

## FIFTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, May 7, 1985

The Senate met at 1:00 p.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. Arnold Weber.

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

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

The President declared a quorum present.

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 459: A bill for an act relating to probate; adopting provisions of the uniform probate code and clarifying laws relating to intestate succession, spouse's elective share, and omitted spouses and children; clarifying provisions relating to the award of costs in guardianship and conservatorship proceedings; providing for the payment of reasonable fees and expenses for

certain guardians and conservators; amending Minnesota Statutes 1984, sections 257.34, subdivision 1; 525.13; 525.145; and 525.703; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 1984, sections 525.16; 525.17; 525.171; 525.172; 525.173; 525.20; 525.201; 525.202; 525.212 to 525.216.

There has been appointed as such committee on the part of the House:

Vanasek, Bishop and Seaberg.

Senate File No. 459 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1985

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 78:

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.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Staten, McLaughlin and Clark have been appointed as such committee on the part of the House.

House File No. 78 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1985

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 78, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 674:

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.

The House respectfully requests that a Conference Committee of three members be appointed thereon.

Clausnitzer, Skoglund and Seaberg have been appointed as such committee on the part of the House.

House File No. 674 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1985

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 674, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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.

Senate File No. 1523 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1985

Mr. Waldorf moved that the Senate do not concur in the amendments by the House to S.F. No. 1523, and that a Conference Committee of 5 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.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1639 and 1641.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 1985

### FIRST READING OF HOUSE BILLS

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

H.F. No. 1639: A bill for an act relating to state government; appropriating money to the department of transportation and other agencies with certain conditions; modifying agencies and responsibilities; providing for regulation of certain activities and practices; prescribing funds, accounts, bonding, and fees; amending Minnesota Statutes 1984, sections 15.0591, subdivision 2; 17.101, subdivision 2; 17.717, by adding a subdivision; 17A.10, subdivision 2; 17A.11; 25.39, subdivision 4; 138.94; 168.12, subdivisions 1 and 5; 174.32, subdivisions 1, 2, 3, and by adding a subdivision; 299A.01, subdivision 6; 340.14, subdivision 2; 349.12, subdivisions 11, 13, and by adding subdivisions; 349.14; 349.151; 349.16; 349.161; 349.162; 349.17; 349.18, subdivisions 1 and 2; 349.19, subdivisions 5, 6, and by adding a subdivision; 349.20; 349.21; 349.211, subdivisions 3 and 4; 349.213, subdivision 1; 349.214, subdivisions 1 and 2; 349.22, subdivision 2; 349.31, subdivision 1; 352D.02, subdivision 1; 360.024; 473.373, subdivision 4; 473.375, subdivision 4, and by adding a subdivision; 473.38, subdivision 2; 473.384, subdivision 6; 473.386, subdivision 2; 473.388; 473.39; 473.404, subdivision 7; 473.405, subdivision 12; 473.408, subdivision 4, and by adding a subdivision; 473.435, subdivision 2; 473.446, subdivisions 1, 1a, 2a, and 3; 609.75, subdivision 3; 609.761; proposing coding for new law in Minnesota Statutes, chapters 219; and 473; proposing coding for new law as Minnesota Statutes, chapter 297C; repealing Minnesota Statutes 1984, sections 17.717, subdivision 6; 349.19, subdivision 4; 349.212; 349.213, subdivision 2; 473.373, subdivisions 2 and 7; 473.384, subdivision 7; 473.408, subdivisions 3, 3A, 3B, and 5; 473.436; 473.438; and 473.446, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1524, now on the Calendar.

H.F. No. 1641: A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition; providing for the compensation of metropolitan government personnel; fixing and limiting fees; creating, modifying, transferring, and abolishing agencies and functions; amending Minnesota Statutes 1984, sections 2.722, subdivision 1; 3.21; 3.85, subdivision 11; 3.9223, subdivision 1; 11A.07, by adding a subdivision; 11A.20, subdivision 1; 13.68, subdivision 1; 15.50, subdivision 3; 16A.055, subdivision 1; 16A.275; 16A.40; 16A.42, subdivision 2; 16A.45, subdivision 2; 16A.47; 16A.58; 16A.672, subdivisions 1, 2, and 3; 16B.09, by adding a subdivision; 16B.29; 43A.07, subdivision 2; 84B.03, subdivision 4; 85.05, subdivisions 1 and 2; 85.22, subdivision 2a; 85A.01, subdivisions 1 and 2; 85A.02, subdivisions 3, 4, 5, 7, 12, 16, and by adding subdivisions; 85A.04, subdivision 3; 86.72; 86.75; 97.4841, subdivision 3; 97.4842, subdivision 2; 97.50, subdivision 1; 98.45, by adding a subdivision; 98.46, subdivisions 2, 14, and by

adding a subdivision; 98.47, subdivision 1; 100.271, subdivision 2; 115.03, by adding a subdivision; 115A.05, subdivision 1; 115A.908, subdivisions 2 and 3; 116J.76; 116M.03, by adding a subdivision; 179A.03, subdivision 17; 179A.04, subdivision 3; 179A.13; 179A.16; 179A.21; 179A.25; 192.51, subdivision 2; 196.051, by adding a subdivision; 268.05, subdivision 2; 268.07, subdivision 2a; 268.38, subdivisions 1, 2, 6, 7, and 8; 270A.07, subdivision 1; 290.50, subdivision 6; 296.421, subdivision 4, and by adding a subdivision; 297.13, subdivision 1; 361.03, subdivision 5; 361.27; 462C.05, subdivision 2, and by adding a subdivision; 462C.07, subdivision 1, and by adding a subdivision; 473.123, subdivision 5; 473.129, subdivision 2; 473.141, subdivisions 7 and 12; 473.605, subdivision 2; 473.606, subdivisions 1 and 5; 473.704, by adding a subdivision; 473.714; 487.01, subdivision 5; 609.101; proposing coding for new law in Minnesota Statutes, chapters 3; 5; 85A; 97; 116; 139; and 270; proposing coding for new law as Minnesota Statutes, chapter 116N; repealing Minnesota Statutes 1984, sections 7.01; 7.013; 7.02; 7.03; 7.04; 7.05; 7.13; 7.14; 7.15; 7.16; 7.17; 7.18; 10.18; 10.19; 10.20; 10.21; 10.22; 10.23; 16A.42, subdivision 3; 46.15; 48.87; 69.031, subdivision 2; 85A.01, subdivision 1a; 85A.03; 85A.04, subdivision 1; 115A.05, subdivision 3; 115A.201, subdivision 2; 115A.22, subdivision 4; 116M.06, subdivision 5; 116M.07, subdivision 3; 124.471; 179A.03, subdivision 3; 179A.05; 296.10; 349.212, subdivision 3, as amended; 360.301; 360.302; 360.304; 360.306; 360.388; 360.389; 403.01, subdivision 1; and Laws 1982, chapter 489, section 11.

Referred to the Committee on Finance.

## MOTIONS AND RESOLUTIONS

Mr. Peterson, R.W. introduced—

Senate Resolution No. 83: A Senate resolution congratulating Chisago Lakes High School on participating in the 1985 Minnesota High School Mock Trial Competition.

Referred to the Committee on Rules and Administration.

Mr. Frederick introduced—

Senate Resolution No. 84: A Senate resolution congratulating the Future Farmers of America dairy team from Owatonna High School for winning the state title.

Referred to the Committee on Rules and Administration.

Ms. Reichgott and Mr. Jude introduced—

Senate Resolution No. 85: A Senate resolution congratulating the Robbinsdale-Armstrong Senior High School Team for placing second in the Fourth Annual Minnesota Future Problem Solving State Bowl.

Referred to the Committee on Rules and Administration.

Ms. Reichgott and Mr. Jude introduced—

Senate Resolution No. 86: A Senate resolution congratulating Robbins-

dale-Armstrong High School on participating in the 1985 Minnesota High School Mock Trial Competition.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

### SPECIAL ORDER

H.F. No. 1109: A bill for an act relating to state government; concerning the state procurement of goods and services from small businesses; removing geographical distribution requirements and preference program limitations; including sheltered workshops in definition of socially or economically disadvantaged persons; amending Minnesota Statutes 1984, sections 16B.19, subdivisions 5, 6, 9, and by adding a subdivision; 16B.21, subdivision 1; 16B.22; and 645.445, subdivision 5.

Mr. Moe, D.M. moved to amend H.F. No. 1109 as follows:

Page 2, line 9, delete "must" and insert "may" and delete everything after "aside"

Page 2, line 12, delete "five-percent" and after "preference" insert "not to exceed 12-1/2 percent,"

Page 2, line 15, after the period, insert "In awarding any preference under this subdivision, the commissioner shall set the percentage at a rate that will further the purposes of this subdivision at the least cost to the state."

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

Mr. Frederickson moved to amend H.F. No. 1109 as follows:

Page 6, line 5, after "that" insert "except for sheltered workshops and work activity programs,"

The motion prevailed. So the amendment was adopted.

Mr. Bernhagen moved to amend H.F. No. 1109 as follows:

Page 4, after line 27, insert:

"Sec. 5. Minnesota Statutes 1984, section 16B.19, is amended by adding a subdivision to read:

*Subd. 11. [WARRANTY.] The commissioner shall require agreements providing not less than a one-year warranty to accompany all offers or bids under this section. The commissioner may adopt rules relative to the warranty provided for in this subdivision."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing for a warranty for certain small business preferences and set-asides;"

Page 1, line 7, delete "a subdivision" and insert "subdivisions"

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. moved to amend H.F. No. 1109 as follows:

Page 6, line 7, strike everything after "years"

Page 6, line 8, strike "first set-aside award" and insert "*during which the business receives set-aside awards*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 41, as follows:

Those who voted in the affirmative were:

Berglin	Kroening	Moe, R. D.	Petty	Vega
Dieterich	Lantry	Nelson	Pogemiller	
Freeman	Luther	Peterson, C.C.	Reichgott	
Hughes	Merriam	Peterson, D.C.	Spear	
Knaak	Moe, D. M.	Peterson, R.W.	Storm	

Those who voted in the negative were:

Adkins	Davis	Johnson, D.E.	Mehrkens	Stumpf
Anderson	DeCramer	Jude	Olson	Taylor
Belanger	Dicklich	Kamrath	Pehler	Waldorf
Benson	Diessner	Knutson	Peterson, D.L.	Wegscheid
Berg	Frank	Kronebusch	Purfeerst	Willet
Bernhagen	Frederick	Laidig	Ramstad	
Bertram	Frederickson	Langseth	Samuelson	
Brataas	Gustafson	Lessard	Schmitz	
Chmielewski	Isackson	McQuaid	Sieloff	

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

H.F. No. 1109 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

H.F. No. 876: A bill for an act relating to hazardous waste; establishing a hazardous substance compensation trust account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115B.

Mr. Diessner moved to amend H.F. No. 876, the unofficial engrossment, as amended by the Ramstad amendment adopted by the Senate May 2, 1985, as follows:

Delete the Ramstad amendment

Page 6, line 33, delete "subdivision 4" and insert "subdivisions 4 and 5"

Page 7, after line 32, insert:

*"Subd. 5. [USE OF FUND PROCEEDS PROHIBITED.] A claimant who receives compensation from the fund and who brings an action in court for additional damages not compensated by the fund must not use money received from the fund to pay for any costs, disbursements, or attorney fees in the court action. The payment of attorney fees in the court action must be on a contingency basis."*

Mr. Sieloff requested division of the amendment.

The President ruled that the amendment was not divisible.

Mr. Sieloff appealed the decision of the President.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on H.F. No. 876. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, D.C.	Spear
Berglin	Dieterich	Lessard	Peterson, R.W.	Stumpf
Bertram	Frank	Luther	Petty	Vega
Chmielewski	Hughes	Merriam	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Moe, R. D.	Purfeerst	Wegscheid
Davis	Jude	Nelson	Reichgott	Willet
DeCramer	Kroening	Novak	Schmitz	
Dicklich	Langseth	Peterson, C.C.	Solon	

Those who voted in the negative were:

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

So the decision of the President was sustained.

Mr. Sieloff raised a point of order that the Diessner amendment was out of order because it was the equivalent question of the Ramstad amendment.

The President ruled that the point of order was not well taken.

Mr. Sieloff appealed the decision of the President.

The question was taken on "Shall the decision of the President be the



judgment of the Senate?"

The roll was called, and there were yeas 40 and nays 25, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the decision of the President was sustained.

H.F. No. 876 was then progressed.

### SPECIAL ORDER

H.F. No. 848: A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; providing a training program for child protection workers and requiring a new job classification in child protection; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631.

Mr. Merriam moved to amend H.F. No. 848, the unofficial engrossment, as follows:

Page 14, after line 3, insert:

"Sec. 17. [626.559] [RECORDING OF INTERVIEWS WITH CHILD ABUSE VICTIMS.]

*When an interview is conducted with a child who is an alleged victim of physical or sexual abuse, as defined under section 626.556, subdivision 2, by the prosecuting attorney, or any person designated by him, the interview must be recorded on audio or video tape. The tape recording must be maintained by the prosecuting attorney or law enforcement agency while the investigation is active and is subject to section 13.82, subdivision 5. The tape*

*recording is confidential data."*

Renumber the sections in sequence

Page 16, line 33, delete "19" and insert "20"

Page 16, line 35, delete "18, and 20" and insert "19, and 21"

Amend the title as follows:

Page 1, line 17, after the semicolon, insert "requiring that investigative interviews with child abuse victims be tape-recorded;"

Page 1, line 33, after "244" insert "; 626;"

### CALL OF THE SENATE

Ms. Reichgott imposed a call of the Senate for the vote on the Merriam amendment. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 19, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Olson	Solon
Anderson	Dicklich	Knaak	Pehler	Stumpf
Belanger	Diessner	Kronebusch	Peterson, C.C.	Taylor
Benson	Dieterich	Langseth	Peterson, D.L.	Vega
Berg	Frank	Lessard	Peterson, R.W.	Waldorf
Bertram	Frederickson	Mehrkens	Ramstad	Wegscheid
Chmielewski	Gustafson	Merriam	Renneke	Willet
Dahl	Johnson, D.E.	Nelson	Samuelson	
Davis	Jude	Novak	Schmitz	

Those who voted in the negative were:

Berglin	Isackson	Lantry	Peterson, D.C.	Reichgott
Bernhagen	Knutson	Luther	Petty	Spear
Frederick	Kroening	McQuaid	Pogemiller	Storm
Hughes	Laidig	Moe, D.M.	Purfeerst	

The motion prevailed. So the amendment was adopted.

H.F. No. 848 was then progressed.

### SPECIAL ORDER

H.F. No. 191: A bill for an act relating to local and state government; requiring prompt payment of local government bills; amending Minnesota Statutes 1984, section 16A.124, subdivisions 1, 5, and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

Mr. Wegscheid moved to amend H.F. No. 191, as amended pursuant to Rule 49, adopted by the Senate April 23, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 445.)

Page 4, line 7, delete "30" and insert "ten"

The motion prevailed. So the amendment was adopted.

Mr. Freeman moved to amend H.F. No. 191, as amended pursuant to Rule 49, adopted by the Senate April 23, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 445.)

Page 4, line 12, after "except" insert "as"

Page 4, lines 13 and 35, delete "calculate and"

Page 4, line 22, delete "calculated and"

Page 5, line 2, delete "calculate and"

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

Mr. Renneke moved to amend H.F. No. 191, as amended pursuant to Rule 49, adopted by the Senate April 23, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 445.)

Page 3, delete lines 29 to 32

Page 3, line 33, delete "(b)" and insert "(a)" and delete everything after "municipalities"

Page 3, line 34, delete everything before the comma

Page 3, line 35, delete "15" and insert "30"

Page 3, line 36, delete "board" and insert "body of the municipality"

Page 4, line 1, delete everything after the first period

Page 4, line 2, delete "(c)" and insert "(b)"

The motion prevailed. So the amendment was adopted.

H.F. No. 191 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 54 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Davis	Knutson	Merriam	Petty
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So the bill, as amended, passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 755: A bill for an act relating to horseracing; authorizing the

commission to adopt certain medication rules; amending Minnesota Statutes 1984, section 240.24.

Mr. Purfeerst moved that the amendment made to H.F. No. 755 by the Committee on Rules and Administration in the report adopted April 17, 1985, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 755 was then progressed.

### SPECIAL ORDER

S.F. No. 966: A bill for an act relating to health; requiring a study and a report on the needs of persons with brain impairments.

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:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 649: A bill for an act relating to St. Louis county; fixing the maximum amount of the county emergency fund; amending Minnesota Statutes 1984, section 383C.016.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

H.F. No. 231: A bill for an act relating to St. Louis county; authorizing a private sale of certain tax-forfeited land.

Mr. Solon moved to amend H.F. No. 231, the unofficial engrossment, as follows:

Page 2, after line 1, insert:

“Sec. 2. [BONDS AUTHORIZED; TAX LEVY.]

*Subdivision 1. The city council of the city of Carlton in Carlton county may by resolution authorize, sell, and issue general obligation bonds of the city in an amount not exceeding \$555,000 to finance the acquisition and betterment of a new fire hall. The bonds shall be authorized, sold, and issued in accordance with Minnesota Statutes, chapter 475, except that no election shall be required to authorize their issuance except as provided in subdivision 2, and the bonds shall not constitute net debt within the meaning of Minnesota Statutes, section 475.53.*

*Subd. 2. Before the issuance of the bonds, the council shall publish in the official newspaper of the city a resolution authorizing their issuance, and if within ten days after the publication a petition is filed with the city clerk requesting an election on the proposition of issuing the bonds signed by a number of qualified voters equal to ten percent of the number voting at the last general election in the city, the bonds shall not be issued until the proposition has been approved by a majority of the votes cast on it at a regular or special election.*

*Subd. 3. Before the issuance of the bonds, the council shall levy ad valorem taxes for their payment in accordance with Minnesota Statutes, section 475.61. The taxes shall not be subject to any limitation as to rate or amount, and shall not be taken into account in determining the amount of any other taxes the city is authorized to levy.*

Sec. 3. [CONTRIBUTIONS BY OTHER POLITICAL SUBDIVISIONS.]

*Carlton county, any town, and any city, no matter how organized, within the county may enter into binding contracts with the city of Carlton: (a) to secure from the city of Carlton fire protection service for all or part of the area within their boundaries, and (b) to provide for the payment by the county or contracting town or city to the city of Carlton, specified amounts of the principal of and interest on bonds or other obligations issued by the city of Carlton to finance the cost of fire fighting facilities or equipment, on the terms and conditions and for the period their governing bodies shall determine. They may levy ad valorem taxes for the purpose on all taxable property within their boundaries or the area to be served. The taxes shall not be taken into account in determining the amount of any other taxes the county or any town or city within the county may levy, and taxes levied to provide money to pay a portion of the debt service on bonds or other obligations of the city of Carlton shall not be subject to limitation as to rate or amount. The contracts shall not constitute net debt of the county or the contracting town or city within the meaning of Minnesota Statutes, chapter 475.*

Sec. 4. [CITY OF MCGREGOR; DEBT LIMIT.]

*The city of McGregor may incur net debt of \$100,000 in excess of that permitted by Minnesota Statutes, chapter 475, for the construction of a library and related facilities.*

**Sec. 5. [FOND DU LAC RESERVATION LANDS.]**

*If a parcel of land subject to sale under Minnesota Statutes, sections 282.01 to 282.13, includes land within the Fond du Lac Indian reservation, the county auditor shall first offer the land to the Fond du Lac band of Chippewa Indians for sale at the appraised value. The cost of any survey or appraisal must be added to and made a part of the appraised value. To determine whether the band wants to buy the land, the county auditor shall give written notice to the band. If the band wants to buy the land, it shall submit a written offer to the county auditor within two weeks after receiving the notice. If the offer is for at least the appraised value, the county auditor shall accept it.*

**Sec. 6. [EFFECTIVE DATE.]**

*Sections 2 to 4 are effective the day following final enactment. Section 5 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the governing body of Carlton county for land in Carlton county and by the governing body of St. Louis county for land in St. Louis county."*

Delete the title and insert:

*"A bill for an act relating to local government; authorizing the city of Carlton to issue general obligation bonds to finance the acquisition and betterment of a new fire hall; permitting participation by other local government units; providing for the debt limit of the city of McGregor; requiring land within the Fond du Lac Indian reservation to be offered for sale to the Fond du Lac band; authorizing a private sale of certain tax-forfeited land in St. Louis county."*

Mr. Pehler questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

The question was taken on the adoption of the amendment. The motion prevailed. So the amendment was adopted.

Mr. Gustafson moved to amend H.F. No. 231, the unofficial engrossment, as follows:

Page 2, after line 1, insert:

**"Sec. 2. [CITY OF THOMSON; LEVY LIMIT INCREASE.]**

*For taxes levied in 1985 only, the city of Thomson may levy an amount exceeding the limitations imposed by Minnesota Statutes 1984, section 275.11, by an amount not to exceed \$6,843."*

Amend the title as follows:

Page 1, line 2, delete "St. Louis county" and insert "local government"

Page 1, line 3, before the period, insert "in St. Louis county; authorizing the city of Thomson to levy in excess of its per capita limitation for 1985"

Mr. Pehler questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

The question was taken on the adoption of the amendment. The motion prevailed. So the amendment was adopted.

H.F. No. 231 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 54 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Pehler	Peterson, C.C.	Spear	Waldorf
Kroening				

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

The question recurred on H.F. No. 755.

### SPECIAL ORDER

H.F. No. 755: A bill for an act relating to horseracing; authorizing the commission to adopt certain medication rules; amending Minnesota Statutes 1984, section 240.24.

Mr. Dieterich moved to amend H.F. No. 755 as follows:

Page 1, line 23, before "The" insert "*Subdivision 1. [PROHIBITION.]*"

Page 1, line 27, delete the comma

Page 2, lines 1 to 14, delete the new language

Page 2, after line 17, insert:

*"Subd. 2. [EXCEPTION.] Notwithstanding subdivision 1, the commission by rule may allow the use of: (1) topical external applications that do not contain anesthetics or steroids; (2) food additives; (3) Furosemide or other pulmonary hemostatic agents if the agents are administered under the visual supervision of the veterinarian or assistant veterinarian employed by the commission; and (4) nonsteroidal anti-inflammatory drugs, provided that the test sample does not contain more than five micrograms of the substance or metabolites thereof per milliliter of blood plasma. For purposes of this clause, "test sample" means any bodily substance including blood, urine, saliva, or other substance as directed by the commission, taken from a horse*

*under the supervision of the commission veterinarian and in such manner as prescribed by the commission for the purpose of analysis."*

Page 2, line 19, delete "section" and insert "subdivision"

Page 2, line 31, after the period insert "Section 2, subdivision 2, is repealed effective December 31, 1987."

The motion prevailed. So the amendment was adopted.

H.F. No. 755 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 25 and nays 37, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Isackson	Nelson	Schmitz
Bertram	Dicklich	Langseth	Novak	Solon
Chmielewski	Diessner	Lessard	Pehler	Stumpf
Dahl	Frederick	Mehrkens	Peterson, D.L.	Vega
Davis	Freeman	Moe, R.D.	Pogemiller	Willet

Those who voted in the negative were:

Anderson	Frank	Kronebusch	Peterson, C.C.	Spear
Belanger	Frederickson	Laidig	Peterson, D.C.	Storm
Benson	Gustafson	Lantry	Petty	Taylor
Berg	Johnson, D.E.	Luther	Purfeerst	Waldorf
Berglin	Jude	McQuaid	Ramstad	Wegscheid
Bernhagen	Kamrath	Merriam	Reichgott	
Brataas	Knaak	Moe, D.M.	Renneke	
Dieterich	Kroening	Olson	Sieloff	

So the bill, as amended, failed to pass.

### RECONSIDERATION

Mr. Wegscheid moved that the vote whereby H.F. No. 191 was passed by the Senate on May 7, 1985, be now reconsidered. The motion prevailed.

### RECONSIDERATION

Having voted on the prevailing side, Mr. Renneke moved that the vote whereby the Renneke amendment to H.F. No. 191 was adopted on May 7, 1985, be now reconsidered. The motion prevailed.

H.F. No. 191: A bill for an act relating to local and state government; requiring prompt payment of local government bills; amending Minnesota Statutes 1984, section 16A.124, subdivisions 1, 5, and 8, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.

Mr. Renneke moved to amend H.F. No. 191, as amended pursuant to Rule 49, adopted by the Senate April 23, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 445.)

Page 3, line 31, delete "30" and insert "35"

Page 3, delete lines 33 to 36



Page 4, delete line 1 and insert:

*“(b) For municipalities whose governing boards do not regularly meet at least once a month, the standard payment period is defined as 45 days after receipt of the goods or services or the invoice for the goods or services, whichever is later.”*

The motion prevailed. So the amendment was adopted.

H.F. No. 191 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 52 and nays 6, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Kamrath	Olson	Solon
Anderson	Diessner	Knaak	Pehler	Spear
Belanger	Dieterich	Kroening	Peterson, C.C.	Storm
Benson	Frank	Laidig	Peterson, D.C.	Stumpf
Berg	Frederick	Lantry	Peterson, D.L.	Taylor
Bernhagen	Frederickson	Lessard	Pogemiller	Waldorf
Bertram	Freeman	Luther	Ramstad	Wegscheid
Brataas	Gustafson	McQuaid	Reichgott	Willet
Chmielewski	Isackson	Mehrkens	Renneke	
Dahl	Johnson, D.E.	Moe, R.D.	Schmitz	
DeCramer	Jude	Novak	Sieloff	

Those who voted in the negative were:

Berglin	Kronebusch	Merriam	Petty	Vega
Davis				

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

### SPECIAL ORDER

H.F. No. 374: A bill for an act relating to crimes; providing that persons guilty of failing to comply with fire security measures are guilty of obstructing legal process; redefining arson in the second and third degrees and negligent fires; prescribing penalties; amending Minnesota Statutes 1984, sections 299F.08, by adding a subdivision; 609.562; 609.563; and 609.576; proposing coding for new law in Minnesota Statutes, chapter 609.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S.F. No. 352: A bill for an act relating to taxation; providing for an annual compressed natural gas user permit; establishing compressed natural gas user permit fees in lieu of gas taxes; requiring a report to the legislature; providing a penalty; amending Minnesota Statutes 1984, sections 296.01, by adding a subdivision; 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kroening	Olson	Solon
Anderson	Diessner	Kronebusch	Pehler	Spear
Belanger	Dieterich	Langseth	Peterson, D.C.	Storm
Benson	Frank	Lantry	Peterson, D.L.	Stumpf
Berglin	Frederick	Lessard	Petty	Taylor
Bernhagen	Freeman	Luther	Pogemiller	Waldorf
Bertram	Gustafson	McQuaid	Ramstad	Willet
Brataas	Isackson	Mehrkens	Reichgott	
Chmielewski	Johnson, D.E.	Merriam	Renneke	
Dahl	Jude	Moe, R.D.	Schmitz	
Davis	Knaak	Novak	Sieloff	

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

S.F. No. 1431: A resolution memorializing the negotiators for the United States at the Geneva arms talks to demand Soviet action to stop anti-Jewish discrimination and to allow Jews to emigrate.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

**SPECIAL ORDER**

H.F. No. 216: A bill for an act relating to financial institutions; credit unions; specifying certain powers; amending Minnesota Statutes 1984, sec-

tion 52.04, subdivision 1; repealing Minnesota Statutes 1984, section 52.04, subdivision 2.

Mr. Storm moved to amend H.F. No. 216, as amended pursuant to Rule 49, adopted by the Senate April 3, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 229.)

Page 6, after line 6, insert:

“Sec. 2. [CITY OF SAVAGE; DETACHED BANKING FACILITIES.]

*Notwithstanding the limitations of Minnesota Statutes, section 47.52, and upon the approval of the commissioner of commerce, any state-chartered bank and its existing detached facility operating in the city of Savage as of July 1, 1983, which were acquired by merger with a national bank prior to January 1, 1984, may be operated as detached facilities of the acquiring bank and the acquiring national bank may continue to operate its existing detached facilities.”*

Page 6, after line 9, insert:

“Sec. 4. [LOCAL APPROVAL.]

*Section 2 is effective the day after approval by the Savage city council and compliance with Minnesota Statutes, section 645.021, subdivision 3, by the chief clerical officer of the city of Savage.”*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert “authorizing the establishment of detached banking facilities in the city of Savage;”

The motion prevailed. So the amendment was adopted.

H.F. No. 216 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 50 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Merriam	Schmitz
Anderson	DeCramer	Kamrath	Moe, R.D.	Sieloff
Belanger	Dicklich	Knaak	Olson	Solon
Berg	Diessner	Kroening	Peterson, D.C.	Spear
Berglin	Dieterich	Kronebusch	Peterson, D.L.	Storm
Bernhagen	Frank	Langseth	Petty	Stumpf
Bertram	Frederick	Lantry	Purfeerst	Taylor
Brataas	Gustafson	Lessard	Ramstad	Vega
Chmielewski	Isackson	Luther	Reichgott	Waldorf
Dahl	Johnson, D.E.	McQuaid	Renneke	Willit

Mr. Benson voted in the negative.

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

### MEMBERS EXCUSED

Mr. Nelson was excused from the Session of today from 1:00 to 1:50 p.m.

Mr. Johnson, D.J. was excused from the Session of today from 2:00 to 3:00 p.m. and from 4:00 to 6:30 p.m. Mr. Frank was excused from the Session of today from 4:30 to 5:15 p.m. and from 5:30 to 6:05 p.m. Mr. Moe, D.M. was excused from the Session of today at 4:52 p.m. Mr. Hughes was excused from the Session of today at 5:30 p.m. Mr. Peterson, R.W. was excused from the Session of today at 6:00 p.m. Messrs. Laidig and Wegscheid were excused from the Session of today at 6:15 p.m. Mr. Mehrkens was excused from the Session of today at 6:25 p.m. Mr. Storm was excused from the Session of today at 6:30 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 1:00 p.m., Wednesday, May 8, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate