

STATE OF MINNESOTA

SEVENTY-SECOND SESSION - 1981

SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, JANUARY 19, 1981

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

Prayer was offered by Dr. Joseph Simonson, former Pastor of Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

Aasness	Erickson	Kelly	Olsen	Sieben, M.
Ainley	Esau	Knickerbocker	Onnen	Simoneau
Anderson, B.	Evans	Kostohryz	Osthoff	Skoglund
Anderson, G.	Ewald	Kvam	Otis	Stadum
Anderson, I.	Friedrich	Laidig	Peterson, B.	Staten
Anderson, R.	Greenfield	Lehto	Peterson, D.	Stowell
Battaglia	Gruenes	Lemen	Piepho	Stumpf
Begich	Gustafson	Levi	Pogemiller	Sviggum
Berkelman	Halberg	Long	Redalen	Swanson
Blatz	Hanson	Ludeman	Reding	Tomlinson
Brandl	Hauge	Luknic	Rees	Valento
Brinkman	Haukoos	Mann	Reif	Vanasek
Byrne	Heap	Marsh	Rice	Vellenga
Carlson, D.	Heinitz	McDonald	Rodriguez, C.	Voss
Carlson, L.	Himle	McEachern	Rodriguez, F.	Weaver
Clark, J.	Hoberg	Mehrkens	Rose	Welch
Clark, K.	Hokanson	Metzen	Rothenberg	Welker
Clawson	Hokr	Minne	Samuelson	Wenzel
Dahlvang	Jacobs	Munger	Sarna	Wieser
Dean	Jennings	Murphy	Schafer	Wigley
Dempsey	Johnson, C.	Nelsen, B.	Schoenfeld	Wynia
Den Ouden	Johnson, D.	Nelson, K.	Schreiber	Zubay
Drew	Jude	Niehaus	Searles	Spkr. Sieben, H.
Eken	Kahn	Norton	Shea	
Elioff	Kaley	Novak	Sherman	
Ellingson	Kalis	Ogren	Sherwood	

A quorum was present.

Fjoslien, Forsythe, Harens, McCarron, O'Connor and Valan were excused. Nysether was excused until 2:50 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Stowell 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. No. 4 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1, A bill for an act relating to education; requiring payment in fiscal 1982 of school aids not paid in fiscal 1981 because of spending reductions approved by the governor.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [FULL PAYMENT OF SCHOOL AIDS.]

Subdivision 1. [PAYMENT REQUIRED.] Notwithstanding the provisions of Minnesota Statutes 1980, Sections 16A.15 or 124.77, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the commissioner of education, revenue or finance or to the department of education for state aids, payments, reimbursements or fund transfers to or on behalf of school districts, public library systems, educational cooperative service units, and regional management information centers, for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Sections 16A.15 and 124.77 because funds in the state treasury were insufficient.

Subd. 2. [PROHIBITION ON USE OF RECEIPTS.] Receipts from taxes or other sources credited to the general fund in the state treasury for fiscal year 1981 shall not be used to make the payments required by subdivision 1.

Subd. 3. [FULL PAYMENT.] Payments in full pursuant to this section shall constitute full satisfaction of the state's obligations under Minnesota Statutes 1980, Sections 124.77 and 124.78.

Subd. 4. [APPROPRIATION.] The amount necessary to make the payments required by subdivision 1 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982. The payments required by subdivision 1 shall be considered a fiscal year 1982 liability for purposes of the state accounting system.

Sec. 2. Minnesota Statutes 1980, Section 16A.15, Subdivision 1, is amended to read:

Subdivision 1. [REDUCTION.] In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. *Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision.* In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.

Sec. 3. [REPEALER.]

Minnesota Statutes 1980, Sections 124.77 and 124.78 are repealed."

Delete the title in its entirety and insert:

"A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of school aids in future years; repealing certain provisions relating to pro rata payment of school aids and reimbursements and certificates for the unpaid amounts; appropriating money; amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78."

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

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

McEachern; Anderson, B.; Johnson, C.; Levi and Jennings introduced:

H. F. No. 70, A bill for an act relating to education; requiring school boards to hold public hearings for all mill rate increases in the discretionary levy; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

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

Minne, McCarron, Osthoff, Haukoos and Fjoslien introduced:

H. F. No. 71, A bill for an act relating to elections; revising, reorganizing and recodifying major portions of the Minnesota election law; modernizing and improving language, organization and style; clarifying certain ambiguities; removing certain obsolete terms and provisions; restating guidelines for determining voter eligibility; providing for voter registration, absentee voting, the conduct of elections and the counting and canvassing of election returns; defining terms; providing penalties; making necessary technical amendments, corrections and other revisions; amending Minnesota Statutes 1980, Sections 10A.01, Subdivision 12; 40.05, Subdivision 3; 123.32, Subdivision 7; 200.01; 200.02; 201.01; 201.021; 201.061; 201.071; 201.081; 201.091; 201.11; 201.12; 201.121; 201.13; 201.14; 201.15; 201.161; 201.171; 201.18; 201.211; 201.221; 201.27; 201.275; 202A.11; 202A.16, Subdivision 1; 205.01; 205.03; 205.11, Subdivision 4a; 205.13, Subdivision 1; 205.14, Subdivision 4; 205.15; 205.17, Subdivision 2; 205.20, Subdivisions 2 and 5; 206.026, Subdivision 5; 206.07, Subdivision 1; 206.185, Subdivisions 1 and 5; 206.20, Subdivision 2; 206.21, Subdivisions 1 and 2; 208.04, Subdivisions 1 and 2; 210A.07; 210A.26, Subdivision 4; 210A.28; 210A.34, Subdivision 4; 290.06, Subdivision 11; 290.21, Subdivision 3; 365.51; 365.52; 375.20; 382.28; and 487.03, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapters 200, 201, 205, and 210A; proposing new law coded as Minnesota Statutes, Chapters 203B, 204B, 204C, and 204D; repealing Minnesota Statutes 1980, Sections 201.231; 201.26; 201.33; 202A.21 to 202A.721; and 210.22; and Chapters 203A, 204A, and 207.

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

Laidig; Sieben, H.; Hanson and Skoglund introduced:

H. F. No. 72, A bill for an act relating to highway traffic regulations; requiring the use of child passenger restraint systems for certain children under the age of four years; prescribing penalties; amending Minnesota Statutes 1980, Section 169.685, by adding a subdivision.

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

Niehaus, McCarron, Haukoos, Gruenes and Brinkman introduced:

H. F. No. 73, A bill for an act relating to towns; providing for certain notice requirements; amending Minnesota Statutes 1980, Section 365.12.

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

Niehaus, Kalis, Laidig, McEachern and Haukoos introduced:

H. F. No. 74, A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.33, by adding a subdivision.

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

Battaglia, Murphy, Begich, Elioff and Minne introduced:

H. F. No. 75, A bill for an act relating to recreation; extending protection from liability for recreational use of land to the state, governmental units and nonprofit corporations; amending Minnesota Statutes 1980, Sections 87.01; and 87.021, Subdivision 3.

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

Rothenberg, Levi, Laidig, Marsh and Pogemiller introduced:

H. F. No. 76, A bill for an act relating to crimes; establishing a bill of rights for victims and witnesses of crime; providing a right to protection from harm and a right to bring an action against an employer if dismissed for court appearance purposes; establishing certain participatory, informational, notification and referral rights for victims and witnesses; encouraging counties to provide certain services, information, and notices to victims and witnesses; authorizing counties to assess a surcharge on fines to be used for providing victim and witness services; providing senior citizen court calendar preference; amending Minnesota Statutes 1980, Sections 244.10, Subdivision 1; 357.22; 546.07; 609.115, Subdivision 1; 630.36; proposing new law coded in Minnesota Statutes, Chapters 181; 241; 630; and 631.

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

Rodriguez, C.; Forsythe; Peterson, D.; Otis and Sarna introduced:

H. F. No. 77, A bill for an act relating to mobile home parks; eliminating certain mobile home park reports made to the secretary of state; repealing Minnesota Statutes 1980, Section 327.29.

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

Jennings, Piepho, Ludeman, Haukoos and Welker introduced:

H. F. No. 78, A bill for an act relating to state government; requiring agency rules to be submitted to the legislative commission to review administrative rules before their final adoption; providing for legislative approval of rules; amending Minnesota Statutes 1980, Sections 3.965, Subdivision 2; 15.0412, Subdivision 4f, and by adding a subdivision; and 15.0413, Subdivisions 1 and 2.

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

Pogemiller; Vanasek; Sieben, M., and Blatz introduced:

H. F. No. 79, A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

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

Jennings introduced:

H. F. No. 80, A bill for an act relating to taxation; income tax; abolishing the non-game wildlife checkoff; repealing Minnesota Statutes 1980, Section 290.431.

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

Minne, Begich, Elioﬀ, Battaglia and Anderson, I., introduced:

H. F. No. 81, A bill for an act relating to public lands; requiring approval of state land acquisitions by local authorities in certain counties; proposing new law coded in Minnesota Statutes, Chapter 15.

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

Stumpf introduced:

H. F. No. 82, A bill for an act relating to retirement; police survivor benefits in the city of Thief River Falls.

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

Battaglia, Murphy, Begich, Elioﬀ and Minne introduced:

H. F. No. 83, A bill for an act relating to insurance; broadening the scope of mandated group accident and health coverage for ambulatory mental health services; amending Minnesota Statutes 1980, Section 62A.152.

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

Jennings introduced:

H. F. No. 84, A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

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

Sieben, M., introduced:

H. F. No. 85, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

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

Sieben, M., introduced:

H. F. No. 86, A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

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

Sieben, M., introduced:

H. F. No. 87, A bill for an act relating to commerce; expanding the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1980, Sections 325G.15, Subdivision 5; and 325G.16, by adding subdivisions.

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

Otis; Nelson, K., and Rothenberg introduced:

H. F. No. 88, A bill for an act relating to public utilities; factors in computing rate of return; amending Minnesota Statutes 1980, Section 216B.16, by adding a subdivision.

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

Rose, Wenzel, Vanasek, Levi and Rothenberg introduced:

H. F. No. 89, A bill for an act relating to crimes; prescribing penalties for the possession of controlled substances on school premises; amending Minnesota Statutes 1980, Section 152.15, by adding a subdivision.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Brinkman, Wynia, Heinitz, Novak and Greenfield introduced:

H. A. No. 3, A proposal to study changes in insurance laws to combat arson for profit.

The advisory was referred to the Committee on Financial Institutions and Insurance.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Sieben, H., 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. 4 which it recommended progress with the following amendment offered by Heinitz:

Page 2, after line 5, insert a section to read:

“Sec. 3. [REPEALER.]

Laws 1980, Chapter 556, Sections 1 to 5, as reenacted by this act are repealed.”

Page 2, line 9, after the period insert “*Section 3 is effective retroactively to April 13, 1980.*”

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 5, delete the period and insert “; repealing Laws 1980, Chapter 556, Sections 1, 2, 3, 4, and 5, as amended.”

On the motion of Eken 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:

Stadum moved to amend H. F. No. 4, as follows:

Page 1, delete lines 13 to 25

Page 2, delete lines 1 to 5

Page 2, line 8, delete “*Section 2 is*”

Page 2, delete line 9

Renumber the section accordingly

Further, amend the title as follows:

Page 1, line 2, delete "defining family"

Page 1, line 3, delete "farm corporation;"

Page 1, line 3, after "556" delete ";

Page 1, delete line 4

Page 1, line 5, delete "Subdivision 11a"

The question was taken on the adoption of the amendment and the roll was called. There were 61 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Aasness	Friedrich	Knickerbocker	Onnen	Stadum
Ainley	Gruenes	Kvam	Peterson, B.	Stowell
Anderson, R.	Halberg	Laidig	Piepho	Sviggum
Blatz	Haukoos	Lemen	Redalen	Valento
Carlson, D.	Heap	Levi	Rees	Weaver
Dean	Heinitz	Ludeman	Reif	Welker
Dempsey	Himle	Luknic	Rose	Wieser
Den Ouden	Hoberg	Marsh	Rothenberg	Wigley
Drew	Hokr	McDonald	Schafer	Zubay
Erickson	Jennings	Mehrkens	Schreiber	
Esau	Johnson, D.	Nelsen, B.	Searles	
Evans	Kaley	Niehaus	Sherman	
Ewald	Kalis	Olsen	Sherwood	

Those who voted in the negative were:

Anderson, B.	Dahlyang	Kelly	Osthoff	Skoglund
Anderson, G.	Eken	Kostohryz	Otis	Staten
Anderson, I.	Elioff	Lehto	Peterson, D.	Stumpf
Battaglia	Ellingson	Long	Pogemiller	Swanson
Begich	Greenfield	Mann	Reding	Tomlinson
Berkelman	Gustafson	McEachern	Rice	Vanasek
Brandl	Hanson	Metzen	Rodriguez, C.	Vellenga
Brinkman	Hauge	Minne	Rodriguez, F.	Voss
Byrne	Hokanson	Munger	Samuelson	Welch
Carlson, L.	Jacobs	Murphy	Sarna	Wenzel
Clark, J.	Johnson, C.	Nelson, K.	Shea	Wynia
Clark, K.	Jude	Novak	Sieben, M.	Spkr. Sieben, H.
Clawson	Kahn	Ogren	Simoneau	

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

Heinitz moved to amend H. F. No. 4, as follows:

Page 2, after line 5, insert a section to read:

"Sec. 3. [REPEALER.]

Laws 1980, Chapter 556, Sections 1 to 5, as reenacted by this act are repealed."

Page 2, line 9, after the period insert "*Section 3 is effective retroactively to April 13, 1980.*"

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 5, delete the period and insert "; repealing Laws 1980, Chapter 556, Sections 1, 2, 3, 4, and 5, as amended."

The question was taken on the adoption of the amendment and the roll was called. There were 66 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Evans	Knickerbocker	Peterson, B.	Stowell
Ainley	Ewald	Kvam	Piepho	Stumpf
Anderson, B.	Friedrich	Laidig	Redalen	Sviggunn
Anderson, G.	Gruenes	Lemen	Rees	Valento
Anderson, R.	Halberg	Levi	Reif	Weaver
Blatz	Haukoos	Ludeman	Rose	Welch
Brinkman	Heap	Marsh	Rothenberg	Welker
Carlson, D.	Heinitz	McDonald	Schafer	Wieser
Dean	Himle	Mehrkens	Schreiber	Wigley
Dempsey	Hoberg	Nelsen, B.	Searles	Zubay
Den Ouden	Hokr	Niehaus	Shea	
Drew	Jennings	Nysether	Sherman	
Erickson	Johnson, D.	Olsen	Sherwood	
Esau	Kaley	Onnen	Stadum	

Those who voted in the negative were:

Anderson, I.	Ellingson	Kostohryz	Ogren	Sieben, M.
Battaglia	Greenfield	Lehto	Osthoff	Simoneau
Begich	Gustafson	Long	Otis	Skoglund
Brandl	Hanson	Mann	Peterson, D.	Staten
Byrne	Hauge	McEachern	Pogemiller	Swanson
Carlson, L.	Hokanson	Metzen	Reding	Tomlinson
Clark, J.	Jacobs	Minne	Rice	Vanasek
Clark, K.	Johnson, C.	Munger	Rodriguez, C.	Vellenga
Clawson	Jude	Murphy	Rodriguez, F.	Voss
Dahlvang	Kahn	Nelson, K.	Samuelson	Wenzel
Eken	Kalis	Norton	Sarna	Wynia
Elioff	Kelly	Novak	Schoenfeld	Spkr. Sieben, H.

The motion prevailed and the amendment was adopted.

MOTIONS AND RESOLUTIONS

Johnson, C., moved that the name of Fjoslien be added as an author on H. F. No. 6. The motion prevailed.

Simoneau moved that the name of McEachern be added as an author on H. F. No. 48. The motion prevailed.

Laidig moved that the name of Reif be added as an author on H. F. No. 72. The motion prevailed.

Kalis moved that the name of Erickson be added as an author on H. F. No. 31. The motion prevailed.

Rothenberg moved that H. F. No. 76 be recalled from the Committee on Judiciary and be re-referred to the Committee on Criminal Justice. The motion prevailed.

Searles; Sherwood; Nelsen, B.; Schreiber; and Carlson, D., introduced:

House Resolution No. 4, A house resolution relating to establishing a House Select Committee on the Budget.

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

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, January 22, 1981. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, January 22, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives