

FORTY-FIRST DAY

St. Paul, Minnesota, Thursday, April 18, 1985

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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

Adkins	Dicklich	Kamrath	Moe, D.M.	Reichgott
Anderson	Diessner	Knaak	Moe, R.D.	Renneke
Belanger	Dieterich	Knutson	Nelson	Samuelson
Benson	Frank	Kroening	Novak	Schmitz
Berg	Frederick	Kronebusch	Olson	Sieloff
Berglin	Frederickson	Laidig	Pehler	Solon
Bernhagen	Freeman	Langseth	Peterson, C.C.	Spear
Bertram	Gustafson	Lantry	Peterson, D.C.	Stumpf
Brataas	Hughes	Lessard	Peterson, R.W.	Taylor
Chmielewski	Isackson	Luther	Petty	Vega
Dahl	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Davis	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
DeCramer	Jude	Merriam	Ramstad	Willet

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 16, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 247, 287 and 546.

Sincerely,

Rudy Perpich, Governor

April 16, 1985

The Honorable David Jennings
Speaker of the House of Representatives
The Honorable Jerome M. Hughes

President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1985 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1985	Date Filed 1985
247		17	April 16	April 16
287		18	April 16	April 16
546		19	April 16	April 16
	327	20	April 16	April 16
	621	21	April 16	April 16
	894	22	April 16	April 16

Sincerely,

Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S.F. No. 1218: A bill for an act relating to labor; providing for fair labor standard practice; providing penalties; amending Minnesota Statutes 1984, sections 177.23, subdivisions 4 and 7; 177.24, subdivisions 3, 4, and 5; 177.27; 177.28, subdivision 4; 177.32, subdivision 1; 181.79, subdivision 1; 181A.04, subdivision 3; and 181A.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 7, line 27, delete "may" and insert "shall"

Page 7, line 29, after "treasurer" insert "if the administrative law judge finds that the employer had no meritorious defense against the claim"

Page 12, after line 14, insert:

"Sec. 14. [EFFECTIVE DATE.]

Section 9 is effective January 1, 1986. Sections 1 to 8 and 10 to 13 are effective the day following final enactment."

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

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

S.F. No. 1071: A bill for an act relating to corporations; providing for

access by shareholders to certain corporate records; protecting the privacy of individuals; clarifying legislative intent; amending Minnesota Statutes 1984, section 302A.461, subdivision 5, and by adding subdivisions; repealing Minnesota Statutes 1984, section 302A.461, subdivision 4.

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

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 302A.011, is amended by adding a subdivision to read:

Subd. 40. [PUBLICLY HELD CORPORATION.] “Publicly held corporation” means a corporation that has a class of equity securities registered pursuant to section 12 of the Securities Exchange Act of 1934, as amended through December 31, 1984.

Sec. 2. Minnesota Statutes 1984, section 302A.461, subdivision 4, is amended to read:

Subd. 4. [RIGHT TO INSPECT.] (a) A shareholder, beneficial owner, or a holder of a voting trust certificate of a corporation that is not a publicly held corporation has an absolute right, upon written demand, to examine and copy, in person or by a legal representative, at any reasonable time:

(1) The share register; and

(2) All documents referred to in subdivision 2.

(b) A shareholder, beneficial owner, or a holder of a voting trust certificate of a corporation that is not a publicly held corporation has a right, upon written demand, to examine and copy, in person or by a legal representative, other corporate records at any reasonable time only if the shareholder, beneficial owner, or holder of a voting trust certificate demonstrates a proper purpose for the examination. A “proper purpose” is one reasonably related to the person’s interest as a shareholder, beneficial owner, or holder of a voting trust certificate of the corporation.

(c) A shareholder, beneficial owner, or a holder of a voting trust certificate of a publicly held corporation has, upon written demand stating the purpose and acknowledged or verified in the manner provided in chapter 358, a right at any reasonable time to examine and copy the corporation’s share register and other corporate records upon demonstrating the stated purpose to be a proper purpose. The acknowledged or verified demand must be directed to the corporation at its registered office in this state or at its principal place of business.

(d) For purposes of this section, a “proper purpose” is one reasonably related to the person’s interest as a shareholder, beneficial owner, or holder of a voting trust certificate of the corporation.

Sec. 3. Minnesota Statutes 1984, section 302A.461, is amended by adding a subdivision to read:

Subd. 4b. [OTHER USE PROHIBITED.] A shareholder, beneficial owner, or holder of a voting trust certificate who has gained access under this section to any corporate record including the share register may not use or

furnish to another for use the corporate record or a portion of the contents for any purpose other than a proper purpose. Upon application of the corporation, a court may issue a protective order or order other relief as may be necessary to enforce the provisions of this subdivision.

Sec. 4. Minnesota Statutes 1984, section 302A.461, subdivision 5, is amended to read:

Subd. 5. [COST OF COPIES.] Copies of the share register and all documents referred to in subdivision 2, if required to be furnished under this section, shall be furnished at the expense of the corporation. ~~A copy of the most recently generated share register shall be furnished at the expense of the corporation if the requesting party shows a proper purpose.~~ In all other cases, the corporation may charge the requesting party a reasonable fee to cover the expenses of providing the copy.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to corporations; providing for access by shareholders to certain corporate records; protecting the privacy of individuals; amending Minnesota Statutes 1984, sections 302A.011, by adding a subdivision; and 302A.461, subdivisions 4 and 5, and by adding a subdivision."

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

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

H.F. No. 78: A bill for an act relating to crimes; defining the crime of owning or operating a disorderly house; requiring a mandatory fine for a person owning or operating a disorderly house; amending Minnesota Statutes 1984, section 609.33.

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

Page 2, delete subdivision 3

Pages 2 and 3, delete subdivision 5 and insert:

"Subd. 4. [LOCAL REGULATION.] Subdivisions 1 to 3 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions."

Renumber the subdivisions in sequence

Amend the title as follows:

Page 1, line 3, delete "requiring a mandatory"

Page 1, delete line 4

Page 1, line 5, delete "house;"

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

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

S.F. No. 1214: A bill for an act relating to negligence; clarifying immunity from liability for volunteer firefighters who render assistance at scenes of emergency; amending Minnesota Statutes 1984, section 604.05, subdivision 2.

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

Page 2, line 13, strike "nominal"

Page 2, line 14, before the period, insert "*paid to members of volunteer organizations*".

Page 2, delete lines 15 to 17

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

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

S.F. No. 1223: A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minnesota Statutes 1984, sections 525.922, subdivision 1; and 525.924, by adding a subdivision.

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

Page 1, line 12, delete the first "or" and insert a comma

Page 1, line 12, after "guardian" insert ", *or the parent or parents with legal custody*"

Page 1, line 12, strike "his" and insert "*the individual's*"

Page 1, line 22, after "parents" insert ", *a legal guardian, or the parent or parents with legal custody*"

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

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

S.F. No. 1371: A bill for an act relating to courts; providing for transcript fees in the second judicial district; amending Minnesota Statutes 1984, section 486.06; proposing coding for new law in Minnesota Statutes, chapter 486.

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

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

S.F. No. 1429: A bill for an act relating to state government; providing for indemnification of judges and employees of the legislative and judicial branches from tort, civil, or equitable claims; preserving immunities; amending Minnesota Statutes 1984, sections 3.732, subdivision 1; and

3.736, subdivisions 1 and 9.

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

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

H.F. No. 674: A bill for an act relating to human services; adoption; regulating adoptions by relatives; providing for procedural changes; amending Minnesota Statutes 1984, sections 259.21, by adding a subdivision; and 259.23, subdivisions 1 and 2; 259.27, subdivision 1; repealing Minnesota Statutes 1984, section 259.27, subdivision 2.

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

Page 1, line 15, after the period, insert "*When placement of an Indian child is being considered, "relative" means an extended family member as defined in United States Code, title 25, section 1903(2).*"

Page 3, line 33, before "*Upon*" insert "*(a)*"

Page 4, line 6, before "*Within*" insert "*(b)*"

Page 4, line 8, after the semicolon, insert "*and*"

Page 4, line 13, before "*The*" insert "*(c)*"

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

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

S.F. No. 348: A bill for an act relating to crimes; imposing criminal liability on persons who cause the death of another by permitting an animal, known to have caused prior bodily harm, to be unconfined or improperly confined; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [346.50] [DOGS; IDENTIFICATION.]

An owner or custodian of a dog who permits the dog to be uncontrolled off the owner's or custodian's premises shall have the dog identified in one of the following ways:

(1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current owner;

(2) by an electronically activated identification device within or attached to the body of the dog through which the owner can be promptly identified;

(3) by a number legibly tattooed on the thigh or abdomen of the dog through which the owner can be promptly identified using information from official dog registries, city or county registries, or veterinary hospital registries;

(4) by an official license tag of a city or county through which the owner

can be promptly identified; or

(5) by a current rabies vaccination tag or other identification device of a city, a county, or a veterinarian through which the owner can be promptly identified.

Sec. 2. [346.51] [BITES.]

An owner or custodian of an animal which does not have an appropriate anti-rabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized under section 4.

Sec. 3. [346.52] [LOCAL PROGRAMS.]

Sections 1 to 5 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions or prohibiting dogs from running uncontrolled.

Sec. 4. [346.53] [PENALTIES.]

Violation of sections 1 and 2 is a petty misdemeanor.

Sec. 5. [346.54] [NOTIFICATION OF OWNERS.]

Animal shelter personnel who receive animals shall check for identification on each animal, identify the owner by the identification whenever possible, and notify the owner of the location of the animal.

Sec. 6. Minnesota Statutes 1984, section 609.205, is amended to read:

609.205 [MANSLAUGHTER IN THE SECOND DEGREE.]

Whoever A person who causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both:

(1) By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or

(3) By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or

(4) By negligently or intentionally permitting any failing to keep confined an animal, known by him to have vicious propensities or to have caused substantial bodily harm, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.

Sec. 7. [609.226] [HARM CAUSED BY AN ANIMAL.]

A person who causes substantial bodily harm to another by failing to keep confined an animal known to have vicious propensities or to have caused substantial bodily harm in the past is guilty of a gross misdemeanor.

As used in this section, "substantial bodily harm" has the meaning given it in section 609.02, subdivision 7a, and includes bodily injury which involves a temporary but substantial cut or bruise.

Sec. 8. [609.227] [DANGEROUS ANIMALS KILLED.]

When a person has been convicted of an offense under section 7 or Minnesota Statutes, section 609.205, clause (4), the court shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency and killed in a proper and humane manner. The owner of the animal shall pay the cost of killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

Sec. 9. [EFFECTIVE DATE.]

Sections 6 to 8 are effective August 1, 1985, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to animals; providing for a rabies control program; imposing criminal liability on persons who cause the death or substantial bodily harm of another by permitting certain animals to be unconfined or improperly confined; providing for the killing of dangerous animals; imposing penalties; amending Minnesota Statutes 1984, section 609.205; proposing coding for new law in Minnesota Statutes, chapters 346 and 609."

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 927: A bill for an act relating to watercraft; exempting certain boats from watercraft licensing requirements; amending Minnesota Statutes 1984, section 361.03, subdivision 12.

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

H.F. No. 1193: A bill for an act relating to corrections; updating the recordkeeping systems of jails and lockups; amending Minnesota Statutes 1984, sections 641.05; and 642.07.

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

Page 1, after line 6, insert:

"Section 1. [241.80] [AMERICAN INDIAN COUNSELING PROGRAM.]

Subdivision 1. [AUTHORITY.] The commissioner of corrections shall develop a policy to provide the counseling services listed in subdivision 2 to American Indian inmates of all juvenile and adult state correctional facilities and community-based correctional programs. The commissioner shall contract with appropriate American Indian private, nonprofit organizations to provide these counseling services.

Subd. 2. [COUNSELING SERVICES.] The policy shall include, but need

not be limited to, providing spiritual and cultural counseling services having the following purposes:

(1) the teaching of good work habits and the development of motivation through work;

(2) the development of cultural pride to improve American Indian self-image;

(3) the development of an understanding of and an adjustment to the cultural differences between American Indians and other ethnic groups;

(4) the development of attitudes of mutual trust, respect, and understanding among American Indian family members;

(5) the fostering of increased availability of medicine men and American Indian spiritual leaders to teach American Indian inmates about American Indian history, cultural sensitivity, and religion;

(6) the involvement of American Indian inmates in those aspects of the correctional system that will aid in their rehabilitation; and

(7) the provision of services to American Indian inmates that will facilitate their reentry into the community."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring the commissioner of corrections to develop a policy to provide counseling services to American Indian inmates;"

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 241"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1176: A bill for an act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a multidisciplinary education program; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Page 1, line 19, delete "children" and insert "child"

Page 1, line 19, delete "service" and insert "services"

Page 1, line 22, delete "multidisciplinary"

Page 1, line 26, delete "MULTIDISCIPLINARY" and insert "JOINT"

Page 2, line 1, delete "develop" and insert "cooperate in the development of"

Page 2, line 2, delete "multidisciplinary educational" and insert "joint"

Page 2, after line 5, insert:

“(1) the public policy goals of the state as set forth in section 260.011 and Senate File 914 as introduced in the 1984 session, and the role of the assessment or investigation in meeting these goals;”

Page 2, line 10, after “services” insert “and strengthening family ties”

Page 2, after line 13, insert:

“(5) the dynamics of child abuse and neglect within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation;”

Page 2, line 14, delete “consideration” and insert “considerations”

Page 2, line 20, delete “, to the extent possible,”

Renumber the clauses in sequence

Page 2, line 30, delete “chapter”

Page 2, delete line 31

Page 2, line 32, delete everything after “10b” and insert a period

Page 2, delete lines 33 and 34

Page 2, after line 34, insert:

“Subd. 4. [REPORT.] By February 1, 1986, the commissioners of human services and public safety shall report to the legislature on the implementation of the joint training program established under subdivision 2. The report may include legislative recommendations on the establishment of a multidisciplinary training program for child abuse services professionals.”

Page 2, line 36, delete “July 1, 1985” and insert “the day following final enactment”

Amend the title as follows:

Page 1, line 5, delete “multidisciplinary education” and insert “joint training” and after the semicolon, insert “requiring a report to the legislature;”

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 494: A bill for an act relating to health; regulating community health services; amending Minnesota Statutes 1984, sections 145.912, subdivision 15; 145.917, subdivisions 2 and 3; 145.921; and 145.922; repealing Minnesota Statutes 1984, section 145.912, subdivisions 16, 17, and 18.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 800: A bill for an act relating to consumer protection; prohibiting certain deceptive advertising practices; amending Minnesota Statutes 1984, sections 325F.68, by adding a subdivision; and 325F.69, by adding a subdivision.

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

Page 1, line 22, after the comma, insert "*at this location or within a relevant market area*"

Page 1, line 25, after "*inventory*" insert "*for the sale by ordering or purchasing an unusual amount of merchandise*"

Page 2, line 1, delete everything after "*sale*" and insert "*or during the 90 days before the sale began;*"

Page 2, line 2, delete everything after "*business*"

Page 2, delete lines 3 to 7 and insert "*, or any of its officers or directors, has advertised any other sale as a "going out of business sale" during the 120 days before this sale began; or*"

Page 2, lines 8 and 11, delete "(5)" and insert "(4)"

Page 2, line 14, after the period, insert "*This subdivision does not apply to a sale in any statutory or home rule charter city that by ordinance requires the licensing of persons conducting a "going out of business sale," nor to public officers acting in the course of their official duties.*"

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred.

H.F. No. 385: A bill for an act relating to occupations and professions; providing advertising restrictions for plumbers; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred.

S.F. No. 1272: A bill for an act relating to partition fences; changing certain responsibilities and procedures; amending Minnesota Statutes 1984, sections 344.02; 344.03, subdivision 1, and by adding a subdivision; and 344.13; proposing coding for new law in Minnesota Statutes, chapter 344.

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

Page 1, lines 11 and 12, reinstate the stricken language and delete the new language

Page 2, lines 23 to 28, reinstate the stricken language and delete the new language

Page 2, line 29, delete the new language and insert “, *except that no landowner shall be required to pay any share of the construction or maintenance of a partition fence if that landowner has no need for a fence to either retain livestock on the premises or protect land from the livestock of others. If a landowner is exempt from payment of any of the costs of a partition fence because the fence is not needed, but the landowner's needs change within three years of completion of the partition fence, the landowner shall pay a share of the costs of construction and maintenance of the fence as if the landowner had never been exempt*”

Page 2, delete section 3

Page 3, delete sections 5 and 6 and insert:

“Sec. 4. Minnesota Statutes 1984, section 344.19, is amended to read:

344.19 [VIEWERS IN COUNTIES NOT ORGANIZED INTO TOWNS.]

In counties not organized into towns, the county commissioners shall be fence viewers ~~and~~ or may appoint five county employees to serve as fence viewers. The county commissioners or appointed county employees shall be governed by the provisions of this chapter, except that county commissioners shall not receive the per diem provided in section 344.18 but may be paid a per diem pursuant to section 375.055, subdivision 1, and in addition thereto their necessary expenses, including mileage in accordance with section 471.665. *County employees appointed as fence viewers shall not receive additional compensation for serving as fence viewers.*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after “1” delete the comma and insert “; and 344.19”

Page 1, line 5, delete everything before the second semicolon

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 308: A bill for an act relating to intoxicating liquor; hours for Sunday sale; amending Minnesota Statutes 1984, section 340.14, subdivision 5.

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 97: A bill for an act relating to liquor; authorizing farm winery licensees to sell cheese and cheese spreads; amending Minnesota Statutes 1984, section 340.435, subdivision 3.

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 602: A bill for an act relating to alcoholic beverages; allowing certain extensions of credit; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; and 340.405.

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 428: A bill for an act relating to the city of Eden Prairie; authorizing one annual one-day liquor license.

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 1238: A bill for an act relating to intoxicating liquor; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, section 340.11, by adding a subdivision.

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

Page 1, line 11, before "city" insert "*statutory or home rule*"

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 1145: A bill for an act relating to liquor; recodifying statutory provisions relating to intoxicating liquor and nonintoxicating malt liquor; amending Minnesota Statutes 1984, sections 260.015, subdivision 22; 299A.02; 473F.02, subdivision 17; and 624.701; proposing coding for new law in Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes, chapters 297C and 340A; repealing Minnesota Statutes 1984, sections 340.001 to 340.988.

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

Pages 13 and 14, delete section 13

Page 14, line 3, delete "[297C.14]" and insert "[297C.13]"

Renumber the sections in sequence

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 603: A bill for an act relating to non-intoxicating malt liquor; permitting holders of on-sale and off-sale intoxicating liquor licenses to sell non-intoxicating malt liquor without further license; amending Minnesota Statutes 1984, section 340.02, subdivisions 2 and 3.

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

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 1984, section 340.07, is amended by adding a subdivision to read:

Subd. 18. "Low alcohol malt liquor" means a fermented malt beverage containing two percent or less of alcohol by weight. Notwithstanding any law or rule to the contrary, if either; (a) the term "low alcohol" appears on the label of the beverage container; or (b) a brewer has provided written certification to the department of public safety establishing an alcoholic content of two percent or less by weight; no further label shall be required on that container."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after "license;" insert "defining low alcohol malt liquor and prescribing labeling;"

Page 1, line 6, delete "section" and insert "sections" and before the period, insert "; and 340.07, by adding a subdivision"

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

H.F. No. 698: A bill for an act relating to intoxicating liquor; authorizing the city of North Mankato to issue one short-term, on-sale liquor license.

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

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for March 28, 1985:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Archie D. Chelseth
Mona J. Hintzman
Maureen A. Johnson
Orrin V. Rinke

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for January 31, 1985:

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION

Patricia Allinder

Alan Olson

Jane Preston

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Pehler from the Committee on Education, to which were referred the following appointments as reported in the Journal for February 21, 1985:

STATE UNIVERSITY BOARD

James B. Lund

Rodney N. Searle

Russell P. Stanton

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1218, 1071, 1214, 1223, 1371, 1429, 348, 927, 800, 1272 and 1238 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 78, 674, 1193, 385, 308, 97, 602, 428, 1145, 603 and 698 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the name of Mr. Benson be added as a co-author to S.F. No. 1127. The motion prevailed.

CALENDAR

H.F. No. 517: A bill for an act relating to insurance; authorizing the use of funding agreements; prescribing powers of the commissioner; proposing coding for new law in Minnesota Statutes, chapter 61A.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrrens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 1: A bill for an act relating to local government; establishing a procedure to consolidate the cities of International Falls and South International Falls; authorizing a special mill levy in the event of consolidation.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrrens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

S.F. No. 1231: A resolution memorializing the President and Congress of the United States to take immediate steps to reduce acid deposition.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrrens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the resolution passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 112: A bill for an act relating to veterans; authorizing certain American Legion officers and employees to elect state employee benefit coverage at their own expense; amending Minnesota Statutes 1984, section 43A.27, subdivision 2.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 335: A bill for an act relating to corrections; removing certain information from the certified record for commitment of persons convicted of a felony or gross misdemeanor; amending Minnesota Statutes 1984, section 243.49.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D.E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 511: A bill for an act relating to crimes; clarifying the elements of the crime of assault in the second degree; amending Minnesota Statutes 1984, section 609.222.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knaak	Moe, R. D.	Renneke
Anderson	Diessner	Knutson	Nelson	Samuelson
Belanger	Dieterich	Kroening	Novak	Schmitz
Benson	Frank	Kronebusch	Olson	Sieloff
Berg	Frederickson	Laidig	Pehler	Solon
Berglin	Freeman	Langseth	Peterson, C. C.	Spear
Bernhagen	Gustafson	Lantry	Peterson, D. C.	Stumpf
Bertram	Hughes	Lessard	Peterson, R. W.	Taylor
Brataas	Isackson	Luther	Petty	Vega
Chmielewski	Johnson, D. E.	McQuaid	Pogemiller	Waldorf
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Wegscheid
Davis	Jude	Merriam	Ramstad	Willet
DeCramer	Kamrath	Moe, D. M.	Reichgott	

So the bill passed and its title was agreed to.

H.F. No. 461: A bill for an act relating to courts; providing that Ramsey municipal court judges shall set salaries of conciliation court referees in Ramsey county; amending Minnesota Statutes 1984, section 488A.30, subdivision 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 57 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Samuelson
Anderson	Dieterich	Kroening	Novak	Schmitz
Belanger	Frederickson	Kronebusch	Olson	Sieloff
Benson	Freeman	Laidig	Peterson, C. C.	Solon
Berg	Gustafson	Langseth	Peterson, D. C.	Spear
Berglin	Hughes	Lantry	Peterson, R. W.	Stumpf
Bernhagen	Isackson	Lessard	Petty	Taylor
Brataas	Johnson, D. E.	Luther	Pogemiller	Vega
Chmielewski	Johnson, D. J.	McQuaid	Purfeerst	Waldorf
Dahl	Jude	Mehrkens	Ramstad	
DeCramer	Kamrath	Moe, D. M.	Reichgott	
Dicklich	Knaak	Moe, R. D.	Renneke	

Those who voted in the negative were:

Bertram	Frank	Pehler	Wegscheid	Willet
Davis	Merriam			

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

H.F. No. 151, which the committee reports progress, subject to the fol-

lowing motion:

Mr. Stumpf moved to amend H.F. No. 151, as amended pursuant to Rule 49, adopted by the Senate March 19, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 117.)

Page 1, line 15, after "Day." insert "*Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.*"

The motion prevailed. So the amendment was adopted.

H.F. No. 151 was then progressed.

S.F. No. 295, which the committee reports progress, subject to the following motions:

Mr. Willet moved to amend S.F. No. 295 as follows:

Page 2, after line 20, insert:

"Sec. 3. [APPROPRIATION.]

Hubbard county may levy a property tax not greater than \$20,000 annually and disburse its proceeds to operate county agricultural fairs and maintain buildings and grounds used for county agricultural fairs. This section supersedes any inconsistent provision of Minnesota Statutes, sections 38.17, 375.18, subdivision 8, or other law. The tax provided by this act shall be disregarded in the calculation of any other levy or limit on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law. The authority allowed by this section is provided at the request of the board of county commissioners of Hubbard county.

Sec. 4. [REVERSE REFERENDUM.]

If the Hubbard county board proposes to exercise the authority provided by section 3, it shall pass a resolution stating the fact before January 1, 1986. Thereafter, the resolution shall be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, together with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or, in the alternative, adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days thereafter a petition signed by voters equal in number to five percent of the votes cast in the county in the last general election requesting a vote on the proposed resolution is filed with the clerk, the resolution shall not be effective until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution are in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election prior to October 1, 1986."

Page 4, line 17, delete "and" and insert a comma and after "2" insert "3, and 4"

Page 4, line 19, delete "3" and insert "5"

Page 4, line 22, delete "4" and insert "6"

Page 5, line 23, delete "7 to 12" and insert "9 to 14"

Page 6, line 4, delete "7" and insert "9"

Page 6, line 5, delete "12" and insert "14"

Page 6, line 6, delete the first comma and insert "or" and delete ", or other"

Page 6, line 7, delete "local ordinance"

Page 6, line 16, delete "7 to 12" and insert "9 to 14"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "for" insert "county agricultural society and"

The motion prevailed. So the amendment was adopted.

Mr. Dicklich moved to amend S.F. No. 295 as follows:

Page 4, after line 24, insert:

"Sec. 6. Minnesota Statutes 1984, section 116J.36, subdivision 6, is amended to read:

Subd. 6. [LOANS, DISTRICT HEATING AND QUALIFIED ENERGY IMPROVEMENTS.] Upon the recommendation of the authority pursuant to subdivision 8, the commissioner of finance shall make loans to municipalities on the following terms:

(a) In the case of loans for design costs, the maximum amount of the loan shall be limited by the provisions of this clause. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall not exceed 40 percent of the design costs. *For counties containing one city of the first class not exceeding 100,000 inhabitants, the amount of the loan for that portion of the county excluding the city of the first class shall not exceed 80 percent of the design costs.* For cities of the second, third and fourth class, and other municipalities, the amount of the loan shall not exceed 90 percent of the design costs;

(b) In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project or improvement is economically and technologically feasible; that the district heating system or qualified energy improvement will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project or improvement. For cities of the first class and counties containing a city of the first class, individually or through the exercise of joint powers agreements, the amount of the loan shall be up to 50 percent of the construction costs. *For counties containing one city of the first class not exceeding 100,000 inhabitants, the amount of the loan for that portion of the county excluding the city of the first class shall not exceed 80 percent of the construction costs.* For cities of the second class, the amount of

the loan shall be up to 80 percent of the construction costs. For cities of the third or fourth class, and other municipalities, the amount of the loan shall be up to 90 percent of the construction costs.

(c) A loan made pursuant to this section is repayable over a period of not more than 20 years from the date the loan is made. Interest shall accrue from the date of the loan at a rate of interest assigned at the date of loan commitment, but the first payment of interest shall not be due until one year after the loan was made. Principal payments shall begin in the sixth year after the receipt of the loan on a 25 year level payment schedule with the balance of the principal to be retired with the payment due 20 years after receipt of the loan. Interest attributable to the first year of deferred payment shall be amortized in equal periodic payments over the remainder of the term of the loan. For each loan, the initial deposit to the state bond fund required by section 16A.65, subdivision 1, shall be made by the commissioner of finance, and no loan may be refused solely because the municipality does not provide the initial deposit.

(d) The authority may also pledge a segregated portion of the energy development fund to guarantee or insure bonds and notes, or the interest rate thereon, issued by the commissioner of finance on behalf of the state of Minnesota for purposes of section 116J.36 or 116J.37."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon insert "increasing the amount of loans available to certain counties for design and construction costs of district heating and qualified energy improvements;"

Page 1, line 12, delete "section" and insert "sections 116J.36, subdivision 6; and"

The motion prevailed. So the amendment was adopted.

S.F. No. 295 was then progressed.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

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.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 118: Messrs. Nelson, Dicklich and Mehrkens.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

Senate Concurrent Resolution No. 15: A Senate concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

Reports the same back with the recommendation that the resolution do pass.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 15 be laid on the table. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H.F. No. 771: A bill for an act relating to health; stating legislative intent for abortion services; proposing coding for new law in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the report from the Committee on Health and Human Services, shown in the Journal for April 15, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Judiciary".

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Mehrkens introduced—

S.F. No. 1499: A bill for an act relating to Goodhue county; permitting the county to levy a tax for the county historical society.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kroening, Waldorf, Ms. Peterson, D.C.; Messrs. Novak and Dieterich introduced—

S.F. No. 1500: A bill for an act relating to taxation; property; changing computation of homestead credit for nonagricultural homesteads; amending Minnesota Statutes 1984, section 273.13, subdivisions 7 and 14a.

Referred to the Committee on Taxes and Tax Laws.

Mr. Benson introduced—

S.F. No. 1501: A bill for an act relating to taxation; property; providing for

assessment of certain agricultural land at its agricultural value; amending Minnesota Statutes 1984, section 273.111, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Benson, Isackson and Mrs. Kronebusch introduced—

S.F. No. 1502: A bill for an act relating to taxation; property, changing property tax payments, settlement, and distribution dates; amending Minnesota Statutes 1984, sections 276.09; 276.10; 278.01, subdivisions 1 and 2; 278.03; 278.05, subdivision 5; 279.01, subdivision 1; and 473F.08, subdivision 7a.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Messrs. Peterson, D.L. and Storm were excused from the Session of today. Mr. Frederick was excused from the Session of today until 3:20 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Monday, April 22, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate