

STATE OF MINNESOTA

SEVENTY-FIRST SESSION — 1980

SIXTIETH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 22, 1980

The House of Representatives convened at 12:00 noon and was called to order by the Speaker.

Prayer was offered by the Chaplain.

Anderson, I., introduced the following two new House members who were elected in special elections and announced that they had previously been administered the oath of office and that their election certificates were on file:

Frank J. Rodriguez, Sr., of District 67A effective June 26, 1979, to fill the vacancy declared by the House of Representatives of Robert L. Pavlak dated May 18, 1979.

Donna Peterson of District 60B effective January 22, 1980, to fill the vacancy created by the resignation of Stanley A. Enebo dated December 5, 1979.

The roll was called and the following members were present:

Aasness	Corbid	Heap	Long	Onnen
Adams	Crandall	Heinitz	Ludeman	Osthoff
Ainley	Dean	Hoberg	Luknic	Otis
Albrecht	Dempsey	Hokanson	Mann	Patton
Anderson, B.	Den Ouden	Jacobs	McCarron	Pehler
Anderson, D.	Drew	Jaros	McDonald	Peterson, B.
Anderson, G.	Eken	Jennings	McEachern	Peterson, D.
Anderson, I.	Elioff	Johnson, C.	Mehrkens	Piepho
Anderson, R.	Ellingson	Johnson, D.	Metzen	Pleasant
Battaglia	Erickson	Jude	Minne	Prahl
Begich	Esau	Kahn	Moe	Redalen
Berglin	Evans	Kaley	Munger	Reding
Berkelman	Ewald	Kalis	Murphy	Rees
Biersdorf	Faricy	Kelly	Nelsen, B.	Reif
Blatz	Fjoslien	Kempe	Nelsen, M.	Rice
Brinkman	Forsythe	Knickerbocker	Nelson	Rodriguez
Byrne	Friedrich	Kostohryz	Niehaus	Rose
Carlson, D.	Fritz	Kroening	Norman	Rothenberg
Carlson, L.	Fudro	Kvam	Norton	Sarna
Casserly	Greenfield	Laidig	Novak	Schreiber
Clark	Halberg	Lehto	Nysather	Searles
Clawson	Haukoos	Levi	Olsen	Sherwood

Sieben, H.	Stowell	Valan	Weaver	Wigley
Sieben, M.	Sviggum	Valento	Welch	Wynia
Simoneau	Swanson	Vanasek	Welker	Zubay
Stadum	Thiede	Voss	Wenzel	Speaker Searle
Stoa	Tomlinson	Waldorf	Wieser	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Schreiber 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 S.F. Nos. 129, 917, 1548, 202, 435, 787, 1553, 390, 966, 1234, 1035, 1101, 275, 844, 897, 1166, 1141, 127, 272, 654, 736, 480 and 1151 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

November 30, 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 Thursday, January 24, 1980, at 12:00 noon, for the purpose of presenting my State of the State message 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 message of the Governor on Thursday, January 24, 1980, at 12:00 noon; that the Chief Clerk be instructed to invite the Senate to meet in

Joint Convention at 11:45 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 recess bill introductions were prefiled with the Speaker. Pursuant to House Rule 9.4 these bills were given a file number and referred to committee.

Knickerbocker and Nelsen, B., introduced:

H. F. No. 1644, A bill for an act relating to the operation of state government; authorizing the governor to appoint a special investigator to follow up on evidence relating to audits of various state agencies and executive branch offices and to institute civil actions to recover state funds or other assets misappropriated; appropriating money; providing penalties.

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

Heinitz, Schreiber, Patton and Simoneau introduced:

H. F. No. 1645, A bill for an act relating to commerce; prohibiting producers or refiners of petroleum from operating retail service stations with company personnel; providing for injunctive enforcement.

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

Carlson, D., introduced:

H. F. No. 1646, A bill for an act relating to mines and mining; regulating the business of subsurface mineral exploration and boring; specifying powers and duties of the department of natural resources and other agencies in regard thereto; providing penalties.

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

Welch introduced:

H. F. No. 1647, A bill for an act relating to agriculture; providing for testing to measure milk protein; providing for payments for milk protein; amending Minnesota Statutes 1978, Section 32.25, Subdivision 1.

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

Ainley introduced:

H. F. No. 1648, A bill for an act relating to energy; establishing a temporary program of grants to counties for the purpose of aiding low income families in payment of home heating expenses during the winters of 1979-80 and 1980-81; providing for allocation of grants among counties by the department of economic security; providing penalties; appropriating funds; inclusion of certain energy audit costs within utility rate bases.

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

Welch introduced:

H. F. No. 1649, A bill for an act relating to agriculture; providing for testing to measure milk protein; providing for payments for milk protein and nonfat solids; amending Minnesota Statutes 1978, Section 32.25, Subdivision 1.

