# STATE OF MINNESOTA

### SEVENTY-SECOND SESSION - 1981

# THIRTEENTH DAY

## SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 9, 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 James Tomlonson, Church of the Brethren, Preston, Minnesota.

The roll was called and the following members were present:

A quorum was present.

Brandl; Brinkman; Clark, J.; Erickson; McDonald; Schreiber; Shea; Stowell; Voss and Zubay were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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. 230 and S. F. Nos. 16, 17 and 7 have been placed in the members' files.

### INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Elioff, Jude, Luknic and Battaglia introduced:

H. F. No. 284, A bill for an act relating to health; prescribing procedures for notification of parents, guardians, and conservators prior to performing abortions on certain persons; providing a penalty; amending Minnesota Statutes 1980, Section 144.343.

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

Dempsey; Johnson, C.; Anderson, B., and Reding introduced:

H. F. No. 285, A bill for an act relating to counties; providing that autopsy costs may be charged against the estates of the deceased persons; amending Minnesota Statutes 1980, Section 375.18, by adding a subdivision.

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

Jennings, Levi, Schreiber, Haukoos and Sherman introduced:

H. F. No. 286, A bill for an act providing for establishment of the boundaries of congressional and legislative districts by a commission; providing by law for the duties, powers and operation of the commission; providing for judicial review of an apportionment plan; imposing duties on certain state officials; appropriating money; proposing new law coded as Minnesota Statutes, Chapter 2A; repealing Minnesota Statutes 1980, Sections 2.041 to 2.712 and 2.731 to 2.811.

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

H. F. No. 287, A bill for an act relating to education; changing the ballot question for discretionary levy reverse referendums; amending Minnesota Statutes 1980, Section 275.125, Subdivision 7a.

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

Brandl, Clawson, Hokanson, Aasness and Haukoos introduced:

H. F. No. 288, A bill for an act relating to public welfare; providing for actions against parents for contributions on behalf of certain children; providing for withholding from income for the enforcement of a court order for child support and maintenance of a parent of a dependent child; amending Minnesota Statutes 1980, Sections 256.87, Subdivision 1; 256.872; and 256.873.

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

Levi; McCarron; Sieben, M.; McEachern and Valento introduced:

H. F. No. 289, A bill for an act relating to metropolitan government; providing conditions for parks and open spaces acquisition, management and conveyance; amending Minnesota Statutes 1980, Section 473.333.

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

Sviggum, Brinkman, Ludeman, Kalis and Vanasek introduced:

H. F. No. 290, A bill for an act relating to unemployment compensation; requiring benefit requalification following a voluntary quit or misconduct disqualification to be treated like initial qualification; amending Minnesota Statutes 1980, Section 268.09, Subdivision 1.

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

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McDonald, McEachern, McCarron, Niehaus and Mehrkens introduced:

H. F. No. 291, A bill for an act relating to intoxicating liquor; providing for a sharing with towns of county liquor license fees; amending Minnesota Statutes 1980, Section 340.11, by adding a subdivision.

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

Ludeman, Dempsey, Schafer, Piepho and Ainley introduced:

H. F. No. 292, A bill for an act relating to workers' compensation; providing for insurance rate setting by individual insurance companies; creating duties for the commissioner of insurance; limiting certain claims; regulating levels of compensation; amending Minnesota Statutes 1980, Sections 70A.02; 70A.09; 70A.16; 79.075; 79.09; 79.21; 79.211, Subdivision 1; 79.24; 79.25, Subdivision 1; 79.28; 79.29; 79.30; 79.31; 79.32; 176.021, Subdivision 3; 176.101, Subdivision 3; 176.111, by adding a subdivision; 176.151; proposing new law coded in Minnesota Statutes, Chapters 79 and 176; repealing Minnesota Statutes 1980, Sections 79.01, Subdivision 7; 79.071; 79.072; 79.073; 79.076; 79.08; 79.10; 79.11; 79.12; 79.13; 79.14; 79.15; 79.16; 79.17; 79.171; 79.18; 79.19; 79.20; 79.22; 79.26; and 79.27.

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

**Reding and Kalis introduced:** 

H. F. No. 293, A bill for an act relating to civil actions; authorizing converts to organizations promising religious or philosophical self-fulfillment to maintain actions for damages; authorizing family members of converts to organizations promising religious or philosophical self-fulfillment to maintain actions for damages; proposing new law coded as Minnesota Statutes, Chapter 608.

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

Reding; Haukoos; Anderson, B., and Wieser introduced:

H. F. No. 294, A bill for an act relating to transportation; providing that interstate route no. 391, designated I-90, be included in the system of bicycle trails; authorizing restricted bicycle and motor bicycle use on the route; proposing new law coded in Minnesota Statutes, Chapter 160.

The bill was read for the first time and referred to the Committee on Transportation. Sarna and Kaley introduced :

H. F. No. 295, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

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

Lehto, Dean and Kahn introduced:

H. F. No. 296, A bill for an act relating to energy; directing a study of the effect upon energy conservation of smoking in public places; appropriating funds.

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

Elioff, Minne, Begich and Battaglia introduced:

H. F. No. 297, A bill for an act relating to the town of Great Scott; granting the town certain powers of a municipality.

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

Elioff, Murphy, Begich, Staten and Battaglia introduced:

H. F. No. 298, A bill for an act relating to trade regulations; requiring service stations selling motor vehicle fuel at retail to be equipped with operational devices for inflating motor vehicle tires; proposing new law coded in Minnesota Statutes, Chapter 325E.

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

Elioff, Murphy, Begich, Minne and Hoberg introduced:

H. F. No. 299, A bill for an act relating to highways; prohibiting certain actions affecting portions of St. Louis county stateaid highway No. 25 unless payment is first made to the county of St. Louis for certain costs of betterments and improvements, declaring certain instruments null and void as against public policy.

The bill was read for the first time and referred to the Committee on Transportation. Anderson, I.; Tomlinson; Jacobs; O'Connor and Schreiber introduced:

H. F. No. 300, A bill for an act relating to taxation; income; excluding from gross income capital gains from sale of shares in a Minnesota based corporation; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

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

Anderson, I.; Jacobs; Osthoff; Peterson, D., and Olsen introduced:

H. F. No. 301, A bill for an act relating to taxation; income; providing a deduction for certain funeral expenses of a spouse or dependent; amending Minnesota Statutes 1980, Section 290.09, by adding a subdivision.

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

Anderson, I.; McCarron; Begich and Rice introduced:

H. F. No. 302, A bill for an act relating to unemployment compensation; providing for work weeks to begin on Monday; requiring vacation pay to be deducted from benefits; amending Minnesota Statutes 1980, Sections 268.04, Subdivision 27; 268.07, Subdivision 2.

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

Peterson, B.; O'Connor; Dempsey; Sieben, M., and Vanasek introduced:

H. F. No. 303, A bill for an act relating to arrest records; providing for the return of arrest records to unconvicted persons; providing for the sealing of arrest records when convictions are set aside; amending Minnesota Statutes 1980, Sections 299C.11; 609.166; 609.167, Subdivision 3; and 609.168.

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

Peterson, B.; Jude; Sieben, M.; Rothenberg and Weaver introduced:

H. F. No. 304, A bill for an act relating to courts; authorizing a committee consisting of county and county municipal court judges to adopt by rule guidelines for the awarding of maintenance, child support and disposition of property in dissolution, legal separation and maintenance proceedings; appropriating money; proposing new law coded in Minnesota Statutes, Chapter 518.

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

Greenfield, Staten, Blatz, Lehto and Vanasek introduced:

H. F. No. 305, A bill for an act relating to crimes; specifying the crime of theft of services; amending Minnesota Statutes 1980, Section 609.52, Subdivisions 1 and 2.

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

Greenfield, Vanasek, Kelly, Staten and Blatz introduced:

H. F. No. 306, A bill for an act relating to crimes; establishing the crime of commercial bribery; prescribing penalties; proposing new law coded in Minnesota Statutes, Chapter 609.

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

Aasness, Ludeman, Piepho, Den Ouden and Friedrich introduced:

H. F. No. 307, A bill for an act relating to education; allowing school districts to transfer funds from the capital expenditure fund to the general fund.

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

Blatz, Jude, Ellingson, Hokanson and Peterson, B., introduced:

H. F. No. 308, A bill for an act relating to courts; Hennepin and Ramsey County district courts, juvenile divisions; authorizing appointment of district court judges to hear cases arising under the juvenile court act for terms up to six years; amending Minnesota Statutes 1980, Section 260.019, Subdivision 3.

The bill was read for the first time and referred to the Committee on Judiciary. Stadum; Anderson, R.; Erickson and Ludeman introduced:

H. F. No. 309, A bill for an act relating to taxation; real property; providing a method for determining the value of agricultural land; amending Minnesota Statutes 1980, Section 273.11, Subdivision 1, and by adding a subdivision.

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

Pogemiller, Long, Weaver, Lehto and Rodriguez, C., introduced:

H. F. No. 310, A bill for an act relating to metropolitan government; providing for certain transit commission plans and passes; amending Minnesota Statutes 1980, Sections 473.408, Subdivisions 6 and 7; and 473.411, Subdivision 1.

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

Kaley, Sarna and Reding introduced:

H. F. No. 311, A bill for an act relating to retirement; providing post retirement annuity or benefit increases for certain retired or disabled public employees; appropriating funds; amending Laws 1979, Chapter 293, Section 10, Subdivision 3.

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

Dahlvang; Redalen; Johnson, C., and Carlson, D., introduced:

H. F. No. 312, A bill for an act relating to agriculture; requiring the commissioner of agriculture to examine fluid milk and milk product marketing and packaging; proposing new law coded in Minnesota Statutes, Chapter 32.

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

Jude; McEachern; McDonald; Clark, K., and Searles introduced:

H. F. No. 313, A bill for an act relating to local government; authorizing certain cities and towns to levy an assessment for services provided to the Hennepin County Park Reserve District.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs. Brandl; Elioff; Clark, K.; Niehaus and McDonald introduced:

H. F. No. 314, A bill for an act relating to public welfare; providing for a statewide program of subsidies for families of mentally retarded children; amending Minnesota Statutes 1980, Section 252.27, Subdivision 4.

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

Otis and Long introduced:

H. F. No. 315, A bill for an act relating to taxation; real property; decreasing the classification ratio on apartments; amending Minnesota Statutes 1980, Section 273.13, Subdivision 19.

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

Reding, Vanasek, Munger, Sherwood and Sieben, H., introduced:

H. F. No. 316, A bill for an act relating to natural resources; providing for the designation of endangered plant species; establishing a temporary technical advisory commitee; amending Minnesota Statutes 1980, Section 97.488, Subdivisions 1, 2, 4, 5, and 7.

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

Rodriguez, F.; Norton; Sieben, H.; Brandl and Tomlinson introduced:

H. F. No. 317, A bill for an act relating to state government; making permanent the state council on affairs of the Spanishspeaking people; appropriating money; amending Laws 1978, Chapter 510, Sections 2 and 5; repealing Laws 1978, Chapter 510, Section 10.

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

Osthoff; Peterson, D.; Jacobs; Luknic and Anderson, I., introduced:

H. F. No. 318, A bill for an act relating to taxation; income tax; providing a credit for energy conservation expenditures; amending Minnesota Statutes 1980, Section 290.06, Subdivision 14.

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

H. F. No. 319, A bill for an act relating to the department of public safety; financing the divisions of highway patrol and driver's license from the general fund; amending Minnesota Statutes 1980, Sections 299D.02, Subdivision 1; 299D.04; 299D.-05, Subdivision 3; and proposing new law coded in Minnesota Statutes, Chapters 171 and 299D.

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

Jacobs and Murphy introduced:

H. F. No. 320, A bill for an act relating to drivers licenses; authorizing married applicants to use their married name as their middle name; amending Minnesota Statutes 1980, Section 171.06, by adding a subdivision.

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

Norton; Drew; Vellenga; Rodriguez, F., and Kelly introduced:

H. F. No. 321, A bill for an act relating to the city of St. Paul; authorizing the issuance of a license for the sale of intoxicating liquor at Town Square Park.

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

Norton; Jude; Peterson, B.; Gustafson and Ellingson introduced:

H. F. No. 322, A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisement; amending Minnesota Statutes 1980, Section 524.3-706.

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

Wynia, Jude, Brandl, Hokanson and Nysether introduced:

H. F. No. 323, A bill for an act relating to witnesses; exempting parents and minors from testifying with respect to confidential communications made by the minor to parent; amending Minnesota Statutes 1980, Section 595.02.

The bill was read for the first time and referred to the Committee on Judiciary. Metzen; Rodriguez, C.; Rodriguez, F.; Sarna and Kaley introduced:

H. F. No. 324, A bill for an act relating to retirement; city of West St. Paul; authorizing certain police officers to change retirement coverage for future service, to purchase prior service credit and to receive a refund of certain member contributions.

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

Norton; Dempsey; Sieben, M.; Forsythe and Jude introduced:

H. F. No. 325, A bill for an act relating to actions involving negligence; providing that contributory fault be measured against the aggregate fault of persons from whom recovery is sought; amending Minnesota Statutes 1980, Section 604.01, Subdivision 1.

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

Swanson; Sieben, H.; Reif; Murphy and Heinitz introduced:

H. F. No. 326, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1980, Sections 62E.52, Subdivision 2; 62E.53, Subdivisions 1 and 2; and 62E.531, Subdivision 2.

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

# MESSAGES FROM THE SENATE

The following message was received from the Senate:

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Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 8 and 92.

PATRICK E. FLAHAVEN, Secretary of the Senate

[13th Day

# FIRST READING OF SENATE BILLS

S. F. No. 8, 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.

S. F. No. 92, 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.

# 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. 230 which it recommended to pass.

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:

Weaver moved to amend H. F. No. 230 as follows:

Page 1, line 24, delete "10,888,000" and insert "11,074,935"

Page 2, line 2, delete "43,681,200" and insert "43,868,135"

Page 2, line 3, delete "43,681,200" and insert "43,868,135"

Page 6, line 12, delete "10,888,000" and insert "11,074,935"

Page 6, lines 21 and 22, delete subdivision 3 and insert:

"Subd. 3. Anoka State Hospital		385,935
(a)	emergency generator	199,000
(b)	air conditioning	186,935"

The question was taken on the adoption of the amendment and the roll was called. There were 46 yeas and 73 nays as follows:

Those who voted in the affirmative were:

AinleyHalbergCarlson, D.HaukoosClawsonHeapDeanHeinitzDempseyHobergDrewHokrEsauJohnson, D.EwaldKaleyFjoslienKnickerbockerGruenesKvam	Lemen Levi Ludeman Luknic Marsh Mehrkens Nelsen, B. Niehaus Nysether Olsen	Onnen Peterson, B. Piepho Redalen Rees Reif Rothenberg Saarles Sherwood Stadum	Sviggum Valan Valento Weaver Welker Wigley
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Those who voted in the negative were:

Anderson, B. Anderson, G.Ellingson EvansAnderson, I. Anderson, R.Forsythe Greenfield Gustafson BerkelmanBattaglia BerkelmanGustafson HansonBatz Byrne Carlson, L.Hokanson Johnson, G Den OudenDen Ouden EkenJude Kalis	Mann McCarron McEachern Metzen Minne Munger Murphy	Ogren Osthoff Otis Peterson, D. Pogemiller Reding Rice Rodriguez, C. Rodriguez, F. Rose Samuelson Sarna Schoenfeld Sherman Sieben, M.	Simoneau Skoglund Staten Stumpf Swanson Tomlinson Vanasek Vellenga Welch Welch Welch Wenzel Wieser Wynia Spkr. Sieben, H.
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The motion did not prevail and the amendment was not adopted.

Ainley moved to amend H. F. No. 230 as follows:

Page 1, line 26, delete "975,000" and insert "836,000"

Page 2, line 2, delete "43,681,200" and insert "43,542,200"

Page 2, line 3, delete "43,681,200" and insert "43,542,200"

Page 8, line 7, delete "975,000" and insert "836,000"

Page 8, lines 11 to 14, delete subdivision 2

# Renumber the subdivisions accordingly

The question was taken on the adoption of the amendment and the roll was called. There were 52 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Aasness Ainley	Friedrich Halberg	Knickerbocker Kvam	Onnen Piepho	Sviggum Swanson
Blatz	Haukoos	Lemen	Redalen	Valan
Carlson, D.	Heap	Levi	Rees	Valento
Dempsey	Heinitz	Ludeman	Reif	Weaver
Den Ouden	Himle	Luknic	Rothenberg	Welker
Drew	Hoberg	Marsh	Schafer	Wieser
Esau	Hokr	Nelsen, B.	Searles	Wigley
Ewald	Jennings	Niehaus	Sherman	
Fjoslien	Johnson, D.	Nysether	Sherwood	
Forsythe	Kaley	Olsen	Stadum	

Those who voted in the negative were:

Anderson, G. Ev Anderson, I. Gi Anderson, R. Gi Battaglia Gu Begich Ha Berkelman Hi Byrne Ha Carlson, L. Ha Clark, K. Ja Clawson Jo Dahlvang Ju Dean Ka Eken Ka	vans La reenfield Le ruenes Lo ustafson M anson M arens M auge M okanson M okanson M bhnson, C. M ide M ahn Ne alis Ne	aidig ehto ong ann cCarron cEachern ehrkens etzen inne unger urphy elson, K. orton	Ogren Osthoff Otis Peterson, B. Peterson, D. Pogemiller Reding Rice Rodriguez, C. Rodriguez, F.	Sieben, M. Simoneau Skoglund Staten Stumpf Tomlinson Vanasek Vellenga Welch Wenzel Wynia Spkr. Sieben, H.
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The motion did not prevail and the amendment was not adopted.

# MOTIONS AND RESOLUTIONS

Kelly moved that H. F. No. 131 be recalled from the Committee on Criminal Justice and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Kelly moved that H. F. No. 158 be recalled from the Committee on Criminal Justice and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Dahlvang moved that the name of Kalis be added as an author on H. F. No. 312. The motion prevailed.

Elioff moved that the name of Reif be added as an author on H. F. No. 284. The motion prevailed.

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Jacobs moved that the names of Long and Olsen be added as authors on H. F. No. 320. The motion prevailed.

Piepho moved that the name of Levi be added as an author on H. F. No. 173. The motion prevailed.

Reding moved that the name of Valento be added as an author on H. F. No. 293. The motion prevailed.

Simoneau moved that the name of Stumpf be added as an author on H. F. No. 244. The motion prevailed.

Dempsey moved that the name of Olsen be added as an author on H. F. No. 281. The motion prevailed.

Heap moved that the name of Olsen be added as an author on H. F. No. 280. The motion prevailed.

Jacobs moved that the name of McEachern be added as an author on H. F. No. 319. The motion prevailed.

Otis moved that the name of Dean be added as an author on H. F. No. 315. The motion prevailed.

Reding moved that his name be stricken as an author on H. F. No. 176. The motion prevailed.

#### ADJOURN MENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, February 12, 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, February 12, 1981.

EDWARD A. BURDICK, Chief Clerk, House of Representatives