

NINTH DAY

St. Paul, Minnesota, Monday, February 2, 1987

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Sister Frances Nosbisch.

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

Adkins	Davis	Kroening	Moe, R.D.	Samuelson
Anderson	DeCramer	Laidig	Morse	Schmitz
Beckman	Dicklich	Langseth	Novak	Solon
Belanger	Diessner	Lantry	Olson	Spear
Benson	Frank	Larson	Pehler	Storm
Berg	Frederick	Lessard	Peterson, D.C.	Stumpf
Berglin	Frederickson, D.J.	Luther	Peterson, R.W.	Vickerman
Bernhagen	Freeman	Marty	Piper	Waldorf
Bertram	Hughes	McQuaid	Pogemiller	Wegscheid
Brandl	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Chmielewski	Johnson, D.J.	Merriam	Ramstad	
Cohen	Jude	Metzen	Reichgott	
Dahl	Knaak	Moe, D.M.	Renneke	

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Frederickson, D.R. and Taylor were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 34 and 45.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 29, 1987

FIRST READING OF HOUSE BILLS

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

H.F. No. 34: A bill for an act relating to corporations; providing for modification of liability of directors; amending Minnesota Statutes 1986, sections 302A.111, subdivision 4; and 302A.251, by adding a subdivision.

Referred to the Committee on Judiciary.

H.F. No. 45: A bill for an act relating to commerce; revising the Uniform Trade Secret Act; clarifying remedies; amending Minnesota Statutes 1986, sections 325C.02; 325C.03; and 325C.07.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 104.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Lessard from the Committee on General Legislation and Public Gaming, to which was referred

S.F. No. 60: A bill for an act relating to charitable gambling; changing the effective date for collection of certain taxes by distributors; amending Laws 1986, chapter 467, section 33.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Lessard from the Committee on General Legislation and Public Gaming, to which was referred

S.F. No. 133: A resolution memorializing the President and Congress to enact legislation to exempt nonprofit organizations from the federal excise tax on wagering.

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

Page 1, after line 13, insert:

"WHEREAS, the federal Internal Revenue Service has interpreted federal law so as to find income derived from gambling conducted by nonprofit organizations is subject to the unrelated business income tax; and"

Page 1, line 19, before "reduced" insert "greatly"

Page 1, line 22, after "tax" insert "or unrelated business income tax"

Amend the title as follows:

Page 1, line 4, delete "on wagering" and insert "and the unrelated business income tax on charitable gambling it conducts"

And when so amended the resolution do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

S.F. No. 85: A bill for an act relating to real estate; providing for clearing title defects in adjacent land; amending Minnesota Statutes 1986, section 508.08.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 104: A bill for an act relating to commerce; revising the Uniform Trade Secret Act; clarifying remedies; amending Minnesota Statutes 1986, sections 325C.01, subdivision 5; 325C.02; 325C.03; and 325C.07.

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

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "325C.01, subdivision 5;"

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

Mr. Davis from the Committee on Agriculture, to which was referred

S.F. No. 62: A bill for an act relating to agriculture; appropriating money for a deficiency in the interest rate buy-down program.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 85 and 104 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Diessner moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 43. The motion prevailed.

Mr. Jude moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 101. The motion prevailed.

Mrs. McQuaid moved that the name of Mr. Renneke be added as a co-author to S.F. No. 103. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Jude be added as a co-author to S.F. No. 136. The motion prevailed.

Mr. Morse moved that the names of Messrs. Dahl and Wegscheid be added as co-authors to S.F. No. 141. The motion prevailed.

Mr. Luther moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 156. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Mr. Stumpf be added as a co-author to S.F. No. 166. The motion prevailed.

Mr. Knaak moved that the name of Mr. Renneke be added as a co-author to S.F. No. 177. The motion prevailed.

Mr. Knaak moved that the name of Mr. Merriam be added as a co-author to S.F. No. 178. The motion prevailed.

Mr. Spear moved that the name of Mr. Dahl be added as a co-author to S.F. No. 184. The motion prevailed.

Mr. Lessard moved that the names of Mrs. McQuaid and Mr. Dicklich be added as co-authors to S.F. No. 192. The motion prevailed.

Mr. Pehler moved that the names of Mrs. Adkins, Messrs. Vickerman and Ramstad be added as co-authors to S.F. No. 194. The motion prevailed.

Mr. Dahl moved that the name of Mr. Vickerman be added as a co-author to S.F. No. 207. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Peterson, R.W. introduced—

S.F. No. 208: A bill for an act relating to occupations and professions; architects, engineers, land surveyors, and landscape architects; making certain technical changes related to certain licensing exceptions; amending Minnesota Statutes 1986, sections 326.03, subdivision 2; and 326.06.

Referred to the Committee on Commerce.

Messrs. Purfeerst; Peterson, R.W.; Spear and Cohen introduced—

S.F. No. 209: A bill for an act relating to health; providing for a declaration of preferences for receiving or refusing health care; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Judiciary.

Ms. Berglin introduced—

S.F. No. 210: A bill for an act relating to health; providing for special grants to conduct community-wide pilot programs to reduce the prevalence of risk conditions or behaviors related to osteoporosis; appropriating money; amending Minnesota Statutes 1986, section 145.922, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mrs. Adkins, Messrs. Solon, Freeman, Benson and Frederickson, D.R. introduced—

S.F. No. 211: A bill for an act relating to alcoholic beverages; premises which may be issued on-sale licenses; amending Minnesota Statutes 1986, sections 340A.404, subdivisions 1 and 6; 340A.411, subdivision 1; and 340A.504, subdivision 3.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S.F. No. 212: A bill for an act relating to crimes; prohibiting placing docks on public waters adjacent to dedicated public accesses; prescribing penalties; amending Minnesota Statutes 1986, section 609.74.

Referred to the Committee on Environment and Natural Resources.

Messrs. Bertram, Diessner, Laidig and Lessard introduced—

S.F. No. 213: A bill for an act relating to veterans; appropriating money for use by the Military Order of the Purple Heart in assisting veterans to make claims against the United States government.

Referred to the Committee on Veterans.

Mr. Langseth introduced—

S.F. No. 214: A bill for an act relating to motor vehicles; establishing system of lifetime motor vehicle license plates; refunding certain license plate fees; providing that personalized license plates be reissued to previous holders under certain circumstances; appropriating money; amending Minnesota Statutes 1986, section 168.12, subdivisions 1 and 5.

Referred to the Committee on Transportation.

Messrs. Pehler, Benson, Davis and Berg introduced—

S.F. No. 215: A bill for an act relating to agriculture; providing for research on the problem of stray voltage; appropriating money.

Referred to the Committee on Agriculture.

Mr. Taylor introduced—

S.F. No. 216: A bill for an act relating to the city of Mankato; authorizing location of certain polling places more than 3,000 feet outside precinct boundaries.

Referred to the Committee on Elections and Ethics.

Mr. Chmielewski introduced—

S.F. No. 217: A bill for an act relating to state employees; permitting direct deposit of pay in financial institutions; amending Minnesota Statutes 1986, section 16A.133, subdivision 1; repealing Minnesota Statutes 1986, section 16A.133, subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S.F. No. 218: A bill for an act relating to taxation; sales and use; compensating retailers for costs of collection; amending Minnesota Statutes 1986, section 297A.26, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Anderson introduced—

S.F. No. 219: A resolution memorializing Congress of ratification of a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

Referred to the Committee on Governmental Operations.

Mr. Spear, Ms. Peterson, D.C.; Messrs. Ramstad, Marty and Peterson, R.W. introduced—

S.F. No. 220: A bill for an act relating to criminal procedure; providing a presumption favoring joinder of multiple felony defendants in a single prosecution; permitting the prosecution to offer a rebuttal closing argument; allowing the prosecution and the defense an equal number of peremptory challenges when the offense charged is not punishable by life imprisonment; amending Minnesota Statutes 1986, section 631.07; proposing coding for new law in Minnesota Statutes, chapter 631.

Referred to the Committee on Judiciary.

Messrs. Bertram; Moe, R.D. and Pehler introduced—

S.F. No. 221: A bill for an act relating to education; establishing a program to require school districts to provide milk to all elementary and secondary pupils in public and nonpublic schools; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Agriculture.

Messrs. Anderson, Gustafson, Larson, Mehrkens and Dahl introduced—

S.F. No. 222: A bill for an act relating to the English language; making it the official language of the state; proposing coding for new law in Minnesota Statutes, chapter 1.

Referred to the Committee on Governmental Operations.

Messrs. Renneke, Ramstad, Mrs. McQuaid, Messrs. Larson and Storm introduced—

S.F. No. 223: A bill for an act relating to the legislature; extending the provisions of the Minnesota open meeting law to the legislature; exempting the legislature from certain provisions of the open meeting law where constitutional provisions prevail; amending Minnesota Statutes 1986, section 471.705, subdivisions 1, and 2, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

Ms. Berglin introduced—

S.F. No. 224: A bill for an act relating to human services; creating an exception to the supplemental and negotiated rate cap; amending Minnesota Statutes 1986, section 256D.37, subdivision 1.

Referred to the Committee on Health and Human Services.

Mrs. Adkins, Messrs. Schmitz, Renneke, Wegscheid and Frederick introduced—

S.F. No. 225: A bill for an act relating to towns; providing for powers of town boards and board members; providing for elections; providing conditions for ownership of town cemetery lots; amending Minnesota Statutes 1986, sections 365.10; 365.27; 365.37; 365.51; 367.03; 471.705, by adding a subdivision; and 471.96.

Referred to the Committee on Local and Urban Government.

Messrs. Chmielewski, Dahl and Gustafson introduced—

S.F. No. 226: A bill for an act relating to state government; transferring the Moose Lake State Hospital to the department of veterans affairs; establishing a veteran's home in the former Moose Lake State Hospital; amending Minnesota Statutes 1986, sections 246.02, subdivision 2; 253.015; 254.04; and 254.05; proposing coding for new law in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans.

Mr. Davis introduced—

S.F. No. 227: A bill for an act relating to taxation; eliminating the penalty on delinquent income tax refund returns; amending Minnesota Statutes 1986, section 290.53, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Davis introduced—

S.F. No. 228: A bill for an act relating to motor vehicles; taxation; providing for taxation of pickup trucks with a carrying capacity of 2,000 pounds or less; amending Minnesota Statutes 1986, section 168.011, subdivision 7.

Referred to the Committee on Transportation.

Mr. Davis introduced—

S.F. No. 229: A bill for an act relating to taxation; income; abating penalty for late filing in certain cases; amending Minnesota Statutes 1986, section 290.53, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Storm, Laidig, Jude and Novak introduced—

S.F. No. 230: A bill for an act relating to civil liability; granting volunteer managers, coaches, umpires and referees, and the nonprofit associations for whom they provide services, immunity from liability for negligent acts or omissions; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

Messrs. Cohen, Pehler, Merriam, Hughes and Laidig introduced—

S.F. No. 231: A bill for an act relating to the state high school league; requiring the league to arrange certain conference memberships; providing standards; amending Minnesota Statutes 1986, section 129.121, subdivision 1.

Referred to the Committee on Education.

Mr. Cohen, Mrs. Lantry, Messrs. Luther, Merriam and Laidig introduced—

S.F. No. 232: A bill for an act relating to crimes; making certain victims rights provisions applicable to victims of certain ordinance violations; providing for plea agreement notification to a larger group of victims; permitting victims to submit an impact statement to the court; providing the data classification of a request for notice of prisoner release; amending Minnesota Statutes 1986, sections 611A.01; 611A.03, subdivision 3; 611A.06; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Mr. Samuelson introduced—

S.F. No. 233: A bill for an act relating to local government; granting the city of Brainerd the authority to establish a port authority; authorizing the port authority to exercise the power of a municipal housing and redevelopment authority; authorizing the city to impose restrictions and limitations upon the powers and procedures of the port authority; permitting the city to choose the name of the port authority; providing for removal of port authority commissioners; requiring local approval.

Referred to the Committee on Economic Development and Housing.

Messrs. Dicklich, Lessard, Novak and Johnson, D.J. introduced—

S.F. No. 234: A bill for an act relating to natural resources; protecting the environment; prohibiting below grade deposition of hazardous waste or radioactive waste; amending Minnesota Statutes 1986, section 115.067.

Referred to the Committee on Environment and Natural Resources.

Mr. Pehler, Mses. Olson; Peterson, D.C.; Reichgott and Mr. DeCramer introduced—

S.F. No. 235: A bill for an act relating to missing children; requiring schools to develop policies on notifying parents whose children are absent from school; requiring that certain documents be provided to schools when new students enroll; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

Messrs. Waldorf, Merriam, Jude, Laidig and Knaak introduced—

S.F. No. 236: A bill for an act relating to obscenity; prohibiting the distribution and exhibition of obscene materials and performances; prescribing penalties; amending Minnesota Statutes 1986, section 617.241.

Referred to the Committee on Judiciary.

Mr. Cohen introduced—

S.F. No. 237: A bill for an act relating to taxation; property; providing that the market value of property may not be increased due to the character of the surrounding property; amending Minnesota Statutes 1986, sections 273.11, subdivision 1, and by adding a subdivision; and 273.12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Cohen, Luther, Ms. Reichgott and Mr. Marty introduced—

S.F. No. 238: A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Judiciary.

Messrs. Purfeerst, Bertram and Lessard introduced—

S.F. No. 239: A bill for an act relating to taxation; sales and use; exempting sales of United States and Minnesota flags; amending Minnesota Statutes 1986, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Dahl introduced—

S.F. No. 240: A bill for an act relating to human services; imposing reporting obligations on state licensed residential facilities operated for profit; amending Minnesota Statutes 1986, section 245.821, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Messrs. Metzen, Lessard, Bertram, Schmitz and Mehrkens introduced—

S.F. No. 241: A bill for an act relating to motor vehicles; providing for special license plates for Vietnam era veterans; amending Minnesota Statutes 1986, section 168.12, by adding a subdivision.

Referred to the Committee on Veterans.

Ms. Berglin, Mr. Cohen, Mrs. Lantry and Ms. Piper introduced—

S.F. No. 242: A bill for an act relating to children; regulating paternity determinations; regulating support and maintenance obligations; providing for withholding of support; amending Minnesota Statutes 1986, sections 144.219; 257.34, subdivision 1; 257.57, subdivision 2; 257.60; 257.62, by adding a subdivision; 257.63, subdivision 2; 510.07; 518.171, subdivision 1; 518.24; 518.551, subdivision 1; 518.611, subdivisions 1, 2, 3, 4, 6, and 8; repealing Minnesota Statutes 1986, section 257.34, subdivision 2.

Referred to the Committee on Health and Human Services.

Messrs. Frank, Diessner, Mrs. Lantry, Ms. Peterson, D.C. and Mr. Beckman introduced—

S.F. No. 243: A bill for an act relating to motor vehicle safety; providing for enforcement of sanctions for operation of snowmobiles while under the influence of alcohol or a controlled substance; amending Minnesota Statutes 1986, sections 84.87, subdivisions 1 and 2, and by adding a subdivision; 169.02, subdivision 1; 169.121, subdivision 1; 169.123, subdivision 2; and 169.129.

Referred to the Committee on Judiciary.

Messrs. Langseth, Stumpf and Anderson introduced—

S.F. No. 244: A bill for an act relating to public improvements; providing for a nursing care veterans facility at Moorhead under certain conditions; providing for a bond issue; appropriating money.

Referred to the Committee on Veterans.

Mr. Langseth introduced—

S.F. No. 245: A bill for an act relating to intoxicating liquor; authorizing the city of Moorhead to issue an on-sale intoxicating liquor license to the Red River Valley Center-Hjemkomst Heritage Interpretive Center.

Referred to the Committee on Commerce.

Mses. Peterson, D.C.; Berglin; Mr. Frank and Ms. Piper introduced—

S.F. No. 246: A bill for an act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; prohibiting cost of parental leave from increasing unemployment insurance experience rating; amending Minnesota Statutes 1986, section 268.06; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Employment.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 5, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate