

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1979

SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 18, 1979

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Laidig 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 communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

January 15, 1979

The Honorable Edward J. Gearty
President of the Senate

The Honorable Rod Searle
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 71st Session of the Minnesota Legislature on Tuesday, January 23, 1979, at 12:00 noon for the purpose of presenting my budget recommendations for the 1979-80 biennium to the Legislature.

Sincerely,

ALBERT H. QUIE
Governor

Sieben, H., 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 23, 1979; 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 and the Chairman of the Committee on Rules and Legislative Administration 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:

Piepho, Wigley, Swanson, Pehler and Hoberg introduced:

H. F. No. 71, A bill for an act relating to education; providing aid to schools employing teachers with advanced training and above average experience; appropriating money.

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

Begich, Elioff, Minne, Kaley and Reif introduced:

H. F. No. 72, A bill for an act relating to education; providing that adult vocational pupils be included for foundation aid purposes in the computation of average daily membership for pupils enrolled in post-secondary vocational-technical schools; amending Minnesota Statutes 1978, Section 124.562, Subdivision 2.

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

Greenfield, McCarron, Moe, Kahn and Long introduced:

H. F. No. 73, A resolution ratifying a proposed amendment to the Constitution of the United States of America relating to the District of Columbia.

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

McDonald, Redalen, Kalis, Wenzel and Clark introduced:

H. F. No. 74, A bill for an act relating to taxation; income tax; increasing amount of non-farm income allowed for purposes of deductions attributable to farming; amending Minnesota Statutes 1978, Section 290.09, Subdivision 29.

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

McDonald introduced:

H. F. No. 75, A bill for an act relating to health; establishing penalties for failure to perform life-support measures on behalf of a human conceptus produced as a result of an abortion; prohibiting fetal experimentation; specifying actions comprising unprofessional conduct; amending Minnesota Statutes 1978, Sections 145.421; 145.422, Subdivision 1; 145.423; and Chapter 145, by adding a section; repealing Minnesota Statutes 1978, Sections 145.415; and 145.422, Subdivision 2.

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

McDonald, Reding, Ainley, Welch and Rees introduced:

H. F. No. 76, A bill for an act relating to utilization of financial assistance or grants from the government of the United States by the state of Minnesota; requiring review of applications for financial assistance or grants by the legislature prior to their submission; amending Minnesota Statutes 1978, Section 16A.30; and Chapter 16A, by adding a section.

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

Anderson, B.; Evans; Welch; Berkelman and Mehrkens introduced:

H. F. No. 77, A bill for an act relating to workers' compensation; changing retraining benefits for certain employees; amending Minnesota Statutes 1978, Section 176.101, Subdivision 7.

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

Anderson, B.; Evans; Welch; Berkelman and Mehrkens introduced:

H. F. No. 78, A bill for an act relating to workers' compensation; providing the time in which actions or proceedings shall be taken; amending Minnesota Statutes 1978, Section 176.151.

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

Sieben, M., introduced:

H. F. No. 79, A bill for an act relating to workers' compensation; requiring second medical opinion prior to surgery; amending Minnesota Statutes 1978, Section 176.135, by adding a subdivision.

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

McDonald and Rees introduced:

H. F. No. 80, A bill for an act relating to labor; eliminating certain procedures and restrictions on wage rates for state projects and highway construction; repealing Minnesota Statutes 1978, Sections 177.41, 177.42, 177.43 and 177.44.

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

Wigley, Kalis, Ludeman and Anderson, B., introduced:

H. F. No. 81, A bill for an act relating to railroads; regulating the disposal of certain abandoned property.

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

Niehaus, Waldorf, Blatz, Murphy and Albrecht introduced:

H. F. No. 82, A bill for an act relating to health; requiring only one license of an administrator serving both a hospital and a nursing home; amending Minnesota Statutes 1978, Sections 144.59 and 144A.18.

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

McDonald; Johnson, C.; Anderson, B.; Onnen and Adams introduced:

H. F. No. 83, A bill for an act relating to retirement; establishing and empowering a division of actuary review in the office of legislative auditor; requiring actuarial notes on all bills affecting public pensions; providing penalties.

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

Clawson, Welch, Friedrich, Anderson, G., and Nelsen, B., introduced:

H. F. No. 84, A bill for an act relating to natural resources; modifying certain trespass laws; amending Minnesota Statutes 1978, Section 100.273, Subdivisions 1 and 2.

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

Pehler, Knickerbocker, Patton, Forsythe and Dean introduced:

H. F. No. 85, A bill for an act relating to taxation; income; increasing the pension exclusion from gross income; amending Minnesota Statutes 1978, Section 290.01, Subdivision 20.

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

Long, Kahn, Greenfield, Berglin and Norman introduced:

H. F. No. 86, A bill for an act relating to retirement; clarifying construction of the law governing the required age for the payment of service allowances to certain elective municipal officials; repealing Laws 1978, Chapter 562, Section 35.

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

Enebo, Schreiber, Clark, Hoberg and Jude introduced:

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

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

McDonald, Waldorf, Jude, Rees and Searles introduced:

H. F. No. 88, A bill for an act relating to metropolitan government; the membership of the metropolitan council; requiring certain representation from each county in the metropolitan area; amending Minnesota Statutes 1978, Section 473.123, Subdivision 3.

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

Faricy introduced:

H. F. No. 89, A bill for an act relating to adoption; providing that an adopted child may inherit from its natural parent in certain cases; amending Minnesota Statutes 1978, Section 259.29, Subdivision 1.

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

Faricy introduced:

H. F. No. 90, A bill for an act relating to taxation; inheritance tax; changing provisions for commissioner's certification of satisfaction of tax lien on affidavits or instruments of conveyance; amending Minnesota Statutes 1978, Section 291.14, Subdivisions 1a, 2, and by adding a subdivision.

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

Brinkman; Nelsen, B.; Mann; Den Ouden and Patton introduced:

H. F. No. 91, A bill for an act relating to agriculture; requiring the labeling of fryers as to state of origin; amending Minnesota Statutes 1978, Chapter 29, by adding sections.

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

Drew, Wynia, Norman and Valento introduced:

H. F. No. 92, A bill for an act relating to taxation; providing homemaker credit to persons earning income by providing day care services; amending Minnesota Statutes 1978, Section 290.06, Subdivision 3e.

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

Drew, Halberg, Crandall, Fritz and Dempsey introduced:

H. F. No. 93, A bill for an act relating to taxation; providing an inflation adjustment for income subject to income tax; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

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

Nelsen, B.; Friedrich; Niehaus; Wenzel and Anderson, G., introduced:

H. F. No. 94, A bill for an act relating to the state building code; making adopting of the code voluntary; amending Minnesota Statutes 1978, Sections 16.851; and 16.861, Subdivision 1.

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

Den Ouden and Searle introduced:

H. F. No. 95, A bill for an act relating to pipelines; minimum depth in certain areas; limiting grants of easements, restricting landowners liability; amending Minnesota Statutes 1978, Chapter 299F, by adding a section.

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

Hokanson; Sieben, H.; Forsythe; Clawson and Kaley introduced:

H. F. No. 96, A bill for an act relating to children; establishing a comprehensive child protective services program; prescribing duties of the commissioner of public welfare and county welfare boards; authorizing grants for experimental programs to encourage interagency cooperation; appropriating money.

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

McDonald, Heinitz, Pleasant, Redalen and Jude introduced:

H. F. No. 97, A bill for an act proposing an amendment to the Minnesota Constitution; adding an article to limit the amount of taxes that may be raised by the state and its agencies and local government units.

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

Vanasek; Anderson, G.; Kvam; Dempsey and Johnson, C., introduced:

H. F. No. 98, A bill for an act relating to taxation; inheritance and gift tax; exempting certain transfers to spouses; increasing exemptions of certain other transfers; amending Minnesota Statutes 1978, Sections 291.05; 291.065; 292.04; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5; repealing Minnesota Statutes 1978, Sections 291.051, Subdivisions 1 and 2, and 292.01, Subdivision 7.

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

Nelson; Laidig; Sieben, M.; Piepho and Pavlak introduced:

H. F. No. 99, A bill for an act relating to criminal procedure; providing immunity from liability for peace officers who make good faith domestic assault arrests; amending Minnesota Statutes 1978, Section 629.341.

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

Clawson, Welch, Voss and Byrne introduced:

H. F. No. 100, A bill for an act relating to taxation; sales; exempting residential water and sewer; amending Minnesota Statutes 1978, Section 297A.01, Subdivision 3.

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

Jacobs; Otis; Anderson, G.; Novak and Vanasek introduced:

H. F. No. 101, A bill for an act relating to taxation; income tax; reducing the tax rate imposed upon certain corporations; eliminating the arithmetic average from the formulas used for apportionment of trade or business income among states; amending Minnesota Statutes 1978, Sections 290.06, Subdivision 1; 290.19, Subdivision 1; and 290.361, Subdivision 2.

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

Kempe, Waldorf, Casserly and McDonald introduced:

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

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

Johnson, D.; Den Ouden; Anderson, B.; Anderson, G., and Jennings introduced:

H. F. No. 103, A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; limiting the width and prescribing conditions for the movement of loads of round baled hay; amending Minnesota Statutes 1978, Section 169.80, Subdivision 2.

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

Kahn; Battaglia; Anderson, D.; Norton and Dean introduced:

H. F. No. 104, A bill for an act relating to public buildings; authorizing expenditures for works of art; requiring part of appropriation for building construction be designated for acquisition of works of art; amending Minnesota Statutes 1978, Chapters 16, by adding a section; and 139, by adding a section.

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

Kahn, McCarron, Greenfield, Dean and Long introduced:

H. F. No. 105, A bill for an act relating to crimes; increasing penalties for certain acts relating to prostitution; increasing penalties for certain acts relating to juveniles and prostitution; prohibiting solicitation on public streets; decreasing penalties for engaging in prostitution or hiring a prostitute; repealing laws relating to consensual sodomy, fornication, adultery and vagrancy; amending Minnesota Statutes 1978, Section 609.32; repealing Minnesota Statutes 1978, Sections 609.293; 609.34; 609.36 and 609.725.

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

MOTIONS AND RESOLUTIONS

Sieben, M., moved that H. F. No. 38 be recalled from the Committee on General Legislation and Veterans Affairs and be referred to the Committee on Judiciary. The motion prevailed.

Berglin moved that the names of Novak and Osthoff be added as authors on H. F. No. 14. The motion prevailed.

Clawson moved that the name of Welch be stricken and the name of Sherwood be added as an author on H. F. No. 84. The motion prevailed.

Clawson moved that the name of Minne be added as an author on H. F. No. 100. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER AND THE CHAIRMAN OF
THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

The Speaker and the Chairman of the Committee on Rules and Legislative Administration announced the appointment of the following members on the committee to escort the Governor to the Joint Convention being held in the House Chamber on Tuesday, January 23, 1979: Esau, Nysether, Haukoos, Kempe, and Long.

ANNOUNCEMENTS BY THE SPEAKER

Pursuant to the organizational agreement, the Speaker announced the appointment of O. J. "Lon" Heinitz as permanent Speaker pro tem.

The Speaker announced the following division assignments:

DIVISION ON EDUCATION (APPROPRIATIONS)

Erickson, Chairman	Haukoos Nelsen, B.	Stadum Weaver
Dean, Vice Chairman		

DIVISION ON HEALTH, WELFARE AND CORRECTIONS
(APPROPRIATIONS)

Forsythe, Chairman	Anderson, R. Den Ouden	Mehrkens Reif
Wieser, Vice Chairman		

DIVISION ON SEMI-STATE (APPROPRIATIONS)

Dean, Chairman	Stadum, Vice Chairman	Laidig Mehrkens
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DIVISION ON STATE DEPARTMENTS (APPROPRIATIONS)

Anderson, D., Chairman	Johnson, D. Peipho	Valan Welker
Laidig, Vice Chairman		

DIVISION ON SCHOOL AIDS (EDUCATION)

Esau Jennings	Knickerbocker Levi	Olsen Thiede
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DIVISION ON HIGHER EDUCATION (EDUCATION)

Zubay,
Chairman
Ainley,
Vice Chairman

Drew
Fjoslien
Heap

Hoberg
Redalen
Sherwood

DIVISION I (TAXES)

Searles,
Chairman
Evans,
Vice Chairman

Halberg
Luknic
Onnen

Rothenberg
Searle
Valento

DIVISION II (TAXES)

Kvam, Chairman
Dempsey,
Vice Chairman

Blatz
Fritz
Halberg

Peterson
Pleasant
Schreiber

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON
RULES AND LEGISLATIVE ADMINISTRATION

The chairman announced the following changes in House Standing Committee assignments:

Criminal Justice: strike the name of Tomlinson; add the name of Kelly.

Energy and Utilities: strike the names of Kelly and Lehto; add the names of Clark and Tomlinson.

Labor-Management Relations: strike the name of Kempe; add the name of Lehto.

Transportation: strike the name of Clark; add the name of Kempe.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 22, 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, January 22, 1979.

EDWARD A. BURDICK, Chief Clerk, House of Representatives