

**NINETY-FIRST DAY**

St. Paul, Minnesota, Friday, March 21, 1986

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

**CALL OF THE SENATE**

Mr. Dicklich 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 H. Heumann.

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

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

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 adopted the recommendation and report of the Conference Committee on House File No. 1930, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1930 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1986

**CONFERENCE COMMITTEE REPORT ON H.F. NO. 1930**

A bill for an act relating to public safety; barring traffic citation quotas;

proposing coding for new law in Minnesota Statutes, chapter 299D.

March 17, 1986

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1930, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1930 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. [84.0285] [GAME AND FISH CITATION QUOTAS PROHIBITED.]

*The commissioner of natural resources, or the director of the division of enforcement and field service, shall not order, mandate, require, or suggest to a conservation officer that the conservation officer issue a certain number of game and fish law violations on a daily, weekly, monthly, quarterly, or yearly quota basis.*

Sec. 2. [299D.08] [TRAFFIC CITATION QUOTAS PROHIBITED.]

*The state patrol shall not order, mandate, require, or suggest to a patrol trooper that the patrol trooper issue a certain number of traffic citations on a daily, weekly, monthly, quarterly, or yearly quota basis.”*

Delete the title and insert:

“A bill for an act relating to law enforcement; barring traffic citation quotas; barring game and fish citation quotas; proposing coding for new law in Minnesota Statutes, chapters 84 and 299D.”

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

House Conferees: (Signed) Douglas W. Carlson, Bob Neuenschwander, Virgil J. Johnson

Senate Conferees: (Signed) Glen Taylor, Joe Bertram, Sr., Roger D. Moe

Mr. Taylor moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1930 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Dahl moved that the recommendations and Conference Committee Report on H.F. No. 1930 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration:

The question was taken on the adoption of the motion of Mr. Dahl.

The roll was called, and there were yeas 17 and nays 44, as follows:

Those who voted in the affirmative were:

Dahl	Dieterich	Lantry	Peterson, D.C.	Waldorf
Davis	Frank	Luther	Peterson, R.W.	
DeCramer	Freeman	Merriam	Pogemiller	
Diessner	Kroening	Novak	Spear	

Those who voted in the negative were:

Adkins	Frederick	Knutson	Pehler	Schmitz
Anderson	Frederickson	Kronebusch	Peterson, C.C.	Sieloff
Belanger	Hughes	Laidig	Peterson, D.L.	Solon
Benson	Isackson	Langseth	Petty	Storm
Berg	Johnson, D.E.	McQuaid	Purfeerst	Stumpf
Berglin	Johnson, D.J.	Mehrkens	Ramstad	Taylor
Bernhagen	Jude	Moe, R.D.	Reichgott	Wegscheid
Chmielewski	Kamrath	Nelson	Renneke	Willet
Dicklich	Knaak	Olson	Samuelson	

The motion did not prevail.

The question recurred on the motion of Mr. Taylor. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1930 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 53 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dahl	Dieterich	Peterson, R.W.	Spear	Waldorf
DeCramer	Merriam	Pogemiller		

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1744, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1744 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1986

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1744

A bill for an act relating to education; making changes to the definition of a

school; providing for the admission into evidence of certain attendance records; establishing a task force to make recommendations about compulsory attendance laws; amending Minnesota Statutes 1984, section 120.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 634.

March 17, 1986

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1744, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1744 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 120.10, subdivision 2, is amended to read:

Subd. 2. [SCHOOL.] A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language, and ~~taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects and~~ (2) which is in session each school year for at least 175 days or their equivalent; ~~provided that~~. In a program of instruction for children of limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms “children of limited English proficiency” and “primary language” shall have the meanings ascribed to them in section 126.262.

Sec. 2. Minnesota Statutes 1984, section 120.10, is amended by adding a subdivision to read:

Subd. 2a. [REPORTS ABOUT INSTRUCTION IN A HOME.] *If a parent of a child required to attend school, according to subdivision 1, is providing for instruction of the child primarily in a home, the parent shall report by October 1 each year the name, address, and age of the child to the superintendent of the district in which the child resides. The parent shall not be required to report other information to the superintendent.*

Sec. 3. Minnesota Statutes 1984, section 120.10, is amended by adding a subdivision to read:

Subd. 2b. [PROTECTION FOR INSTRUCTION IN A HOME.] *A parent of a child required to attend school, according to subdivision 1, may provide for instruction of the child in a home if the instruction meets the requirements of subdivision 2. Civil or criminal proceedings shall not be commenced under sections 120.10, 120.12, 127.20, chapter 260, or similar law against a parent complying with this subdivision as a result of providing for instruction in a home.*

Sec. 4. [COMPULSORY SCHOOL ATTENDANCE TASK FORCE.]

*By June 1, 1986, the commissioner of education shall appoint a task force of 12 members to make recommendations about compulsory attendance laws. At least one member shall be from each congressional district. The task force shall be composed of the following: a parent of a private school pupil, a parent of a public school pupil, a home educator, a representative of private sectarian schools, a representative of private nonsectarian schools, a public school teacher, a public school administrator, a representative of a private school accrediting association, a representative of the home educators association, a representative of the state board of education, a representative of the board of teaching, and the commissioner of education. Members of the task force shall receive expenses according to Minnesota Statutes, section 15.059, subdivision 6.*

*The task force shall study and make recommendations about various issues related to the compulsory attendance law. Some of the issues to be considered are: standards for pupil performance, including satisfactory performance on standardized achievement tests; to the extent available, data about pupil achievement in various types of schools; alternative ways to comply with the definition of a school; accreditation; correspondence programs; association with a church or religious organization; supervision by teachers; teacher qualifications in various types of schools, including licensure and ways to determine teacher effectiveness; reporting requirements; methods of enforcement; and penalties for noncompliance.*

*The department of education shall provide staff assistance to the task force.*

*The state board of education may review and comment upon the recommendations of the task force.*

*The task force shall present the recommendations and any comments to the education committees of the legislature by February 1, 1987.*

Sec. 5. [REPEALER.]

*Sections 2, 3, and 4 are repealed June 30, 1988.*

Sec. 6. [EFFECTIVE DATE.]

*Sections 1, 3, and 4 are effective the day following final enactment."*

Delete the title and insert:

*"A bill for an act relating to education; making technical changes to the definition of a school; providing for limited reporting by a parent providing instruction in a home; prohibiting certain proceedings against a parent providing instruction in a home; establishing a task force to make recommendations about compulsory attendance laws; amending Minnesota Statutes 1984, section 120.10, subdivision 2, and by adding subdivisions."*

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

House Conferees: (Signed) Allen J. Quist, Ralph R. Kiffmeyer, Wendell O. Erickson

Senate Conferees: (Signed) James C. Pehler, Randolph W. Peterson

Mr. Pehler moved that the foregoing recommendations and Conference

Committee Report on H.F. No. 1744 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.

H.F. No. 1744 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1886, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1886 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1986

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 1886

A bill for an act relating to local government; changing the notice requirements for special assessments; amending Minnesota Statutes 1984, section 429.061, subdivision 2; Minnesota Statutes 1985 Supplement, section 429.061, subdivision 1.

March 17, 1986

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

The Honorable Jerome M. Hughes  
President of the Senate

We, the undersigned conferees for H.F. No. 1886, report that we have

agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1886 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1984, section 144.214, subdivision 1, is amended to read:

Subdivision 1. [DISTRICTS.] Each county of the state, *and the city of St. Paul, and the city of Minneapolis,* shall constitute the 89 88 registration districts of the state. The local registrar in each county shall be the clerk of district court in that county. The local registrar in any city which maintains local registration of vital statistics shall be the health officer. In addition, the state registrar may establish registration districts on United States government reservations, and may appoint a local registrar for each registration district so established.

Sec. 2. [CITY EMPLOYEES; TRANSFER.]

*If section 1 is adopted by the city and county, Hennepin county may employ city personnel who had duties under Minnesota Statutes, section 144.214. The former city employees shall as far as possible retain the benefits, salaries, and rights of their city employment but shall otherwise be subject to Hennepin county personnel rules.*

Sec. 3. Minnesota Statutes 1985 Supplement, section 274.01, subdivision 5, is amended to read:

Subd. 5. [JURISDICTION.] The tax court shall have statewide jurisdiction. Except for an appeal to the supreme court or any other appeal allowed under this subdivision, the tax court shall be the sole, exclusive, and final authority for the hearing and determination of all questions of law and fact arising under the tax laws of the state, as defined in this subdivision, in those cases that have been appealed to the tax court and in any case that has been transferred by the district court to the tax court. The tax court shall have no jurisdiction in any case that does not arise under the tax laws of the state or in any criminal case or in any case determining or granting title to real property or in any case that is under the jurisdiction of the probate court. The small claims division of the tax court shall have no jurisdiction in any case dealing with property valuation or assessment for property tax purposes until the taxpayer has appealed the valuation or assessment to the town or city board of equalization and to the county board of equalization, except for those taxpayers whose original assessments are determined by the commissioner of revenue. ~~A property owner, other than a public utility, mining company, or railroad company for which the original assessments are determined by the commissioner of revenue, may not appear before the tax court unless a timely appearance in person, by counsel, or by written communication has been made before the county board of equalization as provided in section 274.13, to appeal the assessment of the property, or that he can establish that he did not receive notice of his market value at least ten days before the county board of review meeting. Notwithstanding the provisions of this section, if the market value of the property is increased or if the classification of the property is changed after the notice has been sent to the property owner, the property owner may appear before the tax court without an appearance in~~

~~person or written communication to the county board of equalization.~~ The tax court shall have no jurisdiction in any case involving an order of the state board of equalization unless a taxpayer contests the valuation of his property. Only the taxes, aids and related matters contained in chapters 60A, 69, 124, 270, 272, 273, 274, 275, 276, 277, 278, 279, 285, 287, 288, 290, 290A, 291, 292, 293, 294, 295, 296, 297, 297A, 297B, 298, 299, 299F, 340, 473, 473F, and 477A shall be considered tax laws of this state subject to the jurisdiction of the tax court. This subdivision shall not be construed to prevent an appeal, as provided by law, to an administrative agency, board of equalization, or to the commissioner of revenue. Wherever used in chapter 271, the term commissioner shall mean the commissioner of revenue, unless otherwise specified.

Sec. 4. Minnesota Statutes 1985 Supplement, section 278.01, subdivision 1, is amended to read:

Subdivision 1. [DETERMINATION OF VALIDITY.] Any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that such property has been partially, unfairly, or unequally assessed in comparison with other property in the city or county, or that the parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied or by the tax court by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of service, in the office of the clerk of the district court before the 16th day of May of the year in which the tax becomes payable. ~~A property owner, other than a public utility, mining company, or the railroad company for which the original assessments are determined by the commissioner of revenue, may not appear before the district court or tax court unless a timely appearance in person, by counsel, or by written communication has been made before the county board of equalization as provided in section 274.13, to appeal the assessment of the property, or that he can establish that he did not receive notice of his market value at least ten days before the county board of review meeting.~~ Notwithstanding the provisions of this section, if the market value of the property is increased or if the classification of the property is changed after the notice has been sent to the property owner, the property owner may appear before the district court or tax court without an appearance in person or written communication to the county board of equalization. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. A copy of the petition shall also be sent to the school board of the school district in which the property is located. A petition for determination under this section may be transferred by the district court to the tax court. An appeal may also be taken to the tax court under chapter 271 at any time following receipt of the valuation notice required by section 273.121 but prior to May 16 of the year in which the taxes are payable.

Sec. 5. Minnesota Statutes 1984, section 278.05, subdivision 1, is amended to read:



## 278.05 [TRIAL OF ISSUES.]

Subdivision 1. The petition, without any answer, return, or other pleading thereto, shall be tried at the next term of court. The *tax court or district court* shall without delay summarily hear and determine the claims, objections or defenses made by the petition and shall direct judgment *accordingly to sustain, reduce or increase the amount of taxes due*, and the trial shall disregard technicalities and matters of form not affecting the merits.

Sec. 6. Minnesota Statutes 1984, section 278.05, subdivision 4, is amended to read:

Subd. 4. [SALES RATIO STUDIES AS EVIDENCE.] The sales ratio studies published by the department of revenue, or any part of the studies, or any copy of the studies or records accumulated to prepare the studies which is prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids shall be admissible in evidence as a public record without the laying of a foundation if the sales prices used in the study are adjusted for the terms of the sale to reflect market value and are adjusted to reflect the difference in the date of sale compared to the assessment date. Additional evidence relevant to the sales ratio study is also admissible. No sales ratio study received into evidence shall be conclusive or binding on the court and evidence of its reliability or unreliability may be introduced by any party including, but not limited to, evidence of inadequate adjustment of sale prices for terms of financing, inadequate adjustment of sales prices to reflect the difference in the date of sale compared to the assessment date, and inadequate sample size.

No reduction in value on the grounds of discrimination shall be granted on the basis of a sales ratio study published by the department of revenue unless

(a) the sales prices are adjusted for the terms of the sale to reflect market value,

(b) the sales prices are adjusted to reflect the difference in the date of sale compared to the assessment date, *and*

(c) there is an adequate sample size; *and*

(d) ~~the median ratio of the class of property of the subject property in the same county, city, or town of the subject property is lower than the assessment ratio of the subject property by at least ten percent.~~

If the above criteria are met and a reduction in value on the grounds of discrimination is granted based upon the sales ratio study, the reduction shall reflect only the difference between the assessment/sales ratio of the subject property and 110 percent of the median ratio of the class of property of the subject property.

Sec. 7. Minnesota Statutes 1984, section 278.07, is amended to read:

## 278.07 [JUDGMENT; AMOUNT; COSTS.]

Judgment shall be for the amount of the taxes for the year as the court shall determine the same, less the amount paid thereon, if any. If the tax is sustained in the full amount levied *or increased*, costs and disbursements ~~shall~~ *may, in the discretion of the court*, be taxed and allowed as in delinquent tax proceedings and shall be included in the judgment. If the tax so determined

shall be less than the amount thereof as levied, the court may, in its discretion, award disbursements to the petitioner, which shall be taxed and allowed and be deducted from the amount of the taxes as determined. If there be no judgment for taxes, a judgment may be entered determining the right of the parties and for the costs and disbursements as taxed and allowed.

Sec. 8. Minnesota Statutes 1984, section 278.08, subdivision 1, is amended to read:

Subdivision 1. [TAXES DUE.] Whether or not the tax is sustained in full as levied or increased and section 278.03 notwithstanding, the judgment shall include any interest which has accrued on the taxes for failure to pay the taxes or any part of the taxes as provided in sections 279.01 and 279.03. If the tax is reduced, no penalty shall be included in the judgment because of the failure to pay the reduced tax prior to entry of judgment. After the judgment is entered, it shall be subject to interest and penalty at the rates provided in chapter 279 for delinquent payment of property taxes.

Sec. 9. Minnesota Statutes 1985, section 325E.025, subdivision 2, is amended to read:

Subd. 2. [PAYMENT RESPONSIBILITY FOR UTILITY SERVICE.] A utility shall not: (1) recover or attempt to recover payment for a tenant's outstanding bill or charge from a landlord, property owner or manager, or manufactured home park owner, as defined in section 327C.01, or manufactured home dealer, as defined in section 327B.01, who has not contracted for the service; (2) condition service on payment of an outstanding bill or other charge for utility service due upon the outstanding account of a previous customer or customers when all of the previous customers have vacated the property; or (3) place a lien on the landlord's or owner's property for a tenant's outstanding bill or charge whether created by local ordinance or otherwise. A utility may recover or attempt to recover payment for a tenant's outstanding bill or charge from a property owner where the manager, acting as the owner's agent, contracted for the utility service.

Sec. 10. Minnesota Statutes 1985 Supplement, section 429.061, subdivision 1, is amended to read:

Subdivision 1. [CALCULATION, NOTICE.] At any time after the expense incurred or to be incurred in making an improvement shall be calculated under the direction of the council, the council shall determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. If a county proposes to assess within the boundaries of a city for a county state-aid highway or county highway, the resolution must include the portion of the cost proposed to be assessed within the city. The county shall forward the resolution to the city and it may not proceed with the assessment procedure under this section for property within the city unless the city council adopts a resolution approving the assessment. Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the coun-

cil's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless he has requested in writing that the county auditor or county treasurer, as the case may be, include his name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement; the area proposed to be assessed; ~~the amount to be specially assessed against that particular lot, piece, or parcel of land,~~ *the total amount of the proposed assessment*, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered. *The notice must also state that no appeal may be taken as to the amount of any assessment adopted pursuant to subdivision 2, unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The notice shall also state that an owner may appeal an assessment to district court pursuant to section 429.081 by serving notice of the appeal upon the mayor or clerk of the municipality within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk. The notice shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality. In addition, the notice mailed to the owner must include the following information:*

- (1) the amount to be specially assessed against that particular lot, piece, or parcel of land;*
- (2) the right of the property owner to prepay the entire assessment and the person to whom prepayment must be made;*
- (3) whether partial prepayment of the assessment has been authorized by ordinance;*
- (4) the time within which prepayment may be made without the assessment of interest; and*
- (5) the rate of interest to be accrued if the assessment is not prepaid within the required time period.*

Sec. 11. Minnesota Statutes 1984, section 429.061, subdivision 2, is amended to read:

Subd. 2. [ADOPTION; INTEREST.] At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the

same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued.

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. *No appeal may be taken as to the amount of any assessment adopted under this section unless written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing.* All objections to the assessments not received at the assessment hearing in the manner prescribed by this ~~section~~ *subdivision* are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

*If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment.*

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Except as provided below, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment

the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines, not exceeding eight percent per annum, except that the rate may in any event equal the average annual interest rate on bonds issued to finance the improvement for which the assessments are levied. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Sec. 12. Minnesota Statutes 1985 Supplement, section 475.66, subdivision 1, is amended to read:

Subdivision 1. All debt service funds shall be deposited and secured as provided in chapter 118, except for amounts invested as authorized in this section, and may be deposited in interest bearing accounts, and such deposits may be evidenced by certificates of deposit with fixed maturities. Sufficient cash for payment of principal, interest, and redemption premiums when due with respect to the obligations for which any debt service fund is created shall be provided by crediting to the fund the collections of tax, special assessment, or other revenues appropriated for that purpose, and depositing all such receipts in a depository bank or banks duly qualified according to law or investing and reinvesting such receipts in securities authorized in this section. Time deposits shall be withdrawable and certificates of deposit and investments shall mature and shall bear interest payable at times and in amounts which, in the judgment of the governing body or its treasurer or other officer or committee to which it has delegated investment decisions, will provide cash at the times and in the amounts required for the purposes of the debt service fund, provided however, that the governing body may authorize the purchase of longer term investments subject to an agreement to repurchase such investments at times and prices sufficient to yield the amounts estimated to be so required. Repurchase agreements may be entered into with

(1) a bank qualified as depository of money held in the debt service fund,

~~or with;~~

(2) any national or state bank in the United States which is a member of the federal reserve system and whose combined capital and surplus equals or exceeds \$10,000,000; ~~or;~~

(3) a primary reporting dealer in United States government securities to the federal reserve bank of New York; *or*

*(4) a securities broker-dealer having its principal executive office in Minnesota, licensed pursuant to chapter 80A, or an affiliate of it, regulated by the Securities and Exchange Commission and maintaining a combined capital and surplus of \$40,000,000 or more, exclusive of subordinated debt.*

Sec. 13. Minnesota Statutes 1984, section 475.66, subdivision 2, is amended to read:

Subd. 2. Investments may be held in safekeeping with

(1) any federal reserve bank;;

(2) any bank authorized under the laws of the United States or any state to exercise corporate trust powers, including but not limited to the bank from which the investment is purchased; ~~or;~~

(3) a *primary* reporting dealer in United States government securities to the federal reserve bank of New York; *or*

*(4) a securities broker-dealer described in subdivision 1;*

provided that the municipality's ownership of all securities in which the fund is invested is evidenced by written acknowledgments identifying the securities by the names of the issuers, maturity dates, interest rates, and serial numbers or other distinguishing marks.

Sec. 14. Minnesota Statutes 1985 Supplement, section 475.76, subdivision 1, is amended to read:

Subdivision 1. A reverse repurchase agreement may be entered into by a municipality, subject to the provisions of this section, only with

(1) a bank qualified as depository of funds of the municipality; ~~or with;~~

(2) any national or state bank in the United States which is a member of the Federal Reserve System and whose combined capital and surplus equals or exceeds \$10,000,000; ~~or with;~~

(3) a primary reporting dealer in United States government securities to the federal reserve bank of New York; *or*

*(4) a securities broker-dealer described in section 475.66, subdivision 1.*

Sec. 15. Laws 1969, chapter 937, section 1, subdivision 1, as amended by Laws 1973, chapter 132, section 1, Laws 1974, chapter 105, section 1, Laws 1978, chapter 652, section 1, Laws 1980, chapter 448, section 1, and Laws 1982, chapter 491, section 1, is amended to read:

Section 1. [MINNEAPOLIS, CITY OF; PERSONNEL.]

Subdivision 1. Notwithstanding any provisions of the Minneapolis city charter, veterans preference act, or civil service rule, law, or regulation to

the contrary, the positions referred to in subdivisions 2 to 47 18 of this section shall be in the unclassified service of the city of Minneapolis, and any person presently holding or who shall hereafter be appointed to any of such positions shall serve at the pleasure of the appointing authority indicated in the respective subdivision. Except as herein otherwise provided such persons shall be eligible for the same employee benefits as persons in the classified service. Any incumbent of a position referred to in subdivisions 9 to 16 and, subdivision 17, clause (b), and subdivision 18 shall be appointed to the position on the effective date of the subdivisions, and shall have the right to return to his permanent civil service classification pursuant to Laws 1969, Chapter 937, Section 2, except that an incumbent holding a position under subdivision 14 shall not be terminated by the appointing authority for 270 days following the effective date of subdivision 14. For 270 days after the first 270 days the appointing authority under subdivision 14 shall not terminate an incumbent without a vote of approval by a majority of the city council.

Sec. 16. Laws 1969, chapter 937, section 1, subdivision 9, as added by Laws 1982, chapter 491, section 2, and amended by Laws 1983, chapter 220, section 1, is amended to read:

Subd. 9. The city coordinator of the city of Minneapolis may appoint a person to the following positions to perform the duties and services he may direct:

- (a) Purchasing agent;
- (b) Management information services director;
- ~~(c) Director of labor relations;~~
- ~~(d) Director of affirmative action;~~
- ~~(e) (c) Manager of auditorium;~~
- ~~(f) (d) Director of federal programs;~~
- ~~(g) (e) Legislative liaison;~~
- ~~(h) (f) Director of energy programs;~~
- ~~(i) (g) Manager of licenses and consumer services;~~
- ~~(j) (h) Manager, finance - city council;~~
- ~~(k) (i) Officer, cable communications.~~

Sec. 17. Laws 1969, chapter 937, section 1, is amended by adding a subdivision to read:

*Subd. 9a. The city council shall by ordinance indicate the manner in which the following positions are appointed:*

- (a) Director of federal employment and training;*
- (b) Director of inspections;*
- (c) Director of women/minorities business enterprise;*
- (d) Government relations representative;*
- (e) Risk manager;*
- (f) Deputy finance officer;*

- (g) Assistant budget director;
- (h) Assistant manager of auditorium;
- (i) Manager of sales and marketing at auditorium;
- (j) Director of community crime prevention;
- (k) Deputy purchasing director;
- (l) Urban corps. coordinator;
- (m) Assistant director of licenses;
- (n) Manager of employee benefits;
- (o) Director of Public Information;
- (p) Internal auditor;
- (q) Director of labor relations;
- (r) Director of affirmative action.

*The appointing authority shall not terminate an incumbent holding a position listed under clause (b) for 270 days following the effective date of this act, except for misfeasance or malfeasance in office. For 270 days after the first 270 days, the appointing authority shall not terminate an incumbent holding a position listed under this subdivision, except for misfeasance or malfeasance in office, without vote of approval of a majority of the council.*

Sec. 18. Laws 1969, chapter 937, section 1, subdivision 11, as added by Laws 1982, chapter 491, section 2, is amended to read:

Subd. 11. The city clerk of the city of Minneapolis may appoint:

- (1) an assistant city clerk to perform the duties and services he may direct; and
- (2) the director of elections.

Sec. 19. Laws 1969, chapter 937, section 1, subdivision 15, as added by Laws 1982, chapter 491, section 2, is amended to read:

Subd. 15. The health commissioner of the city of Minneapolis may appoint:

- (1) seven bureau directors;
- (2) health physicians; and
- (3) the assistant director of dentistry

to perform the duties and services he may direct.

Sec. 20. Laws 1969, chapter 937, section 1, is amended by adding a subdivision to read:

*Subd. 18. The director of civil rights may appoint the manager of civil rights to perform the duties and services the director may direct.*

Sec. 21. [EFFECTIVE DATES.]

*Subdivision 1. Sections 1 and 2 are effective the day after the governing bodies of the city of Minneapolis and Hennepin county comply with Minne-*



*sota Statutes, section 645.021, subdivision 3.*

*Subd. 2. Sections 3 to 8 are effective for assessments in 1986 and thereafter.*

*Subd. 3. Section 9 is effective retroactive to August 1, 1985.*

*Subd. 4. Sections 10 and 11 are effective for assessments prepared after the date of final enactment of this act.*

*Subd. 5. Sections 15 to 20 are effective the day after the governing body of the city of Minneapolis complies with Minnesota Statutes, section 645.021, subdivision 3."*

Delete the title and insert:

"A bill for an act relating to public administration; providing for administration of Hennepin county and Minneapolis public offices; regulating certain property tax appeals; changing notice requirements for special assessments; regulating public funds deposits; amending Minnesota Statutes 1984, sections 144.214, subdivision 1; 278.05, subdivisions 1 and 4; 278.07; 278.08, subdivision 1; 325E.025, subdivision 2; 429.061, subdivision 2; and 475.66, subdivision 2; Minnesota Statutes 1985 Supplement, sections 271.01, subdivision 5; 278.01, subdivision 1; 429.061, subdivision 1; 475.66, subdivision 1; and 475.76, subdivision 1; and Laws 1969, chapter 937, section 1, subdivisions 1, as amended, 9, as amended, 11 and 15, and by adding subdivisions."

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

House Conferees: (Signed) Don J. Valento, Gordon O. Voss, Brad G. Stanius

Senate Conferees: (Signed) Tad Jude, Robert J. Schmitz, Phyllis W. McQuaid

Mr. Jude moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1886 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.

H.F. No. 1886 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and

its title was agreed to.

### MOTIONS AND RESOLUTIONS

Mr. Davis moved that H.F. No. 1677 be taken from the table. The motion prevailed.

H.F. No. 1677: A bill for an act relating to libraries; changing the way the department of education provides certain information and other services; allowing mayors to appoint nonresidents to city library board under certain circumstances; updating maintenance of effort exceptions; requiring the commissioner of education to cooperatively develop a plan for automation of state agency libraries; amending Minnesota Statutes 1984, sections 121.496; 134.09, subdivision 1; 134.31, subdivisions 2 and 3; and 134.34, subdivision 5.

### SUSPENSION OF RULES

Mr. Davis moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1677 and that the rules of the Senate be so far suspended as to give H.F. No. 1677 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1677 was read the second time.

H.F. No. 1677 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:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Petty moved that S.F. No. 2102 be taken from the table. The motion prevailed.

S.F. No. 2102: A bill for an act relating to marriage dissolution and legal separation; requiring appointment of guardians ad litem in certain child custody proceedings; amending Minnesota Statutes 1984, section 518.165.

### CONCURRENCE AND REPASSAGE

Mr. Petty moved that the Senate concur in the amendments by the House to

S.F. No. 2102 and that the bill be placed on its repassage as amended.

### CALL OF THE SENATE

Mr. Petty imposed a call of the Senate for the balance of the proceedings on S.F. No. 2102. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Mr. Petty to concur.

The roll was called, and there were yeas 38 and nays 23, as follows:

Those who voted in the affirmative were:

Berglin	Freeman	Langseth	Pehler	Ramstad
Bernhagen	Hughes	Lantry	Peterson, C.C.	Samuelson
Dahl	Johnson, D.E.	Mehrkens	Peterson, D.C.	Schmitz
Davis	Johnson, D.J.	Merriam	Peterson, D.L.	Solon
DeCramer	Knaak	Moe, R.D.	Peterson, R.W.	Spear
Dicklich	Knutson	Nelson	Petty	Wegscheid
Frank	Kronebusch	Novak	Pogemiller	
Frederickson	Laidig	Olson	Purfeerst	

Those who voted in the negative were:

Adkins	Chmielewski	Jude	Reichgott	Taylor
Anderson	Diessner	Kamrath	Renneke	Waldorf
Belanger	Dieterich	Kroening	Sieloff	Willet
Benson	Frederick	Luther	Storm	
Berg	Isackson	McQuaid	Stumpf	

The motion prevailed.

S.F. No. 2102 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 48 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Frank	Langseth	Pehler	Samuelson
Belanger	Frederickson	Lantry	Peterson, C.C.	Schmitz
Benson	Freeman	Luther	Peterson, D.C.	Solon
Berg	Hughes	McQuaid	Peterson, D.L.	Spear
Berglin	Johnson, D.E.	Mehrkens	Peterson, R.W.	Storm
Bernhagen	Johnson, D.J.	Merriam	Petty	Taylor
Dahl	Knaak	Moe, R.D.	Pogemiller	Wegscheid
Davis	Knutson	Nelson	Purfeerst	Willet
DeCramer	Kronebusch	Novak	Ramstad	
Dicklich	Laidig	Olson	Reichgott	

Those who voted in the negative were:

Adkins	Dieterich	Jude	Renneke	Waldorf
Chmielewski	Frederick	Kamrath	Sieloff	
Diessner	Isackson	Kroening	Stumpf	

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

### CONFIRMATION

Mr. Chmielewski moved that the report from the Committee on Employ-

ment, reported February 20, 1986, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Chmielewski moved that the foregoing report be now adopted. The motion prevailed.

Mr. Chmielewski moved that in accordance with the report from the Committee on Employment, reported February 20, 1986, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### FULL PRODUCTIVITY AND OPPORTUNITY COORDINATOR

Kathryn R. Roberts, 2312 Indian Rd. W., Minnetonka, Hennepin County, effective August 1, 1985, for a term expiring the first Monday in January, 1987.

The motion prevailed. So the appointment was confirmed.

Mr. Chmielewski moved that the balance of the report be laid on the table. The motion prevailed.

#### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Dieterich moved that the name of Mr. Diessner be added as a co-author to S.F. No. 2026. The motion prevailed.

Mr. Ramstad introduced—

Senate Resolution No. 135: A Senate resolution congratulating the wrestling team from Wayzata High School for an outstanding season.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

Senate Resolution No. 136: A Senate resolution commending Lester E. Johnson for 29 years of effective service to the people of Minnesota.

Referred to the Committee on Rules and Administration.

#### 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.

Mr. Moe, R.D. introduced—

Senate Resolution No. 132: A Senate resolution relating to conduct of Senate business during the interim between Sessions.

BE IT RESOLVED, by the Senate:

The powers, duties, and procedures set forth in this resolution apply during the interim between the adjournment sine die of the 74th Legislature, 1986 Session, and the convening of the 75th Legislature, 1987 Session.

The Committee on Rules and Administration may, from time to time,

assign to the various committees and subcommittees of the Senate, in the interim, matters brought to its attention by any member of the Senate for study and investigation. The standing committees and subcommittees may study and investigate all subjects that come within their usual jurisdiction, as provided by Minnesota Statutes, Section 3.921. A committee shall carry on its work by subcommittee or by committee action as the committee from time to time determines. Any study undertaken by any of the standing committees, or any subcommittee thereof, shall be coordinated to the greatest extent possible with other standing committees or subcommittees of the Senate and House of Representatives, and may, if the committee or subcommittee so determines, be carried on jointly with another committee or subcommittee of the Senate or House of Representatives.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in committees, commissions, and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise. The Subcommittee on Committees may appoint members of the Senate to assist in the work of any committee.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees, and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Committee on Rules and Administration may authorize members of the Senate and personnel employed by the Senate to travel and to attend courses of instruction or conferences for the purpose of improving and making more efficient Senate operation and may reimburse these persons for the costs thereof out of monies appropriated to the Senate for the standing committees.

All members of activated standing committees or subcommittees of the Senate, and staff, shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties during the interim in the manner provided by law. Payment shall be made by the Secretary of the Senate out of monies appropriated to the Senate for the standing committees. The Committee on Rules and Administration shall determine the amount and manner of reimbursement for living and other expenses of each member of the Senate incurred in the performance of his duties when the Legislature is not in regular session.

The Secretary of the Senate shall continue to perform his duties during the interim. During the interim, but not including time which may be spent in any special session, the Secretary of the Senate shall be paid for services rendered the Senate at the rate established for that position for the 1986 regular session, unless otherwise directed by the Committee on Rules and Administration, plus travel and subsistence expense incurred incidental to his Senate duties, including salary and travel expense incurred in attending meetings of the American Society of Legislative Clerks and Secretaries and the National Conference of State Legislatures.

Should a vacancy occur in the position of Secretary of the Senate, by resignation or other causes, the Committee on Rules and Administration shall appoint an acting Secretary of the Senate who shall serve in such capacity during the remainder of the interim under the provisions herein

specified.

The Secretary of the Senate is authorized to employ after the close of the session, the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 1986 regular session. He is authorized to employ the necessary employees to prepare for the 1987 session at the salaries in effect at that time.

The Secretary of the Senate shall classify as "permanent" for purposes of Minnesota Statutes, Sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as "permanent" by the Committee on Rules and Administration.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies, and may reimburse each member for long distance telephone calls and answering services upon proper verification of the expenses incurred, and for other expenses authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 74th Legislature. He may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees established by statute, standing committees, official communications and other matters of record received on or after adjournment sine die.

The Secretary of the Senate may pay election and litigation costs as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for the printing of the daily Senate journals, bills, general orders, special orders, calendars, resolutions, printing and binding of the permanent Senate Journal, shall secure bids and enter into contracts for remodeling, improvement and furnishing of Senate office space, conference rooms and the Senate Chamber and shall purchase all supplies, equipment and other goods and services necessary to carry out the work of the Senate. Any contracts in excess of \$5,000 shall be signed by the Chairman of the Committee on Rules and Administration and another member designated by the Committee on Rules and Administration.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts herein referred to.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate shall be reserved for use by the Senate and its standing committees only and shall not be released or used for any other purpose except upon authorization of the Secretary of the Senate with the approval of the Committee on Rules and

Administration, or the Chairman thereof.

The custodian of the Capitol shall continue to provide parking space through the Secretary of the Senate for members and staff of the Minnesota State Senate on Aurora Avenue and other areas as may be required during the interim. The Secretary of the Senate may deduct from the check of any legislator or legislative employee a sum adequate to cover the exercise of the parking privilege herein defined in conformity with the practice of the department of Administration.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Johnson, D.J.	Merriam	Ramstad
Anderson	Diessner	Jude	Moe, R.D.	Schmitz
Belanger	Frank	Knaak	Nelson	Sieloff
Berg	Frederick	Knutson	Novak	Spear
Berglin	Frederickson	Kroening	Pehler	Storm
Bernhagen	Freeman	Kronebusch	Peterson, C.C.	Taylor
Chmielewski	Hughes	Laidig	Peterson, R.W.	Waldorf
Dahl	Isackson	Lantry	Petty	Wegscheid
DeCramer	Johnson, D.E.	Luther	Pogemiller	Willet

The motion prevailed. So the resolution was adopted.

Messrs. Moe, R.D. and Taylor introduced—

Senate Resolution No. 131:

#### Memorial Prayer for Deceased Senators

In Memory of:

The Honorable John Engebretson  
 The Honorable Richard Ferrario  
 The Honorable Walter J. Franz  
 The Honorable Eugene P. Knudsen  
 The Honorable Clarence C. Mitchell  
 The Honorable Leo D. Mosier  
 The Honorable Joseph Simonson  
 The Honorable Eugene F. Welter  
 The Honorable Leslie E. Westin  
 The Honorable Donald O. Wright  
 The Honorable Thomas D. Vukelich

The poet has told us that "We live in deeds, not years; in thoughts, not breaths. He most lives who thinks most — feels the noblest — acts the best." It is the deeds and thoughts and noble acts of our former colleagues in the august body which we memorialize today. By this heritage which they have bequeathed to us, their spirits continually reach backward to challenge, to enlighten and encourage us who remain to exercise the work of government.

It was their lot, as it is ours, to propose and to legislate for the common good of the people of this great state. In that endeavor they strove to represent fairly the rights of the people and to see that what was guaranteed to the people by the statutes of a representative government would be safeguarded and exercised in their interest.

That challenge often calls for an uncommon dedication from the one in public office because the demands upon his or her time, resources, and talents are significant.

The Senators here today take courage and inspiration from those noble servants of another time who saw it better to serve than to be served, and to work honestly and diligently for the common good. We acknowledge and thank them for their service.

Grant to them, O Lord, the sleep of the just to all those who have been associated with us in the bonds of this fraternity; that we together with them may be found worthy to be partakers together of your heavenly kingdom.

Feed them in a green pasture, by the waters of comfort in the paradise of joy.

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

Mr. Spear moved that House Concurrent Resolution No. 15 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 15: A House concurrent resolution establishing days of remembrance of the victims of the Holocaust.

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people perished as victims of Nazism;

WHEREAS, the people of the State of Minnesota should always remember the atrocities committed by the Nazis so that such horrors never be repeated;

WHEREAS, the people of the State of Minnesota should continually rededicate themselves to the principle of equal justice for all people;

WHEREAS, the people of the State of Minnesota should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish;

WHEREAS, May 6 has been designated pursuant to an Act of Congress and internationally as a Day of Remembrance of Victims of the Nazi Holocaust known as Yom Hoshuah; and

WHEREAS, it is appropriate for the people of the State of Minnesota to join in the international commemoration; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring therein that, in memory of the victims of the Holocaust, and in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance, and resistance, the week of May 6 through May 11, 1986, is hereby designated as the Days of Remembrance of the Victims of the Holocaust.

Mr. Spear moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

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



**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 16: A House concurrent resolution relating to the delivery of bills to the governor after final adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 15, 1986

House Concurrent Resolution No. 16: A House concurrent resolution relating to the delivery of bills to the governor after final adjournment.

WHEREAS, the Minnesota Constitution, Article IV, Section 23, authorizes the presentation to the Governor of bills that passed in the last three days of the session after sine die adjournment; NOW, THEREFORE,

BE IT RESOLVED by the House of Representatives of the State of Minnesota, the Senate concurring, that upon adjournment sine die of the 74th regular session of the Legislature, bills shall be presented to the Governor as follows:

(a) The Speaker of the House of Representatives, the Chief Clerk of the House of Representatives, the President of the Senate, and the Secretary of the Senate shall certify and sign each bill in the same manner and upon the same certification as each bill is signed for presentation to the Governor prior to adjournment sine die, and each of those officers shall continue in his designated capacity during the three days following the date of final adjournment.

(b) The Chief Clerk of the House of Representatives and the Secretary of the Senate, in accordance with the rules of the respective bodies and under the supervision and direction of the standing Committee on Rules and Legislative Administration and the standing Committee on Rules and Administration, shall carefully enroll each bill and present them to the Governor in the same manner as each bill is enrolled and presented to the Governor prior to the adjournment of the Legislature sine die.

(c) The Revisor of Statutes shall continue to assist in all of the functions relating to enrollment of bills of the House of Representatives and of the Senate under the supervision of the Chief Clerk of the House of Representatives and the Secretary of the Senate in the same manner that his assistance was rendered prior to the adjournment of the Legislature sine die.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives is directed to deliver copies of this resolution to the Governor and the Secretary of State.

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

Mr. Luther introduced—

Senate Resolution No. 137: A Senate resolution relating to the business and adjournment of the 1986 regular session.

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

WHEREAS, when Senate Concurrent Resolution No. 17, relating to session deadlines, was adopted, the Senate and House of Representatives intended, but did not prescribe, that March 17, 1986, would be the date of adjournment sine die; and

WHEREAS, since 1974, each regular session has not adjourned sine die on the date intended when the deadlines for the session were adopted, but has continued for a few additional days in order to finish the work of the session in an orderly and deliberate manner; and

WHEREAS, the Senate continued in session beyond March 17, 1986, in order to finish the work of the 1986 regular session in an orderly and deliberate manner; and

WHEREAS, the Minnesota Constitution, article IV, section 12, provides that "Neither house during a session of the legislature shall adjourn for more than three days (Sundays excepted) nor to any other place than that in which the two houses shall be assembled without the consent of the other house"; and

WHEREAS, the Senate did not consent to the adjournment of the House of Representatives for more than three days on March 17, 1986; and

WHEREAS, the House of Representatives adjourned sine die on March 17, 1986; and

WHEREAS, the adjournment sine die of the House of Representatives on March 17, 1986, was contrary to the Constitution; and

WHEREAS, the necessary work of the 1986 regular session to balance the budget has not been completed; and

WHEREAS, the Senate protests the adjournment of the House of Representatives that has prevented the legislature from completing its work and balancing the state budget; and

WHEREAS, in the interest of ensuring in the future the cooperation and mutual consultation necessary in a bicameral legislature, the Senate reserves the right to test through legal action the constitutionality of the House of Representatives adjournment on March 17, 1986; and

WHEREAS, in the face of the refusal by the House of Representatives to reconvene and finish the work of the 1986 regular session and in the interest of saving taxpayers the expense of continued meetings of the Senate until this matter can be resolved; NOW THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, that the Senate do now adjourn sine die, subject to any court determination on the constitutionality of the adjournment by the House of Representatives.

Mr. Sieloff moved to amend Senate Resolution No. 137 as follows:

Page 2, line 24, delete ", subject to any court"

Page 2, delete lines 25 and 26 and insert a period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adkins	Diessner	Lantry	Peterson, C.C.	Samuelson
Berg	Frank	Luther	Peterson, D.C.	Schmitz
Berglin	Freeman	Merriam	Peterson, R.W.	Spear
Chmielewski	Hughes	Moe, R.D.	Petty	Stumpf
Dahl	Johnson, D.J.	Nelson	Pogemiller	Waldorf
DeCramer	Jude	Novak	Purfeerst	Willet
Dicklich	Kroening	Pehler	Reichgott	

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

Mr. Luther moved to amend Senate Resolution No. 137 as follows:

Page 2, after line 26, insert:

“BE IT FURTHER RESOLVED, that the Secretary of the Senate send copies of this resolution to the Chief Clerk of the House of Representatives and to the Governor of the State of Minnesota.”

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend Senate Resolution No. 137 as follows:

Page 2, lines 6 and 7, delete “contrary to the Constitution” and insert “untimely”

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 36, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question was taken on the adoption of the resolution, as amended.

The roll was called, and there were yeas 36 and nays 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed. So the resolution, as amended, was adopted.

### MEMBERS EXCUSED

Messrs. Bertram; Gustafson; Lessard; Moe, D.M.; Vega and Mrs. Brataas were excused from the Session of today. Mr. Davis was excused from the Session of today at 12:00 noon.

### ADJOURNMENT

The President declared the Senate adjourned sine die, pursuant to Senate Resolution No. 137.

Patrick E. Flahaven, Secretary of the Senate