

STATE OF MINNESOTA

Journal of the Senate

FIRST SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Tuesday, March 30, 1982

The Senate met at 10:00 a.m. and was called to order by the President.

RECESS

Mr. Hughes moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Peter Wykoff.

The Secretary called the roll by legislative districts in numerical order, and the following Senators answered to their names:

First District	Marv Hanson
Second District	Roger D. Moe
Third District	
Fourth District	Gerald L. Willet
Fifth District	Ronald R. Dicklich
Sixth District	Douglas J. Johnson
Seventh District	Sam G. Solon
Eighth District	James Ulland
Ninth District	Keith Langseth
Tenth District	Collin C. Peterson
Eleventh District	
Twelfth District	Myrton O. Wegener
Thirteenth District	Dave Rued
Fourteenth District	Florian Chmielewski
Fifteenth District	Charles A. Berg
Sixteenth District	Joe Bertram
Seventeenth District	James C. Pehler
Eighteenth District	Charles R. Davis
Nineteenth District	Randolph W. Peterson
Twentieth District	Randy P. Kamrath
Twenty-first District	A.O.H. Setzepfandt
Twenty-second District	John Bernhagen
Twenty-third District	Earl W. Renneke
Twenty-fourth District	Clarence M. Purfeerst
Twenty-fifth District	Steve Engler
Twenty-sixth District	Marion (Mike) Menning

Twenty-seventh District	Darrel L. Peterson
Twenty-eighth District	Dennis Frederickson
Twenty-ninth District	Glen Taylor
Thirtieth District	Timothy J. Penny
Thirty-first District	Tom A. Nelson
Thirty-second District	Mel Frederick
Thirty-third District	Nancy Brataas
Thirty-fourth District	Patricia Louise Kronebusch
Thirty-fifth District	Duane D. Benson
Thirty-sixth District	Robert J. Schmitz
Thirty-seventh District	Steve Lindgren
Thirty-eighth District	William V. Belanger, Jr.
Thirty-ninth District	Otto T. Bang, Jr.
Fortieth District	
Forty-first District	Irving M. Stern
Forty-second District	
Forty-third District	Jim Ramstad
Forty-fourth District	Hubert H. Humphrey, III
Forty-fifth District	William P. Luther
Forty-sixth District	Don Frank
Forty-seventh District	Gene Merriam
Forty-eighth District	Robert O. Ashbach
Forty-ninth District	Gregory L. Dahl
Fiftieth District	Jerome M. Hughes
Fifty-first District	Gerry Sikorski
Fifty-second District	Conrad M. Vega
Fifty-third District	Howard A. Knutson
Fifty-fourth District	Carl W. Kroening
Fifty-fifth District	Anne K. Stokowski
Fifty-sixth District	Robert J. Tennessen
Fifty-seventh District	Allan H. Spear
Fifty-eighth District	
Fifty-ninth District	Linda Berglin
Sixtieth District	Jack Davies
Sixty-first District	Franklin J. Knoll
Sixty-second District	Neil Dieterich
Sixty-third District	Ron Sieloff
Sixty-fourth District	Peter P. Stumpf
Sixty-fifth District	Donald M. Moe
Sixty-sixth District	Gene Waldorf
Sixty-seventh District	Marilyn M. Lantry

The President declared a quorum present.

STATE OF MINNESOTA

PROCLAMATION

WHEREAS: The Seventy-Second Legislature adjourned sine die on March 19, 1982; and

WHEREAS: House File No. 1220 was passed by both Houses on that day; and

WHEREAS: Several provisions of House File No. 1220 were essential to assure timely payment of unemployment benefits to 96,000 recipients; and

WHEREAS: These provisions were addressed in legislation introduced dur-

ing the 1981 regular Session and the December, 1981 Special Session; and

WHEREAS: The Legislature failed to enact the necessary changes until the final day of the 1982 Session at which time they combined the unemployment insurance changes with legislation enacting unacceptable revisions in Minnesota's workers' compensation system; and

WHEREAS: Because of the unacceptable changes in the workers' compensation system, House File No. 1220 was vetoed; and

WHEREAS: It is necessary to immediately address these unemployment insurance issues prior to the next regular Session of the Legislature, thereby creating an extraordinary occasion; and

WHEREAS: Article IV, Section 12 of the Constitution of the State of Minnesota provides that a Special Session of the Legislature may be called on extraordinary occasions;

NOW, THEREFORE, I, Albert H. Quie, Governor of the State of Minnesota, do hereby summon you members of the Legislature to convene in Special Session on Tuesday, March 30, 1982, at 10:00 a.m. in the forenoon at the Capitol in St. Paul.

I urge the Legislature to act as expeditiously as possible in enacting the necessary amendments to Minnesota's unemployment insurance law which will assure timely payments of the unemployment benefits to all eligible persons.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed this twenty-fifth day of March, in the year of Our Lord one thousand nine hundred and eighty-two and of the State the one hundred twenty-third.

Albert H. Quie,
Governor

Joan Anderson Growe
Secretary of State

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. introduced—

Senate Resolution No. 1: A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate is organized pursuant to Minnesota Statutes 1980, Sections 3.073 and 3.103.

The Rules of the Senate for the 72nd Legislature shall be the Rules for the Special Session, except that Rules 33, 40, and 57 shall not be operative other than as provided herein.

The Committee on Rules and Administration is established in the same manner and with the same powers as pertained in the 72nd Legislature.

With respect to Rule 31, Reconsideration, a notice of intention to move for

reconsideration shall not be in order, but a motion to reconsider may be made, and when made shall have priority over other business except a motion to adjourn or recess.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davis	Knutson	Pehler	Solon
Bang	Dicklich	Kroening	Penny	Spear
Belanger	Dieterich	Kronebusch	Peterson, C. C.	Stern
Benson	Engler	Langseth	Peterson, D. L.	Stokowski
Berg	Frank	Lantry	Peterson, R. W.	Stumpf
Berglin	Frederick	Lindgren	Purfeerst	Taylor
Bernhagen	Frederickson	Luther	Renneke	Tennessen
Bertram	Hanson	Menning	Rued	Ulland
Brataas	Hughes	Merriam	Schmitz	Vega
Chmielewski	Humphrey	Moe, D. M.	Setzepfandt	Waldorf
Dahl	Johnson	Moe, R. D.	Sieloff	Wegener
Davies	Kamrath	Nelson	Sikorski	Willet

The motion prevailed. So the resolution was adopted.

Mr. Moe, R.D. introduced—

Senate Resolution No. 2: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized pursuant to the Minnesota Constitution and Minnesota Statutes.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Mr. Pehler introduced—

Senate Resolution No. 3: A Senate resolution congratulating the Eagles team from St. Cloud Apollo High School on winning the 1982 Class AA State High School Girls Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Pehler introduced—

Senate Resolution No. 4: A Senate resolution congratulating the Tigers team from St. Cloud Technical High School on winning fourth place in the 1982 Class AA State High School Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Messrs. Peterson, C.C.; Pehler and Chmielewski introduced—

S.F. No. 1: A bill for an act relating to unemployment compensation; establishing a credit week as a percentage of average weekly wages; defining the employing unit for certain homeworkers and personal care attendants; defining wages; altering provisions as to advance of federal funds; altering "triggers" related to extended benefits; altering eligibility requirements for extended benefits; altering eligibility and disqualifying provisions for individuals whose training is approved under the Federal Trade Act of 1974; providing for the interception of unemployment benefits to satisfy child support obligations; providing for rate notices; regulating eligibility for compensation; providing for determination of claims; providing for collection of contributions, reimbursements, and overpayments; modifying employer contribution provisions; altering tax rates; regulating the data practices of the department of economic security; modifying the deduction of military retirement payments and secondary social security benefits; providing increased penalties for individuals who quit employment or who are discharged for misconduct; providing for the charging of extended benefits, in part, to base period employers; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 268.04, Subdivisions 9, 25, and 29; 268.05, Subdivision 6; 268.06, Subdivisions 2, 3a, 6, 8, 19, 22, 25, and 28; 268.07, Subdivisions 2, 3, and by adding a subdivision; 268.071, Subdivisions 1, 3, 5, 6, and by adding subdivisions; 268.08, Subdivisions 1, 3, and 6; 268.09, Subdivisions 1, 2, and by adding a subdivision; 268.10, Subdivisions 1 and 2; 268.12, Subdivisions 12 and 13; 268.15, Subdivision 3; 268.16, Subdivisions 1 and 2; 268.18, Subdivisions 1, 2, 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 268; repealing Minnesota Statutes 1980, Sections 268.07, Subdivision 4; 268.16, Subdivision 3, as amended.

Mr. Peterson, C.C. moved that S.F. No. 1 be laid on the table. The motion prevailed.

Messrs. Merriam, Sikorski, Luther, Pehler and Ulland introduced—

S.F. No. 2: A bill for an act relating to the environment; establishing an environmental response, compensation and compliance fund to pay for removal and remedial action associated with certain hazardous substances released into the environment and for other purposes; providing for liability for cleanup costs, personal injury and economic loss resulting from releases of hazardous substances; imposing taxes, fees, and penalties; appropriating money; amending Minnesota Statutes 1980, Sections 466.01, by adding a subdivision; and 466.04, Subdivision 1; Minnesota Statutes 1981 Supplement, Section 115A.24, Subdivision 1; proposing new law coded in Minnesota Statutes, Chapter 116; proposing new law coded as Minnesota Statutes, Chapter 115B; repealing Minnesota Statutes 1981 Supplement, Section 115A.24, Subdivision 2.

Mr. Merriam moved that S.F. No. 2 be laid on the table. The motion prevailed.

Mr. Solon introduced—

S.F. No. 3: A bill for an act relating to corrections; authorizing the commissioner of corrections to contract with the United States attorney general and local county officials for temporary detention of persons in custody pursuant to lawful process issued by federal courts and the state district court; providing for disposition of proceeds; amending Minnesota Statutes 1980, Section 243.51, by adding a subdivision.

Mr. Solon moved that S.F. No. 3 be laid on the table. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives of the State of Minnesota is now duly organized for the 1982 First Special Session pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 30, 1982

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Solon moved that S.F. No. 3 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Mr. Solon moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3 and that the rules of the Senate be so far suspended as to give S.F. No. 3 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 3: A bill for an act relating to corrections; authorizing the commissioner of corrections to contract with the United States attorney general and local county officials for temporary detention of persons in custody pursuant to lawful process issued by federal courts and the state district court; providing for disposition of proceeds; amending Minnesota Statutes 1980, Section 243.51, by adding a subdivision.

S.F. No. 3 was read the second time.

Mr. Solon moved to amend S.F. No. 3 as follows:

Page 1, after line 23, insert:

“Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

The motion prevailed. So the amendment was adopted.

Mr. Solon then moved to amend S.F. No. 3 as follows:

Page 1, line 21, delete “*Funds*” and insert “*Money*”

Page 1, after line 23, insert:

“*This subdivision is effective to June 30, 1983.*”

The motion prevailed. So the amendment was adopted.

S.F. No. 3 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kronebusch	Peterson, D.L.	Stokowski
Bang	Dieterich	Langseth	Peterson, R.W.	Stumpf
Belanger	Engler	Lantry	Purfeerst	Taylor
Benson	Frank	Lindgren	Ramstad	Tennessen
Berg	Frederick	Luther	Renneke	Ulland
Berglin	Frederickson	Menning	Rued	Vega
Bernhagen	Hanson	Merriam	Schmitz	Waldorf
Bertram	Humphrey	Moe, D. M.	Setzepfandt	Wegener
Brataas	Johnson	Moe, R. D.	Sieloff	Willet
Chmielewski	Kamrath	Nelson	Sikorski	
Dahl	Knoll	Pehler	Solon	
Davies	Knutson	Penny	Spear	
Davis	Kroening	Peterson, C.C.	Stern	

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Hanson introduced—

S.F. No. 4: A bill for an act relating to the operation of state government; authorizing individuals to bring suits against the state regarding contracts for state debt; clarifying provisions relating to the sale of certificates of indebtedness; amending Minnesota Statutes 1980, Section 3.751, Subdivision 1; and Minnesota Statutes 1981 Supplement, Section 16A.671, Subdivisions 5, as amended, and 9.

SUSPENSION OF RULES

Mr. Hanson moved that an urgency be declared within the meaning of

Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 4 and that the rules of the Senate be so far suspended as to give S.F. No. 4 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 4 was read the second time.

S.F. No. 4 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 20, as follows:

Those who voted in the affirmative were:

Ashbach	Frederickson	Lindgren	Ramstad	Ulland
Bang	Hanson	Luther	Renneke	Vega
Brataas	Hughes	Menning	Sikorski	Waldorf
Chmielewski	Humphrey	Merriam	Solon	Wegener
Dahl	Johnson	Moe, D. M.	Spear	Willet
Davies	Knoll	Moe, R. D.	Stern	
Dicklich	Knutson	Nelson	Stokowski	
Dieterich	Kroening	Peterson, R. W.	Stumpf	
Frank	Lantry	Purfeerst	Taylor	

Those who voted in the negative were:

Belanger	Bernhagen	Kamrath	Penny	Schmitz
Benson	Bertram	Kronebusch	Peterson, C. C.	Setzepfandt
Berg	Davis	Langseth	Peterson, D. L.	Sieloff
Berglin	Engler	Pehler	Rued	Tennessen

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House and First Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H.F. No. 1: A bill for an act relating to unemployment compensation; establishing a credit week as a percentage of average weekly wages; defining the employing unit for certain homeworkers and personal care attendants; defining wages; altering provisions as to advance of federal funds; altering "triggers" related to extended benefits; altering eligibility requirements for extended benefits; altering eligibility and disqualifying provisions for individuals whose training is approved under the Federal Trade Act of 1974; providing for the interception of unemployment benefits to satisfy child support obligations; providing for rate notices; regulating eligibility for compensation; providing for determination of claims; providing for collection of contributions, reimbursements, and overpayments; modifying employer contribution provisions; altering tax rates; regulating the data practices of the department of economic security; modifying the deduction of military retirement payments and secondary social security benefits; providing increased penalties for individuals who quit employment or who are discharged for misconduct; providing

for the charging of extended benefits, in part, to base period employers; providing penalties; appropriating money; amending Minnesota Statutes 1980, Sections 268.04, Subdivisions 9, 25, and 29; 268.05, Subdivision 6; 268.06, Subdivisions 2, 3a, 6, 8, 19, 22, 25, and 28; 268.07, Subdivisions 2, 3, and by adding a subdivision; 268.071, Subdivisions 1, 3, 5, 6, and by adding subdivisions; 268.08, Subdivisions 1, 3, and 6; 268.09, Subdivisions 1, 2, and by adding a subdivision; 268.10, Subdivisions 1 and 2; 268.12, Subdivisions 12 and 13; 268.15, Subdivision 3; 268.16, Subdivisions 1 and 2; 268.18, Subdivisions 1, 2, 4, and by adding subdivisions; proposing new law coded in Minnesota Statutes, Chapter 268; repealing Minnesota Statutes 1980, Sections 268.07, Subdivision 4; 268.16, Subdivision 3, as amended.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1982

FIRST READING OF HOUSE BILLS

H.F. No. 1 was read the first time.

SUSPENSION OF RULES

Mr. Peterson C.C. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1 and that the rules of the Senate be so far suspended as to give H.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1 was read the second time.

H.F. No. 1 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dicklich	Kroening	Peterson, D.L.	Stokowski
Bang	Dieterich	Kronebusch	Peterson, R.W.	Stumpf
Belanger	Engler	Langseth	Purfeerst	Taylor
Benson	Frank	Lantry	Ramstad	Tennessen
Berg	Frederick	Lindgren	Renneke	Ulland
Berglin	Frederickson	Luther	Rued	Vega
Bernhagen	Hanson	Menning	Schmitz	Waldorf
Bertram	Hughes	Merriam	Setzepfandt	Wegener
Brataas	Humphrey	Moe, R. D.	Sieloff	Willet
Chmielewski	Johnson	Nelson	Sikorski	
Dahl	Kamrath	Pehler	Solon	
Davies	Knoll	Penny	Spear	
Davis	Knutson	Peterson, C.C.	Stern	

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Messrs. Keefe, Lessard, Olhoft, Petty and Pillsbury were excused from the Session of today.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 1:30 p.m. The motion prevailed.

The hour of 1:30 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Moe R.D. moved that the Senate do now recess until 1:45 p.m. The motion prevailed.

The hour of 1:45 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 2:30 p.m. The motion prevailed.

The hour of 2:30 p.m. having arrived, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned:

S.F. No. 3: A bill for an act relating to corrections; authorizing the commissioner of corrections to contract with the United States attorney general and local county officials for temporary detention of persons in custody pursuant to lawful process issued by federal courts and the state district court; providing for disposition of proceeds; amending Minnesota Statutes 1980, Section 243.51, by adding a subdivision.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1982

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned:

S.F. No. 4: A bill for an act relating to the operation of state government; authorizing individuals to bring suits against the state regarding contracts for state debt; clarifying provisions relating to the sale of certificates of indebtedness; amending Minnesota Statutes 1980, Section 3.751, Subdivision 1; and Minnesota Statutes 1981 Supplement, Section 16A.671, Subdivisions 5, as amended, and 9.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1982

Mr. President:

I have the honor to announce that the House of Representatives is about to adjourn the 1982 First Special Session sine die.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1982

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Peterson, D.L. introduced—

Senate Resolution No. 5: A senate resolution congratulating the East Chain girls basketball team for winning the runner-up trophy at the 1982 Class A Girls State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. introduced—

Senate Resolution No. 6: A Senate resolution relating to adjournment of the 1982 First Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the 1982 First Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the 1982 First Special Session.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R. D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Messrs. Rued, Bernhagen, Sieloff, Mrs. Brataas and Mr. Lindgren introduced—

S.F. No. 5: A bill for an act relating to taxation; conforming income tax treatment of certain retirement accounts, unemployment compensation, child care expenses and gasoline tax to that provided by federal tax law; changing apportionment of the deduction of federal income tax; amending Minnesota Statutes 1980, Section 290.067, Subdivision 1, as amended; and Minnesota Statutes 1981 Supplement, Sections 290.01, Subdivision 20, as amended; 290.09, Subdivision 4; and 290.18, Subdivision 2, as amended.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that the Senate do now adjourn sine die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate