

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-FOURTH LEGISLATURE

SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Wednesday, April 2, 1986

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

Prayer was offered by the Chaplain, Rev. James Shea.

The Secretary called the roll by legislative districts in numerical order as follows:

First District	LeRoy A. Stumpf
Second District	Roger D. Moe
Third District	Bob Lessard
Fourth District	Gerald L. Willet
Fifth District	Ronald R. Dicklich
Sixth District	Douglas J. Johnson
Seventh District	Sam G. Solon
Eighth District	Jim Gustafson
Ninth District	Keith Langseth
Tenth District	Collin C. Peterson
Eleventh District	Charles A. Berg
Twelfth District	Don Anderson
Thirteenth District	Don Samuelson
Fourteenth District	Florian Chmielewski
Fifteenth District	Dean E. Johnson
Sixteenth District	Joe Bertram
Seventeenth District	James C. Pehler
Eighteenth District	Charles R. Davis
Nineteenth District	Randolph W. Peterson
Twentieth District	Randy P. Kamrath
Twenty-first District	John Bernhagen
Twenty-second District	Betty A. Adkins
Twenty-third District	Dennis Frederickson
Twenty-fourth District	Glen Taylor
Twenty-fifth District	Clarence M. Purfeerst
Twenty-sixth District	Lyle G. Mehrkens
Twenty-seventh District	Gary M. DeCramer
Twenty-eighth District	Doran L. Isackson
Twenty-ninth District	Darrel L. Peterson
Thirtieth District	Mel Frederick
Thirty-first District	Tom A. Nelson
Thirty-second District	Duane D. Benson
Thirty-third District	Nancy Brataas
Thirty-fourth District	Patricia Louise Kronebusch

Thirty-fifth District	Earl W. Renneke
Thirty-sixth District	Robert J. Schmitz
Thirty-seventh District	Darril Wegscheid
Thirty-eighth District	Howard A. Knutson
Thirty-ninth District	Conrad M. Vega
Fortieth District	Michael O. Freeman
Forty-first District	William V. Belanger, Jr.
Forty-second District	Donald A. Storm
Forty-third District	Gen Olson
Forty-fourth District	Phyllis W. McQuaid
Forty-fifth District	Jim Ramstad
Forty-sixth District	Ember D. Reichgott
Forty-seventh District	William P. Luther
Forty-eighth District	Tad Jude
Forty-ninth District	Gene Merriam
Fiftieth District	Gregory L. Dahl
Fifty-first District	Don Frank
Fifty-second District	Steven G. Novak
Fifty-third District	Fritz Knaak
Fifty-fourth District	Jerome M. Hughes
Fifty-fifth District	Gary W. Laidig
Fifty-sixth District	A. W. "Bill" Diessner
Fifty-seventh District	Carl W. Kroening
Fifty-eighth District	Lawrence J. Pogemiller
Fifty-ninth District	Allan H. Spear
Sixtieth District	Linda Berglin
Sixty-first District	Donna C. Peterson
Sixty-second District	Eric D. Petty
Sixty-third District	Neil Dieterich
Sixty-fourth District	Ron Sieloff
Sixty-fifth District	Donald M. Moe
Sixty-sixth District	Gene Waldorf
Sixty-seventh District	Marilyn M. Lantry

The President declared a quorum present.

MEMBERS EXCUSED

Mr. Spear was excused from the Session of today from 12:00 noon to 2:30 p.m. Mr. Waldorf was excused from the Session of today at 6:10 p.m. Mr. Knutson was excused from the Session of today at 6:45 p.m. Mr. Novak was excused from the Session of today at 7:45 p.m.

STATE OF MINNESOTA

PROCLAMATION

WHEREAS: The Minnesota Legislature adjourned without completing action on certain bills relating to budget, revenues, farm security loan guarantees and other matters affecting the health, safety and welfare of Minnesota citizens; and

WHEREAS: The people of Minnesota are best served by an orderly conclusion of legislative business, with a limited agenda and prior agreement on laws to be enacted; and

WHEREAS: Article IV, Section 12 of the Constitution of the State of Minnesota provides that a Special Session of the Legislature may be called on extraordinary occasions; and

WHEREAS: Elected leaders of the Legislature have agreed on an agenda and procedures to complete a Special Session in the shortest time possible;

NOW, THEREFORE, I, Rudy Perpich, Governor of the State of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Wednesday, April 2, 1986, at twelve o'clock noon on that day, in the Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this first day of April in the year of Our Lord one thousand nine hundred and eighty-six, and of the State the one hundred twenty-seventh.

Rudy Perpich,
Governor

Joan Anderson Growe,
Secretary of State

MOTIONS AND RESOLUTIONS

Mr. Moe, R.D. introduced—

Senate Resolution No. 1: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

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

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes:

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

Mr. Moe, R.D. introduced—

Senate Resolution No. 2: A Senate resolution relating to organization and operation of the Senate during the Special Session.

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

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Rules of the Senate for the 74th Legislature are the Rules for the Special Session, except that Rules 33, 40, and 57 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 74th Legislature.

With respect to Rule 31, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Frederickson and Renneke introduced—

Senate Resolution No. 3: A Senate resolution congratulating the Giants girls basketball team from Le Sueur High School for winning the 1986 Class A Girls State High School Basketball Consolation Championship.

Referred to the Committee on Rules and Administration.

Messrs. Frederickson and Renneke introduced—

Senate Resolution No. 4: A Senate resolution congratulating the Giants boys basketball team from Le Sueur High School for winning the 1986 Class A Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Frederickson introduced—

Senate Resolution No. 5: A Senate resolution congratulating the Tigers boys basketball team from Springfield High School for winning fourth place in the 1986 Class A Boys State High School Basketball Championship.

Referred to the Committee on Rules and Administration.

Mr. Ramstad introduced—

Senate Resolution No. 6: A Senate resolution congratulating the Trojans boys basketball team from Wayzata High School for winning the 1986 Lake North Conference Championship.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Jude introduced—

S.F. No. 1: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; correcting various legislative enactments; providing for the exclusion of the homestead from the augmented estate; providing for the inclusion of certain insurance and other items in the augmented estate; establishing a standard for best interests of wards or conservatees; requiring findings regarding best interests; amending Minnesota Statutes 1984, sections 8.32, subdivision 2; 10A.01, subdivision 11; 10A.04, subdivision 4a; 16A.631; 46.044, as amended; 47.58, subdivision 5; 62D.22, subdivision 8; 116J.70, subdivision 2a; 116M.08, subdivision 17; 121.15, subdivision 2; 124A.02, subdivision 14; 136D.74, subdivision 2; 144.224; 169.045, subdivision 7, as amended; 176A.01, subdivision 1; 179A.10, subdivision 3; 253B.02, subdivision 4a; 260.015, subdivision 24; 260.245; 275.125, subdivision 9, as amended; 298.22, subdivision 3; 327C.07, subdivision 3a; 349.15, as amended; 349.212, subdivisions 2 and 4, as amended; 349.214, subdivision 2; 383A.23, subdivision 5; 385.24; 403.12, subdivision 1; 414.061, subdivisions 4 and 4a; 424A.001, subdivision 7, as added; 462A.21, subdivision 8a; 471.992, as amended; 487.191; 494.03; 518B.01, subdivision 2; 525.539, by adding a subdivision; 525.544; 525.551, subdivision 5; 525.61; 571.495, subdivision 2; 590.01, subdivision 1; 609.346, subdivision 3; 609.347, subdivision 3; 609.348; 609.35; 611A.03, subdivision 3; 628.26; Minnesota Statutes 1985 Supplement, sections 47.20, subdivision 6c; 64B.05, subdivision 1; 64B.37, subdivision 2; 69.011, subdivision 1; 97.50, subdivision 1; 116M.03, subdivision 28; 124.32, subdivision 1d; 145.917, subdivision 4; 147.01, subdivision 4; 147.073, subdivision 1; 168.013, subdivision 1e, as amended; 168.27, subdivision 11; 248.07, subdivision 7; 256B.091, subdivision 4; 256D.37, subdivision 1; 256F.05, subdivision 4; 256F.06, subdivision 1; 273.124, subdivision 5; 297C.03, subdivision 1; 298.02, subdivision 1; 298.225, subdivision 1, as amended; 298.28, subdivision 1, as amended; 340A.404, subdivision 5; 340A.409, subdivision 1; 340A.410, by adding a subdivision; 340A.412, subdivisions 1 and 9; 340A.415; 340A.702; 340A.802, subdivision 1; 349.212, subdivision 1, as amended; 356.216; 358.44; 414.061, subdivision 5; 458.16, subdivision 6; 473.831, subdivision 1; 524.2-109; 524.2-202; 524.2-205; 525.145; 527.41; 527.42; 527.43; 528.15; 609.344, subdivision 1; 609.345, subdivision 1; 609.346, subdivision 2; 609.3471; 626.556, subdivision 2; 631.045; 1986 Regular Session H.F. No. 1886, section 21; Laws 1986, chapters 339, sections 6, subdivision 1; 8; 15, subdivision 1; 16; and 17; 358, section 12; 359, section 27; 365, section 22; 372, section 1, subdivision 1; 383, section 17, subdivision 5; 391, section 7; 394, section 10, subdivision 6; 398, article 1, section 11, subdivision 5; article 2, section 3, subdivision 2; article 6, section 2, subdivision 2; article 29, section 1, subdivision 27; 416, section 4; 417, section 1; 441, section 15; 455, section 21, subdivision 1; 456, section 1, subdivision 2; 460, sections 7, subdivisions 1 and 2; 48; 49; 50; and 59; 465, article 1, sections 11; 20, subdivision 9; article 2, section 25; 467,