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

Begich and Minne introduced:

H. F. No. 1650, A bill for an act relating to St. Louis County; providing for a vote on its possible division into two counties.

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

Begich and Minne introduced:

H. F. No. 1651, A bill for an act relating to the city of Duluth; review of assessments by county assessor.

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

Waldorf, Jude, McEachern and Sarna introduced:

H. F. No. 1652, A resolution relating to amending the United States Constitution to protect human life; applying to congress to call a constitutional convention to provide for protection of all human life.

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

Clawson and Berkelman introduced:

H. F. No. 1653, A bill for an act relating to public welfare; eliminating authorization for Minnesota State Children's Center; repealing Minnesota Statutes 1978, Sections 260.41 to 260.46.

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

Osthoff introduced:

H. F. No. 1654, A bill for an act relating to the city of St. Paul; providing for election of the city council; repealing Laws 1973, Chapter 691, Sections 1 and 2.

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

Lehto, Munger, Laidig and Greenfield introduced:

H. F. No. 1655, A bill for an act relating to pollution; recognizing the extent and severity of the problem of acid precipitation; appropriating funds and designating state agencies and departments to conduct activities designed to identify, control and abate acid precipitation.

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

Rees, Wenzel, Simoneau, Greenfield and Jude introduced:

H. F. No. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A.20, Subdivision 1.

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

Voss, McCarron, Zubay, Piepho and Johnson, D., introduced:

H. F. No. 1657, A bill for an act relating to elections; eliminating indications of incumbency on ballots for judicial elections; amending Minnesota Statutes 1978, Sections 203A.12, Subdivision 5; 487.03, Subdivision 2; 488A.021, Subdivision 3; and 488A.19, Subdivision 3; repealing Minnesota Statutes 1978, Section 203A.12, Subdivision 6.

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

Clawson, Wenzel, Enebo, Friedrich and Carlson, D., introduced:

H. F. No. 1658, A bill for an act relating to legal notice; requiring notice of various matters of public interest to be published in the state register; amending Minnesota Statutes 1978, Sections 15.051, Subdivision 1; 15.054; 16A.67, Subdivision 4; 18.361, Subdivision 1; 18.371; 25.40, Subdivision 2; 35.05; 43.13, Subdivision 2; 60A.08, Subdivision 7; 85A.03, Subdivision 4a; 92.14; 93.16; 123.33, by adding a subdivision; 144.13; 155.17; 167.50, Subdivision 2; 169.06, Subdivision 2; 182.655, Subdivision 2; 340.63, Subdivision 2; and 360.302, Subdivision 2.

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

Welker introduced:

H. F. No. 1659, A bill for an act relating to education; authorizing school districts to provide bus transportation for certain pupils who live within a mile of school; allowing districts to charge a fee for the transportation.

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

Nelsen, B., introduced:

H. F. No. 1660, A bill for an act relating to taxation; property tax administration; eliminating mandatory assessors meetings; amending Minnesota Statutes 1978, Sections 273.03, Subdivision 1; 273.04; and Minnesota Statutes, 1979 Supplement, Sections 270.06; and 273.061, Subdivision 8.

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

Sherwood, Kalis and Nysether introduced:

H. F. No. 1661, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1978, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

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

Berglin, Minne, Voss, Laidig and Anderson, D., introduced:

H. F. No. 1662, A bill for an act relating to state government; providing for a career part-time employment demonstration project in state government; appropriating money.

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

Heinitz introduced:

H. F. No. 1663, A bill for an act relating to health; appropriating money to the University of Minnesota for the Minnesota Regional Sleep Disorders Center.

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

Welker and Crandall introduced:

H. F. No. 1664, A bill for an act relating to corrections; authorizing the confinement of pre-trial detainees and sentenced persons up to 90 days in lockup facilities.

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

Piepho and Stowell introduced:

H. F. No. 1665, A bill for an act relating to state government; providing bonus payments to certain state employees; appropriating money.

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

Simoneau, McCarron, Berkelman, Fjoslien and Peterson, B., introduced:

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

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

Vanasek introduced:

H. F. No. 1667, A bill for an act relating to state government; transferring certain powers and duties relating to natural gas pipeline safety from the state fire marshal in the department of public safety to the director of the department of public service.

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

Sieben, M., introduced:

H. F. No. 1668, A bill for an act relating to drivers licenses; requiring the suspension of licenses of certain uninsured persons; providing a penalty; amending Minnesota Statutes 1978, Chapter 171, by adding sections.

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

Olsen, Rothenberg, McEachern and Fudro introduced:

H. F. No. 1669, A bill for an act relating to highways; limiting construction and right-of-way acquisitions on a certain trunk highway; providing for a transit study; amending Minnesota Statutes, 1979 Supplement, Section 161.123.

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

Kempe introduced:

H. F. No. 1670, A bill for an act relating to crimes; prescribing penalties for the possession or sale of drug related devices.

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

Dempsey, Kvam, Halberg, Pehler and Eken introduced:

H. F. No. 1671, A bill for an act relating to taxation; fixing the jurisdiction of the tax court; providing for determination of certain cases by the district court; amending Minnesota Statutes 1978, Section 271.01, Subdivision 5.

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

Sherwood introduced:

H. F. No. 1672, A bill for an act relating to Independent School District No. 119, Walker; authorizing it to transfer money from its general fund to its capital expenditure fund for the purpose of constructing a facility for special education.

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

McDonald, Kempe, Laidig and Nysether introduced:

H. F. No. 1673, A bill for an act relating to crimes; prescribing penalties for the possession or sale of drug related devices.

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

HOUSE ADVISORIES

The following recess House Advisory Bills were prefiled with the Speaker. Pursuant to House Rule 9.4 these advisory bills have been given a number and referred to committee.

Haukoos; McDonald; Anderson, R.; Jennings and Nysether introduced:

H. A. No. 46, A proposal to study effects of high mileage automobile engines on Minnesota's energy supply.

The advisory was referred to the Committee on Energy and Utilities.

Rees introduced:

H. A. No. 47, A proposal to investigate the management practices and accountability of generation and transmission electric cooperatives.

The advisory was referred to the Committee on Energy and Utilities.

Hokanson introduced:

H. A. No. 48, A proposal to study rising adolescent pregnancy and its accompanying medical and social implications.

The advisory was referred to the Committee on Health and Welfare.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued on General Orders for one day. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

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

Be It Resolved, by the House of Representatives, as follows:

1. That, pursuant to Minnesota Statutes 1978, Section 3.06, the Speaker of the House be removed from that position and said position be, and the same is hereby declared vacant.
2. That the House now proceed to the election of a Speaker *vive voce* with a majority of those voting being required to elect a Speaker.
3. That the Chief Clerk of the House shall preside during said election.
4. That the only order of business before the body shall be the election of a Speaker.

Sieben, H., moved the adoption of the resolution.

Knickerbocker moved to amend the resolution as reported from the Committee on Rules and Legislative Administration as follows:

Delete paragraphs numbered 1 through 3 in their entirety and insert:

"1. That, pursuant to Minnesota Statutes 1978, Section 3.06, the Speaker of the House be removed from that position and that the Speaker Pro Tem shall serve as the presiding officer over the House during the election of a Speaker.

2. That the election shall be vive voce with a majority of those voting being required to elect a Speaker."

Renumber paragraph 4 accordingly.

A roll call was requested and properly seconded.

The question was taken on the adoption of the amendment to the resolution and the roll was called. There were 76 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kahn	Norton	Stowell
Ainley	Erickson	Kaley	Nysether	Svigum
Albrecht	Esau	Knickerbocker	Olsen	Thiede
Anderson, D.	Evans	Kvam	Onnen	Valan
Anderson, G.	Ewald	Laidig	Peterson, B.	Valento
Anderson, R.	Fjoslien	Lehto	Piepho	Voss
Biersdorf	Forsythe	Levi	Pleasant	Weaver
Blatz	Friedrich	Ludeman	Redalen	Welker
Carlson, D.	Fritz	Luknic	Rees	Wieser
Casserly	Halberg	McDonald	Reif	Wigley
Clark	Haukoos	Mehrkens	Rose	Zubay
Corbid	Heap	Moe	Rothenberg	Speaker Searle
Crandall	Heinitz	Nelsen, B.	Schreiber	
Dean	Hoberg	Nelson	Searles	
Dempsey	Jennings	Niehaus	Sherwood	
Den Ouden	Johnson, D.	Norman	Stadum	

Those who voted in the negative were:

Adams	Elioff	Kempe	Novak	Sieben, M.
Anderson, B.	Ellingson	Kostohryz	Osthoff	Simoneau
Anderson, I.	Faricy	Kroening	Otis	Stoa
Battaglia	Fudro	Long	Patton	Swanson
Begich	Greenfield	Mann	Pehler	Tomlinson
Berglin	Hokanson	McCarron	Peterson, D.	Vanasek
Berkelman	Jacobs	McEachern	Prahl	Waldorf
Brinkman	Jaros	Metzen	Reding	Welch
Byrne	Johnson, C.	Minne	Rice	Wenzel
Carlson, L.	Jude	Munger	Rodriguez	Wynia
Clawson	Kalis	Murphy	Sarna	
Eken	Kelly	Nelsen, M.	Sieben, H.	

The motion prevailed and the amendment was adopted.

Sieben, H., moved that the resolution, as amended, be now adopted.

A roll call was requested and properly seconded.

Speaker pro tem Heinitz was called to the chair by the Speaker.

The members stood and applauded Mr. Searle to show their appreciation for his services while Speaker.

The question was taken on the adoption of the resolution, as amended, and the roll was called. There were 107 yeas and 26 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley	Halberg	Nelsen, B.	Rees	Welker
Crandall	Hoberg	Norman	Rodriguez	Wieser
Dean	Jennings	Olsen	Rose	
Dempsey	Knickerbocker	Onnen	Rothenberg	
Den Ouden	Laidig	Peterson, B.	Sarna	
Fritz	McDonald	Pleasant	Schreiber	

The motion prevailed and the resolution, as amended, was adopted.

The Speaker pro tem announced the next order of business to be election of a Speaker.

ELECTION OF SPEAKER

The name of Irvin N. Anderson was placed in nomination by Sieben, H. The nomination was seconded by Tomlinson and Rice.

The name of Fred C. Norton was placed in nomination by Anderson, G.

The name of Rodney N. Searle was placed in nomination by Jennings. The nomination was seconded by Halberg and McDonald.

There being no further nominations, the Speaker pro tem declared the nominations closed.

The Chief Clerk called the roll on the election of a Speaker.

Prior to the closing of the roll the following members announced a change in voting as follows:

Aasness; Anderson, D.; Anderson, R.; Blatz; Crandall; Dean; Erickson; Esau; Evans; Ewald; Fjoslien; Forsythe; Friedrich; Halberg; Haukoos; Heap; Heinitz; Hoberg; Jennings; Johnson, D.; Kaley; Knickerbocker; Kvam; Laidig; Levi; Ludeman; Luknic; Mehrkens; Nelsen, B.; Niehaus; Norman; Nysether; Olsen; Onnen; Piepho; Pleasant; Redalen; Rothenberg; Schreiber; Searle; Searles; Stadum; Stowell; Sviggum; Valan; Weaver; Wieser; Wigley and Zubay changed from Searle to Norton.

Ellingson, McCarron and Patton changed from Anderson, I., to Norton.

Carlson, D., changed from Searle to Rose.

The final results on the election of the Speaker are as follows:

The following members of the House voted for Anderson, I.:

Adams	Eken	Kostohryz	Osthoff	Swanson
Anderson, B.	Elioff	Kroening	Otis	Tomlinson
Anderson, I.	Faricy	Mann	Peterson, D.	Waldorf
Battaglia	Fudro	McEachern	Prahl	Welch
Begich	Hokanson	Metzen	Rice	Wenzel
Berglin	Jacobs	Minne	Rodriguez	Wynia
Brinkman	Jude	Murphy	Sarna	
Carlson, L.	Kelly	Nelsen, M.	Sieben, H.	
Clawson	Kempe	Novak	Sieben, M.	

Anderson, I., received 42 votes.

The following members of the House voted for Norton:

Aasness	Evans	Kahn	Nelsen, B.	Schreiber
Anderson, D.	Ewald	Kaley	Nelson	Searle
Anderson, G.	Fjoslien	Kalis	Niehaus	Searles
Anderson, R.	Forsythe	Knickerbocker	Norman	Simoneau
Berkelman	Friedrich	Kvam	Norton	Stadum
Blatz	Greenfield	Laidig	Nysether	Stoa
Byrne	Halberg	Lehto	Olsen	Stowell
Casserly	Haukoos	Levi	Onnen	Sviggum
Clark	Heap	Long	Patton	Valan
Corbid	Heinitz	Ludeman	Pehler	Vanasek
Crandall	Hoberg	Luknic	Piepho	Voss
Dean	Jaros	McCarron	Pleasant	Weaver
Ellingson	Jennings	Mehrkens	Redalen	Wieser
Erickson	Johnson, C.	Moe	Reding	Wigley
Esau	Johnson, D.	Munger	Rothenberg	Zubay

Norton received 75 votes.

The following members of the House voted for Searle:

Ainley	Den Ouden	Peterson, B.	Sherwood	Valento
Albrecht	Drew	Rees	Thiede	Welker
Biersdorf	Fritz	Reif		
Dempsey	McDonald	Rose		

Searle received 16 votes.

The following member of the House voted for Rose:

Carlson, D.

Rose received one vote.

Norton, pursuant to the resolution adopted earlier today, was declared duly elected Speaker of the House having received a majority of the votes cast.

OATH OF OFFICE

The oath of office was administered to Mr. Norton, the Speaker-elect, by Searle. The Speaker expressed his appreciation for the honor bestowed upon him.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:30 a.m., Thursday, January 24, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Thursday, January 24, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives