

STATE OF MINNESOTA

SEVENTY-THIRD SESSION - 1983

NINETEENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, FEBRUARY 28, 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 Reverend Ron Bolt, Calvary Baptist Church, Roseville, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

McDonald; Rodriguez, C.; Rose; St. Onge and Tunheim were excused.

Otis was excused until 2:45 p.m.

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. Nos. 364, 26, 176 and 359 and S. F. Nos. 115, 128, 195 and 65 have been placed in the members' files.

S. F. No. 195 and H. F. No. 96, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Long moved that S. F. No. 195 be substituted for H. F. No. 96 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 91, A bill for an act relating to public utilities; providing for rights of stockholders and directors of cooperative electric associations; proposing new law coded in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 1, line 22, delete "301.34" and insert "302A.461"

Page 2, line 2, delete "301.34" and insert "302A.461"

Page 2, line 7, delete "establishing" and insert "which directly establish"

Page 2, line 11, delete "301.34" and insert "302A.461"

Page 2, line 18, after "all" insert "regularly scheduled"

Page 2, line 32, delete "ten" and insert "five"

Page 2, line 36, delete "120" and insert "60"

Page 3, after line 16, insert:

"Subd. 7. [OPTIONAL REFERENDUM.] Upon the receipt of a petition signed by at least ten percent of the stock-

holders, a board of directors shall present the matter to the stockholders for a vote at the second annual meeting subsequent to the enactment of this measure. The matter to be referred shall consist of whether or not to be bound by the provisions of this section. No cooperative shall be bound by the provisions of this section if adoption has been defeated at referendum."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 100, A bill for an act relating to health; changing eligibility requirements for catastrophic health expense protection; including insurance premiums; appropriating money; amending Minnesota Statutes 1982, sections 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; and 62E.531, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 223, A bill for an act relating to taxation; authorizing the assessment of personal liability of corporate or partnership officers or employees; deleting obsolete references; providing for service of summons and subpoena by mail; setting the amount of bond for liquor licenses and making them conditioned on payment of taxes to the state; providing that tax liens include certain costs; providing for the filing of liens and the transcription of liens to other counties; eliminating the requirement of notification to commissioner of foreclosure in certain instances; providing for the assessment of taxes; providing time limitations for court proceedings to collect certain taxes; providing for a suspension of certain time limitations in bankruptcy cases; clarifying the classification of tax claims in estates; providing a bond requirement to secure withholding taxes; providing that state contract settlement proceeds be applied to unpaid withholding taxes of contractors or subcontractors; amending Minnesota Statutes 1982, sections 270.06; 270.10, by adding a subdivision; 270.69, subdivisions 1, 4, 7, and by adding a subdivision; 270.70, subdivisions 1, 10, and 14; 290.49, subdivision 6; 290.58; 290.92, subdivisions 6 and 6a; 290.97; 297A.34, subdivisions 4, 5, and by adding a subdivision; 290A.42, subdivision 2; 340.12; and 524.3-805.

Reported the same back with the following amendments:

Page 3, line 29, before "mail" insert "*registered or certified*" and after "mail" insert "*, return receipt requested,*"

Page 9, line 7, before "mail" insert "*registered or certified*" and after "mail" insert "*, return receipt requested,*"

Page 15, delete section 14 and insert:

"Sec. 14. Minnesota Statutes 1982, section 290.97, is amended to read:

290.97 [CONTRACTS WITH STATE; WITHHOLDING.]

No department of the state of Minnesota, nor any political or governmental subdivision of the state shall make final settlement with any contractor under a contract requiring the employment of employees for wages by said contractor, *and by subcontractors whose business location is outside of the state of Minnesota*, until satisfactory showing is made that said contractor *or out-of-state subcontractor* has complied with the provisions of section 290.92. A certificate by the commissioner of revenue shall satisfy this requirement *with respect to the contractor or out-of-state subcontractor*. *If at the time of final settlement there are any unpaid withholding taxes, penalties, or interest arising from the government contract, the department shall issue a certification to the contractor or out-of-state subcontractor upon payment, with certified funds, of any unpaid withholding taxes, penalties, and interest. Payment is received by the department upon delivery of the certified funds to the central office located in St. Paul, or any district or subdistrict office located throughout the state.*"

Page 17, line 5, before "mail" insert "*registered or certified*" and after "mail" insert "*, return receipt requested,*"

Pages 17, 18 and 19, delete section 19

Page 20, line 13, delete "20" and insert "19"

Page 20, line 16, delete "*Section 19 is effective October 1, 1983.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 6 and 7

Page 1, line 8, delete "state;"

Page 1, line 27, delete "290A.42" and insert "297A.42"

Page 1, line 27, delete "340.12;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Tomlinson from the Committee on Taxes to which was referred:

H. F. No. 339, A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 91, 223 and 339 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 195 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Burger, McDonald, Brandl, Piepho and Norton introduced:

H. F. No. 461, A bill for an act relating to state government; providing incentive bonuses for certain state employees; appropriating money.

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

Begich and Battaglia introduced:

H. F. No. 462, A bill for an act relating to St. Louis County; limiting compensation of elected county officers.

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

Pauly; Scheid; Schreiber; Rodriguez, C., and Forsythe introduced:

H. F. No. 463, A bill for an act relating to municipal planning and zoning; authorizing the establishment of a joint planning board; requiring the filing of copies of certain documents; amending Minnesota Statutes 1982, sections 462.3585; and 462.36, subdivision 1.

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

Rodriguez, F., introduced:

H. F. No. 464, A bill for an act relating to retirement; calculation of annuities for the first ten years of service by members of the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.115, subdivision 3.

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

Rodriguez, F., introduced:

H. F. No. 465, A bill for an act relating to retirement; increasing employer and employee contributions to the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.04, subdivisions 2 and 3.

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

Anderson, B.; Fjoslien; Welle; Mann and Erickson introduced:

H. F. No. 466, A bill for an act relating to agriculture; redefining agricultural alcohol gasoline; providing a tax reduction for agricultural alcohol gasoline; providing an additional reduction for agricultural alcohol gasoline sold to local units of government; amending Minnesota Statutes 1982, sections 296.01, subdivision 24; and 296.02, by adding subdivisions; repealing Minnesota Statutes 1982, section 296.02, subdivision 7.

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

Sarna; Rogriguez, F.; Clawson; Wigley and Metzen introduced:

H. F. No. 467, A bill for an act relating to retirement; adopting a rule of 85, altering the actuarial reduction for early retirement, and changing surviving spouse benefits for members of the Minnesota state retirement system; amending Minnesota Statutes 1982, sections 352.115, subdivision 1; 352.116, subdivision 1; and 352.12, subdivision 2.

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

Anderson, B., introduced:

H. F. No. 468, A bill for an act relating to education; authorizing the commissioner to approve one additional application for the part-time teaching program for fiscal year 1982 under certain conditions.

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

Clawson; Dempsey; Anderson, B.; Voss and Evans introduced:

H. F. No. 469, A bill for an act relating to the attorney general; providing that the attorney general may render bond counsel services to state agencies and political subdivisions upon request; appropriating money; proposing new law coded in Minnesota Statutes, chapter 8.

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

Clark, J.; Rice; St. Onge; O'Connor and Heap introduced:

H. F. No. 470, A bill for an act relating to labor; defining "employee" for purpose of the labor relations act to include certain handicapped persons; amending Minnesota Statutes 1982, section 179.01, subdivision 4.

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

Greenfield, Staten, Brandl, Forsythe and Elioff introduced:

H. F. No. 471, A bill for an act relating to public welfare; providing for the establishment of a state foster care advisory council and local review boards under the jurisdiction of juvenile judges; prescribing conditions of membership and duties of board members; requiring agency cooperation; providing for the adoption of supreme court rules; setting limitations; appropriating money; proposing new law coded in Minnesota Statutes, chapter 260.

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

Rodriguez, C.; McEachern; Levi; Heap and Welch introduced:

H. F. No. 472, A bill for an act relating to education; authorizing the state board for vocational education, the state board for community colleges, and the state university board to close institutions in their respective systems; amending Minnesota Statutes 1982, sections 121.21, subdivision 4; 136.03; and 136.62, by adding a subdivision.

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

Schafer introduced:

H. F. No. 473, A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1982, sections 340.02, subdivision 8; 340.035, subdivision 1; 340.119, subdivision 2; 340.13, subdivision 12; 340.14, subdivision 1a; 340.403, subdivision 3; 340.73, subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

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

Greenfield, Vanasek, Kahn, Coleman and Anderson, G., introduced:

H. F. No. 474, A bill for an act relating to state government; prohibiting expenditures for certain civil defense purposes; prescribing the contents of certain civil defense plans; requiring the posting of certain notices; amending Minnesota Statutes 1982, sections 12.21, subdivision 3; 12.22; and 12.25, subdivision 1; proposing new law coded in chapter 12.

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

Anderson, R.; McEachern; Nelson, K., and Reif introduced:

H. F. No. 475, A bill for an act relating to education; authorizing instruction in techniques of cardiopulmonary resuscitation for secondary school pupils; appropriating money; proposing new law coded in Minnesota Statutes, chapter 126.

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

Shea, Vanasek, Eken, O'Connor and Larsen introduced:

H. F. No. 476, A bill for an act relating to taxation; income; disallowing the deduction for interest paid on loans secured by mortgages on property located in another state; amending Minnesota Statutes 1982, section 290.09, subdivision 3, as amended.

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

Schafer introduced:

H. F. No. 477, A bill for an act relating to education; authorizing a school district to place a teacher on unrequested leave of absence during the school year with a hearing and after 30 days written notice; amending Minnesota Statutes 1982, section 125.12, subdivisions 4, 6b, and 10.

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

Tunheim, Sparby, Eken, Valan and Stadum introduced:

H. F. No. 478, A bill for an act relating to agriculture; appropriating money for the Minnesota barley improvement association; providing for repayment to the state.

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

Piepho, Elioff, McDonald, Sherman and Wigley introduced:

H. F. No. 479, A bill for an act relating to retirement; adopting a rule of 90 for members of the Minnesota state retirement system; amending Minnesota Statutes 1982, section 352.115, subdivision 1; and 352.116, subdivision 1.

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

Piepho, Elioff, Clawson, Gruenes and Wigley introduced:

H. F. No. 480, A bill for an act relating to retirement; adopting a rule of 90 for members of the teachers retirement association; amending Minnesota Statutes 1982, section 354.44, subdivision 6.

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

Ogren, Redalen, Larsen, Sieben and Kalis introduced:

H. F. No. 481, A bill for an act relating to agriculture; requiring the commissioner of agriculture to make certain rules relating to milk for manufacturing purposes; establishing a loan guarantee program; appropriating money; proposing new law coded in Minnesota Statutes, chapter 32.

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

Wynia, Otis, Jennings, Beard and Riveness introduced:

H. F. No. 482, A bill for an act relating to open meetings; requiring availability of certain materials; prescribing penalties; amending Minnesota Statutes 1982, section 471.705, subdivision 2; and by adding a subdivision.

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

Kalis, Jennings, Wigley and Anderson, B., introduced:

H. F. No. 483, A bill for an act relating to local government; permitting the open burning of leaves in cities and towns; amending Minnesota Statutes 1982, section 116.082.

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

Scheid; Clark, K.; Greenfield; Blatz and Carlson, L., introduced:

H. F. No. 484, A bill for an act relating to public welfare; providing for medical assistance payment for nutritional supplements; requiring temporary rules for prospective hospital payment; amending Minnesota Statutes 1982, section 256B.02, subdivision 8.

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

Blatz, Begich, Vanasek, Evans and Eken introduced:

H. F. No. 485, A bill for an act relating to taxation; income; providing a floating rate of interest on overpayments of income and withholding taxes; amending Minnesota Statutes 1982, sections 290.50, subdivision 1; 290.92, subdivisions 11 and 13; 290.93, subdivision 9; and 290.936.

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

Blatz introduced:

H. F. No. 486, A bill for an act relating to local government; providing authority for cities and counties to establish and maintain district heating systems; proposing new law coded in Minnesota Statutes, chapter 444.

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

Jensen; Kalis; Redalen; Anderson, G., and Omann introduced:

H. F. No. 487, A bill for an act relating to transportation; apportioning five percent of the net highway user tax distribution fund; creating a town road account in the county state-aid highway fund; providing for the distribution of money in the town road account to towns for the construction, reconstruction, and maintenance of town roads; abolishing county and municipal turnback accounts; amending Minnesota Statutes 1982, sections 161.081; 162.08, subdivision 4; and 383A.16, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 162; repealing Minnesota Statutes 1982, sections 161.082; 161.083; 161.084; 161.085; and 162.08, subdivision 3.

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

Knuth, Clawson and Neuenschwander introduced:

H. F. No. 488, A bill for an act relating to state government; removing the expiration date of certain advisory committees and councils; repealing certain inactive advisory councils, committees, and task forces; amending Minnesota Statutes 1982, sections 3.922, subdivision 8; 16.02, subdivision 28; 121.87, subdivision 3; 121.902, subdivisions 1 and 1a; 126.531; 145.93, subdivision 3; 148.191, subdivision 2; 148.67; 149.02; 175.007, subdivision 1; 182.656, subdivision 3; 198.055, subdivision 1; 241.64; 246.017; 252.31; 254A.04; 256.482, subdivision 1; 256B.58; 268.12, subdivision 6; Laws 1976, chapter 314, section 3; and Laws 1980, chapter 614, section 192; repealing Minnesota Statutes 1982, sections 4.31, subdivision 5; 15.059, subdivision 5; 16.853; 16.91; 21.112, subdivision 2; 31.60, subdivisions 2 and 3; 43A.31, subdivision 4; 82.30; 84B.11; 86A.10; 115A.12, subdivision 2; 121.901; 121.938; 123.581; 124.215; 129B.09, subdivision 8; 136A.02, subdivision 6; 141.24; 144.011, subdivision 2; 144.571; 144A.17; 144A.55; 145.93, subdivision 2; 151.13, subdivision 2; 178.02; 184.23; 214.14; 222.65; 241.71; 245.84, subdivision 4; 326.41; 326.49; and 363.04, subdivisions 4, 4a, and 5.

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

Swanson, St. Onge, McEachern, Gruenes and Bergstrom introduced:

H. F. No. 489, A bill for an act relating to education; transferring the powers necessary and incident to the management, jurisdiction, and control of the community colleges to the state university board; abolishing the state board for community colleges; providing for merger of the state university system and the state community college system; requiring transfer of vocational programs in state universities and community colleges to area vocational-technical institutes; prohibiting area vocational-technical institutes from granting associate degrees unless the degree is awarded jointly with a collegiate institution; amending Minnesota Statutes 1982, sections 121.218; 136.02; 136.03; 136.065; 136.12, subdivision 1; 136.14; 136.60; 136.621, subdivision 1; 136.63; 136.65; 136.67; 136.80, subdivision 1; 136.82, subdivision 1; 136.87, subdivision 1; and 136.88; proposing new law coded in Minnesota Statutes, chapter 136; repealing Minnesota Statutes 1982, sections 136.602; 136.603; 136.61; 136.62; and 136.70.

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

Gruenes, Hokr, Swanson, Wynia and Sviggum introduced:

H. F. No. 490, A bill for an act relating to public welfare; setting standards for determining the county of financial responsibility for purposes of medical assistance, community social services, and supplemental aid; amending Minnesota Statutes 1982, sections 256B.02, subdivisions 2 and 3; 256D.37, by adding a subdivision; and 256E.08, subdivision 7.

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

Otis, Stadum, Norton, Quinn and McDonald introduced:

H. F. No. 491, A bill for an act relating to administrative rule-making; providing for consideration of and participation by small business; proposing new law coded in Minnesota Statutes, chapter 14.

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

Eken introduced:

H. F. No. 492, A bill for an act relating to appropriations; appropriating funds for construction or installation of a certain culvert in High Island Subdivision, Clearwater County.

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

Sviggum, Ludeman, Vanasek and Brinkman introduced:

H. F. No. 493, A bill for an act relating to unemployment compensation; benefit requalification after voluntary quit; amending Minnesota Statutes 1982, section 268.09, subdivision 1.

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

Krueger, Fjoslien, Swanson, Evans and Graba introduced:

H. F. No. 494, A bill for an act relating to education; authorizing Independent School District No. 206, Alexandria, to construct an addition to its area vocational-technical institute subject to certain conditions.

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

Clawson, Brandl, Berkelman, Gruenes and Olsen introduced:

H. F. No. 495, A bill for an act relating to mental health; regulating the collection, use, and disclosure of mental health agency data; amending the competency of witnesses statutes to provide an exemption for professional consultations; amending Minnesota Statutes 1982, sections 13.46, subdivision 1, and by adding a subdivision; 245.69, subdivision 2; and 595.02.

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

Greenfield, Swanson, Onnen, Rodosovich and Sviggum introduced:

H. F. No. 496, A bill for an act relating to public welfare; establishing a formula for apportioning among counties the cost of federal fiscal sanctions resulting from quality control errors in the aid to families with dependent children, medical assistance, and food stamp programs; amending Minnesota Statutes 1982, section 256.01, subdivision 2.

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

Greenfield, Swanson, Onnen and Clark, J., introduced:

H. F. No. 497, A bill for an act relating to public welfare; allowing the state to require an advance from the county agency for the county share of medical assistance and general assistance medical care; amending Minnesota Statutes 1982, sections 256B.041, subdivisions 2 and 5; and 256D.03, by adding a subdivision.

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

Levi and Nelson, K., introduced:

H. F. No. 498, A bill for an act relating to education; clarifying transportation aid authorization for transportation to and from alternative educational programs actually attended within the district; amending Minnesota Statutes 1982, section 124.223.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendment to:

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 metropolitan 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.

And the Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee Messrs. Schmitz, Luther and Kroening.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osthoff moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 15. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 47 and 113.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 47, A bill for an act relating to game and fish; requiring a pheasant stamp; establishing a fee and providing for the use of revenue; allowing multiple sale of stamps with a single issuing fee; amending Minnesota Statutes 1982, section 98.50, subdivision 5; proposing new law coded in Minnesota Statutes, chapter 97.

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

S. F. No. 113, A bill for an act relating to taxation; prohibiting imposition of penalties for underpayments of estimated tax under certain circumstances.

The bill was read for the first time.

O'Connor moved that S. F. No. 113 and H. F. No. 339, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 364 was reported to the House.

Gruenes moved to amend H. F. No. 364 as follows:

Page 1, line 8, delete everything after the comma

Page 1, line 9, delete *"and the state of Minnesota shall sell and insert "the commissioner of administration shall convey to the city of St. Cloud"*

Page 4, delete lines 18 to 36

Page 5, delete lines 1 to 18 and insert: *"(3) Parcel 3: all of Lot 1 and Lot 7 and that part of Lot 2 and Lot 8, Block 13 and all of Lot 8 and Lot 9 and all that part of Lot 1 and Lot 7, Block 22 and that part of Lot 1 and Lot 7, Block 30, Curtis Survey, City of St. Cloud, Stearns County, Minnesota, according to the recorded plat thereof and that of the vacated alleys situated in said Block 13, Block 22 and Block 30 and that part of vacated 2nd Avenue South, which lies between said Block 13 and said Block 22, and south of a line drawn from the northwest corner of said Block 13 to the northeast corner of said Block 22 and that part of vacated 3rd Avenue South, which lies between said Block 22 and said Block 30 and south of a line drawn from the northwest corner of said Block 22 to the northeast corner of said Block 30, which lies north of the following described line: Beginning on a point on the west line of said Block 30, distant 26.00 feet south*

of the northwest corner of said Block 30; thence North 89 degrees 27 minutes 43 seconds East, on an assumed bearing, parallel with the north line of said Block 30, a distance of 283.32 feet; thence South 00 degrees 32 minutes 17 seconds East, 24.00 feet thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 16.00 feet; thence South 00 degrees 37 minutes 50 seconds East, parallel with the west line of said Block 22, a distance of 115.09 feet to the westerly extension of the south line of said Lot 9; thence North 89 degrees 26 minutes 50 seconds East, along said extended line and along said south line of Lot 9, a distance of 192.69 feet to the southeast corner of said Lot 9; thence North 00 degrees 35 minutes 40 seconds West, along the east line of said Lot 9, Lot 8 and Lot 7, Block 22, a distance of 137.04 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 194.26 feet; thence South 00 degrees 32 minutes 17 seconds East 42.00 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 175.00 feet; thence North 00 degrees 32 minutes 17 seconds West 10.00 feet; thence North 89 degrees 27 minutes 43 seconds East, parallel with said north line 75.35 feet; thence South 78 degrees 09 minutes 30 seconds East 33.89 feet, more or less to the easterly line of said Block 13 and said described line there terminating. Subject to easements of record.

(4) Parcel 4: The North 5.00 feet of the East 174.75 feet and the South 30.00 feet of the North 35.00 feet of the West 65.00 feet of the East 174.75 feet of Block 37, Curtis Survey, City of St. Cloud, Stearns County, Minnesota, according to the recorded plat thereof. Subject to easements of record."

Page 5, delete lines 19 to 22 and insert:

"The city has obtained an independent appraisal of the value of the property to be acquired and the damages incurred by the state as a result of the acquisition of the property. The commissioner of administration shall obtain an appraisal of the property and the damages."

Page 5, line 25, delete everything after "purchase"

Page 5, delete line 26 and insert "for a consideration which is equal to the appraised value and damages certified by the commissioner of administration."

Page 5, delete lines 27 to 36

Page 6, delete lines 1 to 6 and insert:

"The proceeds received by the state for the value of the property and the damages incurred as a result of the city's acquisition of the property shall be credited to the general fund, except that a portion of the proceeds equal in amount to the expenses in-

curring by the commissioner of administration in connection with the sale shall be deposited in the account from which the expenses were paid. The value and damages payable by the city shall be reduced by the value of the work and materials provided by the city for projects necessitated by the land transfer and the bridge construction of the city subject to the approval of the commissioner of administration. The city shall perform all work and supply all materials to complete these projects, including but not limited to:

(1) Cutting off and removing that portion of the maintenance building which lies within permanent parcel 3 and temporary construction easement 3, and building a new wall on the remaining building;

(2) Building a new maintenance building to replace the portion removed on temporary construction easement 3. The new building shall be of a design approved by the state university board and the commissioner of administration, and shall be constructed on a site to be designated by the state university board. The building shall be at least equal in usable maintenance and storage space as the portion removed from temporary construction easement 3;

(3) Removing and replacing the canopy which is affected on temporary construction easement 2;

(4) Removing and replacing the underground oil tanks on temporary construction easement 3;

(5) Lowering the level of the tennis courts and replacing tennis courts, fencing, and bleachers on temporary construction easement 3."

Page 6, line 7, delete "*the state*" and insert "*by the city, the commissioner of administration*"

Page 6, line 19, before the period insert "*, or on December 31, 1987, whichever date is earliest*"

The motion prevailed and the amendment was adopted.

H. F. No. 364, A bill for an act relating to state lands; conveying certain state lands to the city of St. Cloud.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

CALENDAR

S. F. No. 65, A bill for an act relating to local improvements; providing the method for action on certain improvements by certain towns; amending Minnesota Statutes 1982, section 429.011, subdivision 2b.

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 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Carlson, L.	Fjoslien	Hokr	Long
Anderson, G.	Clark, J.	Forsythe	Jacobs	Ludeman
Anderson, R.	Clark, K.	Frerichs	Jennings	Mann
Battaglia	Clawson	Graba	Jensen	Marsh
Beard	Cohen	Greenfield	Johnson	McEachern
Begich	Coleman	Gruenes	Kahn	McKasy
Bennett	Dempsey	Gustafson	Kalis	Metzen
Bergstrom	DenOuden	Gutknecht	Kelly	Minne
Berkelman	Dimler	Halberg	Knickerbocker	Munger
Bishop	Eken	Haukoos	Knuth	Murphy
Blatz	Elioff	Heap	Kostohryz	Nelson, D.
Brandl	Ellingson	Heinitz	Krueger	Nelson, K.
Brinkman	Erickson	Himle	Kvam	Neuenschwander
Burger	Evans	Hoberg	Larsen	Norton
Carlson, D.	Findlay	Hoffman	Levi	O'Connor

Ogren	Quinn	Schreiber	Stadum	Voss
Olsen	Quist	Seaberg	Staten	Waltman
Omann	Redalen	Segal	Sviggum	Welch
Onnen	Reif	Shaver	Swanson	Welker
Osthoff	Riveness	Shea	Thiede	Welle
Pauly	Rodosovich	Sherman	Uphus	Wenzel
Peterson	Rodriguez, F.	Simoneau	Valan	Wigley
Piepho	Sarna	Skoglund	Valento	Wynia
Piper	Schafer	Solberg	Vanasek	Zaffke
Price	Scheid	Sparby	Vellenga	Speaker Sieben

The bill was passed and its title agreed to.

H. F. No. 79, A bill for an act relating to juveniles; requiring orders of reference for prosecution for juveniles who have been previously referred; amending Minnesota Statutes 1982, sections 260.125, subdivision 2, and by adding a subdivision; and 260.173, subdivision 4; repealing Minnesota Statutes 1982, section 260.125, subdivision 6.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 171, A bill for an act relating to public cemeteries; providing for simplified reinvestment in the cemetery association of certain unused cemetery land; amending Minnesota Statutes

1982, section 306.241; proposing new law coded in Minnesota Statutes, chapter 306.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 215, A bill for an act relating to local government; authorizing flood control projects by the city of Rochester, Olmsted County and the Olmsted county soil conservation district.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Bennett	Brinkman	Clawson	Eken
Anderson, G.	Bergstrom	Burger	Cohen	Elioff
Anderson, R.	Berkelman	Carlson, D.	Coleman	Ellingson
Battaglia	Bishop	Carlson, L.	Dempsey	Erickson
Beard	Blatz	Clark, J.	DenOuden	Evans
Begich	Brandl	Clark, K.	Dimler	Findlay

Fjoslien	Kahn	Nelson, D.	Riveness	Swanson
Forsythe	Kalis	Nelson, K.	Rodosovich	Thiede
Frerichs	Kelly	Neuenschwander	Rodriguez, F.	Uphus
Graba	Knickerbocker	Norton	Sarna	Valan
Greenfield	Knuth	O'Connor	Schafer	Valento
Gruenes	Kostohryz	Ogren	Scheid	Vanasek
Gustafson	Krueger	Olsen	Schoenfeld	Voss
Gutknecht	Kvam	Omman	Schreiber	Waltman
Halberg	Larsen	Onnen	Seaberg	Welch
Haukoos	Levi	Osthoff	Segal	Welker
Heap	Long	Pauly	Shaver	Welle
Heinitz	Ludeman	Peterson	Shea	Wenzel
Himle	Mann	Piepho	Sherman	Wigley
Hoberg	Marsh	Piper	Simoneau	Wynia
Hoffman	McEachern	Price	Skoglund	Zaffke
Hokr	McKasy	Quinn	Solberg	Speaker Sieben
Jacobs	Metzen	Quist	Sparby	
Jennings	Minne	Redalen	Stadum	
Jensen	Munger	Reif	Staten	
Johnson	Murphy	Rice	Swiggum	

The bill was passed and its title agreed to.

S. F. No. 25, A bill for an act relating to crimes; prohibiting adulterating substances intended for use by persons with substances causing bodily harm or death; prescribing penalties; proposing new law coded in Minnesota Statutes, chapter 609.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Jensen	Neuenschwander	Schoenfeld
Anderson, G.	Elioff	Johnson	Norton	Schreiber
Anderson, R.	Ellingson	Kahn	O'Connor	Seaberg
Battaglia	Erickson	Kalis	Ogren	Segal
Beard	Evans	Kelly	Olsen	Shaver
Begich	Findlay	Knickerbocker	Omman	Shea
Bennett	Fjoslien	Knuth	Onnen	Sherman
Bergstrom	Forsythe	Kostohryz	Osthoff	Simoneau
Berkelman	Frerichs	Krueger	Pauly	Skoglund
Bishop	Graba	Kvam	Peterson	Solberg
Blatz	Greenfield	Larsen	Piepho	Sparby
Brandl	Gruenes	Levi	Piper	Stadum
Brinkman	Gustafson	Long	Price	Staten
Burger	Gutknecht	Ludeman	Quinn	Swiggum
Carlson, D.	Halberg	Mann	Quist	Swanson
Carlson, L.	Haukoos	Marsh	Redalen	Thiede
Clark, J.	Heap	McEachern	Reif	Uphus
Clark, K.	Heinitz	McKasy	Rice	Valan
Clawson	Himle	Metzen	Riveness	Valento
Cohen	Hoberg	Minne	Rodosovich	Vanasek
Coleman	Hoffman	Munger	Rodriguez, F.	Vellenga
Dempsey	Hokr	Murphy	Sarna	Voss
DenOuden	Jacobs	Nelson, D.	Schafer	Waltman
Dimler	Jennings	Nelson, K.	Scheid	Welch

Welker
WelleWenzel
Wigley

Wynia

Zaffke

Speaker Sieben

The bill was passed and its title agreed to.

Hokr was excused at 2:45 p.m.

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. Wynia presided during a portion of the meeting of the Committee of the Whole. After some time spent therein the Committee arose.

REPORT OF THE 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. Nos. 26 and 176 which it recommended to pass.

H. F. No. 359 which it recommended progress until Monday, March 7, 1983.

S. F. No. 195 which it recommended to pass with the following amendment offered by Kelly:

After Section 3, insert:

“Sec. 4. [357.2411] [PARENTS OF JUVENILES.]

In any proceeding where a parent or guardian attends the proceeding with a minor witness and the parent or guardian is not himself a witness, one parent or guardian shall be compensated in those cases where witness compensation is mandatory under sections 357.22, 257.24, or section 3, and may be compensated at the discretion of the judge when the minor is a witness on behalf of a defendant in a criminal case or on behalf of a juvenile in a juvenile court proceeding. The court shall award no more than a combined total of \$40 to the parent or guardian and the minor witness.”

Amend the title as follows:

Page 1, line 5, after the semicolon, insert:

“providing for compensation to a parent or guardian of a minor witness;”

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 call was taken in the Committee of the Whole:

Heap moved to amend H. F. No. 26, the first engrossment, as follows:

Page 3, line 27, after "*prior*" insert "*written*"

The question was taken on the amendment and the roll was called. There were 39 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Fjoslien	Himle	McKasy	Sviggum
Bennett	Forsythe	Hoberg	Olsen	Thiede
Dempsey	Frerichs	Jennings	Piepho	Uphus
DenOuden	Gutknecht	Johnson	Quist	Valento
Dimler	Halberg	Knickerbocker	Reif	Waltman
Erickson	Haukoos	Kvam	Schafer	Welker
Evans	Heap	Levi	Schreiber	Wigley
Findlay	Heinitz	Marsh	Sherman	

Those who voted in the negative were:

Battaglia	Elioff	Mann	Peterson	Skoglund
Beard	Ellingson	McEachern	Piper	Solberg
Begich	Graba	Metzen	Price	Sparby
Bergstrom	Greenfield	Minne	Quinn	Staten
Berkelman	Gruenes	Munger	Redalen	Swanson
Bishop	Gustafson	Murphy	Rice	Valan
Brandl	Hoffman	Nelson, D.	Riveness	Vanasek
Brinkman	Jacobs	Nelson, K.	Rodosovich	Voss
Burger	Jensen	Neuenschwander	Rodriguez, F.	Welle
Carlson, D.	Kaha	Norton	Sarna	Wenzel
Carlson, L.	Kalis	O'Connor	Scheid	Wynia
Clark, J.	Kelly	Ogren	Schoenfeld	Zaffke
Clark, K.	Knuth	Omann	Seaberg	Speaker Sieben
Clawson	Kostohryz	Onnen	Segal	
Cohen	Krueger	Osthoff	Shaver	
Coleman	Larsen	Otis	Shea	
Eken	Long	Pauly	Simoneau	

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

MOTIONS AND RESOLUTIONS

Rodriguez, F., moved that the name of Wigley be added as an author on H. F. No. 251. The motion prevailed.

Rodriguez, F., moved that the names of Clawson and Wigley be added as authors on H. F. No. 384. The motion prevailed.

Gruenes moved that the name of Quinn be added as an author on H. F. No. 429. The motion prevailed.

Jennings moved that the name of Olsen be added as an author on H. F. No. 428. The motion prevailed.

Rodriguez, F., moved that the name of Metzen be added as an author on H. F. No. 431. The motion prevailed.

Rodriguez, F., moved that the names of Clawson and Metzen be added as authors on H. F. No. 456. The motion prevailed.

Kalis moved that the name of Valan be added as an author on H. F. No. 483. The motion prevailed.

Anderson, G., moved that his name be stricken as an author on H. F. No. 60. The motion prevailed.

Rodriguez, F., moved that the names of Sarna, Metzen, Clawson and Wigley be added as authors on H. F. No. 464. The motion prevailed.

Rodriguez, F., moved that the names of Sarna, Metzen, Clawson and Wigley be added as authors on H. F. No. 465. The motion prevailed.

Anderson, B., moved that the names of Haukoos and Dempsey be added as authors on H. F. No. 326. The motion prevailed.

Bennett moved that the name of Olsen be added as an author on H. F. No. 261. The motion prevailed.

Sviggum moved that the name of Shaver be added as an author on H. F. No. 493. The motion prevailed.

Clark, K., moved that the name of Clark, J., be stricken and the names of Reif and Onnen be added as authors on H. F. No. 365. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 15:

Osthoff, Metzen and Blatz.

ADJOURNMENT

Eken moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 3, 1983. 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, March 3, 1983.

EDWARD A. BURDICK, Chief Clerk, House of Representatives