section 24, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 206 and 340A; repealing Minnesota Statutes 1984, section 35.067; 383A.23, subdivisions 2, 3, and 4; 403.12, subdivisions 2 and 3; repealing Laws 1984, chapter 560, section 24; Laws 1985, chapters 248, sections 28 and 29; 252, section 24; Laws 1985, First Special Session chapters 9, article 2, section 89; 14, article 3, section 13; 14, article 4, sections 37 and 91; Laws 1986, chapter 399, article 2.

SUSPENSION OF RULES

Mr. Jude moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1 and that the rules of the Senate be so far suspended as to give S.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 1 was read the second time.

Mr. Jude moved to amend S.F. No. 1 as follows:

Page 106, after line 13, insert:

“ARTICLE 4

Section 1. Minnesota Statutes 1985 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. [SPECIAL REQUIREMENTS.] (a) [SPACE FOR COMMUTER VANS.] The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) [SMOKE DETECTION DEVICES.] The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) [DOORS IN NURSING HOMES AND HOSPITALS.] The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) [MINED UNDERGROUND SPACE.] Nothing in the state building codes shall prevent cities from adopting regulations governing the excavation, construction, reconstruction, alteration and repair of mined underground space pursuant to sections 472B.03 to 472B.07, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(f) *No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.*

Sec. 2. Minnesota Statutes 1984, section 299F.011, is amended by adding a subdivision to read:

Subd. 4c. The uniform fire code shall not require stairways of existing multiple dwelling buildings of two stories or less to be enclosed. For the purposes of this subdivision the term "stories" has the meaning given it in the state building code.

Sec. 3. Minnesota Statutes 1984, section 44A.01, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] (a) A world trade center board is created to facilitate and support Minnesota world trade center programs and services and promote the growth of international trade in Minnesota. The world trade center board consists of nine voting members and four legislators serving as nonvoting members. Three members are representatives of the membership of the Minnesota world trade center, one member is a representative of the international business community, and one member is a representative of the agricultural community.

(b) The initial voting members are appointed by the governor with the advice and consent of the senate ~~for a term expiring~~. *The terms of five of the initial voting members shall expire the first Monday in January 1987. The terms of the remaining four initial voting members shall expire the first Monday in January 1989.* A vacancy is filled in the same manner as the appointment.

(c) Legislator members are two members of the senate appointed under the rules of the senate and two members of the house of representatives appointed by the speaker. Except for the initial members, who are to be appointed following enactment, they are appointed at the beginning of each regular session of the legislature for two-year terms. A legislator who remains a member of the body from which he was appointed may serve until a successor is appointed and qualifies. A vacancy in a legislator member's term is filled for the unexpired portion of the term in the same manner as the original appointment.

Sec. 4. Minnesota Statutes 1984, section 44A.02, is amended to read:

44A.02 [EXECUTIVE DIRECTOR PRESIDENT.]

Subdivision 1. [SELECTION.] The ~~executive director~~ *president* of the world trade center board is selected by a majority of the board and serves at the pleasure of the board. The ~~executive director~~ *president* must be familiar with the international business community, and have demonstrated proficiency in communication skills, administration and management, ~~and public and private joint ventures~~. The salary of the ~~executive director~~ *president* is set by the board within the limit set by sections 15A.081, subdivision 1, and 43A.17.

Subd. 2. [DUTIES.] The ~~executive director~~ *president* is the chief administrative officer of the board and is responsible for performing the executive duties of the board. The ~~executive director~~ *president* is not a member of the

board.

Subd. 3. [EMPLOYEES.] The ~~executive director~~ *president* may appoint unclassified employees in accordance with chapter 43A and prescribe their duties. The ~~executive director~~ *president* may delegate to a subordinate the exercise of specified statutory powers or duties as the ~~executive director~~ *president* deems advisable, subject to the control of the ~~executive director~~ *president*.

Sec. 5. [44A.031] [PROMOTIONAL EXPENSES.]

The world trade center board may expend money in the world trade center fund, and any other money appropriated by the legislature, for the purpose of promotion of world trade in Minnesota. Promotional expenses include, but are not limited to, expenses for the food, lodging and travel of consultants and speakers hired by the board, and publications and other forms of advertising. Promotional expenditures may be made in the same manner as expenditures made by private persons, firms, corporations, or associations for similar purposes, and are not subject to regulation by the commissioner of employee relations.

Sec. 6. Minnesota Statutes 1984, section 44A.07, subdivision 1, is amended to read:

Subdivision 1. [SERVICES.] The world trade center board may:

- (1) define, formulate, administer, and deliver programs and services through the world trade center;
- (2) provide and contract for services and programs through the world trade center, including: a library and research service providing information on world trade; a trade lead service, providing and authenticating information about international trade opportunities; a club for world trade center club members; telecommunications services; translation and interpretation services; temporary secretarial and other business services; language instruction; educational conferences and seminars; and other programs and services that serve the purposes of the world trade center, in the determination of the board;
- (3) establish and charge fees for services and programs provided without regard to chapter 14 *and section 16A.128*;
- (4) establish membership requirements for Minnesota world trade center operations without regard to chapter 14;
- (5) establish satellite operations of the Minnesota world trade center;
- (6) maintain active membership in the world trade center association;
- (7) create an international communication network to coordinate international trade information and activities;
- (8) compile international trade information from, among other places, the United States Department of Commerce and private sources, and provide marketing information to business persons;
- (9) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons regarding export trading; and

(10) coordinate the international trading activities of state and local agencies and organizations.

Sec. 7. [44A.08] [SERVICE INFORMATION; CLASSIFICATION OF DATA.]

Subdivision 1. [SERVICE INFORMATION.] Information, including data bases, purchased by the board or developed by the board for sale pursuant to section 44A.07, is not subject to chapter 13.

Subd. 2. [CLASSIFICATION OF DATA.] For purposes of this subdivision, "business transaction" means a transaction between parties other than the board. The following data received or developed by the board is private with respect to data on individuals and nonpublic with respect to data not on individuals:

(1) Data relating to the financial condition of individuals or businesses receiving or performing services by or on behalf of the board.

(2) At the request of either party to the transaction data on business transactions.

(3) At the request of the person or business seeking the information, the identities of persons or businesses requesting business or trade information from the board, and the nature of the trade information.

Sec. 8. Minnesota Statutes 1984, section 169.44, is amended by adding a subdivision to read:

Subd. 1c. [OPTIONAL SYSTEM.] In addition to equipment required under subdivision 1a and notwithstanding the provisions of sections 169.64, a school bus may be equipped with a driver-activated student control warning system which includes a high-intensity red flashing signal, an audible warning signal and a green all-clear signal, and may activate such a system whenever the use of the stop signal arm and flashing red signals is required under subdivision 2.

Sec. 9. [138.97] [LABOR INTERPRETATIVE CENTER.]

Subdivision 1. [PUBLIC POLICY.] The legislature declares that it is an important purpose and function of state government to preserve and interpret the story of the worker and their institutions in Minnesota and enrich the people's knowledge of the many contributions of the labor movement and how the history of working people in Minnesota has shaped the state's history.

Subd. 2. [ESTABLISHMENT.] There is established a labor interpretative center as a part of the Minnesota historical society's state history center within the state capitol complex as defined in Minnesota Statutes, section 15.50, subdivision 2.

Subd. 3. [GOVERNANCE.] The center shall be developed during its planning phase under the guidance of a labor interpretative task force whose chair is appointed by the governor. The chair shall select the members of the task force. The task force shall complete its work within 18 months of the effective date of this section. The task force shall dissolve after the 18 months or when its work is completed, whichever is sooner. An advisory council shall be appointed by the director of the Minnesota historical society after

the dissolution of the task force to assist the director with the operation of the center.

Subd. 4. [ADMINISTRATION.] The center shall be administered by an administrator appointed by the director of the Minnesota historical society. The administrator will be chosen solely on the basis of training, experience, and proven competence in the field of American labor history.

Subd. 5. [PROGRAM.] The program of the labor interpretative center may be carried out by exhibit, audio-visual programs, research, publication, and public programs, or other activities as recommended by the advisory council.

Subd. 6. [OPERATION.] The operation of the center shall be consistent with statutes and policies governing the Minnesota historical society.

Subd. 7. [FUNDING.] The cost for capital improvements for the labor interpretative center are not part of the total cost of the state history center for the purpose of the cost limitation specified in Laws 1985, first special session chapter 15, section 11.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "exempting stairways in certain buildings from certain provisions of the uniform fire code; defining the duties and terms of office of the members of the world trade center board; classifying data held by the board; permitting the equipping of school buses with driver-activated student control warning system; creating the labor interpretative center; establishing an advisory council governing policies and program purposes;"

Page 1, line 14, after the second semicolon, insert "44A.01, subdivision 1; 44A.02; 44A.07, subdivision 1;"

Page 1, line 18, after the second semicolon, insert "169.44, by adding a subdivision;"

Page 1, line 22, after the first semicolon, insert "299F.011, by adding a subdivision;"

Page 1, line 33, after "sections" insert "16B.61, subdivision 3;"

Page 2, line 24, after "chapters" insert "44A, 138,"

The motion prevailed. So the amendment was adopted.

Mr. Jude then moved to amend S.F. No. 1 as follows:

Page 106, after line 13, insert:

"ARTICLE 4

Section 1. [CLOQUET WATER SUPPLY; APPROPRIATION.]

Notwithstanding any other law to the contrary, \$200,000 of the appropriation made available by Laws 1982, Third Special Session chapter 1, article 2, section 2, subdivision 4, clause (d), for the construction or alteration of the Cloquet water supply is available to June 30, 1988."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Jude then moved to amend S.F. No. 1 as follows:

Page 106, after line 13, insert:

“ARTICLE 4

Section 1. [APPROPRIATION.]

The appropriation in Laws 1985, First Special Session chapter 10, section 4, subdivision 10, to the crime victims reparations board, is available in either year of the biennium.”

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Jude then moved to amend S.F. No. 1 as follows:

Page 106, after line 13, insert:

“ARTICLE 4

Section 1. Minnesota Statutes 1984, section 16A.72, is amended to read:

16A.72 [INCOME CREDITED TO GENERAL FUND; EXCEPTIONS.]

All income, including fees or receipts of any nature, shall be credited to the general fund, except:

- (1) federal aid;
- (2) contributions, or reimbursements received for any account of any division or department for which an appropriation is made by law;
- (3) income to the University of Minnesota;
- (4) income to revolving funds now established in institutions under the control of the commissioners of corrections or human services;
- (5) *investment earnings resulting from the master lease program, except that the amount credited to another fund or account may not exceed the amount of the additional expense incurred by that fund or account through participation in the master lease program;*
- (6) receipts from the operation of patients' and inmates' stores and vending machines, which shall be deposited in the social welfare fund in each institution for the benefit of the patients and inmates;
- (7) money received in payment for services of inmate labor employed in the industries carried on in the state correctional facilities which receipts shall be credited to the current expense fund of those facilities;
- (8) as provided in sections 16B.57 and 85.22; or
- (9) as otherwise provided by law.”

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Jude then moved to amend S.F. No. 1 as follows:

Pages 9 and 10, delete section 12 of Article 1

Page 34, delete section 47 of Article 1

Renumber the sections in sequence

Correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Jude then moved to amend S.F. No. 1 as follows:

Page 94, after line 29, insert:

“Sec. 51. [CORRECTION.] Subdivision 1. Minnesota Statutes 1985 Supplement, section 256.969, subdivision 2, as amended by Laws 1986, chapter 420, section 6, is amended to read:

Subd. 2. [RATES FOR INPATIENT HOSPITALS.] Rates paid to inpatient hospitals shall be based on a rate per admission until the commissioner can begin to reimburse hospitals for services under the medical assistance and general assistance medical care programs based upon a diagnostic classification system appropriate to the service populations. On July 1, 1984, the commissioner shall begin to utilize to the extent possible existing classification systems, including medicare. The commissioner may incorporate the grouping of hospitals with similar characteristics for uniform rates upon the development and implementation of the diagnostic classification system. Prior to implementation of the diagnostic classification system, the commissioner shall report the proposed grouping of hospitals to the senate health and human services committee and the house health and welfare committee. Effective August 1, 1985, the computation of the base year cost per admission and the computation of the relative values of the diagnostic categories must include identified outlier cases and their weighted costs up to the point that they become outlier cases, but must exclude costs and days beyond that point. Claims paid for care provided on or after August 1, 1985, ~~may shall~~ be adjusted to reflect a recomputation of rates. The commissioner ~~shall may~~ reconstitute the diagnostic categories to reflect actual hospital practices, the specific character of specialty hospitals, or to reduce variances within the diagnostic categories after notice in the state register and a 30 day comment period. After May 1, 1986, acute care hospital billings under the medical assistance and general assistance medical care programs must not be submitted until the recipient is discharged. However, the commissioner shall establish monthly interim payments with inpatient hospitals that have individual patient lengths of stay in excess of 30 days regardless of diagnosis-related group. For purposes of establishing interim rates, the commissioner is exempt from the requirements of chapter 14. Medical assistance and general assistance medical care reimbursement for treatment of mental illness shall be reimbursed based upon diagnosis classifications. The commissioner may selectively contract with hospitals for services within the diagnostic classifications relating to mental illness and chemical dependency under competitive bidding when reasonable geographic access by recipients can be assured. No physician shall be denied the privilege of treating a recipient required to utilize a hospital under contract with the commissioner, as long as the physician meets credentialing standards of the individual hospital.

Subd. 2. [EFFECTIVE DATE.] *Subdivision 1 is effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 40, after the first semicolon, insert "256.969, as amended;"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Frederick imposed a call of the Senate for the balance of the proceedings on S.F. No. 1. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Frederick moved to amend S.F. No. 1 as follows:

Page 54, after line 30, insert:

"Sec. 87. [PROPOSED AMENDMENT.]

The following amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article 1 will be amended by adding a section reading as follows:

Sec. 18. The right to keep and bear arms shall not be abridged.

Sec. 88. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 1986 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended by adding a provision that the right to keep and bear arms shall not be abridged?"

Yes _____

No _____"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Luther questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Frederick appealed the ruling of the President.

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

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 35 and nays 26, as follows:

Those who voted in the affirmative were:

- | | | | | |
|-------------|---------------|-----------|----------------|-----------|
| Adkins | Diessner | Kroening | Novak | Reichgott |
| Berglin | Dieterich | Lantry | Pehler | Samuelson |
| Chmielewski | Frank | Lessard | Peterson, C.C. | Stumpf |
| Dahl | Freeman | Luther | Peterson, D.C. | Vega |
| Davis | Hughes | Merriam | Petty | Waldorf |
| DeCramer | Johnson, D.J. | Moe, D.M. | Pogemiller | Wegscheid |
| Dicklich | Jude | Moe, R.D. | Purfeerst | Willet |

Those who voted in the negative were:

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

The decision of the President was sustained.

Mr. Jude moved to amend S.F. No. 1 as follows:

Page 94, after line 8, insert:

“Sec. 50. Laws 1986, chapter 359, section 19, is amended to read:

Sec. 19. Minnesota Statutes 1984, section 424A.001, is amended by adding a subdivision to read:

Subd. 7. [FIDUCIARY RESPONSIBILITY.] In the discharge of their respective duties, the officers and trustees shall be held to the standard of care enumerated in section 11A.09.

Each member of the board is a fiduciary. No fiduciary of a relief association shall cause a relief association to engage in a transaction if the fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:

(1) sale or exchange or leasing of any real property between the relief association and a board member;

(2) lending of money or other extension of credit between the relief association and a ~~board~~ member *of the board or the relief association*;

(3) furnishing of goods, services, or facilities between the relief association and a board member ~~or member of the relief association~~; or

(4) transfer to a board member, or use by or for the benefit of a board member, of any assets of the relief association. Transfer of assets does not mean the payment of relief association benefits or administrative expenses permitted by law.”

Renumber the sections in sequence

Correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Mr. Jude moved that the vote whereby the seventh Jude amendment to S.F. No. 1 was adopted on April 2, 1986, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Jude withdrew the amendment.

Mr. Frederick moved to amend S.F. No. 1 as follows:

Page 106, after line 13, insert:

“Sec. 10. [REPEALER.]

Subdivision 1. Laws 1986, chapter 452, section 20, is repealed.

Subd. 2. Subdivision 1 is effective the day following final enactment.”

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

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 inform the Senate that the House of Representatives of the State of Minnesota is now duly organized for the 1986 Special Session pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1986

MOTIONS AND RESOLUTIONS - CONTINUED

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.

CALL OF THE SENATE

Mr. Dicklich imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages from the House and First Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1986

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1: A bill for an act relating to government in this state; updating the income tax law to conform with federal tax law changes; making administrative and technical changes in the income tax law; providing for direct payments of fire and police state aids; requiring a one-year sales ratio study; changing dates for payments of certain state aids; delaying date for payment of second half taxes on agricultural property; authorizing reciprocal agreements with other states regarding interstate vehicles; requiring a report on the sales ratio study; eliminating a durational restriction on a special levy in Clearwater county; providing for delay of certain aid payments and altering computations; adjusting the computation and payment of local government aids; expanding tax clearance authority; expanding tax collection authority of the department of revenue; authorizing the department to file tax liens against homestead property; increasing the rate of interest to be paid on tax refunds; changing times for payment of certain taxes on liquor, cigarettes, tobacco products, and insurance premiums; imposing certain requirements on liquor wholesalers; altering enterprise zone provisions; providing for certain examinations; delaying transfer of motor vehicle excise taxes; reinstating the bottle tax; reducing the ethanol credit and providing payments to ethanol producers; adjusting income and asset criteria for recipients of medical assistance; repealing the provision for suspension of income tax indexing; making technical changes in property tax and other miscellaneous tax laws; transferring certain positions within the department of natural resources; establishing priorities for expenditure of additional revenues; reducing certain appropriations for education with certain conditions; adjusting complements; setting the foundation formula allowance and the amount to be raised by the basic maintenance mill rate; altering certain education aid and levy formulas and requirements; authorizing levies in certain school districts; making changes in certain pension, retirement, and social security provisions; limiting eligibility for school bus driver endorsements; providing for insurance coverage, expense allowances, board duties, office location, class days, building construction, approval on certain capital improvements involving certain post-secondary education systems; providing for community emergency response hazardous substance protection; transferring cer-

tain funds between agencies; requiring certain studies and reports; imposing penalties; appropriating money; amending Minnesota Statutes 1984, sections 15.38, subdivision 3; 60A.15, subdivision 2; 60A.17, by adding a subdivision; 69.021, subdivisions 4, 5, 7, and 9; 69.031, subdivision 3; 69.54; 82.22, subdivision 3; 82.27, by adding a subdivision; 121.901, subdivision 2; 123.71, subdivision 1; 124.195, subdivisions 3, 5, and by adding a subdivision; 124.32, subdivision 1c; 124.573, subdivision 3; 124.71, subdivision 2; 136.14; 148.10, by adding a subdivision; 150A.08, by adding a subdivision; 162.06, subdivision 1; 162.12, subdivision 1; 270.12, subdivision 2; 270.69, by adding a subdivision; 270.72, subdivisions 1, 2, and 3; 270A.03, subdivision 5; 273.072, subdivision 1; 273.1391, subdivision 3; 275.125, subdivision 9, and by adding a subdivision; 276.09; 276.10; 276.11; 278.03; 279.01, as amended; 290.067, subdivision 2; 290.281, subdivision 5; 290.34, subdivision 2; 290.36; 290.50, subdivision 3; 290.53, subdivision 2; 290.56, subdivision 3; 290.61; 290A.03, subdivision 8; 296.16, subdivision 1; 296.17, subdivision 6, and by adding a subdivision; 297.07, subdivisions 1 and 4; 297.23, subdivision 1; 297.35, subdivisions 5 and 8; 297A.27, by adding a subdivision; 297A.43; 297B.09, subdivision 2; 298.24, subdivision 1; 299F.21; 326.20, by adding a subdivision; 364.09; and 477A.015; Minnesota Statutes 1985 Supplement, sections 15A.081, subdivision 8; 16A.15, subdivisions 1 and 6; 16A.1541; 60A.17, subdivision 1a; 69.031, subdivision 1; 116C.63, subdivision 4; 121.904, subdivision 4c; 124.155, subdivision 2; 124.17, subdivision 1a; 124.195, subdivision 11; 124.2131, subdivision 3; 124.2161, subdivision 6; 124.2162, subdivision 2; 124.2163, subdivision 2; 124.225, subdivisions 7b and 10; 124.245, subdivisions 1 and 3; 124.271, subdivision 2b; 124.573, subdivision 2; 124A.02, subdivisions 9 and 15; 124A.03, subdivision 1a; 129B.38, subdivision 1; 136C.07, subdivision 5a; 136C.35; 147.021, by adding a subdivision; 256B.06, subdivision 1; 270.063; 270.69, subdivisions 2, 3, and 4; 270.76; 270.77; 273.11, subdivision 8; 273.124, subdivisions 6, 8, 9, 10, 11, and by adding a subdivision; 273.13, subdivisions 15a, 26, 28, and 30; 273.1314, subdivisions 6 and 16a, as amended; 273.136; 273.42, subdivision 2; 274.19, subdivisions 1 and 8; 275.125, subdivisions 8, 11a, and 11c; 278.05, subdivision 5; 279.06; 287.12; 287.29, subdivision 1; 290.01, subdivision 20; 290.06, subdivision 3g; 290.068, subdivision 3; 290.079, subdivision 1; 290.089, subdivision 3; 290.09, subdivision 7; 290.091, subdivision 2; 290.095, subdivisions 9 and 11; 290.10; 290.12, subdivision 2; 290.13, subdivision 1; 290.132, subdivision 1; 290.14; 290.16, subdivisions 7 and 15; 290.17, subdivision 2; 290.21, subdivisions 4 and 8; 290.41, subdivision 1; 290.92, subdivision 2a; 290.93, subdivision 10; 290A.03, subdivisions 3, 6, and 13; 296.02, subdivision 7; 296.22, subdivision 13; 297.35, subdivision 1; 297C.02, by adding a subdivision; 297C.03, subdivision 1; 297C.04; 297C.05, subdivision 2; 298.28, subdivision 1; 354.43, subdivision 3; 354A.12, subdivision 2; 355.208; 355.287; 355.46, subdivision 3; 477A.011, subdivisions 10 and 14; 477A.012; 477A.013; and 609.101; Laws 1985, chapter 289, section 5, subdivision 2; and section 7; Laws 1985, First Special Session chapter 12, article 1, section 36, subdivision 3; article 2, section 15, subdivision 2; article 3, section 28, subdivisions 9 and 10; article 4, section 11, subdivision 6; article 5, section 10, subdivisions 2 and 4; article 6, section 28, subdivisions 11, 16, 17, and 20, article 8, section 60, subdivisions 1 and 4; section 62, subdivisions 2, 3, 4, 6, 8, 9, 12, 13, 14, 15, and 17; section 63, subdivisions 2 and 3; section 64, subdivision 2; article 9, section 3, subdivisions 2 and 3; article 11, section 21, subdivision 3; chapter 14, article 11, section 13; proposing coding for new law in Minnesota Statutes, chapters 41A; 135A; 256; 270; 276; 297A; and 299F; 458; repealing

Minnesota Statutes 1984, sections 69.031, subdivision 4; 121.495; 124A.031, subdivision 2; 136.063; 270.72, subdivision 5; 275.125, subdivision 16; 290.06, subdivision 15; 290.39, subdivision 1a; and 290A.04, subdivision 2f; Minnesota Statutes 1985 Supplement, sections 16A.154; 124.245, subdivisions 2 and 5; 129B.38; 275.125, subdivision 11b; and 290.06, subdivision 2f; Laws 1985, First Special Session chapter 14, article 21, sections 16 and 17.

SUSPENSION OF RULES

Mr. Johnson, D.J. 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. 1 and that the rules of the Senate be so far suspended as to give H.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1 was read the second time.

H.F. No. 1 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House and First Reading of House Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1986

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2: A bill for an act relating to the family farm security program; authorizing the issuance of general obligation bonds to finance certain payments to be made by the state on family farm loan guarantees; providing an additional payment to certain sellers; appropriating money; amending Minnesota Statutes 1984, sections 41.51; 41.56, subdivision 4b; and 41.57, by adding a subdivision; Minnesota Statutes 1985 Supplement, section 41.61; and proposing coding for new law in Minnesota Statutes, chapter 41.

SUSPENSION OF RULES

Mr. Merriam 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. 2 and that the rules of the Senate be so far suspended as to give H.F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2 was read the second time.

CALL OF THE SENATE

Mr. Berg imposed a call of the Senate for the balance of the proceedings on H.F. No. 2. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 2 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Knaak	McQuaid	Olson	Ramstad
Gustafson				

So the bill passed and its title was agreed to.

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 passage by the House of the following Senate File, herewith returned: S.F. No. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 1986

Mr. President:

I have the honor to inform the Senate that the House of Representatives of the State of Minnesota is about to adjourn the 1986 Special Session sine die.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 1986

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. introduced—

Senate Resolution No.7: A Senate resolution relating to adjournment of the Special Session.

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

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

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

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn sine die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate