

FIFTY-SECOND DAY

St. Paul, Minnesota, Saturday, May 4, 1985

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

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. Einar J. Oberg.

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

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted with the exception of the report on H.F. No. 576. The motion prevailed.

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

H.F. No. 576: A bill for an act relating to local government; setting authority to regulate firearms and related matters; amending Minnesota Statutes 1984, sections 624.7132, subdivision 16; and 624.717; proposing coding for new law in Minnesota Statutes, chapter 471; repealing Minnesota Statutes 1984, section 624.718.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 1, after line 17, insert:

“(1) a city of the first class may regulate the carrying in public places of pistols, as defined in section 624.712, subdivisions 2 and 4, on or about a person or the person's clothes.”

Page 1, line 18, delete “(a)” and insert “(2)”

Page 1, line 20, delete “(b)” and insert “(3)”

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was re-referred to the Committee on Rules and Administration.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1513: A bill for an act relating to local government; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, and Waite Park; providing taxing and other financial authority for the cities.

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

Page 1, line 13, after the comma, insert “*Isle, Mora, Becker*”

Page 3, line 15, after “*taxable*” insert “*nonhomestead*”

Page 3, line 19, after the comma, insert “*nonhomestead*”

Page 5, line 20, after “*obligations*” insert “, *including certificates of indebtedness,*”

Page 5, line 27, after “3” insert “, *or from any other special assessment or nontax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources*”

Page 5, line 31, after the period, insert “*The amount of any taxes that are required to be levied outside of the territory of the special services district or taken from the general funds of the municipality to pay principal and interest on the obligations shall be reimbursed to the municipality from taxes levied within the special services district.*”

Page 6, lines 16, 17, 21, 22, and 26, delete “*ten*” and insert “*15*”

Page 7, lines 17 and 22, delete “*and*” and insert “*or*”

Page 8, line 27, delete everything after “*effective*” and insert “*the day following final enactment.*”

Page 8, delete lines 28 to 30

Amend the title as follows:

Page 1, line 4, after “*St. Cloud,*” insert “*Isle, Mora, Becker,*”

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

H.F. No. 58: A bill for an act relating to the town of Moorhead; allowing the town certain powers.

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

Page 1, line 11, delete "*after compliance with*" and insert "*following final enactment.*"

Page 1, delete lines 12 and 13

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 593: A bill for an act relating to local government; permitting the establishment of special service districts in the cities of Mora, New Ulm, and Waseca; providing taxing and other financial authority for Mora, New Ulm, and Waseca.

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

Page 1, line 9, delete "[DIVISIONS.]" and insert "[CITY OF NEW ULM; SPECIAL SERVICE DISTRICTS.]"

Page 1, line 12, delete "*cities of Mora, New Ulm, and*" and insert "*city of New Ulm.*"

Page 1, delete line 13

Page 3, line 15, after "*taxable*" insert "*nonhomestead*"

Page 3, line 19, after the comma, insert "*nonhomestead*"

Page 3, line 26, after "*amount*" insert "*sufficient*"

Page 5, line 20, after "*obligations*" insert "*, including certificates of indebtedness,*"

Page 5, line 27, after "3" insert "*, or from any other special assessment or nontax revenues available to be pledged for their payment under charter or other statutory authority, or from any two or more of such sources*"

Page 5, line 31, after the period, insert "*The amount of any taxes that are required to be levied outside of the territory of the special services district or taken from the general funds of the municipality to pay principal and interest on the obligations shall be reimbursed to the municipality from taxes levied within the special services district.*"

Page 6, lines 16, 17, 21, 22, and 26, delete "*ten*" and insert "*15*"

Page 7, lines 17 and 22, delete "*and*" and insert "*or*"

Page 8, after line 25, insert:

"Sec. 11. [REPORT TO LEGISLATURE.]

The manager of the city of New Ulm shall file a written report with the chairman of the house local and urban affairs committee and the chairman of the senate local and urban government committee on or before January 31, 1986. The report shall apprise the committee as to the activities undertaken pursuant to this act and recommend any changes that should be considered if the legislature were to enact statewide legislation for the establishment of special service districts."

Page 8, line 27, delete "*for the city of New Ulm the*" and insert "*the day following final enactment.*"

Page 8, delete lines 28 to 35

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "*cities of Mora, New Ulm, and Waseca*" and insert "*city of New Ulm*"

Page 1, line 5, delete "*Mora,*" and delete "*, and*" and insert a period

Page 1, delete line 6

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1506: A bill for an act authorizing the city of Waseca to establish and provide taxes and service charges for a special service district.

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

Page 1, line 12, delete "*all services rendered or*"

Page 1, delete lines 13 to 15

Page 1, line 16, delete "*(2)*"

Page 1, line 17, delete "*; and*" and insert a period

Page 1, delete lines 18 and 19

Page 3, line 13, after "*taxable*" insert "*nonhomestead*"

Page 5, line 12, delete "*within exiting debt limits*"

Page 6, line 33, delete "*and*" and insert "*or*"

Page 7, line 1, delete "*and*" and insert "*or*"

Page 8, delete lines 5 to 7 and insert:

"Sec. 2. [ALBERT LEA; PORT AUTHORITY.]

The city of Albert Lea may establish a port authority commission that has the same powers as a port authority established under Minnesota Statutes, section 458.09, or other law. If the city establishes a port authority commission, the city shall exercise all the powers relating to the port authority

granted to a city by Minnesota Statutes, chapter 458, or other law. Notwithstanding Minnesota Statutes, section 458.09, subdivision 1, or other law, the city may choose the name of the commission. Notwithstanding Minnesota Statutes, section 458.10, subdivision 1, or other law, the city may appoint a seven-member commission.

Sec. 3. [AUSTIN; PORT AUTHORITY.]

The city of Austin may establish a port authority commission that has the same powers as a port authority established under Minnesota Statutes, section 458.09, or other law. If the city establishes a port authority commission, the city shall exercise all the powers relating to the port authority granted to a city by Minnesota Statutes, chapter 458, or other law. Notwithstanding Minnesota Statutes, section 458.09, subdivision 1, or other law, the city may choose the name of the commission. Notwithstanding Minnesota Statutes, section 458.10, subdivision 1, or other law, the city may appoint a seven-member commission.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after "district" insert "; authorizing the city of Albert Lea to establish a port authority; authorizing the city of Austin to establish a port authority"

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

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

H.F. No. 782 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
782	691				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 782 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 782 and insert the language after the enacting clause of S.F. No. 691, the second engrossment; further, delete the title of H.F. No. 782 and insert the title of S.F. No. 691, the second engrossment.

And when so amended H.F. No. 782 will be identical to S.F. No. 691, and further recommends that H.F. No. 782 be given its second reading and substituted for S.F. No. 691, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 1280 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1280	1218				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1280 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1280 and insert the language after the enacting clause of S.F. No. 1218, the first engrossment; further, delete the title of H.F. No. 1280 and insert the title of S.F. No. 1218, the first engrossment.

And when so amended H.F. No. 1280 will be identical to S.F. No. 1218, and further recommends that H.F. No. 1280 be given its second reading and substituted for S.F. No. 1218, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 1523, 1524, 1525, 1513, 593 and 1506 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 58, 782 and 1280 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Chmielewski introduced—

Senate Resolution No. 81: A Senate resolution congratulating Cloquet High School on participating in the 1985 Minnesota High School Mock Trial Competition.

Referred to the Committee on Rules and Administration.

Mrs. McQuaid introduced—

Senate Resolution No. 82: A Senate resolution congratulating St. Louis Park High School on participating in the 1985 Minnesota High School Mock Trial Competition.

Referred to the Committee on Rules and Administration.

Mr. Wegscheid moved that S.F. No. 1398 be taken from the table. The motion prevailed.

S.F. No. 1398: A bill for an act relating to deposit and investment of public funds; modifying the collateral requirements for public deposits; amending Minnesota Statutes 1984, sections 118.005, subdivision 1; 118.01; 475.66,

subdivision 1; and 475.76, subdivision 1.

Mr. Wegscheid moved that the Senate do not concur in the amendments by the House to S.F. No. 1398, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

SUSPENSION OF RULES

Mr. Waldorf 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. 1523 and that the rules of the Senate be so far suspended as to give S.F. No. 1523, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 1523: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes to the department of education, higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, board of regents of the University of Minnesota, the Mayo medical foundation, and the College of Saint Thomas, with certain conditions; providing for state board of education membership and staff assistance, a different source for an annual appropriation, student financial aid, course equivalency, common numbering, general education requirements, fees and licenses, vocational programs and budgets, vocational board policymaking, and emergency rulemaking; amending Minnesota Statutes 1984, sections 121.02, subdivision 1; 123.743; 125.08; 136A.09; 136A.095; 136A.101; 136A.121, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 16, and by adding a subdivision; 136A.132, subdivisions 3, 4, 5, and 6; 136A.162; 136C.04, subdivision 15; 136C.08, subdivision 2; 136C.13, subdivision 3, and by adding a subdivision; 136C.26, subdivisions 4 and 5; 136C.28, subdivision 2; 136C.33, subdivision 1; 136C.34; 136C.36; 141.25, subdivision 8; and 141.26, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; and 136; repealing Minnesota Statutes 1984, sections 136A.121, subdivisions 8 and 14; 136C.26, subdivisions 2 and 8; 136C.28, subdivisions 3, 4, 5, 6, and 7; 136C.33, subdivisions 3 and 4; 136C.37; and 136C.38.

Mr. Merriam moved to amend S.F. No. 1523 as follows:

Page 27, line 9, delete the colon

Page 27, line 10, delete "(a)" and delete the paragraph coding

Page 27, line 11, delete "; and"

Page 27, delete lines 12 to 24

Page 27, line 25, delete everything before the period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 52 and nays 12, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Nelson	Solon
Belanger	Diessner	Knaak	Novak	Spear
Benson	Dieterich	Knutson	Olson	Storm
Berg	Frederick	Kroening	Pehler	Taylor
Berglin	Frederickson	Langseth	Peterson, D.C.	Vega
Bernhagen	Freeman	Lantry	Peterson, D.L.	Waldorf
Bertram	Hughes	Luther	Peterson, R.W.	Wegscheid
Brataas	Isackson	Mehrkens	Purfeerst	Willet
Chmielewski	Johnson, D.E.	Merriam	Ramstad	
Davis	Johnson, D.J.	Moe, D.M.	Schmitz	
DeCramer	Jude	Moe, R.D.	Sieloff	

Those who voted in the negative were:

Anderson	Gustafson	McQuaid	Pogemiller	Renneke
Dahl	Kronebusch	Petty	Reichgott	Samuelson
Frank	Laidig			

The motion prevailed. So the amendment was adopted.

Mr. Petty moved to amend S.F. No. 1523 as follows:

Page 16, delete section 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Mr. Taylor moved to amend S.F. No. 1523 as follows:

Page 7, delete lines 26 to 35

Renumber the subdivisions in sequence

Correct the section totals, summary by fund, and summary by agency

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 36; as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Peterson, D.L.	Storm
Belanger	Gustafson	Kronebusch	Peterson, R.W.	Taylor
Benson	Isackson	Laidig	Petty	
Berg	Johnson, D.E.	McQuaid	Ramstad	
Brataas	Kamrath	Mehrkens	Renneke	
Frederick	Knaak	Olson	Sieloff	

Those who voted in the negative were:

Adkins	Dieterich	Lantry	Peterson, D.C.	Vega
Berglin	Frank	Luther	Pogemiller	Waldorf
Bertram	Freeman	Merriam	Purfeerst	Wegscheid
Dahl	Hughes	Moe, D.M.	Reichgott	Willet
Davis	Johnson, D.J.	Nelson	Samuelson	
DeCramer	Jude	Novak	Schmitz	
Dicklich	Kroening	Pehler	Solon	
Diessner	Langseth	Peterson, C.C.	Spear	

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

S.F. No. 1523 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SUSPENSION OF RULES

Mr. Samuelson 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. 1525 and that the rules of the Senate be so far suspended as to give S.F. No. 1525, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 1525: A bill for an act relating to the organization and operation of state government; authorizing cost containment programs in medical assistance and general assistance medical care programs; establishing a permanency planning program for children at risk of out-of-home placement; appropriating money for human services, corrections, health, and other purposes with certain conditions; amending Minnesota Statutes 1984, sections 62D.12, by adding a subdivision; 62E.06, subdivision 1; 129A.03; 214.06, subdivision 1; 241.01, subdivision 7; 241.71; 252.025, subdivision 1; 254.05; 256.045, subdivision 3, and by adding a subdivision; 256.737; 256.82, subdivision 2; 256.87, subdivision 1; 256.969, subdivisions 1, 2, and by adding a subdivision; 256B.02, by adding a subdivision; 256B.04, subdivision 14; 256B.062; 256B.19, subdivision 1; 256B.48, by adding a subdivision; 256B.69, subdivision 4; 256D.01, subdivisions 1a and 1b; 256D.03, subdivisions 4 and 6; 256D.37, subdivisions 1 and 2; 256E.08, subdivision 1; 260.311, subdivision 5; 260.38; 268.38, subdivisions 2, 10, and 11; 268.685; 290.089, subdivision 2; 363.03, by adding a subdivision; 390.11, by adding a subdivision; 393.07, subdivision 2; 401.01, subdivision 1; 401.13; 517.08, subdivisions 1b and 1c; 611A.22; and 611A.34, subdivision 1; Laws 1984, chapter 616, section 1; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 256; and 256B; proposing coding for new law as Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 1984, sections 256.045, subdivision 2; 256.966, subdivision 2; 256.967; 259.405; and 268.686.

Mr. Knutson moved to amend S.F. No. 1525 as follows:

Page 8, delete lines 7 to 13

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

Mr. Kamrath moved to amend S.F. No. 1525 as follows:

Page 10, line 31, delete "\$3,467,000" and insert "\$1,467,000" and delete "\$3,517,000" and insert "\$1,517,000"

Page 10, delete lines 37 to 43 and insert:

"A minimum of ten percent of the total federal funds available for energy assistance must, if feasible, be spent by the commissioner for weatherization."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 7 and nays 53, as follows:

Those who voted in the affirmative were:

Anderson Belanger	Benson Gustafson	Isackson	Kamrath	Sieloff
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Those who voted in the negative were:

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

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

Mr. Frederickson moved to amend S.F. No. 1525 as follows:

Page 11, line 9, delete "\$1,107,000" and insert "\$957,000"

Correct the summary by fund accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Jude	Mehrkens	Sieloff
Benson	Frederickson	Kamrath	Olson	Storm
Berg	Gustafson	Kronebusch	Peterson, D.L.	Taylor
Bernhagen	Isackson	Laidig	Ramstad	
Bertram	Johnson, D.E.	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Dieterich	Langseth	Petty	Stumpf
Berglin	Frank	Lantry	Pogemiller	Vega
Chmielewski	Frederick	Luther	Purfeerst	Waldorf
Dahl	Freeman	Merriam	Reichgott	Willet
Davis	Johnson, D.J.	Pehler	Samuelson	
DeCramer	Knaak	Peterson, C.C.	Schmitz	
Dicklich	Knutson	Peterson, D.C.	Solon	
Diessner	Kroening	Peterson, R.W.	Spear	

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

Mr. Benson moved to amend S.F. No. 1525 as follows:

Page 9, line 32, delete "\$33,000,000" and insert "\$13,200,000"

Correct the subdivision and section totals and summary by fund accordingly

Page 9, after line 32, insert:

"This appropriation must be allocated only to counties with an unemployment rate over ten percent based on the 12-month period ending the most recent March 31."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Jude	Laidig	Renneke
Belanger	Frederick	Kamrath	McQuaid	Sieloff
Benson	Frederickson	Knaak	Olson	Storm
Berg	Gustafson	Knutson	Peterson, D.L.	Taylor
Bernhagen	Isackson	Kronebusch	Ramstad	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, R.W.	Spear
Berglin	Dieterich	Luther	Petty	Stumpf
Bertram	Frank	Mchrkens	Pogemiller	Vega
Chmielewski	Freeman	Merriam	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Nelson	Reichgott	Willct
Davis	Johnson, D.J.	Novak	Samuelson	
DeCramer	Kroening	Pehler	Schmitz	
Dicklich	Langseth	Peterson, D.C.	Solon	

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

Mr. Kamrath moved to amend S.F. No. 1525 as follows:

Page 12, delete line 37

Correct the summary by fund accordingly

Renumber the sections in sequence and correct the internal references

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

Mr. Kamrath then moved to amend S.F. No. 1525 as follows:

Page 5, line 49, delete "\$398,588,000" and insert "\$398,568,000" and delete "\$445,303,000" and insert "\$445,283,000"

Page 34, delete subdivision 6

Correct the subdivision and section totals and the summary by fund accordingly

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

S.F. No. 1525 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 47 and nays 17, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Luther	Peterson, D.C.	Spear
Berg	Frank	McQuaid	Peterson, R.W.	Storm
Berglin	Freeman	Mehrkens	Petty	Stumpf
Bertram	Johnson, D.E.	Merriam	Pogemiller	Vega
Chmielewski	Johnson, D.J.	Moe, D.M.	Purfeerst	Waldorf
Dahl	Knutson	Moe, R.D.	Reichgott	Wegscheid
Davis	Kroening	Nelson	Renneke	Willet
DeCramer	Kronebusch	Novak	Samuelson	
Dicklich	Langseth	Pehler	Schmitz	
Diessner	Lantry	Peterson, C.C.	Solon	

Those who voted in the negative were:

Anderson	Frederick	Jude	Olson	Taylor
Benson	Frederickson	Kamrath	Peterson, D.L.	
Bernhagen	Gustafson	Knaak	Ramstad	
Brataas	Isackson	Laidig	Sieloff	

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that Senate take up the General Orders Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement on S.F. No. 1524. The motion prevailed.

GENERAL ORDERS

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

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

S.F. No. 1524, which the committee recommends to pass, subject to the following motions:

Mr. Petty moved to amend S.F. No. 1524 as follows:

Pages 84 and 85, delete section 110

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 1524, as follows:

Page 69, after line 20, insert:

“Sec. 83. Minnesota Statutes 1984, section 116C.71, is amended by adding a subdivision to read:

Subd. 14a. [COUNCIL.] “Council” means the governor’s nuclear waste council.

Sec. 84. [116C.711] [NUCLEAR WASTE COUNCIL.]

Subdivision 1. [ESTABLISHMENT.] The governor’s nuclear waste

council is established.

Subd. 2. [MEMBERSHIP.] The council shall have at least 9 members, consisting of:

(1) the commissioners of the departments of health, transportation, and natural resources, and the director of the pollution control agency;

(2) four citizen members appointed by the governor;

(3) the director of the Minnesota geological survey;

(4) one additional citizen from each potentially impacted area may be appointed by the governor if potentially impacted areas are designated in Minnesota; and

(5) one Indian who is an enrolled member of a federally recognized Minnesota Indian tribe or band may be appointed by the governor if potentially impacted areas are designated in Minnesota and if those areas include Indian country as defined in U.S. Code, title 18, section 11.54.

At least two members of the council shall have expertise in the earth sciences.

Subd. 3. [CHAIRPERSON.] A chairperson shall be appointed by the governor from the members of the council.

Subd. 4. [ADVISORY TASK FORCE.] The council may create advisory task forces under section 15.014, as are necessary to carry out its responsibilities under chapter 116C.

Subd. 5. [MEMBERSHIP REGULATION.] Section 15.059 governs terms, compensation, removal, and filling of vacancies of members appointed by the governor. Section 15.059, subdivision 5, does not govern the expiration date of the council.

Sec. 85. [116C.712] [POWERS AND DUTIES.]

Subdivision 1. [DUTY.] The council's duty shall be to monitor the federal high-level radioactive waste disposal program under the Nuclear Waste Policy Act, Public Law Number 97-425 and advise the governor and the legislature on all policy issues relating to the federal high-level radioactive waste disposal program.

Subd. 2. [EXPIRATION DATE.] The council shall terminate when the department of energy eliminates Minnesota from further siting consideration for disposal of high-level radioactive waste.

Subd. 3. [COUNCIL STAFF.] Staff support for council activities shall be provided by the state planning agency. All state departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chairperson of the council, the governor may, by order, require any state department or agency to furnish assistance necessary to carry out the council's functions under chapter 116C.

Subd. 4. [FEDERAL AND OTHER FUNDS.] The chairperson of the council may apply for, receive, and expend funds made available from federal sources or other sources for the purpose of carrying out the council's responsibilities under chapter 116C."

Page 92, line 20, delete "Sections 110 to 123" and insert "Sections 113 to 126"

Page 92, line 34, delete "Sections 96 and 97" and insert "Sections 99 and 100"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the second semicolon insert "creating the governor's nuclear waste council; providing coordination with the federal government's nuclear waste site planning;"

Page 1, line 23, after the first semicolon insert "116C.71, by adding a subdivision;"

Page 1, line 39, after "61A," insert "116C,"

Mr. Merriam moved to amend the Frederickson amendment to S.F. No. 1524 as follows:

Page 2, line 33, delete the quotation mark

Page 2, after line 33, insert:

"Subd. 5. [ASSESSMENT.] A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota shall pay an assessment to cover the cost of monitoring the disposal of high-level radioactive waste and other activities provided for in this section. An assessment of \$25,000 per plant shall be paid to the director of the state planning agency on July 1 of each year. Money received by the director under this subdivision is annually appropriated to the director for the purpose of providing staff support for the council and other assistance necessary to carry out the council's responsibilities."

Mr. Mehrkens questioned whether the Frederickson amendment was germane.

The Chair ruled that the amendment was germane.

The question recurred on the Merriam amendment to the Frederickson amendment.

The motion prevailed. So the Merriam amendment to the Frederickson amendment was adopted.

The question recurred on the Frederickson amendment, as amended.

The roll was called, and there were yeas 27 and nays 28, as follows:

Those who voted in the affirmative were:

Berglin	Dieterich	Lantry	Peterson, D.C.	Spear
Brataas	Frank	Merriam	Peterson, R.W.	Vega
Dahl	Frederickson	Moe, D.M.	Petty	Waldorf
Davis	Freeman	Novak	Pogemiller	
DeCramer	Johnson, D.J.	Olson	Reichgott	
Dicklich	Knaak	Peterson, C.C.	Sieloff	

Those who voted in the negative were:

Adkins	Chmielewski	Jude	McQuaid	Samuelson
Anderson	Diessner	Kamrath	Mehrkens	Schmitz
Benson	Frederick	Knutson	Nelson	Stumpf
Berg	Gustafson	Kronebusch	Purfeerst	Wegscheid
Bernhagen	Isackson	Laidig	Ramstad	
Bertram	Johnson, D.E.	Langseth	Renneke	

The motion did not prevail. So the Frederickson amendment, as amended, was not adopted.

Mr. Pogemiller moved to amend S.F. No. 1524 as follows:

Page 92, line 22, delete "REPEALED" and insert "SUSPENDED"

Page 92, line 27, delete "*repealed*" and insert "*suspended until July 1, 1987*"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend S.F. No. 1524 as follows:

Pages 68 and 69, delete section 82

Page 92, line 34, delete "96 and 97" and insert "95 and 96"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 23, delete "84B.11, subdivision 1;"

The motion prevailed. So the amendment was adopted.

Ms. Olson moved to amend S.F. No. 1524 as follows:

Page 2, line 32, delete "4,590.5" and insert "4,550.5"

Page 2, line 32, delete "4,708.5" and insert "4,628.5"

Page 2, line 35, delete "4,530.5" and insert "4,490.5"

Page 2, line 35, delete "4,648.5" and insert "4,568.5"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Kamrath	Olson	Sieloff
Berglin	Frederickson	Knaak	Petty	Taylor
Brataas	Gustafson	Knutson	Ramstad	
Dieterich	Isackson	McQuaid	Renneke	

Those who voted in the negative were:

Adkins	Frank	Langseth	Novak	Schmitz
Bertram	Freeman	Lantry	Peterson, C.C.	Spear
Chmielewski	Johnson, D.E.	Luther	Peterson, D.C.	Stumpf
Dahl	Johnson, D.J.	Mehrrens	Peterson, R.W.	Vega
Davis	Jude	Merriam	Pogemiller	Waldorf
DeCramer	Kroening	Moe, D.M.	Purfeerst	Wegscheid
Dicklich	Kronebusch	Moe, R.D.	Reichgott	Willett
Diessner	Laidig	Nelson	Samuelson	

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

Mr. Berg moved to amend S.F. No. 1524 as follows:

Page 22, line 26, delete "\$750,000" in both places and insert "\$600,000" in both places

Page 22, line 27, delete "17" and insert "12"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Isackson	Knutson	Olson
Berg	Dahl	Johnson, D.E.	Kronebusch	Ramstad
Berglin	Frederick	Jude	Laidig	Renneke
Bernhagen	Frederickson	Kamrath	McQuaid	Sieloff
Bertram	Gustafson	Knaak	Mehrkens	Taylor

Those who voted in the negative were:

Adkins	Frank	Merriam	Peterson, R.W.	Stumpf
Chmielewski	Freeman	Moe, D.M.	Petty	Vega
Davis	Johnson, D.J.	Moe, R.D.	Pogemiller	Wegscheid
DeCramer	Kroening	Nelson	Purfeerst	Willet
Dicklich	Langseth	Novak	Samuelson	
Diessner	Lantry	Peterson, C.C.	Schmitz	
Dieterich	Luther	Peterson, D.C.	Spear	

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

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

MEMBERS EXCUSED

Mr. Lessard was excused from the Session of today. Mr. Hughes was excused from the Session of today at 1:30 p.m. Mr. Moe, R.D. was excused from the Session of today from 11:30 a.m. to 12:15 p.m. Mrs. Kronebusch was excused from the Session of today from 12:40 to 1:50 p.m. Mr. Belanger was excused from the Session of today at 2:30 p.m. Mr. Peterson, D.L. was excused from the Session of today at 3:30 p.m. Mr. Pehler was excused from the Session of today at 4:15 p.m. Mr. Storm was excused from the Session of today at 4:00 p.m. Mr. Stumpf was excused from the Session of today from 10:00 a.m. to 1:10 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, May 6, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate