

SIXTH DAY

St. Paul, Minnesota, Monday, January 19, 1981

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

Prayer was offered by the Chaplain, Rev. Joseph Simonson.

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

Ashbach	Dieterich	Lantry	Penny	Solon
Bang	Frank	Lessard	Peterson, C.C.	Spear
Belanger	Frédéric	Lindgren	Peterson, D.L.	Stokowski
Benson	Frédéricson	Luther	Peterson, R.W.	Stumpf
Bernhagen	Hanson	Menning	Petty	Taylor
Bertram	Hughes	Merriam	Purfeerst	Tennessee
Brataas	Humphrey	Moe, D.M.	Ramstad	Vega
Chmielewski	Keefe	Moe, R.D.	Renneke	Waldorf
Dahl	Knutson	Nelson	Schmitz	Wegener
Davies	Kroening	Nichols	Setzepfandt	Willet
Davis	Kronebusch	Olhoft	Sieloff	
Dicklich	Langseth	Pehler	Sikorski	

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

Ms. Berglin, Messrs. Berg, Engler, Johnson, Knoll, Pillsbury, Rued, Stern and Ulland were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

March 19, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the State Zoological Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Herbert R. Goldenberg, 4925 W. Coventry Road, Minnetonka, Hennepin County, has been appointed by me, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

Harveydale Maruska, 198 South 5th Street, Warren, Marshall County, has

been appointed by me, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

Hazel H. Reinhardt, 5116 Abercrombie Drive, Edina, Hennepin County, has been appointed by me, effective March 11, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on General Legislation and Administrative Rules.)

May 1, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Crime Control Planning Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Charlton Dietz, 1 Birch Lane, North Oaks, Ramsey County, has been appointed by me, effective May 1, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on Health, Welfare and Corrections.)

June 3, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Minnesota Higher Education Facilities Authority are hereby respectfully submitted to the Senate for confirmation as required by law:

Leonard J. Rogge, 2237 Riverwood Place, St. Paul, Ramsey County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1981.

Herbert M. Stellner, Jr., 208 2nd Avenue NW, Kasson, Dodge County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1981.

(Referred to the Committee on Education.)

June 3, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Livestock Sanitary Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Dr. Robert L. Mersch, 301 E. Lincoln, Fairfax, Renville County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Agriculture and Natural Resources.)

May 12, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board of Education is hereby respectfully submitted to the Senate for confirmation as required by law:

Margaret W. Marvin, Box 100, Warroad, Roseau County, has been appointed by me, effective May 12, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

June 5, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment as Director of the Department of Public Service, Administrative Division, is hereby respectfully submitted to the Senate for confirmation as required by law:

Richard L. Auld, 757 California Avenue West, St. Paul, Ramsey County, has been appointed by me, effective June 2, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Commerce.)

June 16, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board of Education is hereby respectfully submitted to the Senate for confirmation as required by law:

William J. Ridley, 1562 Portland, St. Paul, Ramsey County, has been appointed by me, effective June 16, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

June 12, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Public Employment Relations Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas G. Arneson, 1159 Pike Lake Drive, New Brighton, Ramsey County, has been appointed by me, effective June 12, 1980, for a term expiring the first Monday in January, 1984.

Don L. Bye, 609 West Second Street, Duluth, St. Louis County, has been appointed by me, effective June 12, 1980, for a term expiring the first Monday in January, 1981.

Karl F. Landholm, 735 Arbogast, St. Paul, Ramsey County, has been appointed by me, effective June 12, 1980, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Public Employees and Pensions.)

April 14, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Capitol Area Architectural and Planning Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Solveig Premack, 5226 Stevens Avenue, Minneapolis, Hennepin County, has been appointed by me, effective April 14, 1980, for a term expiring the first Monday in January, 1981.

A. William Sands, Jr., 869 Osceola Avenue, St. Paul, Ramsey County, has been appointed by me, effective April 14, 1980, for a term expiring the first Monday in January, 1984.

Marjorie Gray Vogel, 999 Kingman, Red Wing, Goodhue County, has been appointed by me, effective April 14, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Governmental Operations.)

March 17, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the Board of the Arts are hereby respectfully submitted to the Senate for confirmation as required by law:

Philip Brunelle, 4211 Glencrest Road, Golden Valley, Hennepin County, has been appointed by me, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Mary E. Leach, 424 Prospect, Owatonna, Steele County, has been appointed by me, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

Daniel K. Peterson, 5200 Drew Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective March 17, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on General Legislation and Administrative Rules.)

May 7, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointments to the State Designer Selection Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Mark Anderson, 10320 South Shore Drive, Plymouth, Hennepin County, has been appointed by me, effective May 7, 1980, for a term expiring the first Monday in January, 1984.

Roger D. Clemence, 1904 Girard Avenue South, Minneapolis, Hennepin

County, has been appointed by me, effective May 7, 1980, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Governmental Operations.)

June 3, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Environmental Education Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Lee H. Grim, P.O. Box 494A, Route 8, Forest Point, International Falls, Koochiching County, has been appointed by me, effective June 3, 1980, for a term expiring the first Monday in January, 1982.

(Referred to the Committee on Agriculture and Natural Resources.)

May 29, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Board for Community Colleges is hereby respectfully submitted to the Senate for confirmation as required by law:

Elna H. Ponto, Box 235, Route 1, Albert Lea, Freeborn County, has been appointed by me, effective May 29, 1980, for a term expiring the first Monday in January, 1984.

(Referred to the Committee on Education.)

September 4, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Judith G. Schotzko, R.R. #1, Blue Earth, Faribault County, has been appointed by me, effective September 4, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Elections and Reapportionment.)

September 15, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Bruce W. Okney, 5128 Thomas Avenue South, Minneapolis, Hennepin County, has been appointed by me, effective September 15, 1980, for a term expiring the first Monday in January, 1983.

(Referred to the Committee on Elections and Reapportionment.)

Sincerely yours,
Albert H. Quie, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davies from the Committee on Judiciary, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, before "mail" insert "*either*"

Page 2, line 2, delete the comma

Page 2, line 2, delete "*he may*"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Chmielewski from the Committee on Employment, to which was referred

S. F. No. 50: A bill for an act relating to workers' compensation; defining family farm corporation; reenacting Laws 1980, Chapter 556; amending Minnesota Statutes 1980, Section 176.011, Subdivision 11a.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Hughes from the Committee on Education, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [FULL PAYMENT OF EDUCATION AIDS.]

Subdivision 1. [PAYMENT REQUIRED.] Notwithstanding the provisions of Minnesota Statutes 1980, Sections 16A.15 or 124.77, by August 1, 1981, the commissioner of finance shall draw warrants for any amounts appropriated to the commissioner of education, revenue or finance or to the department of education for state aids, payments, reimbursements or fund transfers to or on behalf of school districts, public library systems, educational cooperative service units, and regional management information centers, for the fiscal year ending June 30, 1981, which were withheld pursuant to Minnesota Statutes 1980, Sections 16A.15 and 124.77 because funds in the state treasury were insufficient.

Subd. 2. [PROHIBITION ON USE OF RECEIPTS.] Receipts from taxes or other sources credited to the general fund in the state treasury for fiscal year 1981 shall not be used to make the payments required by subdivision 1.

Subd. 3. [FULL PAYMENT.] Payments in full pursuant to this section shall constitute full satisfaction of the state's obligations under Minnesota Statutes 1980, Sections 124.77 and 124.78.

Subd. 4. [APPROPRIATION.] The amount necessary to make the payments required by subdivision 1 is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1982. The payments required by subdivision 1 shall be considered a fiscal year 1982 liability for purposes of the state accounting system.

Sec. 2. Minnesota Statutes 1980, Section 16A.15, Subdivision 1, is amended to read:

*Subdivision 1. [REDUCTION.] In case the commissioner of finance shall discover at any time that the probable receipts from taxes or other sources for any appropriation, fund, or item will be less than was anticipated, and that consequently the amount available for the remainder of the term of the appropriation or for any allotment period will be less than the amount estimated or allotted therefor, he shall, with the approval of the governor, and after notice to the agency concerned, reduce the amount allotted or to be allotted so as to prevent a deficit. *Provided, however, no allotment pursuant to an appropriation for state aids, payments, reimbursements or fund transfers to or on behalf of school districts shall be reduced pursuant to this subdivision.* In like manner he shall request reduction of the amount allotted or to be allotted to any agency by the amount of any saving which can be effected upon previous spending plans through a reduction in prices or other cause.*

Sec. 3. [REPEALER.]

Minnesota Statutes 1980, Sections 124.77 and 124.78 are repealed.”

Delete the title and insert:

“A bill for an act relating to education; restoring education aids withheld in fiscal year 1981; providing for full payment of education aids in future years; repealing certain provisions relating to pro rata payment of education aids and reimbursements and certificates for the unpaid amounts; appropriating money;

amending Minnesota Statutes 1980, Section 16A.15, Subdivision 1; repealing Minnesota Statutes 1980, Sections 124.77 and 124.78.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 12, 13, 16 and 50 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. moved that the name of Mr. Wegener be added as co-author to S. F. No. 1. The motion prevailed.

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 12. The motion prevailed.

Mr. Davies moved that the name of Mr. Lessard be added as co-author to S. F. No. 19. The motion prevailed.

Mr. Davies moved that the name of Mr. Dahl be added as co-author to S. F. No. 41. The motion prevailed.

Mr. Davies moved that the name of Mr. Frank be added as co-author to S. F. No. 48. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Lessard and Rued be added as co-authors to S. F. No. 54. The motion prevailed.

Mr. Spear moved that the name of Mr. Dahl be added as co-author to S. F. No. 57. The motion prevailed.

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 65. The motion prevailed.

Mr. Davies moved that the name of Mr. Petty be added as co-author to S. F. No. 67. The motion prevailed.

Mr. Davies moved that the name of Mr. Merriam be added as co-author to S. F. No. 72. The motion prevailed.

Mr. Pehler introduced—

Senate Resolution No. 15: A Senate resolution recognizing the work of St. Cloud residents on the behalf of the disabled.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Lessard introduced—

S. F. No. 78: A bill for an act relating to intoxicating liquor; authorizing the sale and dispensing of liquor at the I.R.A. arena in Grand Rapids.

Referred to the Committee on Commerce.

Messrs. Solon, Johnson and Ulland introduced—

S. F. No. 79: A bill for an act relating to courts; changing the procedure whereby a judicial district administrator is appointed; amending Minnesota Statutes 1980, Section 484.68; Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Stumpf introduced—

S. F. No. 80: A bill for an act relating to the collection and dissemination of data; administration of the state archives and state and local government records; classifying data; providing a penalty; amending Minnesota Statutes 1980, Sections 15.17, Subdivisions 1 and 4; 138.161; 138.17, Subdivisions 1, 6, 7, and by adding subdivisions; 138.19; 138.20; 138.21; proposing new law coded in Minnesota Statutes, Chapter 138; repealing Minnesota Statutes 1980, Sections 16.66 and 138.18.

Referred to the Committee on Governmental Operations.

Messrs. Nelson, Sikorski and Solon introduced—

S. F. No. 81: A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1980, Sections 144.50; Subdivision 1; and 144.55.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Merriam; Peterson, C.C.; Johnson; Dieterich and Sieloff introduced—

S. F. No. 82: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, adding a section; permitting state tax laws to adopt future federal tax law amendments by reference.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 83: A bill for an act relating to real estate; directing a conveyance of the states right, title and interest in certain lands to Independent School District No. 417 of Tracy, Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chmielewski and Nichols introduced—

S. F. No. 84: A bill for an act relating to health; providing for financial assistance to persons with end stage renal disease; proposing new law coded in Minnesota Statutes, Chapter 256.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Setzepfandt, Schmitz, Pehler, Renneke and Rued introduced—

S. F. No. 85: A bill for an act relating to towns; providing for separate election of town supervisors; amending Minnesota Statutes 1980, Section 367.33, by adding a subdivision.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Wegener, Rued, Davis, Benson and Setzepfandt introduced—

S. F. No. 86: A bill for an act relating to towns; making authority to exercise certain powers optional with certain towns; amending Minnesota Statutes 1980, Section 368.01, Subdivision 1.

Referred to the Committee on Local Government and Urban Affairs.

Mr. Bang introduced—

S. F. No. 87: A bill for an act relating to education; establishing a procedure for transferring certain territory from one school district to another; permitting a district from which territory was transferred to enroll certain students from the transferred territory under certain conditions; proposing new law coded in Minnesota Statutes, Chapter 122.

Referred to the Committee on Education.

Mr. Peterson, D.L. introduced—

S. F. No. 88: A bill for an act relating to the city of St. James; authorizing the issuance of revenue bonds for the acquisition and betterment of an airport facility.

Referred to the Committee on Local Government and Urban Affairs.

Messrs. Davies, Renneke and Hanson introduced—

S. F. No. 89: A bill for an act relating to elections; clarifying certain sanctions imposed for violation of fair campaign practices act; providing a good faith exception; amending Minnesota Statutes 1980, Section 210A.39.

Referred to the Committee on Elections and Reapportionment.

Messrs. Sieloff, Rued, Setzepfandt and Davies introduced—

S. F. No. 90: A bill for an act relating to taxation; income tax; providing that the one time exclusion of gain on sale of a residence is effective at the same time as effective for federal income tax purposes; amending Minnesota Statutes 1980, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dicklich, Bernhagen, Davis, Benson and Penny introduced—

S. F. No. 91: A bill for an act relating to natural resources; limiting state land acquisitions for certain purposes, by requiring sale of lands of equal value; proposing new law coded in Minnesota Statutes, Chapter 94.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Merriam, Tennessen, Davies, Penny and Lindgren introduced—

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.

Referred to the Committee on Judiciary.

Messrs. Petty, Spear, Bertram, Pillsbury and Belanger introduced—

S. F. No. 93: A bill for an act relating to commerce; providing for the regulation and licensing of precious metal dealers; establishing identification procedures and recording requirements; prohibiting certain transactions; providing for criminal and civil penalties; providing remedies; amending Minnesota Statutes 1980, Section 609.53, Subdivision 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 325F.

Referred to the Committee on Commerce.

Mr. Davies introduced—

S. F. No. 94: A bill for an act relating to land transfers; adopting the uniform simplification of land transfers act; proposing new law coded as Minnesota Statutes, Chapter 506; repealing Minnesota Statutes 1980, Sections 507.24; 507.25; 507.26; 507.34; 507.35; 514.01 to 514.17; 541.02; 541.023; and 541.024.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Thursday, January 22, 1981. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate