

SIXTY-THIRD DAY

St. Paul, Minnesota, Friday, May 17, 1985

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

Mr. Merriam 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. Robert Rolfes.

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.	Storm
Berg	Frederickson	Langseth	Peterson, D.C.	Stumpf
Berglin	Freeman	Lantry	Peterson, D.L.	Taylor
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Vega
Bertram	Hughes	Luther	Petty	Waldorf
Brataas	Isackson	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Dahl	Johnson, D.J.	Merriam	Ramstad	
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.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Samuelson moved that the following members be excused for a Conference Committee on S.F. No. 1525 at 12:00 noon:

Messrs. Samuelson, Ms. Berglin, Messrs. Spear, Solon and Knutson. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 521, 581, 557, 1148, 664, 966, 1278, 1434, 597, 721, 1187, 1220, 243, 825, 1447, 1506 and 616.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

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. 650: A bill for an act relating to crimes; increasing the penalty for an offense committed against a transit provider or operator when violence or a threat of violence is not involved; amending Minnesota Statutes 1984, section 609.855, subdivisions 3 and 4.

Senate File No. 650 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. Pogemiller moved that the Senate do not concur in the amendments by the House to S.F. No. 650, 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.

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. 1279: A bill for an act relating to housing; providing for a product standard for formaldehyde in building materials used in the construction of housing units; amending Minnesota Statutes 1984, sections 144.495; and 325F.18, subdivisions 1, 1a, and 4; proposing coding for new law in Minnesota Statutes, chapter 325F; repealing Minnesota Statutes 1984, section 325F.18, subdivision 5.

Senate File No. 1279 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

CONCURRENCE AND REPASSAGE

Mr. Vega moved that the Senate concur in the amendments by the House to S.F. No. 1279 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1279 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	Merriam	Ramstad
Anderson	DeCramer	Kamrath	Moe, R. D.	Reichgott
Belanger	Diessner	Knaak	Novak	Renneke
Benson	Frank	Kronebusch	Olson	Solon
Berg	Frederickson	Langseth	Pehler	Stumpf
Berglin	Freeman	Lantry	Peterson, C. C.	Taylor
Bernhagen	Gustafson	Lessard	Peterson, D. L.	Vega
Bertram	Hughes	Luther	Petty	Waldorf
Brataas	Johnson, D. E.	McQuaid	Pogemiller	Wegscheid
Dahl	Johnson, D. J.	Mehrkens	Purfeerst	Willet

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 658: A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 16; 98.46, subdivision 5; 98.52, by adding a subdivision; 100.273, subdivisions 6 and 9; and 100.29, subdivision 8; repealing Minnesota Statutes 1984, section 97.55, subdivision 4.

Senate File No. 658 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

CONCURRENCE AND REPASSAGE

Mr. Peterson, C.C. moved that the Senate concur in the amendments by the House to S.F. No. 658 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 658: A bill for an act relating to wild animals; altering certain provisions regarding taking and possession, and penalties related thereto; amending Minnesota Statutes 1984, sections 97.55, subdivision 16; 98.46, subdivision 5; 98.52, by adding a subdivision; and 100.273, subdivisions 6 and 9; repealing Minnesota Statutes 1984, section 97.55, subdivision 4.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 1159: A bill for an act relating to corporations; regulating corporate take-overs and control share acquisitions; defining terms; prescribing penalties; amending Minnesota Statutes 1984, sections 80B.01, subdivisions 6, 8, and 9; 80B.03, subdivisions 1, 2, 4a, 5, and 6; 80B.05; 80B.06, subdivision 7; 80B.07, subdivision 3; 80B.10, subdivisions 1, 4, and by adding a subdivision; 302A.011, subdivisions 37, 39, and by adding a subdivision; 302A.449, subdivision 7; and 302A.671; repealing Minnesota Statutes 1984, section 80B.06, subdivisions 3, 4, and 6.

Senate File No. 1159 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. Luther moved that the Senate do not concur in the amendments by the House to S.F. No. 1159, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 863: A bill for an act relating to commerce; modifying the definition of credit card to include other types of instruments; prescribing criminal penalties for financial transaction card fraud; amending Minnesota Statutes 1984, sections 325G.02, subdivisions 2 and 4; 325G.03; 325G.04; 325G.041; 325G.05; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

Senate File No. 863 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Ms. Reichgott moved that S.F. No. 863 be laid on the table. 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. 1357: A bill for an act relating to contempt of court; providing penalties for failure to file a complete income tax return pursuant to court order; proposing coding for new law in Minnesota Statutes, chapter 588.

Senate File No. 1357 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

CONCURRENCE AND REPASSAGE

Ms. Reichgott moved that the Senate concur in the amendments by the House to S.F. No. 1357 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1357 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 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.

Senate File No. 1238 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1985

Mr. Merriam moved that S.F. No. 1238 be laid on the table. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kroening moved that the following members be excused for a Conference Committee on H.F. No. 1641 at 1:00 p.m.:

Messrs. Kroening, Willet, Luther, Dahl and Frederickson. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Luther moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

H.F. No. 646 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.
646	762				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 646 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 646 and insert the language after the enacting clause of S.F. No. 762, the first engrossment; further, delete the title of H.F. No. 646 and insert the title of S.F. No. 762, the first engrossment.

And when so amended H.F. No. 646 will be identical to S.F. No. 762, and further recommends that H.F. No. 646 be given its second reading and substituted for S.F. No. 762, 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. 957 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.
957	1033				

Pursuant to Rule 49, the Committee on Rules and Administration recom-

mends that H.F. No. 957 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 957 and insert the language after the enacting clause of S.F. No. 1033, the first engrossment; further, delete the title of H.F. No. 957 and insert the title of S.F. No. 1033, the first engrossment.

And when so amended H.F. No. 957 will be identical to S.F. No. 1033, and further recommends that H.F. No. 957 be given its second reading and substituted for S.F. No. 1033, 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. 961 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.
961	993				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 961 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 961 and insert the language after the enacting clause of S.F. No. 993, the third engrossment; further, delete the title of H.F. No. 961 and insert the title of S.F. No. 993, the third engrossment.

And when so amended H.F. No. 961 will be identical to S.F. No. 993, and further recommends that H.F. No. 961 be given its second reading and substituted for S.F. No. 993, 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. 1256 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.
1256	1450				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1256 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1256 and

insert the language after the enacting clause of S.F. No. 1450, the first engrossment; further, delete the title of H.F. No. 1256 and insert the title of S.F. No. 1450, the first engrossment.

And when so amended H.F. No. 1256 will be identical to S.F. No. 1450, and further recommends that H.F. No. 1256 be given its second reading and substituted for S.F. No. 1450, 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 HOUSE BILLS

H.F. Nos. 646, 957, 961 and 1256 were read the second time.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

The Honorable Jerome M. Hughes
President of the Senate

Mr. President:

I have the honor to inform you that the following resolution was adopted by the Committee on Governmental Operations at its meeting on May 8, 1985.

Senator Donald M. Moe
Chairman, Committee on
Governmental Operations

A committee resolution

BE IT RESOLVED that the Senate Committee on Governmental Operations recommends that the Metropolitan Airports Commission:

- (1) declare the position of executive director of the Metropolitan Airports Commission vacant;
- (2) adopt a procedure for hiring a permanent executive director;
- (3) adopt by resolution a description of the qualifications, experience, and training required for the position of executive director;
- (4) establish a procedure to solicit and screen qualified candidates for the position of executive director; and
- (5) delay the permanent appointment of managers at the level of director or superintendent until a permanent executive director is appointed.

BE IT FURTHER RESOLVED that the secretary of the Senate Committee on Governmental Operations shall transmit a copy of this resolution to the Metropolitan Airports Commission.

MOTIONS AND RESOLUTIONS

S.F. No. 1398 and the Conference Committee Report thereon were re-

ported to the Senate.

CONFERENCE COMMITTEE REPORT ON 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.

May 10, 1985

The Honorable Jerome M. Hughes
President of the Senate

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

We, the undersigned conferees for S.F. No. 1398, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1398 be further amended as follows:

Page 2, line 1, strike the second "the"

Page 2, line 2, strike everything after the stricken "bearing"

Page 2, line 3, strike "investments for"

Page 2, line 4, reinstate everything after the stricken period

Page 2, lines 5 to 7, reinstate the stricken language

Page 2, line 8, reinstate everything before the stricken "or"

Page 2, line 22, after the stricken "subdivision" insert "*the obligations which are legally authorized investments for*"

Page 2, line 28, after "2." insert "*Except for notes secured by first mortgages of future maturity,*"

Page 2, line 32, after the period insert "*The total amount of collateral consisting of notes secured by first mortgages of future maturity computed at its market value shall be at least 40 percent more than the amount on deposit at the close of the business day, in excess of any insured portion, which would be permitted if a corporate or personal surety bond were furnished.*"

Page 3, line 4, after the comma insert "*except for early withdrawal penalties on time deposits,*"

Page 6, after line 17, insert:

"Sec. 4. Minnesota Statutes 1984, section 475.66, subdivision 3, is amended to read:

Subd. 3. Subject to the provisions of any resolutions or other instruments securing obligations payable from a debt service fund, any balance in the fund may be invested

(a) in any security which is a direct obligation of or is guaranteed as to payment of principal and interest by the United States or any agency or instrumentality of the United States governmental bonds, notes, bills, mort-

gages, and other securities, which are direct obligations or are guaranteed or insured issues of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress,

(b) in shares of an investment company registered under the federal investment company act of 1940, whose shares are registered under the federal securities act of 1933, and whose only investments are in securities described in the preceding clause,

(c) in any security which is a general obligation of the state of Minnesota or any of its municipalities,

(d) in bankers acceptances of United States banks eligible for purchase by the Federal Reserve System, or

(e) in commercial paper issued by United States corporations or their Canadian subsidiaries that is of the highest quality and matures in 270 days or less.

The fund may also be used to purchase any obligation, whether general or special, of an issue which is payable from the fund, at such price, which may include a premium, as shall be agreed to by the holder, or may be used to redeem any obligation of such an issue prior to maturity in accordance with its terms. The securities representing any such investment may be sold or hypothecated by the municipality at any time, but the money so received remains a part of the fund until used for the purpose for which the fund was created."

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete the second "subdivision 1" and insert "subdivisions 1 and 3"

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Darril Wegscheid, Michael O. Freeman, Gen Olson

House Conferees: (Signed) William Schreiber, Gerald Knickerbocker, Gordon O. Voss

Mr. Wegscheid moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1398 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1398 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 50 and nays 1, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Johnson, D.E.	Luther	Pogemiller
Anderson	DeCramer	Jude	McQuaid	Purfeerst
Belanger	Diessner	Kamrath	Mehrkens	Ramstad
Benson	Dieterich	Knaak	Moe, D. M.	Reichgott
Berg	Frank	Kroening	Moe, R. D.	Renneke
Bernhagen	Frederickson	Kronebusch	Olson	Stumpf
Bertram	Freeman	Laidig	Pehler	Taylor
Brataas	Gustafson	Langseth	Peterson, D.C.	Vega
Chmielewski	Hughes	Lantry	Peterson, D.L.	Wegscheid
Dahl	Isackson	Lessard	Petty	Willet

Mr. Merriam voted in the negative.

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pogemiller moved that the following members be excused for a Conference Committee on S.F. No. 818 from 1:00 to 2:30 p.m.:

Messrs. Pogemiller, Dicklich and Freeman. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, D.M. moved that S.F. No. 918, No. 11 on General Orders, be stricken and returned to its author. The motion prevailed.

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. 67: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

Mr. Pogemiller moved to amend H.F. No. 67, as amended pursuant to Rule 49, adopted by the Senate March 18, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 245.)

Page 4, line 36, after "*committee*" insert a period

Page 5, delete lines 1 to 3

The motion prevailed. So the amendment was adopted.

H.F. No. 67 was then progressed.

SPECIAL ORDER

H.F. No. 648: A bill for an act relating to state departments and agencies; transferring authority for administration of the rural rehabilitation corporation trust liquidation act from the state executive council to the commissioner of energy and economic development; creating a governor's rural develop-

ment council; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1984, section 9.36.

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	Diessner	Knutson	Nelson	Solon
Anderson	Dieterich	Kroening	Olson	Stumpf
Belanger	Frank	Laidig	Pehler	Taylor
Benson	Frederickson	Langseth	Peterson, D.C.	Vega
Berg	Freeman	Lantry	Peterson, D.L.	Waldorf
Berglin	Gustafson	Luther	Petty	Wegscheid
Bernhagen	Isackson	McQuaid	Pogemiller	Willet
Bertram	Johnson, D.E.	Mehrkins	Purfeerst	
Chmielewski	Jude	Merriam	Ramstad	
Dahl	Kamrath	Moe, D. M.	Reichgott	
Davis	Knaak	Moe, R. D.	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 857: A bill for an act relating to insurance; authorizing the receiver of an insolvent insurer to accelerate the distribution of available assets in payment of claims against the insurer; establishing priority of certain claims; amending Minnesota Statutes 1984, sections 60B.44, subdivisions 1 and 4; 60B.46, by adding subdivisions; and 60C.05, subdivision 1.

Mr. Jude moved to amend H.F. No. 857, as amended pursuant to Rule 49, adopted by the Senate May 15, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 905.)

Pages 1 and 2, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "subdivisions 1 and 4" and insert "subdivision 1"

The motion prevailed. So the amendment was adopted.

H.F. No. 857 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Knaak	Novak	Reichgott
Anderson	DeCramer	Knutson	Olson	Renneke
Belanger	Dieterich	Kroening	Pehler	Solon
Benson	Frank	Langseth	Peterson, D.C.	Stumpf
Berg	Frederickson	Lantry	Peterson, D.L.	Taylor
Berglin	Gustafson	Luther	Peterson, R.W.	Vega
Bernhagen	Isackson	Mehrkins	Petty	Waldorf
Bertram	Johnson, D.E.	Merriam	Pogemiller	Willet
Chmielewski	Jude	Moe, R. D.	Purfeerst	
Dahl	Kamrath	Nelson	Ramstad	

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

The question recurred on H.F. No. 67.

SPECIAL ORDER

H.F. No. 67: A bill for an act relating to judges; providing for the manner of filling vacancies in the office of judge; proposing coding for new law in Minnesota Statutes, chapter 480B.

CALL OF THE SENATE

Mr. Pogemiller imposed a call of the Senate for the balance of the proceedings on H.F. No. 67. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 67 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.

Mr. Vega moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Berglin	Knutson	Moe, D. M.	Petty	Sieloff
Brataas	Laidig	Moe, R. D.	Pogemiller	Solon
Diessner	Lantry	Nelson	Purfeerst	
Dieterich	Lessard	Peterson, D.C.	Ramstad	
Knaak	Luther	Peterson, R.W.	Reichgott	

Those who voted in the negative were:

Adkins	Dahl	Isackson	Mehrken	Samuelson
Anderson	Davis	Johnson, D.E.	Merriam	Stumpf
Belanger	DeCramer	Jude	Novak	Taylor
Benson	Frank	Kamrath	Olson	Vega
Berg	Frederick	Kroening	Pehler	Waldorf
Bernhagen	Frederickson	Kronebusch	Peterson, C.C.	Wegscheid
Bertram	Freeman	Langseth	Peterson, D.L.	Willet
Chmielewski	Gustafson	McQuaid	Renneke	

So the bill, as amended, failed to pass.

SPECIAL ORDER

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.

Mr. Frederickson moved to amend H.F. No. 1145 as follows:

Page 3, delete lines 13 to 18

Page 4, line 7, after "A" insert "*qualified*"

Page 4, line 8, delete "*within Minnesota*"

Page 4, lines 9 and 13, delete "75,000" and insert "25,000"

Page 4, line 11, delete "*Minnesota*" and insert "*Qualified*"

Page 4, after line 14, insert:

"For purposes of this subdivision, a "qualified brewer" means a brewer, whether or not located in this state, manufacturing less than 100,000 barrels of fermented malt beverages in the calendar year immediately preceding the calendar year for which the credit under this subdivision is claimed. In determining the number of barrels, all brands or labels of a brewer must be combined. All facilities for the manufacture of fermented malt beverages owned or controlled by the same person, corporation, or other entity must be treated as a single brewer."

Page 28, line 17, delete the language before the period

The motion prevailed. So the amendment was adopted.

Mr. DeCramer moved to amend H.F. No. 1145 as follows:

Page 6, line 36, delete *"his"* and insert *"the commissioner's"*

Page 7, line 5, delete *"he"* and insert *"the commissioner"*

Page 7, line 6, delete *"he proposes to assess"* and insert *"the taxpayer will be assessed"*

Page 7, line 9, delete *"by him"* and delete *"he"* and insert *"the commissioner"*

Page 7, line 15, delete *"his"* and insert *"a"* and delete *"he proposes to assess"* and after *"amount"* insert *"is"*

Page 7, line 21, delete *"his"* and insert *"a"*

Page 7, line 23, delete *"he"* and insert *"the commissioner"*

Page 9, line 28, delete *"his"* and insert *"their"*

Page 11, line 25, delete *"his designated"* and after *"employees"* insert *"designated by the commissioner"*

Page 11, line 32, delete *"his designated"*

Page 11, line 33, after *"employees"* insert *"designated by the commissioner"*

Page 12, line 17, delete *"or his agents"*

Page 12, line 31, delete *"his"* and insert *"the commissioner's"*

Page 13, line 7, delete *"his"* and insert *"the owner's"*

Page 13, line 8, delete *"his"* and insert *"the"* and delete *"he"* and insert *"the owner"*

Page 13, line 25, delete *"him"* and insert *"that person"*

Page 18, line 36, delete *"his"*

Page 19, line 33, delete *"his"* and insert *"the"*

Page 20, line 35, delete *"his"* and insert *"to the licensee's"*

Page 21, line 5, delete *"his"*

Page 21, line 6, delete *"he"* and insert *"the manufacturer or wholesaler"*

Page 25, line 32, delete *"he has"*

Page 26, line 27, delete *"his"*

Page 26, line 28, delete *"his"*

Page 27, line 9, delete *"he prescribes"* and insert *"prescribed by the commissioner"*

Page 35, line 3, delete "*his*" and insert "*to the licensee's*"

Page 35, line 10, delete "*his or her*" and insert "*the*"

Page 43, line 16, delete "*he or she*" and insert "*the person*"

Page 48, line 1, delete "*his*" and insert "*the commissioner's*"

Page 50, line 1, delete "*his or her*" and insert "*the person's*"

Page 50, line 2, delete "*his or her*" and insert "*the*"

Page 50, line 11, delete "*for him or her*"

Page 50, line 15, delete "*have in possession*" and insert "*possess*"

Page 50, line 17, delete "*their*" and insert "*the person's*"

Page 50, line 25, delete "*to him or her*"

Page 56, line 34, delete "*he or she*" and insert "*the commissioner*"

Page 58, line 3, delete "*his*" and insert "*the commissioner's*"

Page 58, line 4, delete "*he*" and insert "*the commissioner*"

Page 58, line 5, delete "*him*" and insert "*the commissioner*" and delete "*his*" and insert "*the commissioner's*"

Page 58, line 26, delete "*his or her*" and insert "*the commissioner's*"

Page 59, line 12, delete "*his*" and insert "*the person's*"

Page 59, line 16, delete "*his*" and insert "*the minor's*"

Page 59, line 27, delete "*his*"

Page 60, line 34, delete "*him*" and insert "*the person*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1145 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Langseth moved that the following members be

excused for a Conference Committee on H.F. No. 1639 at 1:20 p.m.:

Messrs. Langseth, Purfeerst, Schmitz, Mrs. Lantry and Mr. Mehrkens. The motion prevailed.

SPECIAL ORDER

H.F. No. 440: A bill for an act relating to retirement; making various changes in laws governing public retirement funds; amending Minnesota Statutes 1984, sections 3.85, subdivisions 11 and 12; 353.657, subdivision 2a; 354.44, subdivision 6; 354A.35, subdivision 1; 356.20, subdivision 4; 356.215, subdivision 4; 356.216; and 356.70.

CALL OF THE SENATE

Mr. Moe, D.M. imposed a call of the Senate for the proceedings on H.F. No. 440. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Moe, D.M. moved that the rules of the Senate be so far suspended as to allow him to move to reconsider the vote whereby the Sieloff amendment to H.F. No. 440 was adopted on May 13, 1985.

The question was taken on the adoption of the motion.

Mr. Sieloff moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Peterson, D.L. voted in the negative.

The motion prevailed.

RECONSIDERATION

Mr. Moe, D.M. moved that the vote whereby the Sieloff amendment to H.F. No. 440 was adopted on May 13, 1985, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed.

Mr. Peterson, C.C. moved to amend H.F. No. 440, the second unofficial engrossment, as follows:

Page 15, lines 28 to 36, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

Mr. Petty moved to amend H.F. No. 440, the second unofficial engrossment, as follows:

Page 50, after line 5, insert:

"Sec. 45. Minnesota Statutes 1984, section 422A.101, subdivision 3, is amended to read:

Subd. 3. [STATE CONTRIBUTIONS.] The state shall pay to the Minneapolis employees retirement fund annually an amount equal to the financial requirements of the Minneapolis employees retirement fund reported by the actuary in the actuarial valuation of the fund prepared pursuant to section 356.215 for the most recent year but based on a target date for full amortization of the unfunded liabilities by the year 2017 less the amount of employee contributions required pursuant to section 422A.10, ~~and~~ the amount of employer contributions required pursuant to subdivisions 1a and 2, ~~and the amount of contributions required of the metropolitan airports commission by subdivision 4.~~ Payments shall be made in four equal installments on March 15, July 15, September 15, and November 15 annually.

Sec. 46. Minnesota Statutes 1984, section 422A.101, is amended by adding a subdivision to read:

Subd. 4. [METROPOLITAN AIRPORTS COMMISSION CONTRIBUTION.] *The metropolitan airports commission shall pay to the Minneapolis employees retirement fund annually in installments as specified in subdivision 3, that share of the additional support rate required for full amortization of the unfunded liabilities by the year 2017 which is attributable to commission employees who are members of the fund. The amount of the payment shall be determined by the most recent actuarial valuation, as calculated by the actuary for the legislative commission on pensions and retirement."*

Re number the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 20, after the first semicolon insert "422A.101, subdivision 3,

and by adding a subdivision;"

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend H.F. No. 440; the second unofficial engrossment, as follows:

Page 3, after line 35, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1984, section 3A.01, subdivision 8, is amended to read:

Subd. 8. [NORMAL RETIREMENT AGE.] "Normal retirement age" means the age of 60 years with regard to any member of the legislature whose service terminates prior to the beginning of the 1981 legislative session, and the age of 62 years with regard to any member of the legislature whose service terminates after the beginning of the 1981 session. *"Normal retirement age" means the age of 65 years with regard to any member who serves after the beginning of the 1987 session."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

Mr. Dieterich moved that those not voting be excused from voting. The motion did not prevail.

The roll was called, and there were yeas 45 and nays 7, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Jude	Moe, R.D.	Ramstad
Anderson	Diessner	Kamrath	Novak	Renneke
Benson	Dieterich	Knaak	Olson	Samuelson
Berg	Frank	Knutson	Pehler	Sieloff
Berglin	Frederick	Kronebusch	Peterson, C.C.	Storm
Bernhagen	Gustafson	Laidig	Peterson, D.C.	Stumpf
Bertram	Isackson	Lessard	Peterson, D.L.	Taylor
Davis	Johnson, D.E.	Luther	Peterson, R.W.	Waldorf
DeCramer	Johnson, D.J.	McQuaid	Petty	Wegscheid

Those who voted in the negative were:

Belanger	Hughes	Moe, D.M.	Solon	Vega
Chmielewski	Merriam			

The motion prevailed. So the amendment was adopted.

H.F. No. 440 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 44 and nays 4, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Knaak	Pehler	Samuelson
Anderson	Frederick	Kronebusch	Peterson, C.C.	Sieloff
Belanger	Gustafson	Lessard	Peterson, D.C.	Solon
Benson	Hughes	Luther	Peterson, D.L.	Storm
Berg	Isackson	McQuaid	Peterson, R.W.	Stumpf
Bernhagen	Johnson, D.E.	Moe, D.M.	Petty	Taylor
Davis	Johnson, D.J.	Moe, R.D.	Ramstad	Waldorf
DeCramer	Jude	Novak	Reichgott	Wegscheid
Dicklich	Kamrath	Olson	Renneke	

Messrs. Bertram, Frank, Merriam and Vega voted in the negative.

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

SPECIAL ORDER

H.F. No. 268: A bill for an act relating to the environment; removing statutory provisions for joint and several liability and causation for personal injury; changing the date when liability applies; removing additional defense for abnormally dangerous activity; stating effect of removing certain provisions; amending Minnesota Statutes 1984, sections 115B.05, subdivision 1; 115B.06, subdivision 1; and 115B.09; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1984, sections 115B.06, subdivision 2; and 115B.07.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on H.F. No. 268. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Peterson, C.C. moved to amend H.F. No. 268, the unofficial engrossment, as follows:

Page 3, after line 20, insert:

“Sec. 5. [115B.25] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The terms used in sections 5 to 17 have the definitions given them in section 115B.02 and this section.

Subd. 2. [BOARD.] “Board” means the hazardous substance injury compensation board established in section 7.

Subd. 3. [ELIGIBLE PROPERTY.] “Eligible property” means property damage that is eligible for compensation under section 9.

Subd. 4. [ELIGIBLE PERSONAL INJURY.] “Eligible personal injury” means personal injury that is eligible for compensation under section 9.

Subd. 5. [COMPENSABLE LOSS.] “Compensable loss” means a loss that is compensable under section 13.

Subd. 6. [FUND.] “Fund” means the hazardous substance injury compensation fund established in section 6.

Sec. 6. [115B.26] [HAZARDOUS SUBSTANCE INJURY COMPENSATION FUND.]

Subdivision 1. [ESTABLISHMENT.] A hazardous substance injury compensation fund is established as an account in the state treasury. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the fund.

Subd. 2. [APPROPRIATION.] The amount necessary to pay for staff assistance, administrative services, and office space under section 8, subdivision 4, and to pay claims of compensation granted by the board under sections 5 to 17 is appropriated to the board from the hazardous substance injury compensation fund.

Subd. 3. [PAYMENT OF CLAIMS WHEN FUND INSUFFICIENT.] If

the amount of the claims granted exceeds the amount in the fund, the board shall request a transfer from the general contingent account to the hazardous substance injury compensation fund as provided in section 3.30. If no transfer is approved, the board shall pay the claims in the order granted only to the extent of the money remaining in the fund. The board may summarily pay the remaining claims after additional money is credited to the fund.

Sec. 7. [115B.27] [HAZARDOUS SUBSTANCE INJURY COMPENSATION BOARD.]

Subdivision 1. [ESTABLISHMENT OF BOARD.] The hazardous substance injury compensation board is established. The board consists of three members appointed by the governor with the advice and consent of the senate. One member must be a physician knowledgeable in toxicology; one member must be a member of the bar of this state; and one member must be a health professional knowledgeable in the area of hazardous substance injuries. The board shall annually elect a member to serve as chairman for a term of one year. Filling of vacancies on the board and removal of members are governed by section 15.0575.

Subd. 2. [MEMBERSHIP TERMS.] The initial members shall be appointed to terms as follows:

- (1) the first member appointed for six years;*
- (2) the second member appointed for four years;*
- (3) the third member appointed for two years.*

At the end of each member's term, the successor shall be appointed for six years and each successor thereafter shall be appointed for six years.

Subd. 3. [COMPENSATION AND EXPENSES.] The commissioner of employee relations shall establish the compensation or salary to be paid members of the board, based on the professional expertise and experience of the members and the workload of the board.

Sec. 8. [115B.28] [POWERS AND DUTIES OF THE BOARD.]

Subdivision 1. [DUTIES.] In addition to performing duties specified in sections 5 to 17 or in other law, the board shall:

(1) adopt rules as soon as practicable after all members are appointed, including rules governing practice and procedure before the board, the form and procedure for applications for compensation, and procedures for claims investigations;

(2) publicize the availability of compensation and application procedures on a statewide basis with special emphasis on geographical areas surrounding sites identified by the pollution control agency as having releases prior to July 1, 1983;

(3) collect, analyze, and make available to the public, in consultation with the department of health, the pollution control agency, the University of Minnesota medical and public health schools, and the medical community, data regarding injuries relating to exposure to hazardous substances; and

(4) prepare and transmit by December 31 of each year to the governor and the legislature an annual report to include (a) a summary of board activity

under clause (3); (b) data determined by the board from actual cases, including but not limited to number of cases, actual compensation received by each claimant, types of cases, and types of injuries compensated, as they relate to types of hazardous substances as well as length of exposure; (c) all administrative costs associated with the business of the board; and (d) board recommendations for legislative changes, further study, or any other recommendation aimed at improving the system of compensation.

Subd. 2. [POWERS.] In addition to exercising any powers specified in sections 5 to 17 or in other law, the board may:

(1) in reviewing a claim, consider any information that the board determines is relevant to the claim;

(2) contract for consultant or other services necessary to carry out the board's duties under sections 5 to 17;

(3) grant reasonable partial compensation on an emergency basis pending the final decision on a claim, subject to the adoption of rules by the board, if the claim is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made;

(4) limit access to information collected and maintained by the board and take any other action necessary to protect privileged or confidential information.

Subd. 3. [INVESTIGATION; OBTAINING INFORMATION.] The board may investigate any claim for compensation and for this purpose it may request from any person information regarding any matter, fact, or circumstance which is relevant to deciding the claim. In order to obtain this information the board, subject to any applicable privilege, may:

(a) request any person to produce documents, papers, books, or other tangible things in his possession, custody, or control;

(b) request the sworn testimony of any person as to any relevant fact or opinion;

(c) direct written questions to any person and request written answers and objections; and

(d) request a mental or physical examination or autopsy of the claimant.

The board shall give written notice of any request under this subdivision at least 15 days before the person is expected to comply with the request. If any person fails or refuses to comply with the request, the board may apply to a district court for an order to compel compliance with the request. The district court shall issue the order upon a showing of cause by the board, subject to applicable protective provisions of the rules of civil procedure.

Subd. 4. [ADMINISTRATIVE PERSONNEL AND SERVICES.] The commissioner of health shall provide staff assistance, administrative services, and office space under a contract with the board. The board shall reimburse the commissioner for the staff, services, and space provided. In order to perform its duties, the board may request information from the supervising officer of any state agency or state institution of higher education. The supervising officer shall comply with the board's request to the extent possible considering available agency or institution appropriations

and may assign agency or institution employees to assist the board in performing its duties under sections 5 to 17.

Sec. 9. [115B.29] [ELIGIBLE INJURY AND PROPERTY DAMAGE.]

Subdivision 1. [ELIGIBLE PERSONAL INJURY.] (a) A personal injury is eligible for compensation from the fund if it is a medically verified injury, including a chronic or acute disease or death, which is related to exposure to a hazardous substance released from a site where the substance was deposited. An eligible personal injury includes but is not limited to cancer, genetic mutations, behavioral abnormalities, physiological malfunctions, and physical deformations.

(b) A personal injury is not eligible for compensation from the fund if:

(1) the exposure took place outside the geographical boundaries of the state;

(2) the injury is one that is compensable under the workers compensation law, chapter 176;

(3) the injury arises out of the ordinary use of a consumer product; or

(4) it is the result of the release of a hazardous substance for which the injured or damaged party is a responsible person.

Subd. 2. [ELIGIBLE PROPERTY DAMAGE.] Damage to real property owned by the claimant is eligible for compensation from the fund if the damage results from the presence in or on the property of a hazardous substance released from a site where the substance was deposited. Damage to property is not eligible for compensation from the fund if it results from the release of a hazardous substance for which the claimant is a responsible person.

Subd. 3. [TIME FOR FILING CLAIM.] A claim is not eligible for compensation from the fund unless it is filed with the board within the time provided in this subdivision.

(a) A claim for compensation for personal injury must be filed within two years after the injury and its connection to exposure to a hazardous substance has been discovered.

(b) A claim for compensation for property damage must be filed within two years after the damage occurred.

Notwithstanding the provisions of this subdivision, claims for compensation that would otherwise be barred by the passage of time may be filed not later than January 1, 1988.

Sec. 10. [115B.30] [OTHER ACTIONS.]

Subdivision 1. [SUBSEQUENT ACTION PROHIBITED IN CERTAIN CASES.] A person who has filed a claim with the fund for a compensable injury, and who has received and accepted an award from the board, is precluded from bringing an action in court for the same compensable injury. The findings and decision of the board are inadmissible in any court action.

In any action brought under this section to recover damages for wrongful death, personal injury or disease, or property damage arising out of the release of a hazardous substance, the total fees charged by all attorneys

representing the plaintiff shall not exceed 15 percent of the amount awarded to the plaintiff by the court.

Subd. 2. [SUBROGATION BY STATE.] *The state is subrogated to all the claimant's rights under statutory or common law to recover losses compensated from the fund from other sources, including responsible persons as defined in section 115B.03. The state may bring a subrogation action in its own name or in the name of the claimant. Money recovered by the state under this subdivision must be deposited in the fund.*

Subd. 3. [SIMULTANEOUS CLAIM AND COURT ACTION PROHIBITED.] *A claimant may not commence a court action to recover for any injury or damage for which the claimant seeks compensation from the fund during the time that a claim is pending before the board. A person may not file a claim with the board for compensation for any injury or damage for which the claimant seeks to recover in a pending court action. The time for filing a claim under section 9 or the statute of limitations for any civil action is suspended during the period of time that a claimant is precluded from filing a claim or commencing an action under this subdivision.*

Sec. 11. [115B.31] [CLAIM FOR COMPENSATION.]

Subdivision 1. [FORM.] *A claim for compensation from the fund must be filed with the board in the form required by the board. When a claim does not include all of the information required by subdivision 2 and applicable board rules, board staff shall notify a claimant of the absence of required information within 14 days of the filing of the claim. All required information must be received by the board not later than 60 days after the claimant received notice of its absence or the claim will be inactivated and may not be resubmitted for at least one year following the date of inactivation. The board may decide not to inactivate a claim under this subdivision if it finds serious extenuating circumstances.*

Subd. 2. [REQUIRED INFORMATION.] *A claimant must provide as part of the claim:*

(1) a sworn verification by the claimant of the facts set forth in the claim to the best of the claimant's knowledge;

(2) evidence of the claimant's exposure to a named hazardous substance;

(3) evidence that the exposure experienced by the claimant causes or significantly contributes to injury of the type suffered by the claimant, except when the claim is based on an earlier decision of the board as provided in section 12, subdivision 3;

(4) evidence of the injury eligible for compensation suffered by the claimant and the compensable losses resulting from the injury;

(5) evidence of any property damage eligible for compensation and the amount of compensable losses resulting from the damage;

(6) information regarding any collateral sources of compensation; and

(7) other information required by the rules of the board.

Subd. 3. [DEATH CLAIMS.] *In any case in which death is claimed as a compensable injury, the claim may be brought on behalf of the claimant by*

the individuals eligible for death benefits and by the claimant's estate for compensable medical expenses.

Sec. 12. [115B.32] [DETERMINATION OF CLAIM.]

Subdivision 1. [STANDARD FOR PERSONAL INJURY.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant suffers a medically verified injury that is eligible for compensation from the fund and that has resulted in a compensable loss;

(2) the claimant has been exposed to a hazardous substance in an amount and duration sufficient to cause or significantly contribute to injury of the type suffered by claimant; and

(3) the exposure of the claimant could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 2. [STANDARD FOR PROPERTY DAMAGE.] The board shall grant compensation to a claimant who shows that it is more likely than not that:

(1) the claimant has suffered property damage that is eligible for compensation and that has resulted in compensable loss; and

(2) the presence of the hazardous substance in or on the property could reasonably have resulted from the release of the hazardous substance from an identified site where the substance was deposited.

Subd. 3. [EFFECT OF PRIOR DECISION; EXCEPTION.] (a) Except as provided in this subdivision, the board may not rely on an earlier decision granting or denying compensation as dispositive of any later claim.

(b) If the board finds that exposure to a particular hazardous substance in a particular amount, duration, and location causes or significantly contributes to an injury of the type suffered by a claimant, it may rely on that finding as dispositive of any future claim by another claimant who shows that it is more likely than not that he or she suffered the same type of injury and was exposed to the same hazardous substance in substantially the same amount, duration, and location.

Sec. 13. [115B.33] [COMPENSABLE LOSSES.]

Subdivision 1. [PERSONAL INJURY LOSSES.] Losses compensable by the fund for personal injury are limited to:

(a) medical expenses directly related to the claimant's injury;

(b) up to two-thirds of the claimant's lost wages not to exceed \$2,000 per month or \$24,000 per year;

(c) up to two-thirds of a self-employed claimant's lost income, not to exceed \$2,000 per month or \$24,000 per year;

(d) death benefits to dependents as follows:

(1) to a spouse with no dependent children, a sum equal to the deceased claimant's lost wages or lost income, calculated on a monthly basis not to

exceed \$2,000 per month, multiplied by 60 months;

(2) to a spouse with three or fewer dependent children, a sum equal to two-thirds of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(3) to a spouse with four or more dependent children, a sum equal to three-fourths of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, multiplied by the number of months remaining until the youngest dependent child attains the age of 18;

(4) to three or fewer dependent children when there is no surviving spouse, an amount as calculated in clause (2) but using one-half of the deceased claimant's lost wages or lost income as the base for the calculation;

(5) to four or more dependent children when there is no surviving spouse, an amount as calculated in clause (3) but using two-thirds of the deceased claimant's lost wages or lost income as the base for the calculation; and

(6) to any other individual who can show dependence on the deceased claimant, an amount equal to the amount of actual average monthly contribution made by the claimant to that individual prior to his or her inability to contribute or one-fourth of the deceased claimant's lost wages or lost income, calculated on a monthly basis not to exceed \$2,000 per month, whichever is less, multiplied by 36 months. A person who cannot show actual dependence on the deceased claimant may not recover death benefits. For the purposes of all the provisions in clause (d), lost wages includes the value of lost household labor; and

(e) the value of household labor lost due to the claimant's injury or disease not to exceed \$2,000 per month or \$24,000 per year.

Subd. 2. [PROPERTY DAMAGE LOSSES.] (a) Losses compensable by the fund for property damage are limited to the following loss caused by damage to the principal residence of the claimant:

(1) the reasonable cost of replacing or decontaminating the primary source of drinking water for the property to the extent actually expended by the claimant or assessed by a local taxing authority, if the department of health has determined that the water is contaminated or has included the property in a well advisory area and has certified that the replacement or decontamination of the source of drinking water effectively has or will eliminate the contamination, up to a maximum of \$25,000; and

(2) losses incurred as a result of a sale of the property at less than the appraised market value under circumstances that constitute a hardship to the owner, limited to 75 percent of the difference between the appraised market value and the selling price, but not to exceed \$25,000.

(b) For purposes of paragraph (a), the following definitions apply:

(1) "appraised market value" means an appraisal of the market value of the property disregarding any decrease in value caused by the presence of a hazardous substance in or on the property; and

(2) "hardship" means an urgent need to sell the property based on a

special circumstance of the owner including catastrophic medical expenses, inability of the owner to maintain the property due to a physical or mental condition, and change of employment of the owner or other member of the owner's household requiring the owner to move to a different location.

(c) Appraisals are subject to board approval. The board may adopt rules governing approval of appraisals, criteria for establishing a hardship, and other matters necessary to administer this subdivision.

Sec. 14. [115B.34] [DETERMINATION OF CLAIMS.]

Subdivision 1. [ASSIGNMENT OF CLAIMS.] The chairman of the board shall assign each claim that has been accepted for filing to a member of the board.

Subd. 2. [PRELIMINARY DECISION.] The board member to whom the claim is assigned shall review all materials filed in support of the claim and may cause an investigation to be conducted into the validity of the claim. The board member may make a preliminary decision on the basis of the papers filed in support of the claim and the report of any investigation of it. The decision must be in writing and include the reasons for the decision.

Subd. 3. [CIRCULATION OF PRELIMINARY DECISION.] Copies of the preliminary decision made under subdivision 2 must be circulated to the other two board members as soon as practicable. On receipt of the preliminary decision, the other two members have 20 days to challenge it by written notice to the member who made the decision. If neither member challenges the preliminary decision, a copy must be sent to the claimant who may challenge the decision by written notice to the board within 30 days of receipt of the decision. If no notice is received within the required time, the preliminary decision becomes a final decision of the board.

Subd. 4. [CHALLENGES.] If a board member or a claimant challenges a preliminary decision made pursuant to subdivision 2, the full board shall order the claimant to appear before the board. The appearance is not a contested case hearing under chapter 14. The claimant may produce further evidence to support the claim, including books, studies, reports, and any other written material and oral testimony of witnesses, including experts. The board members may ask questions of the claimant and any witnesses presented by the claimant. After the appearance, the board shall make a final decision on the claim as soon as practicable. The decision must be in writing and include the reasons for the decision. A copy of each final decision must be sent to the claimant, including, for a claim that is granted, an explanation of the form in which the claim will be paid.

Subd. 5. [RECORD.] Any appearance by a claimant or witnesses must be tape recorded but a formal record pursuant to chapter 14 is not required.

Sec. 15. [115B.35] [AMOUNT AND FORM OF PAYMENT.]

If the board decides to grant compensation, it shall determine the net uncompensated loss payable to the claimant by computing the total amount of compensable losses payable to the claimant and subtracting the total amount of any compensation received by the claimant for the same injury or damage from other sources including, but not limited to, all forms of insurance and social security and any emergency award made by the board. The board

shall pay compensation in the amount of the net uncompensated loss, provided that no claimant may receive more than \$250,000.

Compensation from the fund may be awarded in a lump sum or in installments at the discretion of the board.

Sec. 16. [115B.36] [ATTORNEY FEES.]

The board may by rule limit the fee charged by any attorney for representing a claimant before the board.

Sec. 17. [115B.37] [PARTIAL RECOUPMENT.]

At the end of each fiscal year, the board shall certify to the commissioner of revenue the amount expended from the fund to compensate persons injured by hazardous substances less amounts recovered under subrogation claims under section 10. The commissioner of revenue shall compute the rate of a surtax to be added to the hazardous waste generator tax in section 115B.22 which, collected over the next calendar year, will recoup 50 percent of the expenditures made from the fund during the previous fiscal year in excess of the subrogation claims recovered. The computation by the commissioner of the rate in this section shall not be considered a rule and shall not be subject to the administrative procedure act contained in chapter 14. The surtax is imposed effective January 1, 1987. Surtaxes collected under this section must be deposited in the fund.

Sec. 18. [APPROPRIATION.]

\$2,000,000 is appropriated from the general fund to the hazardous substance injury compensation fund, to be available until expended. Up to \$250,000 of this appropriation may be used for staff assistance, administrative services, and office space."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon insert "creating a hazardous substance injury compensation fund; establishing a board to administer compensation; limiting compensable losses; prescribing claims procedures; allowing partial subrogation rights; providing for partial recoupment of expenditures from hazardous waste generators; appropriating money;"

The question was taken on the adoption of the amendment.

Mr. Peterson, C.C. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 43 and nays 2, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Kamrath	Pehler	Sieloff
Anderson	Dietrich	Knaak	Peterson, D.C.	Solon
Belanger	Frank	Laidig	Peterson, D.L.	Storm
Berg	Gustafson	Lessard	Petty	Stumpf
Berglin	Hughes	McQuaid	Pogemiller	Taylor
Bertram	Isackson	Merriam	Ramstad	Waldorf
Davis	Johnson, D.E.	Nelson	Reichgott	Wegscheid
DeCramer	Johnson, D.J.	Novak	Renneke	
Dicklich	Jude	Olson	Samuelson	

Messrs. Peterson, R. W. and Vega voted in the negative.

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend H.F. No. 268, the unofficial engrossment, as follows:

Page 3, after line 20, insert:

"Sec. 5. [ASSIGNED RISK PLAN.]

Subdivision 1. The commissioner of commerce shall establish an environment impairment liability assigned risk plan pursuant to this subdivision.

Subd. 2. The purpose of the assigned risk plan is to provide coverage required by this statute to persons rejected pursuant to this subdivision.

Subd. 3. An insurer that refuses to write the coverage required by this subdivision shall furnish the applicant with a written notice of refusal. The rejected applicant shall file a copy of the notice of refusal with the executive director of the pollution control agency and with the assigned risk plan at the time of application for coverage under the plan.

Subd. 4. The commissioner of commerce may enter into service contracts as necessary or beneficial to accomplish the purposes of the assigned risk plan including servicing of policies or contracts of coverage, data management, and assessment collections. Services related to the administration of policies or contracts of coverages shall be performed by one or more qualified insurance companies licensed pursuant to section 60A.06, subdivision 1, clause (13) or a qualified vendor of risk management services. A qualified insurer or vendor of risk management services shall possess sufficient financial, professional, administrative, and personnel resources to provide the services required for operation of the plan. The cost of all services contracted for shall be an obligation of the assigned risk plan.

Subd. 5. The commissioner of commerce may assess all insurers licensed pursuant to section 60A.06, subdivision 1, clause (13) an amount sufficient to fully fund the obligations of the assigned risk plan, if the commissioner of commerce determines that the assets of the assigned risk plan are insufficient to meet its obligations. The assessment of each insurer shall be in a proportion equal to the proportion which the amount of insurance written as reported on page 14 of the annual statement under line 5, commercial multiperil, and line 17, other liability, during the preceding calendar year by that insurer bears to the total written by all such carriers for such lines.

Subd. 6. Policies and contracts of coverage issued pursuant to this subdivision shall contain the usual and customary provisions of liability insurance policies, and shall contain the minimum coverage required by this subdivision.

Subd. 7. Assigned risk policies and contracts of coverage shall be subject to premium tax pursuant to section 60A.15.

Subd. 8. Insureds served by the assigned risk plan shall be charged premiums based upon a rating plan approved by the commissioner of commerce. Assigned risk premiums shall not be lower than rates generally charged by insurers for the business. The commissioner of commerce shall fix the compensation received by the agent of record.

Subd. 9. The commissioner of commerce shall adopt rules, including

emergency rules, as may be necessary to implement this subdivision. The rules may include:

(a) appeal procedures from actions of the assigned risk plan;

(b) formation of an advisory committee composed of insurers, vendors of risk management services and licensees, to advise the commissioner of commerce regarding operation of the plan; and

(c) applicable rating plans and rating standards."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "providing for establishment of an assigned risk plan;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 40, as follows:

Those who voted in the affirmative were:

Dicklich	Hughes	Luther	Nelson	Pogemiller
Diessner	Johnson, D.J.	Moe, D.M.	Peterson, D.C.	Reichgott

Those who voted in the negative were:

Adkins	Chmielewski	Johnson, D.E.	Merriam	Sieloff
Anderson	Davis	Jude	Pehler	Solon
Belanger	DeCramer	Kamrath	Peterson, C.C.	Storm
Benson	Dieterich	Knaak	Peterson, D.L.	Stumpf
Berg	Frank	Kronebusch	Peterson, R.W.	Taylor
Bernhagen	Frederick	Laidig	Petty	Vega
Bertram	Gustafson	Lessard	Ramstad	Waldorf
Brataas	Isackson	McQuaid	Renneke	Wegscheid

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

Mr. Pogemiller then moved to amend H.F. No. 268, the unofficial engrossment, as follows:

Page 3, after line 20, insert:

"Sec. 5. [INSURANCE STUDY.]

The commissioner of commerce shall study and develop a plan for creation and implementation of an environment impairment liability reinsurance association similar to the workers compensation reinsurance association created by Minnesota Statutes, sections 79.34 to 79.38. The commissioner shall report the plan to the committee on economic development and commerce of the senate and the committee on commerce of the house of representatives by October 1, 1985."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "requiring a study and a report to the legislature;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 35, as follows:

Those who voted in the affirmative were:

Davis	Dieterich	Luther	Novak	Pogemiller
DeCramer	Hughes	Moe, D.M.	Peterson, D.C.	Reichgott
Dicklich	Johnson, D.J.	Nelson	Peterson, R.W.	

Those who voted in the negative were:

Adkins	Brataas	Jude	Merriam	Renneke
Anderson	Chmielewski	Kamrath	Moe, R.D.	Sieloff
Belanger	Frank	Knaak	Olson	Storm
Benson	Frederick	Kronebusch	Pehler	Stumpf
Berg	Gustafson	Laidig	Peterson, C.C.	Taylor
Bernhagen	Isackson	Lessard	Peterson, D.L.	Waldorf
Bertram	Johnson, D.E.	McQuaid	Ramstad	Wegscheid

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

H.F. No. 268 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 46 and nays 8, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Johnson, D.J.	Olson	Solon
Anderson	Dicklich	Jude	Pehler	Storm
Belanger	Diessner	Kamrath	Peterson, C.C.	Stumpf
Benson	Dieterich	Knaak	Peterson, D.L.	Taylor
Berg	Frank	Kronebusch	Petty	Waldorf
Bernhagen	Frederick	Laidig	Purfeerst	Wegscheid
Bertram	Gustafson	Lessard	Ramstad	
Brataas	Hughes	Merriam	Reichgott	
Chmielewski	Isackson	Moe, R.D.	Renneke	
Davis	Johnson, D.E.	Novak	Sieloff	

Those who voted in the negative were:

Luther	Moe, D.M.	Peterson, D.C.	Pogemiller	Vega
McQuaid	Nelson	Peterson, R.W.		

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mrs. Kronebusch moved that the following members be excused for a Conference Committee on H.F. No. 968 from 2:30 to 3:00 p.m.:

Messrs. Nelson, Waldorf and Mrs. Kronebusch. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on S.F. No. 348 at 4:00 p.m.:

Messrs. Merriam, Ramstad and Petty. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Pehler moved that the following members be excused for a Conference Committee on S.F. No. 647 from 4:00 to 5:20 p.m.:

Ms. Olson, Messrs. Moe, D.M. and Pehler. The motion prevailed.

SPECIAL ORDER

S.F. No. 1127: A bill for an act relating to children; expanding the definition of a medically neglected child; providing for intervention by commissioner of human services after a report of medical neglect; requiring the local agency to report and initiate proceedings in cases of medical neglect; amending Minnesota Statutes 1984, sections 260.015, subdivision 10; 626.556, subdivisions 2 and 10, and by adding a subdivision.

Mr. Chmielewski moved to amend S.F. No. 1127 as follows:

Page 7, line 5, after "shall" insert "*, in addition to its other duties under this section,*"

Page 7, line 8, delete everything after "and"

Page 7, delete lines 9 to 11 and insert "*shall immediately secure an independent medical review of the infant's medical charts and records and, if necessary, seek a court order for an independent medical examination of the infant. If the review or examination leads to a conclusion of medical neglect, the agency shall intervene on behalf of the infant by initiating legal proceedings under section 260.131 and by filing an expedited motion to prevent the withholding of medically indicated treatment.*"

CALL OF THE SENATE

Mr. Chmielewski imposed a call of the Senate for the balance of the proceedings on S.F. No. 1127. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Petty moved to amend the Chmielewski amendment to S.F. No. 1127 as follows:

Page 1, line 5, after "shall" insert "*, if necessary,*"

The question was taken on the adoption of the Petty amendment to the Chmielewski amendment.

The roll was called, and there were yeas 13 and nays 34, as follows:

Those who voted in the affirmative were:

Berglin	Diessner	Nelson	Peterson, R.W.	Reichgott
Brataas	Dieterich	Novak	Petty	
Dicklich	Luther	Peterson, D.C.	Pogemiller	

Those who voted in the negative were:

Adkins	Davis	Johnson, D.E.	Lessard	Storm
Anderson	DeCramer	Johnson, D.J.	McQuaid	Stumpf
Belanger	Frank	Jude	Peterson, C.C.	Taylor
Berg	Frederick	Kamrath	Peterson, D.L.	Vega
Bernhagen	Gustafson	Knutson	Renneke	Waldorf
Bertram	Hughes	Kronebusch	Sieloff	Wegscheid
Chmielewski	Isackson	Laidig	Solon	

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

adopted.

The question recurred on the Chmielewski amendment.

The roll was called, and there were yeas 38 and nays 11, as follows:

Those who voted in the affirmative were:

Adkins	Davis	Jude	McQuaid	Storm
Anderson	DeCramer	Kamrath	Peterson, C.C.	Stumpf
Belanger	Frank	Knaak	Peterson, D.L.	Taylor
Benson	Frederick	Kronebusch	Renneke	Vega
Berg	Hughes	Laidig	Samuelson	Waldorf
Bernhagen	Isackson	Langseth	Schmitz	Wegscheid
Bertram	Johnson, D.E.	Lantry	Sieloff	
Chmielewski	Johnson, D.J.	Lessard	Solon	

Those who voted in the negative were:

Berglin	Diessner	Freeman	Peterson, D.C.	Pogemiller
Brataas	Dieterich	Novak	Peterson, R.W.	Reichgott
Dicklich				

The motion prevailed. So the amendment was adopted.

Mr. Diessner moved to amend S.F. No. 1127 as follows:

Page 1, after line 11, insert:

“Section 1. [145.99] [TREATMENT OF TERMINAL CONDITION; POLICY.]

The legislature finds that all competent adults have the fundamental right to control decisions relating to their own medical care, including the decision to have medical treatment withheld or withdrawn. It is the intent of the legislature that a treating physician should honor an adult's desire to withhold or withdraw treatment, other than appropriate nutrition, hydration, or medication, when, in the treating physician's reasonable medical judgment:

(1) the person is chronically and irreversibly comatose;

(2) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the person's life-threatening conditions, or otherwise be futile in terms of the survival of the person; or

(3) the provision of the treatment would be virtually futile in terms of the survival of the person and the treatment itself under the circumstances would be inhumane.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “children” and insert “health”

Page 1, line 6, after the semicolon insert “stating legislative policy regarding treatment of terminal conditions;”

Page 1, line 9, before the period insert “; proposing coding for new law in Minnesota Statutes, chapter 145”

Mr. Waldorf questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Peterson, R.W. moved to amend the Chmielewski amendment to S.F. No. 1127, adopted by the Senate May 17, 1985, as follows:

Page 1, line 9, delete "or" and insert "and"

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

S.F. No. 1127 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 55 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Dicklich	Moe, D.M.	Peterson, D.C.	Petty
Brataas	Dieterich	Nelson	Peterson, R.W.	Pogemiller

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mrs. Kronebusch moved that S.F. No. 1224, No. 13 on General Orders, be stricken and re-referred to the Committee on Elections and Ethics. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 6:00 p.m. The motion prevailed.

The hour of 6:00 p.m. having arrived, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Frederickson moved that H.F. No. 738, No. 5 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Reichgott moved that S.F. No. 863 be taken from the table. The motion prevailed.

S.F. No. 863: A bill for an act relating to commerce; modifying the definition of credit card to include other types of instruments; prescribing criminal penalties for financial transaction card fraud; amending Minnesota Stat-

utes 1984, sections 325G.02, subdivisions 2 and 4; 325G.03; 325G.04; 325G.041; 325G.05; 609.52, subdivisions 1 and 2; and 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

Ms. Reichgott moved that the Senate do not concur in the amendments by the House to S.F. No. 863, 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.

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. 650: Messrs. Pogemiller, Knaak and Luther.

S.F. No. 863: Ms. Reichgott, Messrs. Luther and Ramstad.

H.F. No. 850: Messrs. Hughes, Luther and Johnson, D.E.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Storm moved that S.F. No. 1238 be taken from the table. The motion prevailed.

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.

CONCURRENCE AND REPASSAGE

Mr. Storm moved that the Senate concur in the amendments by the House to S.F. No. 1238 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1238: A bill for an act relating to intoxicating liquor; authorizing beer wholesalers to provide certain equipment to retailers; authorizing the issuance of temporary on-sale intoxicating liquor licenses; amending Minnesota Statutes 1984, sections 340.031, subdivision 2; 340.11, by adding a subdivision; and 340.405.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Frank	Lantry	Peterson, D.L.	Solon
Anderson	Frederick	Lessard	Peterson, R.W.	Storm
Benson	Freeman	Luther	Petty	Stumpf
Bernhagen	Johnson, D.E.	Mehrkens	Pogemiller	Vega
Bertram	Johnson, D.J.	Merriam	Purfeerst	Waldorf
Chmielewski	Jude	Moe, R.D.	Ramstad	Wegscheid
Dahl	Knaak	Nelson	Reichgott	Willet
Davis	Kroening	Novak	Renneke	
DeCramer	Kronebusch	Olson	Samuelson	
Dicklich	Langseth	Pehler	Schmitz	

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

Without objection, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 828, 1243 and 1018.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 17, 1985

FIRST READING OF HOUSE BILLS

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

H.F. No. 828: A bill for an act relating to economic security; clarifying the community action program financial assistance requirements; amending Minnesota Statutes 1984, sections 268.52, subdivisions 1 and 2; and 268.53, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1246, now on General Orders.

H.F. No. 1243: A bill for an act relating to the Minnesota historical society; requiring it to develop instructional materials on Minnesota history and government; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1002, now on General Orders.

H.F. No. 1018: A bill for an act relating to human services; requiring contribution by the parent of a child for full assistance expenditures; amending Minnesota Statutes 1984, section 256.87, subdivision 1.

Referred to the Committee on Finance.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Petty introduced—

S.F. No. 1553: A bill for an act relating to horse racing; imposing a tax for the funding of social services programs; amending Minnesota Statutes 1984, section 240.15, subdivisions 1 and 6.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Petty, Diessner, Sieloff and Luther introduced—

S.F. No. 1554: A bill for an act relating to children; establishing a presumption in favor of joint legal and physical custody when both parents agree; establishing a preference for joint custody when one parent requests it; establishing a preference for awarding sole custody to the parent more likely to allow the child frequent and continuing contact with the noncustodial parent; requiring courts to make specific findings and rulings in apportioning custody; providing for modification of custody orders; mandating that access to health and school records be available to parents regardless of custody arrangements; amending Minnesota Statutes 1984, section 518.17, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Petty, Mrs. Lantry, Messrs. Diessner, Storm and Ms. Berglin introduced—

S.F. No. 1555: A bill for an act relating to human services; requiring county boards to provide services to mentally ill persons; specifying duties of the commissioner; authorizing rulemaking; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 253C.

Referred to the Committee on Health and Human Services.

Mr. Petty, Mrs. Lantry and Mr. Benson introduced—

S.F. No. 1556: A bill for an act relating to animals; authorizing a statewide program of spaying and neutering dogs and cats; creating a spaying and neutering fund; imposing a surcharge on certain pet food sold in Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 343.

Referred to the Committee on Veterans and General Legislation.

Mr. Petty, Mrs. Lantry and Mr. Johnson, D.E. introduced—

S.F. No. 1557: A bill for an act relating to child abuse; authorizing the commissioner of human services to order the suspension of facility employees accused of child abuse, pending investigation or prosecution; amending Minnesota Statutes 1984, section 626.556, subdivision 10b.

Referred to the Committee on Health and Human Services.

Messrs. DeCramer and Peterson, R.W. introduced—

S.F. No. 1558: A bill for an act relating to natural resources; creating water and soil resources board; transferring responsibilities; prescribing penalties;

amending Minnesota Statutes 1984, sections 378.01; 378.02; 378.03; 378.04; 378.05; 378.06; 378.08; 378.09; 378.20; 378.21; 378.22; 378.31; 378.32; 378.33; 378.34; 378.35; 378.41; 378.42; 378.43; 378.45; 378.46; 378.47; 378.51; 378.52; 378.53; 378.54; 378.55; 378.56; and 378.57; proposing coding for new law as Minnesota Statutes, chapter 103; repealing Minnesota Statutes 1984, sections 40.01; 40.02; 40.03; 40.035; 40.036; 40.038; 40.04; 40.05; 40.06; 40.07; 40.071; 40.072; 40.073; 40.075; 40.12; 40.13; 40.14; 40.15; 40.19; 40.20; 40.21; 40.22; 40.23; 40.24; 40.25; 40.26; 40.27; 40.28; 104.01; 104.02; 104.03; 104.04; 104.05; 104.06; 104.07; 104.08; 104.25; 104.31; 104.32; 104.33; 104.34; 104.35; 104.36; 104.37; 104.38; 104.39; 104.40; 104.42; 104.43; 104.44; 104.45; 104.46; 104.47; 104.48; 104.49; 104.50; 105.37; 105.38; 105.39; 105.391; 105.392; 105.40; 105.403; 105.405; 105.41; 105.415; 105.416; 105.417; 105.418; 105.42; 105.43; 105.44; 105.45; 105.46; 105.461; 105.462; 105.463; 105.471; 105.475; 105.48; 105.482; 105.484; 105.485; 105.49; 105.50; 105.51; 105.52; 105.521; 105.53; 105.535; 105.541; 105.55; 105.63; 105.64; 105.71; 105.72; 105.73; 105.74; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; 105.81; 110.13; 110.14; 110.15; 110.16; 110.17; 110.18; 110.31; 110.32; 110.33; 110.34; 110.35; 110.36; 110.37; 110.38; 110.39; 110.40; 110.46; 110.47; 110.48; 110.49; 110.50; 110.51; 110.52; 110.53; 111.65; 111.66; 111.67; 111.68; 111.69; 111.70; 111.71; 111.72; 111.73; 111.74; 111.75; 111.76; 111.77; 111.78; 111.79; 111.80; 111.81; 111.82; 114.12; 114.13; 114B.01; 114B.02; 114B.03; 114B.031; 114B.04; 114B.05; 114B.06; 114B.07; 116C.40; and 116C.41.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. DeCramer, Davis and Wegscheid introduced—

S.F. No. 1559: A bill for an act relating to agriculture; making changes related to agricultural credit and agricultural collateral; changing priority of security interests related to agricultural products; amending Minnesota Statutes 1984, sections 336.9-307; 336.9-312; 336.9-315; 336.9-402; and 336.9-403; proposing coding for new law in Minnesota Statutes, chapter 514.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Johnson, D.J.; Schmitz; Lessard; Nelson and Renneke introduced—

S.F. No. 1560: A bill for an act relating to metropolitan government; permitting the issuance of bonds to make certain improvements to sports facilities; amending Minnesota Statutes 1984, section 473.581, subdivisions 1 and 2, and by adding a subdivision.

Referred to the Committee on Economic Development and Commerce.

Messrs. Purfeerst, Langseth, Frederick and Solon introduced—

S.F. No. 1561: A bill for an act relating to traffic regulations; authorizing commissioner of transportation to issue special permit for three-vehicle combination exceeding length and weight restrictions to travel on certain interstate highways; prescribing fees; amending Minnesota Statutes 1984,

sections 169.81, subdivision 2; and 169.86, subdivision 5, and by adding a subdivision.

Referred to the Committee on Transportation.

MEMBERS EXCUSED

Mr. Spear was excused from the Session of today. Mr. Schmitz was excused from the Session of today from 12:00 to 1:00 p.m. Mr. Dicklich was excused from the Session of today from 12:30 to 1:30 p.m. Mr. Hughes was excused from the Session of today from 1:00 to 1:30 p.m. Mr. Peterson, R.W. was excused from the Session of today from 12:00 to 1:00 p.m. Mr. Storm was excused the Session of today from 12:00 to 2:15 p.m. Mr. Moe, R.D. was excused from the Session of today from 2:00 to 5:00 p.m. Messrs. Nelson; Pehler; Peterson, D.L.; Peterson, R.W. and Ms. Peterson, D.C. were excused from the Session of today from 4:00 to 6:00 p.m.

The following members were excused from today's Session for brief periods of time: Mr. Johnson, D.J. and Mrs. Kronebusch.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Saturday, May 18, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate