

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

FOURTEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 14, 1983

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. Peter West, First Baptist Church, Minneapolis, Minnesota.

The roll was called and the following members were present:

Anderson, B.	Evans	Kostohryz	Pauly	Simoneau
Anderson, R.	Findlay	Krueger	Peterson	Skoglund
Battaglia	Fjorli	Kvam	Piepho	Solberg
Beard	Forsythe	Larsen	Piper	Stadum
Begich	Graba	Levi	Price	Staten
Bennett	Greenfield	Long	Quinn	Swiggum
Bergstrom	Gruenes	Ludeman	Quiist	Swanson
Berkelman	Gustafson	Mann	Reif	Thiede
Bishop	Gutknecht	McDonald	Rice	Tomlinson
Brinkman	Halberg	McEachern	Riveness	Tunheim
Burger	Haukoos	McKasy	Rodosovich	Uphus
Carlson, D.	Heap	Minne	Rodriguez, C.	Valan
Carlson, L.	Heinitz	Munger	Rodriguez, F.	Valento
Clark, J.	Himle	Murphy	Rose	Vanasek
Clark, K.	Hoberg	Nelson, D.	St. Onge	Vellenga
Clawson	Hoffman	Nelson, K.	Sarna	Voss
Cohen	Hokr	Neuenschwander	Schafer	Waltman
Coleman	Jacobs	Norton	Scheid	Welch
Dempsey	Jennings	O'Connor	Schoenfeld	Welker
DenOuden	Johnson	Ogren	Schreiber	Welle
Dimler	Kahn	Olsen	Seaberg	Wenzel
Eken	Kalis	Omann	Segal	Wigley
Elioff	Kelly	Onnen	Shaver	Wynia
Ellingson	Knickerbocker	Osthoff	Shea	Zaffke
Erickson	Knuth	Otis	Sherman	Speaker Sieben

A quorum was present.

Anderson, G.; Blatz; Brandl; Frerichs; Jensen; Marsh; Metzzen; Redalen and Sparby were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Erickson 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. Nos. 46, 201 and 22 and S. F. No. 25 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Anderson, G., from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 68, A bill for an act relating to local government; setting the dollar amount of contracts subject to the open bidding law; amending Minnesota Statutes 1982, section 471.345, subdivisions 3, 4, and 5.

Reported the same back with the following amendments:

Page 2, after line 12, insert:

"Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 68 was read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Marsh, Gutknecht, Valento, Kelly and Dempsey introduced:

H. F. No. 284, A bill for an act relating to crimes; requiring the sentencing guidelines commission to amend the dispositional line on the sentencing guidelines grid; proposing new law coded in Minnesota Statutes, chapter 244.

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

Sviggum, McDonald, Mann and Brinkman introduced:

H. F. No. 285, A bill for an act relating to agriculture; modifying the use of state livestock weighers; amending Minnesota Statutes 1982, section 17A.10.

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

Fjoslien, Minne, Hoberg, Mann and Brinkman introduced:

H. F. No. 286, A bill for an act relating to retirement; authorizing retirement without reduction for public employees retirement association members whose age and allowable service totals 85 years; amending Minnesota Statutes 1982, section 353.30, subdivision 1a.

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

Clark, J.; Coleman; Vanasek; Bishop and Staten introduced:

H. F. No. 287, A bill for an act relating to domestic abuse; protecting persons from abuse by former spouses and others; authorizing an arrest for violations of certain orders; amending Minnesota Statutes 1982, section 518B.01, subdivisions 2, 13, and 14.

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

Staten; Clark, K.; Otis and Kahn introduced:

H. F. No. 288, A bill for an act relating to energy; establishing a residential rental property weatherization disclosure program; requiring the filing of a certificate of compliance with minimum energy efficiency standards for renter-occupied residences; providing for the abatement of certain court actions; allowing a penalty in certain cases; amending Minnesota Statutes 1982, section 116J.27, by adding subdivisions.

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

O'Connor, Wynia, Kelly and Rose introduced:

H. F. No. 289, A bill for an act relating to the city of St. Paul; authorizing the city to permit, by ordinance, the use of an "on-sale" liquor license issued by the city at the Highland Park and Phalen Park club houses.

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

Staten; Tomlinson; Clark, J.; Clark, K., and Clawson introduced:

H. F. No. 290, A bill for an act relating to health maintenance organizations; authorizing a local governmental unit to operate as a health maintenance organization; requiring the establishment of an advisory body to the organization; amending Minnesota Statutes 1982, sections 62D.02, subdivision 4; 62D.03, subdivisions 1 and 4; 62D.05, subdivision 1; and 62D.06, subdivision 1.

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

Olsen; Brandl; Schafer; Nelson, K., and Jennings introduced:

H. F. No. 291, A bill for an act relating to education; establishing a legislative school finance study commission; providing for its duties, powers, membership, and certain other matters; appropriating money; proposing new law coded in Minnesota Statutes, chapter 3.

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

Minne, Otis, Ogren and Jacobs introduced:

H. F. No. 292, A bill for an act relating to public utilities; regulating and restricting disconnection of service to residential units during periods of cold weather; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Minne, Evans, Rose and Jacobs introduced:

H. F. No. 293, A bill for an act relating to public utilities; authorizing utilities to bring civil actions for treble damages for the unauthorized taking or diversion of electricity, gas, or water; proposing new law coded in Minnesota Statutes, chapter 216B.

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

Voss, Knuth, Quinn, Coleman and McDonald introduced:

H. F. No. 294, A bill for an act relating to manufactured homes; granting the right to make in park sales of homes more than 15 years old; amending Minnesota Statutes 1982, sections 327C.02, subdivision 5; and 327C.07, subdivision 1.

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

Pauly, Jensen, Piepho and Riveness introduced:

H. F. No. 295, A bill for an act relating to intoxicating liquor; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1982, section 340.11, by adding a subdivision.

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

Reif, Stadum, Simoneau, Heinitz and Seaberg introduced:

H. F. No. 296, A bill for an act relating to workers' compensation; providing for deductions from compensation for pre-existing conditions; amending Minnesota Statutes 1982, section 176.021, by adding a subdivision.

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

Begich; Rose; Battaglia; Carlson, D., and Fjoslien introduced:

H. F. No. 297, A bill for an act relating to crimes; regulating the possession and use of handguns; specifying property rights of certain persons in handguns; prohibiting possession of firearms by certain felons; abolishing transferee permits; providing for licenses to purchase handguns; prohibiting transfer of handguns to unknown persons; requiring licenses to carry handguns; limiting legislation in subordinate jurisdictions; providing for disposition of stolen and confiscated firearms; prohibiting discrimination on the issuance of licenses to purchase a handgun or licenses to carry a handgun or weapon; prescribing penalties; amending Minnesota Statutes 1982, sections 609.66; 624.712; 624.713; 624.7131; 624.714; 624.715; 624.717; and 629.361; proposing new law coded in Minnesota Statutes, chapter 624; repealing Minnesota Statutes 1982, sections 624.7132; 624.716; and 624.718.

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

Vellenga, Wynia, Norton and Tomlinson introduced:

H. F. No. 298, A bill for an act relating to the city of St. Paul; regulating appeals, hearings, and procedures concerning the human rights commission; amending Laws 1965, chapter 866, section 1.

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

Simoneau introduced:

H. F. No. 299, A bill for an act relating to elections; fair campaign practices; providing a penalty for denial of access to certain dwellings; amending Minnesota Statutes 1982, section 210A.43, subdivision 4.

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

Otis; Nelson, K.; Voss; Rose and Sherman introduced:

H. F. No. 300, A bill for an act relating to energy; creating the Minnesota conservation partnership; establishing a program of loans and financial assistance for households and municipalities; authorizing the issuance of bonds; appropriating money; proposing new law coded in Minnesota Statutes, chapter 4; repealing Minnesota Statutes 1982, section 3.351.

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

Dempsey, McDonald, Onnen and Piepho introduced:

H. F. No. 301, A bill for an act relating to taxation; income; abolishing the farm loss limitation; amending Minnesota Statutes 1982, sections 290.01, subdivision 20a, as amended; 290.01, subdivision 20b, as amended; 290.01, subdivision 28; 290.05, subdivision 3; 290.095, subdivision 11; and 290A.03, subdivision 3; repealing Minnesota Statutes 1982, section 290.09, subdivision 29.

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

Dempsey introduced:

H. F. No. 302, A bill for an act relating to the town of Paxton; permitting the town to have the powers of a metropolitan area town.

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

Vellenga, Norton, Heinitz, Bishop and Otis introduced:

H. F. No. 303, A bill for an act relating to health; providing that noncustodial parents be excused from certain abortion notification requirements; amending Minnesota Statutes 1982, section 144.343, subdivision 3.

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

Begich, Battaglia, Elioff and Solberg introduced:

H. F. No. 304, A bill for an act relating to local government; providing "Buy American" requirements for county, city, and school district purchases; proposing new law coded in Minnesota Statutes, chapter 471.

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

Rodriguez, C.; Segal; Seaberg and Berkelman introduced:

H. F. No. 305, A bill for an act relating to traffic regulations; requiring the use of seat belts by motor vehicle passengers; amending Minnesota Statutes 1982, section 169.685, by adding subdivisions.

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

McDonald, Heap and Larsen introduced:

H. F. No. 306, A bill for an act proposing amendments to the Minnesota Constitution, amending article IV, sections 2 and 4; and article VII; providing for a senate of 60 members elected for six-year terms and a house of representatives of 120 members elected for four years; providing that all elected public officials, except judges, are subject to recall by the voters.

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

Minne, Elioff, Riveness, Begich and Heap introduced:

H. F. No. 307, A bill for an act relating to education; requiring the department of education to prepare a plan for reorganizing the administrative structure of certain school districts; requiring a report.

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

Wigley, Stadum, Piepho, Heinitz and Kvam introduced:

H. F. No. 308, A bill for an act relating to unemployment compensation; regulating payment for waiting week credit; amending Minnesota Statutes 1982, section 268.08, subdivision 1.

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

Berkelman, Jacobs, Hoberg, Evans and Minne introduced:

H. F. No. 309, A bill for an act relating to liquor; authorizing off-sale price advertising in bordering state publications; amending Minnesota Statutes 1982, section 340.15, subdivision 1.

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

Erickson, Brinkman, Heinitz and Stadum introduced:

H. F. No. 310, A bill for an act relating to workers' compensation; providing for comprehensive changes based on the Florida law; proposing new law coded as Minnesota Statutes, chapter 176A; repealing Minnesota Statutes 1982, chapter 176.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I have the honor to inform the House of Representatives that the Senate is ready to meet with the House in Joint Convention at 11:45 A.M., Tuesday, February 15, 1983, to receive the budget message of the Honorable Rudy Perpich, Governor of the State of Minnesota, which will be delivered at 12:00 Noon.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I have the honor to announce that the Senate has appointed a committee of five members of the Senate to act with a similar committee on the part of the House to escort the Governor to the Joint Convention to be held in the House Chamber, Tuesday, February 15, 1983, said Joint Convention to be convened at 11:45 A.M. and said budget message of the Governor to be delivered at 12:00 Noon.

Messrs. Merriam, Chmielewski, Ms. Berglin, Messrs. Bernhagen and Knutson have been appointed as members of such committee on the part of the Senate.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 15.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 15, A bill for an act relating to metropolitan government; changing the terms of members of the metropolitan council; requiring that metropolitan council district boundaries be redrawn after each federal census; redrawing metropolitan council district boundaries; establishing new metropolitan commission districts, formerly called precincts; changing references to precincts; changing the terms of commission members and chairmen; requiring the governor to appoint council members and establishing terms; requiring the newly appointed metro-

politan council to appoint commission members and establishing terms; amending Minnesota Statutes 1982, sections 473.123, subdivision 3, and by adding subdivisions; 473.141, subdivisions 2, 4, and 5, and by adding a subdivision; and 473.303, subdivisions 2, 4, and 5, and by adding a subdivision; repealing Minnesota Statutes 1982, section 473.123, subdivision 2.

The bill was read for the first time.

Osthoff moved that S. F. No. 15 and H. F. No. 22, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR

H. F. No. 57, A bill for an act relating to local government; permitting towns to self insure the bond requirements of certain officers; amending Minnesota Statutes 1982, section 471.981, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Findlay	Kostohryz	Pauly	Skoglund
Anderson, R.	Forsythe	Krueger	Peterson	Solberg
Battaglia	Graba	Kvam	Piper	Stadum
Beard	Greenfield	Larsen	Price	Staten
Begich	Gruenes	Levi	Quinn	Sviggum
Bennett	Gustafson	Long	Quist	Swanson
Bergstrom	Gutknecht	Ludeman	Reif	Thiede
Berkelman	Halberg	Mann	Rice	Tomlinson
Bishop	Haukoos	McEachern	Riveness	Tunheim
Brinkman	Heap	McKasy	Rodosovich	Uphus
Burger	Heinitz	Minne	Rodriguez, C.	Valan
Carlson, L.	Himle	Munger	Rodriguez, F.	Valento
Clark, J.	Hoberg	Murphy	Rose	Vanasek
Clawson	Hoffman	Nelson, D.	Sarna	Vellenga
Cohen	Hokr	Nelson, K.	Schafer	Voss
Coleman	Jacobs	Neuenschwander	Scheid	Waltman
DenOuden	Jennings	Norton	Schoenfeld	Welch
Dimler	Johnson	O'Connor	Schreiber	Welker
Eken	Kahn	Olsen	Seaberg	Welle
Elioff	Kalis	Omann	Segal	Wenzel
Ellingson	Kelly	Onnen	Shaver	Wynia
Erickson	Knickerbocker	Osthoff	Shea	Zaffke
Evans	Knuth	Otis	Sherman	Speaker Sieben

The bill was passed and its title agreed to.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole with Sieben 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. 46 which it recommended to pass.

H. F. No. 201 which it recommended progress.

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

MOTIONS AND RESOLUTIONS

Dempsey moved that the name of Quist be added as an author on H. F. No. 301. The motion prevailed.

McDonald moved that H. F. No. 183 be returned to its author. The motion prevailed.

Forsythe introduced:

House Concurrent Resolution No. 1, A house concurrent resolution urging the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

SUSPENSION OF RULES

Forsythe moved that the rules be so far suspended that House Concurrent Resolution No. 1 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 1

A house concurrent resolution urging the Congress of the United States to authorize the President to present a Congressional Medal of Honor to Herman Miller.

Whereas, on August 2, 1899, Herman Miller enlisted in the United States Army from Crookston, Minnesota, and served as

a Private in Company G, 34th Infantry, United States Volunteers, which was then engaged in action against insurgent tribes in North Ilocos Province, Luzon, Phillipine Islands; and

Whereas, on April 16, 1900, Private Miller was engaged in the defense of the town of Batac when it was attacked by 800 insurgents under the command of a notorious native leader; when the plaza came under a dangerous attack by 60 insurgent riflemen using rice dikes for cover, Private Miller and twelve other men charged the enemy line and drove them off; several of those who engaged in the charge were killed or wounded; and

Whereas, Private Miller's commanding officer recommended Private Miller for a Medal of Honor for his courageous participation in the charge; and

Whereas, the Medal was never awarded under circumstances suggesting that the recommendation was never given full and proper consideration; and

Whereas, Herman Miller is now over one hundred years old and has been trying for eighty-three years to rectify the failure to award the decoration for which he was recommended; and

Whereas, the terrible oversight of failure to award what is justly deserved and recommended must be rectified; Now, Therefore,

Be It Resolved by the House of Representatives of the State of Minnesota, the Senate concurring, that the Congress of the United States is urged to adopt legislation immediately authorizing the President to present the medal of Honor to Herman Miller.

Be It Further Resolved that the Chief Clerk of the House of Representatives is directed to prepare enrolled copies of this resolution, to be authenticated as appropriate, and present them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the House of Representatives of the United States, Minnesota's Senators and Representatives in Congress, the Chairman of the Joint Chiefs of Staff, and to Herman Miller.

Forsythe moved that House Concurrent Resolution No. 1 be now adopted. The motion prevailed and House Concurrent Resolution No. 1 was adopted.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 11:30 a.m., Tuesday, February 15, 1983. The motion prevailed.

Eken moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Tuesday, February 15, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

