

**THIRD DAY**

St. Paul, Minnesota, Thursday, January 8, 1981

The Senate met at 11:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Frank J. Decowski.

The roll was called, and the following Senators answered to their names:

Ashbach	Davis	Kroening	Olhoff	Schmitz
Bang	Dicklich	Kronebusch	Pehler	Setzepfandt
Belanger	Dieterich	Langseth	Penny	Sikorski
Benson	Engler	Lantry	Peterson, C.C.	Spear
Berg	Frank	Lessard	Peterson, D.L.	Stern
Berglin	Frederick	Lindgren	Peterson, R.W.	Stokowski
Bernhagen	Frederickson	Luther	Petty	Stumpf
Bertram	Hanson	Menning	Pillsbury	Taylor
Brataas	Humphrey	Merriam	Purfeerst	Tennessee
Chmielewski	Johnson	Moe, R.D.	Ramstad	Ulland
Dahl	Keefe	Nelson	Renneke	Waldorf
Davies	Knutson	Nichols	Rued	Willet

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**MEMBERS EXCUSED**

Messrs. Hughes, Knoll, Sieloff, Solon and Vega were excused from the Session of today.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**STATE OF MINNESOTA  
COUNTY OF HENNEPINDISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
File No. 773147

Elsa Carpenter,

Contestant,

vs.

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Eric Petty,

Contestee.

Mr. Moe, R.D. moved that the above captioned document, together with the complete district court file, including pleadings, depositions, exhibits, and transcripts, be referred to the committee on Elections and Reapportionment. The motion prevailed.

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT  
File No. 773200

In the matter of the Contest of the General Election for the Office of State Senator, held on November 4, 1980, Senatorial District 43, County of Hennepin, State of Minnesota:

Emily Anne Staples,  
Contestant,  
vs.

James Ramstad,  
Contestee.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND MEMORANDUM

Mr. Moe, R.D. moved that the above captioned document, together with the complete district court file, including pleadings, depositions, exhibits, and transcripts, be referred to the Committee on Elections and Reapportionment. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Messrs. Moe, R.D.; Ashbach and Hughes introduced—

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

Referred to the Committee on Education.

Messrs. Lessard; Willet; Moe, R.D.; Rued and Peterson, C.C. introduced—

S. F. No. 2: A bill for an act relating to Clearwater, Hubbard, Beltrami, Cass, Itasca, Aitkin, Crow Wing and Morrison Counties; authorizing a joint board to prepare and implement a land use plan for the upper Mississippi River and adjacent lands.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Menning, Chmielewski, Bertram, Davis and Renneke introduced—

S. F. No. 3: A bill for an act relating to education; providing for a final adjustment payment of school aids to school districts for fiscal year 1981; appropriating money.

Referred to the Committee on Education.

Messrs. Menning, Bertram and Renneke introduced—

S. F. No. 4: A resolution memorializing the United States Congress relating to amending the United States Constitution to protect human life; applying to Congress to call a constitutional convention to provide for protection of all human life.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Ashbach, Lindgren and Keefe introduced—

S. F. No. 5: 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.

Referred to the Committee on Elections and Reapportionment.

Mr. Penny introduced—

S. F. No. 6: A bill for an act relating to Independent School District No. 219, Elmore; requiring revision of its certified statutory operating debt.

Referred to the Committee on Education.

Mr. Olhoft introduced—

S. F. No. 7: A bill for an act relating to Traverse County; permitting the issuance of bonds by the county to provide funds for the construction, alteration, repair, and improvement of necessary buildings for county fair purposes, and to aid county agricultural societies to defray related financial obligations; providing for payment of the obligations.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Setzepfandt, Bertram and Menning introduced—

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.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Nichols introduced—

S. F. No. 9: A bill for an act relating to natural resources; changing the definition of public waters; amending Minnesota Statutes 1980, Section 105.37, Subdivision 14.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Davies introduced—

S. F. No. 10: A bill for an act relating to intoxicating liquor; proof required to purchase, possess or consume; amending Minnesota Statutes 1980, Section 340.039.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 11: A bill for an act relating to liens; increasing the amount of an employee's lien for wages; amending Minnesota Statutes 1980, Section 514.59.

Referred to the Committee on Employment.

Mr. Davies introduced—

S. F. No. 12: A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1980, Section 117.042.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 13: A bill for an act relating to crimes; eliminating the power of a sentencing court to stay the revocation of the driver's license of a person convicted of driving, operating or being in physical control of a motor vehicle while under the influence of alcohol or controlled substances or a combination thereof; amending Minnesota Statutes 1980, Sections 169.121, Subdivision 5; and 609.135, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 14: A bill for an act relating to statutes; defining terms; amending Minnesota Statutes 1980, Section 645.44.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 15: A bill for an act relating to statutes; providing a general reference for statutes that change dollar amounts to conform to price changes; proposing new law coded in Minnesota Statutes, Chapter 645.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 16: A bill for an act relating to probate; changing certain time limits and procedures for a personal representative to file an inventory and appraisal; amending Minnesota Statutes 1980, Section 524.3-706.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 17: 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.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 18: A bill for an act relating to probate; eliminating requirement of notice to representatives of foreign countries in certain formal testacy proceedings; amending Minnesota Statutes 1980, Section 524.3-403.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 19: A bill for an act relating to eminent domain proceedings;

allowing an award of costs and attorneys' fees under certain circumstances; amending Minnesota Statutes 1980, Section 117.195.

Referred to the Committee on Judiciary.

Mr. Frederick, Mrs. Brataas, Messrs. Renneke and Olhoft introduced—

S. F. No. 20: A bill for an act relating to workers' compensation; prohibiting the payment of permanent total and permanent partial benefits for the same injury; creating an incentive to return to work; freezing the permanent partial maximum; amending Minnesota Statutes 1980, Sections 176.021, Subdivision 3; and 176.101, Subdivision 3.

Referred to the Committee on Employment.

Messrs. Olhoft, Menning and Bertram introduced—

S. F. No. 21: A bill for an act relating to workers' compensation; providing for commencement of payment for permanent partial disability upon the employee's return to work; allowing insurers to adjust compensation amounts to the nearest dollar; providing for a new minimum compensation for temporary total disability; empowering the commissioner of labor and industry to enter agreements; regulating notices of discontinuance; regulating payment disputes; providing for a new maximum compensation for permanent partial disability; providing for a waiting period before annual adjustments in benefits are made; providing for apportionment of compensation when a permanent disability involves a prior injury; setting a maximum death benefit; removing the conclusive presumption that certain diseases are occupational diseases for employees of fire and police departments, the Minnesota highway patrol, department of natural resources, state crime bureau and sheriffs' departments; providing for a statute of limitations for certain actions; prohibiting employees of the department of labor and industry from representing workers; requiring the commissioner of labor and industry to establish a schedule of degrees of disability; amending Minnesota Statutes 1980, Sections 176.011, Subdivision 15; 176.021, Subdivision 3, and by adding a subdivision; 176.041, by adding a subdivision; 176.101, Subdivisions 1 and 3; 176.105, Subdivision 1; 176.111, by adding a subdivision; 176.131, Subdivision 1; 176.151; 176.191, Subdivision 3; 176.241, Subdivisions 1, 2, and 3; 176.261; and 176.645.

Referred to the Committee on Employment.

Mr. Davies introduced—

S. F. No. 22: A bill for an act relating to insurance; authorizing the commissioner of public safety to issue a limited license to persons whose license has been revoked for failure to provide security required by the no-fault automobile insurance act; amending Minnesota Statutes 1980, Section 65B.67, by adding a subdivision.

Referred to the Committee on Commerce.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

### MOTIONS AND RESOLUTIONS

Mr. Olhoft moved that the names of Mr. Nichols and Mrs. Brataas be added as co-authors to S. F. No. 21. The motion prevailed.

Mr. Menning moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 4. The motion prevailed.

Mr. Moe, R. D. moved that the Senate do now adjourn until 11:00 a.m., Monday, January 12, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate