. No. 86, A bill for an act relating to education; school employees; providing a limitation on contract negotiations.

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

Setzepfandt, Schulz, Begich, Kvam and Lemke introduced:

H. F. No. 87, A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commissions; amending Minnesota Statutes 1976, Section 462.393; and Chapter 462, by adding a section.

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

Setzepfandt, Schulz, Smogard, Dahl and Carlson, D., introduced:

H. F. No. 88, A bill for an act relating to planning, development and zoning; county planning; subdivision regulation; enforcement; prescribing penalties; amending Minnesota Statutes 1976, Section 394.37, Subdivision 1.

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

Carlson, A., introduced:

H. F. No. 89, A bill for an act relating to shade tree disease; permitting tax levies; providing a tax deduction; requiring subsidies to private property owners; providing reimbursement to municipalities; establishing education programs; providing an appropriation; amending Minnesota Statutes 1976, Sections 18.023, Subdivisions 3a, 4, 6, 10, and by adding subdivisions; and 290.09, by adding a subdivision.

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

Kempe, A., introduced:

H. F. No. 90, A bill for an act relating to the city of West St. Paul; authorizing one additional on-sale intoxicating liquor license.

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

Evans, Rose, Esau and Albrecht introduced:

H. F. No. 91, A bill for an act relating to taxation; providing for increased withholding based on itemized deductions; amending Minnesota Statutes 1976, Section 290.92, by adding a subdivision.

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

Sherwood; Munger; Anderson, I.; Eken and Nelsen, B., introduced:

H. F. No. 92, A bill for an act relating to counties; payments in lieu of taxes on certain tax exempt land; appropriating funds.

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

Faricy, Sieben, M., and Norton introduced:

H. F. No. 93, A bill for an act relating to taxation; establishing filing requirements for a condominium association; amending Minnesota Statutes 1976, Section 290.37, Subdivision 1.

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

Pleasant, Schulz, McDonald and Knickerbocker introduced:

H. F. No. 94, A bill for an act relating to taxation; providing that amounts paid as social security taxes be excluded from gross income for purposes of income tax calculations; amending Minnesota Statutes 1976, Section 290.01, Subdivision 20.

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

Dean, Novak, Casserly, Nelson and Carlson, D., introduced:

H. F. No. 95, A bill for an act relating to taxation; providing for a deduction from income of the cost of removing diseased trees from residential property outside shade tree disease control areas; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

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

Pleasant, Reding, Knickerbocker, Adams and Clark introduced:

H. F. No. 96, A bill for an act relating to taxation; exempting from property taxation the increased value of property when equipped with solar energy system; amending Minnesota Statutes 1976, Chapter 273, by adding a section; and Section 273.11, Subdivision 1.

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

Peterson, Kahn, Munger, Kaley and Neisen introduced:

H. F. No. 97, A bill for an act relating to taxation; increasing the rate of tax on sale of cigarettes and providing that revenue from the increase be used for cancer research; appropriating money; amending Minnesota Statutes 1976, Section 297.02, Subdivision 1.

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

Setzepfandt; Anderson, G.; Friedrich; Gunter and Lemke introduced:

H. F. No. 98, A bill for an act relating to taxation; extending the tax credit for feedlot pollution control equipment and providing for a carryback and carryover of the credit from one year to another; exempting feedlot pollution control equipment under certain conditions from the sales and use tax; amending Minnesota Statutes 1976, Sections 290.06, Subdivision 9a; and 297A.25, Subdivision 1.

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

Hanson, Osthoff, Kvam, Brinkman and Jacobs introduced:

H. F. No. 99, A bill for an act relating to the taxation of railroads; amending Minnesota Statutes 1976, Chapter 270, by adding sections; repealing Minnesota Statutes 1976, Sections 295.01, Subdivisions 2 and 3; 295.02; 295.03; 295.04; 295.05; 295.12; 295.13; and 295.14.

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

Eken; Anderson, G.; Vanasek; Biersdorf and Gunter introduced:

H. F. No. 100, A bill for an act relating to agriculture; family farm security program; providing that certain interest earned by the seller on a family farm security loan shall be excludable from gross income; amending Minnesota Statutes 1976, Sections 41.58, by adding a subdivision; and 290.01, Subdivision 20.

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

Forsythe, Skoglund, Kvam, Jaros and Casserly introduced:

H. F. No. 101, A bill for an act relating to licensed occupations; providing for licensing and regulation of tax preparers by the commissioner of revenue; amending Minnesota Statutes 1976, Chapter 326, by adding a section.

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

Erickson, Fudro, Mann, Peterson and Esau introduced:

H. F. No. 102, A bill for an act relating to the legislature; establishing an interim study commission on expanded Amtrak passenger train service; appropriating money.

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

Forsythe, Clark, Osthoff, Sarna and Esau introduced:

H. F. No. 103, A bill for an act relating to highway traffic regulations; providing that a person may lawfully stop or park his motor vehicle on highways and streets under specified conditions for the purpose of aiding distressed motorists; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

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

Simoneau, Novak, Neisen, Berkelman and McCollar introduced:

H. F. No. 104, A bill for an act relating to taxation; reducing the sales tax rate; amending Minnesota Statutes 1976, Section 297A.02.

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



Anderson, I., and Braun introduced:

H. F. No. 105, A resolution relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

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

Patton and Pehler introduced:

H. F. No. 106, A bill for an act relating to the city of St. Cloud; firemen's widows benefits; amending Laws 1974, Chapter 382, Section 5, Subdivision 2.

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

Patton and Pehler introduced:

H. F. No. 107, A bill for an act relating to state property; authorizing the conveyance of certain state property in Stearns county to the city of St. Cloud, Minnesota.

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

Berg introduced:

H. F. No. 108, A bill for an act relating to taxation; authorizing a special levy for shade tree disease control; amending Minnesota Statutes 1976, Section 275.50, Subdivision 5.

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

Neisen, Simoneau, Clark, Peterson and Kostohryz introduced:

H. F. No. 109, A bill for an act relating to taxation; providing for deduction of cost of insulating residence from gross income of individual; amending Minnesota Statutes 1976, Section 290.09, by adding a subdivision.

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

Anderson, I., and Braun introduced:

H. F. No. 110, A bill for an act relating to agriculture; providing compensation for timber wolf losses; appropriating money.

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

#### HOUSE ADVISORIES

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

Mann introduced:

H. A. No. 3, A proposal for underground water survey.

The advisory was referred to the Committee on Agriculture.

Mann, Fudro and Lemke introduced:

H. A. No. 4, A proposal for snow and ice control on roads and streets.

The advisory was referred to the Committee on Transportation.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

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

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

Reported the same back with the following amendments:

Strike everything after the title and insert:

*"Be It Resolved*, by the House of Representatives that the Chief Clerk of the House of Representatives is hereby authorized and directed to prepare and issue warrants in payment of living expenses and mileage to each member of the House from the Legislative Expense Fund for each calendar day of the Sessions of the 70th Legislature.

*Resolved Further*, that living expenses in the sum of \$48 per diem shall be paid to the Speaker of the House and to each mem-

ber of the House who has moved from his usual place of lodging during a substantial part of the Sessions of the 70th Legislature.

*Provided Further*, that the per diem living expenses of a member of the House who has not so changed his place of lodging for a substantial part of said Sessions of the 70th Legislature shall be the sum of \$40 per day.

*Provided Further*, that those members of the House who are eligible to be paid the per diem of \$48 shall in addition be reimbursed for travel to and from their homes at the rate of fifteen cents per mile, or such greater amount as may be authorized by the Commissioner of Personnel for state employees, for not to exceed one round trip per week of the Sessions.

*Provided Also*, that each member of the House shall certify in writing to the Chief Clerk of the House of Representatives, prior to the issuance of the first of such warrants for each of the Sessions of the 70th Legislature for such living expenses whether or not he has moved from his usual place of lodging.

*Provided Further*, in event the 70th Legislature shall increase the compensation provided for members of the House of Representatives the Committee on Rules and Legislative Administration shall review per diem allowances provided by this resolution and adjust them if that shall be deemed by the Committee on Rules and Legislative Administration to be reasonable.”

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

Anderson, I., moved that House Resolution No. 2, as amended by the Committee on Rules and Legislative Administration, be now adopted.

Kvam moved to amend House Resolution No. 2, as amended by the Committee on Rules and Legislative Administration, as follows:

Strike everything after the title and insert in lieu thereof, the following:

*“Be It Resolved*, by the House of Representatives that the Chief Clerk of the House of Representatives is hereby authorized and directed to prepare and issue warrants in payment of living expenses and mileage to each member of the House from the Legislative Expense Fund for each calendar day of the Sessions of the 70th Legislature.

*Whereas*, it is recognized that if fiscal responsibility is to become a reality that elected state legislators should be the pace-setters;

*Whereas*, state department administrators recognize the restraints that are being imposed on department heads because of the state's decline in economic activity and revenue;

*Whereas*, county and local units of government recognize the imposition of levy limits on their political subdivisions;

*Whereas*, legislators, during the regular legislative sessions, disrupt their normal living pattern and that additional expenses are incurred in service to the people of the State of Minnesota;

*Therefore Be It Resolved* that per diem living expenses be reimbursed as is evidenced by receipted vouchers and shall be reimbursable to a maximum of \$25.00 for each day of lodging.

*Be It Further Resolved* that those members of the House who are eligible for a daily per diem shall in addition be reimbursed for travel to and from their homes at the rate of 15¢ per mile, not to exceed one round trip per week of the session.

*Provided Further*, in event the 70th Legislature shall increase the compensation provided for members of the House of Representatives the Committee on Rules and Legislative Administration shall review per diem allowances provided by this resolution and adjust them if that shall be deemed by the Committee on Rules and Legislative Administration to be reasonable.”.

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

The question recurred on the adoption of House Resolution No. 2, as amended by the Committee on Rules and Legislative Administration, and the roll was called. There were 86 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeln	Casserly	George	Kostohryz	Neisen
Adams	Clark	Hanson	Kroening	Nelsen, M.
Anderson, G.	Clawson	Haugerud	Langseth	Nelson
Anderson, I.	Corbid	Hokanson	Lemke	Norton
Arlandson	Cummiskey	Jacobs	Mangan	Osthoff
Battaglia	Dahl	Jaros	Mann	Patton
Begich	Dean	Jensen	McCarron	Pehler
Berg	Eckstein	Johnson	McCollar	Petrafeso
Birnstihl	Eken	Kahn	McEachern	Reding
Braun	Ellingson	Kalis	Metzen	St. Onge
Brinkman	Enebo	Kelly, W.	Moe	Samuelson
Carlson, A.	Fudro	King	Munger	Sarna
Carlson, L.	Fugina	Knickerbocker	Murphy	Savelkoul

Scheid	Sieben, H.	Stanton	Wenstrom	Speaker Sabo
Schulz	Sieben, M.	Suss	Wenzel	
Searle	Simoneau	Swanson	White	
Setzepfandt	Skoglund	Vanasek	Williamson	
Sherwood	Smogard	Voss	Wynia	

Those who voted in the negative were:

Albrecht	Cohen	Gunter	Lehto	Spanish
Anderson, B.	Erickson	Heinitz	McDonald	Stoa
Anderson, D.	Esau	Jude	Nelsen, B.	Tomlinson
Anderson, R.	Evans	Kaley	Niehaus	Waldorf
Berkelman	Ewald	Kelly, R.	Novak	Welch
Biersdorf	Faricy	Kempe, A.	Peterson	Wieser
Brandl	Fjoslien	Kempe, R.	Pleasant	Wigley
Byrne	Forsythe	Kvam	Rose	Zubay
Carlson, D.	Friedrich	Laidig	Searles	

The motion prevailed and House Resolution No. 2, as amended by the Committee on Rules and Legislative Administration, was adopted.

### MOTIONS AND RESOLUTIONS

Sieben, M., moved that the names of Jacobs and Berg be added as authors on H. F. No. 47. The motion prevailed.

Sieben, M., moved that the name of Pleasant be added as an author on H. F. No. 66. The motion prevailed.

Rose moved that the name of Jaros be added as an author on H. F. No. 71. The motion prevailed.

Skoglund moved that the names of Tomlinson, Stoa, Enebo, and Biersdorf be added as authors on H. F. No. 17. The motion prevailed.

Kempe, A., moved that the name of Metzen be added as an author on H. F. No. 90. The motion prevailed.

Knickerbocker moved that the names of Pleasant and Cohen be added as authors on H. F. No. 52. The motion prevailed.

Sieben, M., moved that the name of Wenzel be added as an author on H. F. No. 49. The motion prevailed.

Faricy moved that the name of Jacobs be added as an author on H. F. No. 93. The motion prevailed.

Arlandson moved that the name of Adams be added as an author on H. F. No. 39. The motion prevailed.

Mann moved that the name of Kalis be added as an author on House Advisory No. 4. The motion prevailed.

Anderson, I., and Braun introduced:

House Resolution No. 3, A house resolution relating to the eastern timber wolf; recommending and urging that the commissioner of natural resources pursue legal means to regain management control over the eastern timber wolf.

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 2:00 p.m., Monday, January 24, 1977. The motion prevailed.

Anderson, I., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, January 24, 1977.

EDWARD A. BURDICK, Chief Clerk, House of Representatives