

## STATE OF MINNESOTA

## SEVENTY-SECOND SESSION — 1981

## SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, JANUARY 22, 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 Reverend Winfield V. Johnson, former Pastor Christ Lutheran Church, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Anderson, B.; Begich; Brandl and Elioff were excused.

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

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL

January 16, 1981

The Honorable Jack Davies  
President of the Senate

The Honorable Harry Sieben  
Speaker of the House

Sirs:

I respectfully request the opportunity of addressing a joint session of the House and Senate of the 72nd Session of the Minnesota Legislature on Tuesday, January 27, 1981, at 12:00 noon, for the purpose of presenting my budget message to the Legislature.

Sincerely,

ALBERT H. QUIE  
Governor

Eken 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 27, 1981; 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.

## REPORTS OF STANDING COMMITTEES

Sieben, M., from the Committee on Appropriations to which was referred:

H. F. No. 1, 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 provi-

sions 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.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McCarron from the Committee on Reapportionment and Elections to which was referred the following appointment as reported in the Journal of the House for January 8, 1981:

#### ETHICAL PRACTICES BOARD

Judith G. Schotzko

Reported the same back with the recommendation that the appointment be confirmed.

McCarron moved that the report of the Committee on Reapportionment and Elections relating to the appointment of Judith G. Schotzko to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

#### CONFIRMATION

McCarron moved that the House, having advised, do now consent to and confirm the appointment of Judith G. Schotzko, R. R. No. 1, Blue Earth, Faribault County, effective September 4, 1980, for a term expiring on the first Monday in January, 1983. The motion prevailed and the appointment of Judith G. Schotzko was confirmed by the House.

McCarron from the Committee on Reapportionment and Elections to which was referred the following appointment as reported in the Journal of the House for January 8, 1981:

#### ETHICAL PRACTICES BOARD

Bruce W. Okney

Reported the same back with the recommendation that the appointment be confirmed.

McCarron moved that the report of the Committee on Reapportionment and Elections relating to the appointment of Bruce W. Okney to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

## CONFIRMATION

McCarron moved that the House, having advised, do now consent to and confirm the appointment of Bruce W. Okney, 5128 Thomas Avenue South, Minneapolis, Hennepin County, effective September 15, 1980, for a term expiring on the first Monday in January, 1983. The motion prevailed and the appointment of Bruce W. Okney was confirmed by the House.

## SECOND READING OF HOUSE BILLS

H. F. No. 1 was read for the second time.

INTRODUCTION AND FIRST READING  
OF HOUSE BILLS

The following House Files were introduced:

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

H. F. No. 90, A bill for an act relating to administrative rules; clarifying the meaning of the term "rule"; amending Minnesota Statutes 1980, Sections 15.0411, Subdivision 3; and 15.0413, Subdivision 1.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Wieser, Vanasek, Lemen, Zubay and Brinkman introduced:

H. F. No. 91, A bill for an act relating to public safety; specifying the crime of fleeing from a peace officer by use of a motorized vehicle; providing that whoever flees a peace officer in a motorized vehicle shall be liable for any loss caused by such flight; prohibiting insurers from excluding such liability from their policies; providing for legislation impact evaluation by the bureau of criminal apprehension; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

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

Onnen; Tomlinson; Brinkman; Peterson, B., and Hanson introduced:

H. F. No. 92, A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; providing a presumption that references to United States tax laws are to the laws as amended.

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

Voss, Vanasek, Valento, Jacobs and Rose introduced:

H. F. No. 93, 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.

Samuelson, Niehaus, Munger, Ogren and Clark, K., introduced:

H. F. No. 94, A bill for an act relating to health; removing the requirement that public water supplies be fluoridated; repealing Minnesota Statutes 1980, Section 144.145.

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

Jacobs and Voss introduced:

H. F. No. 95, A bill for an act relating to taxation; providing a credit against the income tax for contributions to candidates for local elective office and removing restriction concerning campaign expenditure limitation agreements; amending Minnesota Statutes 1980, Section 290.06, Subdivision 11.

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

Wenzel, Gruenes, Searles, Novak and Anderson, I., introduced:

H. F. No. 96, A bill for an act relating to taxation; income tax; providing a credit for contributions to institutions of higher education; proposing new law coded in Minnesota Statutes, Chapter 290.

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

Begich; Carlson, D.; Battaglia; Ludeman and Anderson, I., introduced:

H. F. No. 97, A bill for an act relating to natural resources; limiting state land acquisitions for certain purposes, by requiring sale of lands of equal value; proposing new law coded in Minnesota Statutes, Chapter 94.

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

Greenfield, Dean and Nelson, K., introduced:

H. F. No. 98, A bill for an act relating to energy; amending certain provisions for home energy disclosure reports; amending Minnesota Statutes 1980, Section 116H.129, Subdivisions 1, 2, 5, 6, and 7.

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

Wynia; Laidig; Forsythe; Sieben, H., and Vellenga introduced:

H. F. No. 99, A bill for an act relating to the legislature; making permanent the council on the economic status of women; changing certain membership and reporting requirements of the council; appropriating money; amending Laws 1976, Chapter 337, Section 1, Subdivisions 2 and 4, as amended, and Subdivision 3; repealing Laws 1976, Chapter 337, Section 3, as amended.

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

Clawson; Jude; Clark, J.; Kvam and Niehaus introduced:

H. F. No. 100, A bill for an act relating to hospitalization and commitment; providing patients with right of access to medical records; amending Minnesota Statutes 1980, Section 144.335, Subdivision 2.

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

Dempsey and Piepho introduced:

H. F. No. 101, A bill for an act relating to courts; excluding constitutional issues from the tax court's jurisdiction; amending Minnesota Statutes 1980, Section 271.01, Subdivision 5.

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

Aasness introduced:

H. F. No. 102, A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

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

Den Ouden, Kvam, Onnen and Johnson, D., introduced:

H. F. No. 103, A bill for an act relating to state trails; authorizing the sale of certain lands acquired for the Luce Line Trail.

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

Johnson, D., and Den Ouden introduced:

H. F. No. 104, A bill for an act relating to the city of New London; authorizing the issuance of bonds for the acquisition and betterment of a city hall, community center, and municipal library.

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

Niehaus, Wenzel, Onnen, Nysether and Brinkman introduced:

H. F. No. 105, A bill for an act relating to public health; requiring family planning employees who advise an abortion, sterilization, or contraceptive use to a minor to notify the parent before this recommendation; amending Minnesota Statutes 1980, Section 145.925, Subdivision 4.

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

Clawson; Sieben, M.; Vanasek; Haukoos and Hoberg introduced:

H. F. No. 106, A bill for an act proposing an amendment to the Minnesota Constitution, Article IX, Section 1; providing the majority necessary to ratify an amendment.

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

Drew, Luknic, Reif and Otis introduced:

H. F. No. 107, A bill for an act relating to the environment; providing for public notification of certain hearings by the pollution control agency; amending Minnesota Statutes 1980, Section 116.07, Subdivision 5.

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

Niehaus, Friedrich, Erickson, Wenzel and Esau introduced:

H. F. No. 108, A bill for an act relating to highway traffic regulations; increasing the driver license revocation period for second and subsequent convictions of driving under the influence of alcohol or controlled substances; amending Minnesota Statutes 1980, Section 169.121, Subdivision 4.

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

Kvam, Brinkman, Gruenes, Dempsey and Anderson, I., introduced:

H. F. No. 109, A bill for an act relating to taxation; income tax; providing that the one time exclusion of gain on sale of a residence is effective at the same time as effective for federal income tax purposes; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

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

Luknic; Samuelson; Johnson, D.; Welch and Weaver introduced:

H. F. No. 110, A bill for an act relating to state hospitals; authorizing the commissioner of public welfare to obtain a consultant's report on accident control in a state hospital; appropriating money.

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

Clawson and Hokanson introduced:

H. F. No. 111, A bill for an act relating to public welfare; providing for the withholding of child support or maintenance; amending Minnesota Statutes 1980, Sections 256.872; 256.873; and 518.611.

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

Berkelman, Gustafson, Lehto, Munger and Murphy introduced:

H. F. No. 112, A bill for an act relating to retirement; Duluth teachers retirement fund association; authorizing an increase in retirement allowances and benefits for certain teachers; establishing a new coordinated retirement program within the retirement fund association; amending Minnesota Statutes 1980, Sections 354A.011, Subdivision 11; 354A.092; 354A.093; 354A.12, Subdivisions 1 and 2; 354A.24; 354A.32; 354A.39; and 354A.41.

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

Ewald, Otis, Rothenberg, Kahn and Nelson, K., introduced:

H. F. No. 113, A bill for an act relating to energy; authorizing use of energy audits in meeting energy disclosure requirements; amending Minnesota Statutes 1980, Section 116H.129, Subdivision 7.

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

Den Ouden, Reding, Redalen, Jacobs and Johnson, C., introduced:

H. F. No. 114, A bill for an act relating to public utilities; redefining the term "public utility" so as to exempt from public service commission jurisdiction certain small natural gas utilities; amending Minnesota Statutes 1980, Section 216B.02, Subdivision 4.

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

Jacobs and Osthoff introduced:

- H. F. No. 115, A bill for an act relating to the legislature; fixing the number of senators and representatives in 1983 and thereafter; amending Minnesota Statutes 1980, Section 2.021.

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

Berkelman; McEachern; Anderson, B.; Johnson, D., and Lude-man introduced:

H. F. No. 116, A bill for an act relating to local government; providing conditions for the annexation of town territory to municipalities; providing for the membership of the municipal board; amending Minnesota Statutes 1980, Sections 414.01, Subdivision 2; and 414.031, Subdivision 4.

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

Hokanson; Forsythe; Peterson, D.; Swanson and Ewald introduced:

H. F. No. 117, A bill for an act relating to general assistance; providing for vendor payments of grants prior to verification of applications; amending Minnesota Statutes 1980, Section 256D.09, Subdivision 1.

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

Simoneau, McCarron and Munger introduced:

H. F. No. 118, A bill for an act relating to the environment; establishing a superfund to finance the clean up costs associated with certain hazardous substances; providing for liability, compensation, and emergency response for hazardous substances released into the environment or stored in disposal facilities; requiring the director of the pollution control agency to adopt rules to implement the superfund program; assessing fees to be paid by certain industries and facilities to establish the superfund; providing for penalties; proposing new law coded in Minnesota Statutes, Chapter 115A.

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

Begich, Stadum, Ludeman, Elioff and Fjoslien introduced:

H. F. No. 119, A bill for an act relating to crimes; regulating the possession and use of pistols; defining certain terms; property rights of certain persons in pistols; prohibiting discrimination in the issuance of permits to carry pistols; providing penalties; amending Minnesota Statutes 1980, Sections 624.712, Subdivisions 2, 4 and 5 and by adding a subdivision; 624.713; 624.7131, Subdivision 1; 624.714, Subdivisions 1, 5, 9, 10 and by adding a subdivision.

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

Simoneau, Norton and Novak introduced:

H. F. No. 120, A bill for an act relating to the legislature; creating a legislative fiscal office; providing for its duties relating to economic and financial analysis and projection and for fiscal notes on bills; appropriating money; amending Minnesota Statutes 1980, Section 3.304, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 3; repealing Minnesota Statutes 1980, Section 3.98.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Lemen introduced:

H. F. No. 121, A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

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

Clawson, Mann, Berkelman, Kelly and Drew introduced:

H. F. No. 122, A bill for an act relating to animals; prohibiting the transfer of certain animals for experimental purposes; amending Minnesota Statutes 1980, Section 35.71.

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

Kalis; Anderson, B.; Schafer; Niehaus and Berkelman introduced:

H. F. No. 123, A bill for an act relating to towns; making authority to exercise certain powers optional with certain towns; amending Minnesota Statutes 1980, Section 368.01, Subdivision 1.

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

McDonald; O'Connor; Nelsen, B.; Rees and Harens introduced:

H. F. No. 124, A resolution memorializing the United States Congress 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 Judiciary.

Norton, Gustafson, Staten, Dean and Drew introduced:

H. F. No. 125, A bill for an act relating to state government; making Martin Luther King's Birthday an official state holiday; amending Minnesota Statutes 1980, Section 645.44, Subdivision 5.

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

Anderson, B.; Erickson; Mann; Esau and Ludeman introduced:

H. F. No. 126, A bill for an act relating to waters; requiring posting and publication of notice of aeration operations by a municipality or political subdivision; establishing a presumption of due care; proposing new law coded in Minnesota Statutes, Chapter 378.

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

### 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.

On the motion of Eken the report of the Committee of the Whole was adopted.

## MOTIONS AND RESOLUTIONS

Brinkman moved that the name of Kalis be added as an author on H. F. No. 69. The motion prevailed.

Pogemiller moved that the name of Zubay be added as an author on H. F. No. 79. The motion prevailed.

Dempsey moved that the name of Jude be added as an author on H. F. No. 101. The motion prevailed.

Jacobs moved that the name of Otis be added as an author on H. F. No. 115. The motion prevailed.

Simoneau moved that the name of Hanson be added as an author on H. F. No. 118. The motion prevailed.

Simoneau moved that the name of Hanson be added as an author on H. F. No. 120. The motion prevailed.

Skoglund, Wenzel, Vanasek, Rothenberg and Friedrich introduced:

House Resolution No. 5, A house resolution relating to the release of the American hostages in Iran.

## SUSPENSION OF RULES

Skoglund moved that the Rules be so far suspended that House Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

## HOUSE RESOLUTION NO. 5

A house resolution relating to the release of the American hostages in Iran.

*Whereas*, American citizens serving at the American embassy in Iran were taken captive by Iranian militants on November 4, 1979; and,

*Whereas*, since being taken captive, the hostages have spent long hours bound and gagged, beaten, and isolated from each other and from outside news; and,

*Whereas*, during the entire period the American people have not only had to endure the fact that its citizens were being held hostage contrary to international law and diplomatic custom, but also to a continual stream of verbal invective from the Iranian captors; and,

*Whereas*, the families of the American hostages have had to endure over 14 months of anguish over the health and safety of their relatives; and,

*Whereas*, an attempted rescue of the hostages resulted in the greatest sacrifice by eight brave Americans; and,

*Whereas*, the crisis, caused by the outrageous actions of the Iranians, threatened to rend the delicate fabric of world peace; and,

*Whereas*, on January 20, 1981, after 444 days the hostages were set free; and,

*Whereas*, the hostages, their families and all the American people are gratified that the crisis will at last be over; and,

*Whereas*, the efforts of the government of the United States, in particular those of state department personnel, and the government of Algeria to resolve the crisis should be acknowledged and appreciation indicated; *Now, Therefore,*

*Be it Resolved* by the House of Representatives of the state of Minnesota, on the part of all Minnesotans, that it is joyful over the safe return of the American hostages. It is hoped that the lingering resentment over the taking and lengthy holding and treatment of the hostages will dissolve in the elation over their freedom. A welcome home is extended to all the American hostages, but particularly to the Minnesotans L. Bruce Laingen and Joseph Hall.

*Be It Further Resolved* that the skill, courage, and ultimate sacrifice of the eight Americans who gave their lives to save their fellow countrymen and countrywomen should never be forgotten.

*Be It Further Resolved* that the appreciation of the American people is expressed to President Ronald Reagan, President Jimmy Carter, Vice-President Walter Mondale, Secretary of State Edmund Muskie, Secretary of State Cyrus Vance, Deputy Secretary of State Warren Christopher, the personnel of the state department, and the government of Algeria for their long, tireless, and now fruitful efforts to return the hostages.

*Be It Further Resolved* that the Chief Clerk of the House is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the speaker, and to transmit them to the families of the eight Americans who died in the rescue effort; to Presidents Reagan and Carter, Vice-President Mondale, Secretaries of State Muskie and Vance, Deputy Secretary Christopher; to the Algerian ambassador to the government of the United States; to the secretary of state of the United States; and to L. Bruce Laingen and Joseph Hall.

Skoglund moved that House Resolution No. 5 be now adopted. The motion prevailed and the resolution was adopted.

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the following change in committee assignment:

Agriculture: Remove the name of Schafer and add the name of Gruenes.

#### ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, January 26, 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., Monday, January 26, 1981.

**EDWARD A. BURDICK, Chief Clerk, House of Representatives**

