

## SEVENTY-SEVENTH DAY

St. Paul, Minnesota, Monday, March 28, 1988

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

## CALL OF THE SENATE

Mr. Pogemiller 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. M.E. Sandness.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 25, 1988

The Honorable Jerome M. Hughes  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 896 and 1772.

Sincerely,  
Rudy Perpich, Governor

**MESSAGES FROM THE HOUSE**

Mr. President:

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

Senate Concurrent Resolution No. 25: A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1988

**REPORTS OF COMMITTEES**

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1771: A bill for an act relating to taxation; retaining strict levy limits for cities and counties that do not comply with pay equity requirements; reducing 1992 local government aids of cities and counties that do not implement equitable compensation plans.

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

Page 1, line 12, after "*subdivision*" insert a comma

Page 1, line 14, delete "*a*" and insert "*the*"

Page 1, line 15, delete everything after the period

Page 1, delete lines 16 to 21

Page 1, line 22, delete "(3)"

Page 1, line 23, delete everything after "*employees*"

Page 1, line 24, delete "*implementation. The plan*"

Page 3, delete lines 28 to 33

Page 3, line 34, delete "7" and insert "6"

Page 3, line 35, after "*finds*" insert "*, after notice and consultation with a governmental subdivision,*" and delete "*a governmental*" and insert "*it*"

Page 3, line 36, delete "*subdivision*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1877: A bill for an act relating to counties; exempting the issuance of certain county bonds from the election requirement; authorizing county building fund levies; amending Minnesota Statutes 1986, sections 373.25,

subdivision 1; 475.52, subdivision 3; and 475.58, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 373.

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

Page 2, line 8, after the period, insert "*Capital improvement*" does not include light rail transit or any activity related to it."

Page 3, line 11, after "commissioner" and insert "of revenue"

Page 3, line 12, delete "The provisions of"

Page 3, delete line 13

Page 3, line 30; delete "and"

Page 3, after line 30, insert:

"(7) operating costs of the proposed improvements; and"

Page 3, line 31, delete "(7)" and insert "(8)"

Page 3, delete line 36

Page 4, delete lines 1 to 9 and insert "*The county must submit the capital improvement plan to the community development division of the department of trade and economic development. The plan is not effective if the commissioner disapproves the plan within 90 days after it was submitted. If the commissioner has not disapproved the plan within 90 days after its submission, the plan is deemed approved and effective. The commissioner shall disapprove a capital improvement plan only if the commissioner determines (1) that the planned improvements cannot be financed within the limits specified in subdivision 4, or (2) the county in preparing the plan did not consider the factors listed in this subdivision or failed to gather the information necessary to evaluate the plan under the factors, or (3) the proposed improvements will result in unnecessary duplication of public facilities provided by other units of government in the region or there is insufficient demand for the facility. If the plan is disapproved by the commissioner and the county board does not withdraw the plan, the capital improvement plan must be submitted to the voters for approval. If a majority of the voters approve, the plan is approved and effective.*"

Page 5, delete lines 6 to 19

Page 5, line 20, delete "8" and insert "7"

Page 5, line 31, after the comma, insert "*and for capital equipment for the administration and conduct of elections providing the equipment is uniform countywide,*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 1302: A bill for an act relating to Itasca county; permitting the county to levy a tax for economic development.

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

Delete everything after the enacting clause and insert:

**"Section 1. [ITASCA COUNTY; DEVELOPMENT LEVY.]**

*The Itasca county board may annually levy a tax of not more than one mill on taxable property in the county, to provide funds to be used by the county for tourist, agricultural, industrial, and economic development. This tax may be levied only if, by October 1 of the levy year, the county board has a commitment from a foundation or similar organization to provide matching funds for this purpose in the amount equal to the levy to be paid during the following 15 months. No part of the proceeds of this levy may be used to provide a direct loan or grant to any individual or for-profit enterprise. A levy under this section is in addition to any other permitted by law and shall be disregarded in the calculation of any other levies or limits on levies provided by Minnesota Statutes, sections 275.50 to 275.56 or other law.*

**Sec. 2. [REVERSE REFERENDUM.]**

*If the Itasca county board intends to exercise the authority provided by section 1, it shall pass a resolution stating the fact. The resolution shall then be published for two successive weeks in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county, with a notice fixing a date for a public hearing on the matter. The hearing shall be held not less than two weeks nor more than four weeks after the first publication of the resolution. Following the public hearing, the county may determine to take no further action or adopt a resolution confirming its intention to exercise the authority. That resolution shall also be published in the official newspaper of the county or, if there is no official newspaper, in a newspaper of general circulation in the county. If within 30 days after that publication, a petition, signed by voters equal in number to five percent of the votes cast in the county in the last general election, that requests a vote on the proposed resolution is filed with the county auditor, the resolution shall not take effect until it has been submitted to the voters at a general or special election and a majority of votes cast on the question of approving the resolution is in the affirmative. The commissioner of revenue shall prepare a suggested form of question to be presented at the election. The referendum must be held at a special or general election before October 1 of the first year for which the tax authorized under section 1 is proposed to be levied.*

**Sec. 3. [LOCAL APPROVAL.]**

*This act takes effect the day after the Itasca county board complies with Minnesota Statutes, section 645.021, subdivision 3."*

Amend the title as follows:

Page 1, line 3, before the period, insert " ; providing for a reverse referendum"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 1851: A bill for an act relating to local government; regulating duties of town officers; setting town powers; amending Minnesota Statutes

1986, sections 18.272; 465.71; and 471.653; and Minnesota Statutes 1987 Supplement, section 115A.921; and repealing Minnesota Statutes 1986, section 365.03.

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

Page 1, line 23, after "board" insert "*for failure, refusal, or neglect to perform a duty imposed on members of a town board under those sections*"

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1986, section 367.30, subdivision 2, is amended to read:

Subd. 2. [OPTION B; APPOINTMENT OF CLERK AND TREASURER.] Any town may provide for the appointment by the town board of its clerk or treasurer, or both, ~~or clerk treasurer~~, as hereinafter provided for in sections 367.30 to 367.36. This option shall be referred to as option B.

Sec. 3. Minnesota Statutes 1986, section 367.30, subdivision 4, is amended to read:

Subd. 4. [OPTION D; COMBINATION OF THE OFFICES OF CLERK AND TREASURER.] Any town ~~exercising the powers of a statutory city pursuant to section 368.01 or pursuant to a special law granting substantially similar powers~~ may provide for combining the offices of clerk and treasurer. *A town may provide that the combined office be made elective or appointive.* This option shall be referred to as option D.

Sec. 4. Minnesota Statutes 1986, section 367.31, subdivision 4, is amended to read:

Subd. 4. [ELECTION; FORM OF BALLOT.] The proposals for adoption of the options shall be stated on the ballot substantially as follows:

"Shall option A, providing for a five member town board of supervisors, be adopted for the government of the town?"

"Shall option B, providing for the appointment of the clerk and treasurer by the town board, be adopted for the government of the town?"

"Shall option C, providing for the appointment of a town administrator by the town board, be adopted for the government of the town?"

"Shall option D, providing for the combining of the offices of clerk and treasurer, be adopted for the government of the town?"

If a proposal under option B is to appoint only the clerk or only the treasurer, the ballot question shall be varied to read appropriately. ~~If a town has combined the offices of clerk and treasurer, the word "clerk treasurer" shall be substituted for the words "clerk and treasurer" in the question on the ballot on adoption of option B.~~ *The ballot question for a proposal under option D must be varied to show whether the combined office is to be appointive or elective.* In any of these cases, the question shall be followed by the words "Yes" and "No" with an appropriate square before each in which an elector may record a choice.

Sec. 5. Minnesota Statutes 1986, section 367.34, is amended to read:  
367.34 [CONTINUANCE IN OFFICE; ELECTIONS.]

Subdivision 1. [OPTION B; INCUMBENT CLERK AND TREASURER.] If option B is adopted at the election at which the office of clerk or treasurer, ~~or clerk-treasurer~~, is to be elected, the candidate elected to that office shall not assume office and that candidate's election shall be considered null. Otherwise when option B is adopted in a town, the incumbent clerk ~~and or treasurer, or clerk-treasurer~~, shall continue to serve until the expiration of their terms or until an earlier vacancy occurs.

Subd. 2. [ABANDONMENT OF OPTION B.] When option B is abandoned, the offices of clerk ~~and or treasurer, or clerk-treasurer~~, that would be filled at that election, shall be filled conditionally at that election, and the ballot shall indicate that the successful candidate or candidates shall assume office only if the option is abandoned as a result of the election."

Page 3, delete section 4

Page 3, line 34, delete "1986" and insert "1987 Supplement"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "18.272;" insert "367.30, subdivisions 2 and 4; 367.31, subdivision 4; 367.34; and" and delete "and 471.653;"

Page 1, delete line 5

Page 1, line 6, delete "115A.921;" and delete "1986" and insert "1987 Supplement"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2163: A bill for an act relating to metropolitan government; limiting the metropolitan council's taxing authority; amending Minnesota Statutes 1986, section 473.249, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 473.167, subdivision 2, is amended to read:

Subd. 2. [LOANS FOR ACQUISITION.] The council may make loans to counties, towns, and statutory and home rule charter cities within the metropolitan area for the purchase of property within the right-of-way of a state trunk highway shown on an official map adopted pursuant to section 394.361 or 462.359 or for the purchase of property within the proposed right-of-way of a principal or intermediate arterial highway designated by the council as a part of the metropolitan highway system plan and approved by the council pursuant to subdivision 1. The loans shall be made by the council, from the fund established pursuant to this subdivision, for purchases approved by the council. The loans shall bear no interest. The council shall make loans only: (1) to accelerate the acquisition of primarily undeveloped property when there is a reasonable probability that the property will increase in value before highway construction, or (2) to avert the

imminent conversion or the granting of approvals which would allow the conversion of property to uses which would jeopardize its availability for highway construction. The council shall not make loans for the purchase of property at a price which exceeds the fair market value of the property or which includes the costs of relocating or moving persons or property. A private property owner may elect to receive the purchase price either in a lump sum or in not more than four annual installments without interest on the deferred installments. If the purchase agreement provides for installment payments, the council shall make the loan in installments corresponding to those in the purchase agreement. The recipient of an acquisition loan shall convey the property for the construction of the highway at the same price which the recipient paid for the property. Upon notification by the council that the plan to construct the highway has been abandoned or the anticipated location of the highway changed, the recipient shall sell the property at market value in accordance with the procedures required for the disposition of the property. All rents and other money received because of the recipient's ownership of the property and all proceeds from the conveyance or sale of the property shall be paid to the council. The proceeds of the tax authorized by subdivision 3, all money paid to the council by recipients of loans, and all interest on the proceeds and payments shall be maintained as a separate fund. For administration of the loan program the council may expend from the fund each year an amount no greater than three percent of the amount that a metropolitan area tax levy of \$400 of a mill would raise in of the authorized levy for that year.

Sec. 2. Minnesota Statutes 1986, section 473.167, is amended by adding a subdivision to read:

*Subd. 4. [LEVY INCREASE.] For taxes payable in 1989, the levy limit established in subdivision 3 for that year shall be doubled. For taxes payable in 1990 and subsequent years, the levy limit established by this subdivision for taxes payable in 1989 shall also be doubled.*

Sec. 3. Minnesota Statutes 1986, section 473.249, is amended by adding a subdivision to read:

*Subd. 3. [LEVY LIMIT.] Notwithstanding any other provision of this section, effective for property taxes payable in 1989 and subsequent years, the total amount of dollars levied by the council for general purposes under this section in any year may not increase over the amount levied in the preceding year by a percentage greater than the percentage increase during the most recent 12-month period in the implicit price deflator for state and local government purchases of goods and services.*

Sec. 4. [EFFECTIVE DATE.]

*Section 3 is effective in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington for property taxes levied in 1988 and payable in 1989 and subsequent years."*

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections 473.167, subdivision 2, and by adding a subdivision; and" and after "473.249," insert "by adding a"

Page 1, line 5, delete "1"

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

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

H.F. No. 2477 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2477           | 2175     |                  |          |          |          |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2477 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2477 and insert the language after the enacting clause of S.F. No. 2175, the first engrossment; further, delete the title of H.F. No. 2477 and insert the title of S.F. No. 2175, the first engrossment.

And when so amended H.F. No. 2477 will be identical to S.F. No. 2175, and further recommends that H.F. No. 2477 be given its second reading and substituted for S.F. No. 2175, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 2546 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2546           | 2300     |                  |          |          |          |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2546 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2546 and insert the language after the enacting clause of S.F. No. 2300, the first engrossment; further, delete the title of H.F. No. 2546 and insert the title of S.F. No. 2300, the first engrossment.

And when so amended H.F. No. 2546 will be identical to S.F. No. 2300, and further recommends that H.F. No. 2546 be given its second reading and substituted for S.F. No. 2300, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.



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

H.F. No. 2192 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2192           | 1876     |                  |          |          |          |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2192 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2192 and insert the language after the enacting clause of S.F. No. 1876, the first engrossment; further, delete the title of H.F. No. 2192 and insert the title of S.F. No. 1876, the first engrossment.

And when so amended H.F. No. 2192 will be identical to S.F. No. 1876, and further recommends that H.F. No. 2192 be given its second reading and substituted for S.F. No. 1876, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 2086 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2086           | 1980     |                  |          |          |          |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2086 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2086 and insert the language after the enacting clause of S.F. No. 1980, the first engrossment; further, delete the title of H.F. No. 2086 and insert the title of S.F. No. 1980, the first engrossment.

And when so amended H.F. No. 2086 will be identical to S.F. No. 1980, and further recommends that H.F. No. 2086 be given its second reading and substituted for S.F. No. 1980, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 2341 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2341           | 2506     |                  |          |          |          |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2341 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2341 and insert the language after the enacting clause of S.F. No. 2506, the second engrossment; further, delete the title of H.F. No. 2341 and insert the title of S.F. No. 2506, the second engrossment.

And when so amended H.F. No. 2341 will be identical to S.F. No. 2506, and further recommends that H.F. No. 2341 be given its second reading and substituted for S.F. No. 2506, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 2317 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
|                |          |                  |          | 2317     | 1817     |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2317 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2317 and insert the language after the enacting clause of S.F. No. 1817, further, delete the title of H.F. No. 2317 and insert the title of S.F. No. 1817.

And when so amended H.F. No. 2317 will be identical to S.F. No. 1817, and further recommends that H.F. No. 2317 be given its second reading and substituted for S.F. No. 1817, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 1526 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File

as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
|                |          |                  |          | 1526     | 1060     |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1526 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1526 and insert the language after the enacting clause of S.F. No. 1060, the first engrossment; further, delete the title of H.F. No. 1526 and insert the title of S.F. No. 1060, the first engrossment.

And when so amended H.F. No. 1526 will be identical to S.F. No. 1060, and further recommends that H.F. No. 1526 be given its second reading and substituted for S.F. No. 1060, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

H.F. No. 1749: A bill for an act relating to transportation; increasing the tax on gasoline and special fuel to 20 cents per gallon; increasing the share of motor vehicle excise tax revenues dedicated to highways and transit to 35 percent; amending Minnesota Statutes 1986, section 296.02, subdivision 1b; and Minnesota Statutes 1987 Supplement, sections 296.025, subdivisions 2a and 2b; and 297B.09, subdivision 1.

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

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1986, section 168.013, subdivision 1a, is amended to read:

Subd. 1a. [PASSENGER AUTOMOBILES; AMBULANCES; HEARSEs.] On passenger automobiles as defined in section 168.011, subdivision 7, ambulances, and hearses, except as otherwise provided, the tax shall be \$10 plus an additional tax equal to 1.25 percent of the base value, except that on pickup trucks the tax shall be:

(a) for the 1982 registration year, \$10 plus an additional tax equal to .75 percent of base value;

(b) for the 1983 registration year and each succeeding year, \$10 plus an additional tax equal to 1.25 percent of base value.

Subject to the classification provisions herein, "base value" means the manufacturer's suggested retail price of the vehicle including destination charge as reflected on the price listing affixed to the vehicle in conformity with United States Code, title 15, sections 1231 to 1233 (Public Law Number 85-506) or otherwise suggested by the manufacturer or determined by the registrar if no suggested retail price exists, and shall not include the cost of each accessory or item of optional equipment separately added to the vehicle and the suggested retail price.

If unable to determine the base value because the vehicle is specially constructed, or for any other reason, the registrar may establish such value upon the cost price to the purchaser or owner as evidenced by a certificate of cost but not including Minnesota sales or use tax or any local sales or other local tax.

The registrar shall classify every vehicle in its proper base value class as follows:

| FROM | TO       |
|------|----------|
| \$ 0 | \$199.99 |
| 200  | 399.99   |

and thereafter a series of classes successively set in brackets having a spread of \$200 consisting of such number of classes as will permit classification of all vehicles.

The base value for purposes of this section shall be the middle point between the extremes of its class.

The registrar shall establish the base value, when new, of every passenger automobile, ambulance and hearse registered prior to the effective date of Extra Session Laws 1971, chapter 31, using list price information published by the manufacturer or any nationally recognized firm or association compiling such data for the automotive industry. If unable to ascertain the base value of any registered vehicle in the foregoing manner, the registrar may use any other available source or method. The tax on all previously registered vehicles shall be computed upon the base value thus determined taking into account the depreciation provisions of Extra Session Laws 1971, chapter 31 this subdivision.

(a) Except as provided in paragraph (b), the annual additional tax computed upon the base value as provided herein, during the first year and second years of vehicle life shall be computed upon 100 percent of the base value; for the second year third and fourth years, 90 percent of such value; for the third year fifth and sixth years, 75 percent of such value; for the fourth year seventh and eighth years, 60 percent of such value; for the fifth ninth year, 45 percent of such value; for the sixth year, 35 percent of such value; for the seventh tenth year, 30 percent of such value; for the eighth 11th year, 20 percent of such value; for the ninth year, 15 percent of such value; for the tenth year, ten percent of such value; for the 11th 12th and each succeeding year, the sum of \$13; provided that for registrations renewed on or after January 1, 1982, the annual additional tax for the 11th and each succeeding year of vehicle life shall be \$13; for registrations renewed on or after January 1, 1983, the annual additional tax shall be \$18; for registrations renewed on or after January 1, 1984, the annual additional tax shall be \$22; and for registrations renewed on or after January 1, 1985, the annual additional tax shall be \$25.

In no event shall the annual additional tax be less than \$13 for any registration renewed after January 1, 1982, nor less than \$18 for any registration renewed after January 1, 1983, \$22 for any registration renewed after January 1, 1984; and \$25 for any registration renewed after January 1, 1985.

(b) The annual additional tax on a vehicle for any year under paragraph (a), as amended in this act, shall not exceed the amount of the annual additional tax on that vehicle under Minnesota Statutes 1986, section 168.013, subdivision 1a.

Sec. 2. Minnesota Statutes 1987 Supplement, section 168.27, subdivision 16, is amended to read:

Subd. 16. [~~DEALER PLATES, DISTINGUISHING NUMBERS.~~] (a) The registrar shall issue to every motor vehicle dealer, upon a request from the motor vehicle dealer licensed as provided in subdivision 2 or 3, one or more plates displaying a general distinguishing number upon the payment of \$10 to the registrar. In addition the dealer shall pay a motor vehicle excise tax of \$15 annually for each dealer plate purchased as required by section 297B.035. The registrar shall deposit the tax in the state treasury and it shall be credited as provided in section 297B.09. Motor vehicles, new or used, owned by the motor vehicle dealer and bearing the number plate, except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck, may be driven upon the streets and highways of this state as follows:

(1) by the motor vehicle dealer, or any employee of the motor vehicle dealer or by any member of the immediate family of the dealer or employee for either private or business purposes;

(2) for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semitrailer, for a period of seven days; or

(3) in a promotional event that lasts no longer than four days in which at least three motor vehicles are involved.

(b) A new or used motor vehicle sold by the motor vehicle dealer and bearing the motor vehicle dealer's number plate may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before the buyer receives number plates pursuant to registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before the buyer receives number plates pursuant to registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles."

Page 1, line 15, reinstate the stricken language:

Page 1, after line 23, insert:

*"(a) For the period on and after May 1, 1988, gasoline"*

Page 1, line 24, reinstate the stricken "is taxed at the"

Page 1, after line 24, insert:

*"(b) For the period beginning April 1, 1989, and thereafter, gasoline is taxed at the rate determined under section 4."*

Sec. 4. Minnesota Statutes 1986, section 296.02, is amended by adding a subdivision to read:

Subd. 1c. [ANNUAL ADJUSTMENT OF TAX RATE.] (a) Beginning in 1989, on or before February 1 of each year, the commissioner shall recompute and publish the rate for the tax imposed under section 296.02, subdivision 1. The new rate per gallon must be calculated by multiplying the rate in effect at the time of the calculation by an amount obtained by

*multiplying the amount under paragraph (b) by the amount under paragraph (c).*

*(b) Divide the highway maintenance cost index, as computed by the federal Department of Transportation, Federal Highway Administration, for the year prior to the year during which the calculation is made by that index for the year that is two years prior to the year during which the calculation is made.*

*(c) Divide the number of gallons of motor fuel and special fuel sold in this state, as estimated by the department, during the year two years prior to the year during which the calculation is made minus any shrinkage allowed by the department by the number obtained by subtracting from the number of gallons of motor fuel and special fuel sold in this state, as estimated by the department, during the year prior to the year during which the calculation is made any shrinkage allowed by the department.*

*(d) The rate calculated under this section must be rounded to the nearest one-tenth of one cent.*

*(e) The rate calculated under this section is effective on the April 1 after the calculation and applies to all gasoline in distributor bulk storage on that date.*

*(f) The fees charged for compressed natural gas user permits under section 296.026, subdivision 2, shall be adjusted annually on April 1 of 1989 and subsequent years by a percentage equal to the percentage of adjustment of the rate of the tax on gasoline and special fuels under this subdivision."*

Page 2, after line 17, insert:

"Sec. 7. Minnesota Statutes 1986, section 296.026, subdivision 2, is amended to read:

Subd. 2. [PERMIT FEES IMPOSED.] The fees for annual compressed natural gas user permits are based on each vehicle's mileage in the preceding year and are as follows:

| Gross Vehicle Weight   | Fee                          |
|------------------------|------------------------------|
| Under 12,000 pounds    | \$ 9 \$10.60 per 1,000 miles |
| 12,001 - 18,000 pounds | \$16 \$18.80 per 1,000 miles |
| 18,001 - 26,000 pounds | \$23 \$27.10 per 1,000 miles |
| 26,001 - 36,000 pounds | \$27 \$31.80 per 1,000 miles |
| Over 36,000 pounds     | \$34 \$40.00 per 1,000 miles |

The maximum fee for an annual compressed natural gas user permit for vehicles in all gross vehicle weight classes shall not exceed the fee charged for 22,000 actual miles driven. If no true cumulative mileage figures are available for the preceding year, the fee charged under this section shall be based on 15,000 miles driven.

The fee for a permit required by this section must be calculated based on the number of unexpired months remaining in the registration year of the vehicle as measured from the date of the occurrence of the event requiring the permit.

Sec. 8. Minnesota Statutes 1986, section 297B.035, subdivision 2, is amended to read:

Subd. 2. Motor vehicles which satisfy the definitions of subdivision 1, shall be taxed at a yearly rate of ~~\$15~~ \$30 per dealer plate. This tax shall be paid when dealer plates are purchased and shall be deposited in the state treasury and credited as provided in section 297B.09. This tax shall be in lieu of any other state sales, excise, or use tax."

Page 4, after line 2, insert:

"Sec. 10. [REPEALER.]

*Laws 1987, chapter 268, article 18, section 5, is repealed."*

Page 4, line 5, delete "4" and insert "9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "increasing the motor vehicle registration tax and the tax on dealer's licenses;"

Page 1, line 3, before the semicolon, insert "and indexing the rate of the tax"

Page 1, line 6, after the semicolon, insert "repealing the contingent income tax increase provision;" and delete "section" and insert "sections 168.013, subdivision 1a;"

Page 1, line 7, after "1b" insert ", and by adding a subdivision; 296.026, subdivision 2; 297B.035, subdivision 2"

Amend the report from the Committee on Finance, adopted by the Senate March 7, 1988, as follows:

Delete the amendment to page 4, line 4, and insert:

*"Section 1 is effective July 1, 1988, for registration taxes due on and after that date. Sections 3 to 6 are effective May 1, 1988, and apply to"*

Delete the title amendment to page 1, lines 8 and 9, and insert "Supplement, sections 168.27, subdivision 16; and 296.025, subdivisions 2a and 2b; repealing Laws 1987, chapter 268, article 18, section 5."

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1771, 1877 and 2163 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1302, 1851, 2477, 2546, 2192, 2086, 2341, 2317, 1526 and 1749 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Novak moved that his name be stricken as a co-author to S.F. No. 1999. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Novak be added as a co-author to S.F. No. 2215. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr.

Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

### CALENDAR

H.F. No. 2134: A bill for an act relating to real property; requiring recordation of transfers of contracts for deed; providing penalties; amending Minnesota Statutes 1986, section 507.235.

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 54 and nays 7, as follows:

Those who voted in the affirmative were:

|           |                    |               |                |           |
|-----------|--------------------|---------------|----------------|-----------|
| Adkins    | Chmielewski        | Hughes        | Marty          | Reichgott |
| Anderson  | Cohen              | Johnson, D.E. | McQuaid        | Renneke   |
| Beckman   | Davis              | Johnson, D.J. | Merriam        | Schmitz   |
| Belanger  | DeCramer           | Knaak         | Moe, D.M.      | Solon     |
| Benson    | Dicklich           | Knutson       | Moe, R.D.      | Spear     |
| Berg      | Diessner           | Laidig        | Morse          | Storm     |
| Berglin   | Frank              | Langseth      | Peterson, D.C. | Stumpf    |
| Bernhagen | Frederickson, D.J. | Lantry        | Piper          | Taylor    |
| Bertram   | Frederickson, D.R. | Larson        | Pogemiller     | Vickerman |
| Brandl    | Freeman            | Lessard       | Purfeerst      | Wegscheid |
| Brataas   | Gustafson          | Luther        | Ramstad        |           |

Those who voted in the negative were:

|        |        |        |                |           |
|--------|--------|--------|----------------|-----------|
| Dahl   | Jude   | Pehler | Peterson, R.W. | Samuelson |
| Decker | Metzen |        |                |           |

So the bill passed and its title was agreed to.

H.F. No. 2018: A bill for an act relating to agriculture; clarifying and imposing penalties for violations related to diseased animals under the jurisdiction of the board of animal health; authorizing inspection upon notice; authorizing enforcement of violations; authorizing civil judicial enforcement actions; authorizing administrative remedies for violations; imposing civil and criminal penalties; amending Minnesota Statutes 1986, sections 35.245, subdivision 5; 35.80; 35.82, subdivision 2; and 35.830; Minnesota Statutes 1987 Supplement, section 35.68; proposing coding for new law in Minnesota Statutes, chapter 35; repealing Minnesota Statutes 1986, sections 35.069; 35.15, subdivision 2; 35.70; 35.71, subdivision 8; and 35.72, subdivision 6.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:



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

So the bill passed and its title was agreed to.

H.F. No. 2059: A bill for an act relating to crime; children; clarifying the defenses to a charge of deprivation of parental rights; requiring defendant to prove elements of defenses; amending Minnesota Statutes 1987 Supplement, section 609.26, subdivision 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Mr. Merriam, for the Committee on Finance, introduced—

S.F. No. 2568: A bill for an act relating to the organization and operation of state government; appropriating money for human services and health and other purposes with certain conditions; amending Minnesota Statutes 1986, sections 62E.04, by adding subdivisions; 144.125; 144.50, by adding a subdivision; 144A.04, by adding a subdivision; 144A.08, by adding a subdivision; 145.43, subdivisions 1 and 1a; 145.853, subdivision 2; 245.814, subdivisions 1, 2, and 3; 245.83; 245.84, subdivision 1; 246.023, subdivision 1; 252.291, subdivisions 1 and 2; 256.73, subdivisions 2, 6, and

by adding subdivisions; 256.76, subdivision 1; 256B.08; 256B.092, subdivisions 5 and 7; 256B.14, subdivision 2; 256B.431, by adding subdivisions; 256B.50, subdivision 1, and by adding subdivisions; 256B.69, subdivisions 3 and 4; 256D.02, subdivision 7, and by adding a subdivision; 256D.06, by adding a subdivision; 256D.07; 256D.35, by adding a subdivision; 256D.37, subdivision 2, and by adding subdivisions; 256E.12, subdivisions 1 and 2; 268.86, by adding a subdivision; 268.91, subdivision 7; 268.911, subdivision 3; 357.021, subdivision 2a; 517.08, subdivision 1c; and 609.72, subdivision 1; Minnesota Statutes 1987 Supplement, sections 16B.08, subdivision 7; 62A.152, subdivision 2; 62D.102; 144A.071, subdivision 3; 144A.073, subdivisions 1 and 7; 145.43, subdivision 4; 245.462, subdivisions 3, 4, 6, 17, 18, 19, 20, 21, 23, and 25; 245.465; 245.466, subdivisions 1, 2, and 5; 245.467, by adding subdivisions; 245.469, subdivision 2; 245.471, subdivisions 2 and 3; 245.472, subdivision 2; 245.475, subdivisions 1 and 2; 245.476, subdivision 1; 245.477; 245.478, subdivisions 1, 2, and 9; 245.479; 245.482, subdivision 2; 245.696, subdivision 2; 245.697, subdivision 2, and by adding a subdivision; 252.291, subdivision 3; 256.01, subdivision 4; 256.015, subdivision 2; 256.936; 256.969, subdivision 3; 256B.02, subdivision 8; 256B.031, subdivision 5; 256B.042, subdivision 2; 256B.06, subdivisions 1 and 4; 256B.091, subdivision 4; 256B.35, subdivision 1; 256B.431, subdivisions 3 and 4; 256B.50, subdivision 2; 256B.501, subdivision 1; 256D.01, subdivision 1a; 256D.03, subdivision 3; 256D.06, subdivisions 1 and 1b; 256D.37, subdivision 1; 256E.12, subdivision 3; and 268.91, subdivisions 3 and 3b; Laws 1987, chapter 403, article 2, section 34; and article 4, section 13; proposing coding for new law in Minnesota Statutes, chapters 62A; 62C; 62D; 144; 153A; 179A; 198; 245; 252; and 256B; repealing Minnesota Statutes 1986, sections 153A.01; 153A.02; 153A.03; 153A.04; 153A.05; 153A.06; 153A.07; 153A.08; 153A.09; 153A.10; 153A.11; 153A.12; 246.023, subdivisions 2, 3, 4, and 5; and 268.061.

Under the rules of the Senate, laid over one day.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 1823, 2079, 1987, H.F. Nos. 2049, 2254, 2358, 2559, 2402, 1585, 1971, 1659, 2092, 2629, 2489, 2446, 2508, 1189, 1913, 521, 1710 and 1277, which the committee recommends to pass.

S.F. No. 2114, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 1, line 9, after "*that*" insert "*is not defined as a dangerous weapon, and that*"

Page 1, line 10, delete "*or is otherwise recognizable as*" and insert

*"and reasonably appears to be"*

Page 1, line 21, delete *"in type"*

Page 1, line 22, delete *"measures"* and insert *"measure"* and delete *"and centers"* and insert *"centered"*

Page 1, line 24, delete *"type"* and insert *"letters"* and delete *"measures"* and insert *"measure"*

Page 1, line 25, delete *"red"* and delete *"against a white"* and insert *"that strongly contrasts with the"*

Page 2, line 3, delete *"specifically"*

Page 2, after line 3, insert:

*"Subd. 4. [ENFORCEMENT.] This section may be enforced by the attorney general under section 8.31, but a court may not impose a civil penalty of more than \$500 for a violation of this section."*

The motion prevailed. So the amendment was adopted.

S.F. No. 1561, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Page 1, after line 22, insert:

*"Sec. 2. [97C.347] [LANDING NETS.]*

*Subdivision 1. [USE AND POSSESSION.] A person may use and possess a landing net to net a fish taken by angling.*

*Subd. 2. [ELECTRIC LANDING NETS.] A person may net fish taken by angling with a battery operated landing net that discharges an electric current if the net is designed to temporarily immobilize the fish so that it can be safely released.*

*Sec. 3. [97C.403] [RAINY RIVER WALLEYE RESTRICTIONS.]*

*Subdivision 1. [LIMIT.] (a) The possession limit for walleyes taken from the Rainy River is six per day.*

*(b) Only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.*

*Subd. 2. [OPEN SEASON.] The open season for walleye in the Rainy River is from the third Saturday in May until April 14.*

*Sec. 4. [1988-1989 SPRING WALLEYE SEASON.]*

*From the effective date of this section until April 14, 1988, and from March 1 until April 14, 1989, a person may take walleyes from the Rainy River but the walleyes taken must be released after being caught.*

*Sec. 5. [REPEALER.]*

*Minnesota Statutes 1987 Supplement, section 97C.402, is repealed."*

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1731, which the committee recommends to pass with the following amendment offered by Mr. Gustafson:

Amend H.F. No. 1731, as amended pursuant to Rule 49, adopted by the

Senate March 17, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2033.)

Page 1, line 11, delete "or" and insert "and"

The motion prevailed. So the amendment was adopted.

H.F. No. 1897, which the committee recommends to pass with the following amendments offered by Mr. Spear:

Amend H.F. No. 1897, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1802.)

Page 3, after line 17, insert:

"Sec. 6. Minnesota Statutes 1986, section 60C.05, subdivision 2, is amended to read:

Subd. 2. The association may:

(a) Employ or retain the persons necessary to handle claims and perform other duties of the association.

(b) Borrow funds necessary to effect the purposes of Laws 1971, chapter 145 in accord with the plan of operation.

(c) Sue or be sued.

(d) Negotiate and become a party to the contracts necessary to carry out the purpose of Laws 1971, chapter 145.

(e) Perform other acts necessary or proper to effectuate the purpose of Laws 1971, chapter 145.

(f) *Subject to section 7, refund to the member insurers in proportion to the contribution of each member insurer to that account the amount by which the assets of the account exceed the liabilities, if at the end of the calendar year the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year.*

(g) Request the court to disapprove or modify any claim for which approval is sought under the provisions of section 60B.45, subdivision 2 or 60B.58, subdivision 2.

Sec. 7. Minnesota Statutes 1986, section 60C.06, is amended by adding a subdivision to read:

*Subd. 6. [REFUNDS RETAINED.] All money which the association receives from the estate of an insolvent insurer or an insurer that is the subject of delinquency proceedings shall not be refunded to members but must be credited to the account from which the claims were paid that resulted in the payment from the estate. If that cannot be determined, the money shall be credited to the account which the board determines is most likely to have been the source of the paid claims. The money shall be used to pay future claims."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend H.F. No. 1897, as amended pursuant to Rule 49, adopted by the Senate March 23, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1802.)

Page 8, after line 8, insert:

"Sec. 11. [EFFECTIVE DATE CLARIFICATION.]

*Laws 1987, chapter 337, sections 27, 28, 29, and 30, effective August 1, 1987, apply to delinquency proceedings commencing on or after August 1, 1987."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2020, which the committee recommends to pass, subject to the following motion:

Mr. Marty moved that the amendment made to H.F. No. 2020 by the Committee on Rules and Administration in the report adopted March 10, 1988, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1844, which the committee recommends to pass with the following amendment offered by Mr. Morse:

Page 2, after line 26, insert:

"Sec 2. [STUDY TASK FORCE.]

*The Supreme Court, in consultation with the association of Minnesota counties, shall appoint a task force to study the relationship between the district court and the counties of the state and to make recommendations regarding the control and financing of the district courts. The task force shall report its findings and recommendations to the legislature by February 1, 1989.*

Sec. 3. [REPEALER.]

*Minnesota Statutes 1986, section 485.018, subdivision 7, is repealed effective August 15, 1989."*

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2340, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Amend H.F. No. 2340, as amended pursuant to Rule 49, adopted by the Senate March 21, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 2124.)

Page 2, line 30, delete "1989" and insert "1990"

The motion prevailed. So the amendment was adopted.

H.F. No. 2551, which the committee recommends to pass with the following amendment offered by Mr. Johnson, D.J.:

Page 1, delete lines 15 to 19 and insert:

*"The property to be sold is in St. Louis county described as tax parcel 465-20-1530 consisting of:*

*The part of the south half of the northeast quarter, Section 12, Township 63 North, Range 12 West that lies southeasterly of Picketts Lake."*

The motion prevailed. So the amendment was adopted.

H.F. No. 2252, which the committee recommends to pass, subject to the following motion:

Mr. Luther moved that the amendment made to H.F. No. 2252 by the Committee on Rules and Administration in the report adopted March 25, 1988, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1923, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Amend H.F. No. 1923, as amended pursuant to Rule 49, adopted by the Senate March 21, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1668.)

Page 1, line 12, after the period, insert *"If the property is merchandise stolen from a retail store, its value is the retail price of the merchandise in the store when the theft occurred."*

The motion prevailed. So the amendment was adopted.

S.F. No. 2347, which the committee recommends to pass with the following amendment offered by Mr. Solon:

Page 2, line 21, delete "An" and insert "an"

Page 2, line 24, delete "Minnesota" and insert "this state"

Page 3, lines 11, 15, 20, 23, and 24, delete "Minnesota" and insert "this state"

The motion prevailed. So the amendment was adopted.

H.F. No. 2422, which the committee recommends to pass, subject to the following motions:

Mr. Cohen moved that the amendment made to H.F. No. 2422 by the Committee on Rules and Administration in the report adopted March 24, 1988, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Frederickson, D.R. moved to amend H.F. No. 2422 as follows:

Page 2, line 26, delete "exemptions" and insert "exemption" and delete "section" and insert "subdivision"

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 1986, section 550.37, subdivision 18, is amended to read:

Subd. 18. The exemptions provided for in subdivisions 3 to 15 extend only to debtors who are natural persons *except as provided in subdivision 5 for partnerships.*"

Page 3, line 4, delete "Section 3" and insert "This act"

Renumber the sections in sequence and correct the internal references  
Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2265, which the committee recommends to pass with the following amendments offered by Messrs. Berg; Frederickson, D.R.; Johnson, D.E.; Ms. Berglin, Messrs. Lessard, Frederick and Bertram:

Mr. Berg moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Pages 6 and 7, delete section 18

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Frederickson, D.R. moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Page 3, after line 19, insert:

"Sec. 7. Minnesota Statutes 1986, section 97B.425, is amended to read:  
97B.425 [BAITING BEARS.]

A person placing bait to take bear must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. ~~A person may not use solid waste containing bottles, cans, plastic, paper, metal, or other materials that are not readily biodegradable as a bait to attract bear. To attract bear a person may not use a bait with:~~

*(1) meat from mammals, if the meat contains bones;*

*(2) bones of mammals;*

*(3) solid waste containing bottles, cans, plastic, paper, or metal;*

*(4) materials that are not readily biodegradable; or*

*(5) any part of a swine."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.E. moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 1986, section 97A.445, subdivision 2, is amended to read:

Subd. 2. [ANGLING; INSTITUTIONAL RESIDENTS.] A license is not required to take fish by angling with the written consent of the superintendent or chief executive of the institution for the following persons:

(1) a resident of a state hospital;

(2) a patient of a United States Veterans Administration hospital; and

(3) an inmate of a state correctional facility; and

(4) a resident of a nursing home."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Berglin moved to amend the Johnson, D.E. amendment to H.F. No. 2265, the unofficial engrossment, as follows:

Page 1, line 14, after "home" insert "or licensed group home"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Johnson, D.E. amendment, as amended.

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

Mr. Lessard moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Page 5, after line 17, insert:

"Sec. 14. [97C.403] [RAINY RIVER WALLEYE RESTRICTIONS.]

*Subdivision 1. [LIMIT.] (a) The possession limit for walleyes taken from the Rainy River is six per day.*

*(b) Only one walleye over 19-1/2 inches in length may be included in the limit taken from the Rainy River each day.*

*Subd. 2. [OPEN SEASON.] The open season for walleye in the Rainy River is from the third Saturday in May until April 14."*

Page 7, after line 1, insert:

"Sec. 20. [1988-1989 SPRING WALLEYE SEASON.]

*From the effective date of this section until April 14, 1988, and from March 1 until April 14, 1989, a person may take walleyes from the Rainy River but the walleyes possessed for a limit may not exceed 19-1/2 inches in length."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Page 2, line 27, after "may" insert "without permission"

Page 2, lines 27 and 28, delete "without permission"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1986, section 97A.121, subdivision 2, is amended to read:

*Subd. 2. [SEASON.] The open season for hunting in private shooting*



preserves is from September 1 through March 31 continuous. The commissioner may restrict the open season after receiving a complaint, holding a public hearing, and finding that the population of wild game birds is in danger by hunting in the preserve.

Sec. 3. Minnesota Statutes 1986, section 97A.121, is amended by adding a subdivision to read:

*Subd. 4a. [PHEASANTS.] A private shooting preserve licensed to release pheasants must release at least 500 pheasants on the licensed shooting preserve area during the private shooting preserve hunting season. At least 20 pheasants must be released within 14 days before a day that pheasants are hunted. The number of pheasants harvested may not exceed 95 percent of the number of pheasants released during the private shooting preserve hunting season."*

Page 3, after line 34, insert:

"Sec. 10. Minnesota Statutes 1986, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. [STAMP REQUIRED.] (a) Except as provided in paragraph (b), a person required to possess a small game license may not hunt pheasants without a pheasant stamp in possession.

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed private shooting preserves in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties."

Page 4, after line 1, insert:

"Sec. 12. Minnesota Statutes 1986, section 97B.731, subdivision 2, is amended to read:

Subd. 2. [TAKING MOURNING DOVES GENERALLY PROHIBITED.] *Except as provided in section 13, mourning doves may not be taken in the state.*

Sec. 13. Minnesota Statutes 1986, section 97B.731, is amended by adding a subdivision to read:

*Subd. 3. [EXPERIMENTAL MOURNING DOVE SEASON.] In 1988 and 1989 the commissioner may prescribe an open season and limits for mourning doves only within the borders of shooting preserves licensed with this state."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mrs. Lantry requested division of the amendment, as follows:

First portion:

Page 2, after line 7, insert:

"Sec. 2. Minnesota Statutes 1986, section 97A.121, subdivision 2, is amended to read:

Subd. 2. [SEASON.] The open season for hunting in private shooting

preserves is ~~from September 1 through March 31~~ *continuous*. The commissioner may restrict the *open* season after receiving a complaint, holding a public hearing, and finding that the population of wild game birds is in danger by hunting in the preserve.

Sec. 3. Minnesota Statutes 1986, section 97A.121, is amended by adding a subdivision to read:

*Subd. 4a. [PHEASANTS.] A private shooting preserve licensed to release pheasants must release at least 500 pheasants on the licensed shooting preserve area during the private shooting preserve hunting season. At least 20 pheasants must be released within 14 days before a day that pheasants are hunted. The number of pheasants harvested may not exceed 95 percent of the number of pheasants released during the private shooting preserve hunting season."*

Page 3, after line 34, insert:

"Sec. 10. Minnesota Statutes 1986, section 97B.715, subdivision 1, is amended to read:

Subdivision 1. [STAMP REQUIRED.] (a) Except as provided in paragraph (b), a person required to possess a small game license may not hunt pheasants without a pheasant stamp in possession.

(b) The following persons are exempt from this subdivision:

(1) residents under age 18 or over age 65; and

(2) persons hunting on licensed private shooting preserves ~~in Norman, Becker, Wadena, Cass, Crow Wing, Aitkin, or Carlton county, and locations north of the northern boundaries of these counties."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Second portion:

Page 4, after line 1, insert:

"Sec. 12. Minnesota Statutes 1986, section 97B.731, subdivision 2, is amended to read:

Subd. 2. [TAKING MOURNING DOVES *GENERALLY* PROHIBITED.] *Except as provided in section 13, mourning doves may not be taken in the state.*

Sec. 13. Minnesota Statutes 1986, section 97B.731, is amended by adding a subdivision to read:

*Subd. 3. [EXPERIMENTAL MOURNING DOVE SEASON.] In 1988 and 1989 the commissioner may prescribe an open season and limits for mourning doves only within the borders of shooting preserves licensed with this state."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The question was taken on the adoption of the second portion of the

## Berg amendment.

The roll was called, and there were yeas 15 and nays 48, as follows:

Those who voted in the affirmative were:

|          |           |                    |         |                |
|----------|-----------|--------------------|---------|----------------|
| Anderson | Bernhagen | Frederickson, D.R. | Merriam | Peterson, R.W. |
| Benson   | Bertram   | Gustafson          | Metzen  | Renneke        |
| Berg     | DeCramer  | Lessard            | Morse   | Stumpf         |

Those who voted in the negative were:

|          |                    |          |                |           |
|----------|--------------------|----------|----------------|-----------|
| Adkins   | Dicklich           | Knaak    | Moe, D.M.      | Schmitz   |
| Beckman  | Diessner           | Knutson  | Moe, R.D.      | Solon     |
| Belanger | Frank              | Kroening | Novak          | Spear     |
| Berglin  | Frederick          | Laidig   | Olson          | Storm     |
| Brandl   | Frederickson, D.J. | Langseth | Peterson, D.C. | Taylor    |
| Brataas  | Freeman            | Lantry   | Piper          | Vickerman |
| Cohen    | Hughes             | Larson   | Pogemiller     | Waldorf   |
| Dahl     | Johnson, D.E.      | Luther   | Purfeerst      | Wegscheid |
| Davis    | Johnson, D.J.      | Marty    | Ramstad        |           |
| Decker   | Jude               | McQuaid  | Samuelson      |           |

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Bertram moved to amend H.F. No. 2265, the unofficial engrossment, as follows:

Page 2, line 28, before the period, insert "*after making every reasonable attempt to contact the landowner*"

The motion prevailed. So the amendment was adopted.

H.F. No. 1469, which the committee recommends to pass with the following amendment offered by Mr. Lessard:

Amend H.F. No. 1469, as amended pursuant to Rule 49, adopted by the Senate March 25, 1988, as follows:

(The text of the amended House File is identical to S.F. No. 1336.)

Page 3, delete lines 20 to 25 and insert:

"Subd. 5a. [FIREWOOD LOADS.] (a) *No vehicle that has a cargo*"

Page 3, line 30, after the period, insert "*No person shall transport firewood in any vehicle in an unsafe manner. Violation of this subdivision is a petty misdemeanor except that a peace officer may issue a citation that amounts to a warning (1) for a first offense, and (2) if, in the judgment of the citing peace officer at the site, the load of firewood is made safe for transport.*"

(b) *The commissioner of public safety shall adopt rules defining and delineating standards for the safe transport of firewood.*"

Mr. Benson requested division of the amendment as follows:

First portion:

Page 3, delete lines 20 to 25 and insert:

"Subd. 5a. [FIREWOOD LOADS.] *No vehicle that has a cargo*"

Page 3, line 30, after the period, insert "*No person shall transport firewood in any vehicle in an unsafe manner. Violation of this subdivision is a petty misdemeanor except that a peace officer may issue a citation that amounts to a warning (1) for a first offense, and (2) if, in the judgment*"

*of the citing peace officer at the site, the load of firewood is made safe for transport."*

Second portion:

Page 3, after line 30, insert :

*"The commissioner of public safety shall adopt rules defining and delineating standards for the safe transport of firewood."*

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

The question was taken on the adoption of the second portion of the amendment. The motion did not prevail. So the second portion of the amendment was not adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### 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 Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills. The motion prevailed.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 2063: A bill for an act relating to housing; providing a definition; authorizing certain refinancing; providing for reservation of low-income housing credits; amending Minnesota Statutes 1986, sections 462A.03, by adding a subdivision; 462A.05, by adding a subdivision; and 462A.07, subdivisions 14 and 15; Minnesota Statutes 1987 Supplement, section 462A.222, subdivision 2.

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

Page 1, after line 27, insert:

"Sec. 3. Minnesota Statutes 1987 Supplement, section 462A.05, subdivision 28, is amended to read:

Subd. 28. [GRANTS FOR HOUSING FOR LOW-INCOME PERSONS LIVING ALONE.] The agency may make grants for residential housing to be used by low-income persons living alone whose annual gross income does not exceed 150 percent of the poverty line as updated by the United States Office of Management and Budget. The grants may be made to cities, joint powers boards established by two or more cities, housing and redevelopment authorities created under sections 462.415 to 462.705, or nonprofit entities as defined by the agency, or for-profit entities to the

*extent necessary to enable the recipient to qualify for low-income housing credits provided under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1987, provided that the agency determines that the credits will confer a benefit on the residential housing. The occupants of the residential housing must be offered a written lease that complies with section 325G.31, offers the occupants the option to renew, and prohibits eviction of an occupant without good cause. Grants under this subdivision must not exceed 50 percent of the development costs for the residential housing, and must not be made for any residential housing that requires the occupants to accept board as well as lodging. In making grants, the agency shall determine the circumstances, terms, and conditions under which all or part of the grant will be repaid and the appropriate security if repayment is required."*

Page 5, after line 2, insert:

"Sec. 7. [469.0171] [HOUSING PLAN, PROGRAM, AND REVIEW.]

*Prior to the issuance of bonds or obligations for a housing development project proposed by an authority under section 469.017, the authority shall prepare a plan meeting the requirements of section 462C.03, subdivision 1, paragraphs (a) to (d); obtain review of the plan in the manner provided in section 462C.04, subdivision 1; and prepare and submit for review a program as defined in section 462C.02, subdivision 3, in the manner provided in section 462C.04, subdivision 2, and section 462C.05, subdivision 5, for the making or purchasing of loans by cities."*

Page 5, delete lines 4 and 5 and insert:

*"Sections 1 to 6 are effective the day following final enactment. Section 7 is effective August 2, 1988."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "providing for grants for housing for low-income persons;"

Page 1, line 8, delete "section" and insert "sections 462A.05, subdivision 28; and" and before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 469"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 1968: A bill for an act relating to economic development; providing for the use of municipal resources for establishment of a local revolving loan fund; amending Minnesota Statutes 1987 Supplement, section 116N.08, subdivision 8.

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

Page 1, line 14, after "of" insert "providing the match to"

Page 1, line 15, delete "establishing" and insert "establish"

Page 1, line 19, delete "the" and insert "a" and after "if" insert "(1)"

Page 1, line 20, delete "*consistent with*" and insert "*authorized in*"

Page 1, line 22, before the period, insert "*and (2) the revenues are deposited in a loan fund that is separate from the loan fund in which general fund money is established*" and after the period, insert "*The local governmental unit may deposit up to \$50,000 of local public money in each of the local revolving funds that may be established under this subdivision.*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 1865: A bill for an act relating to the town of White Bear; authorizing the town of White Bear to establish an economic development authority; giving the town of White Bear the powers of a city with respect to the authority.

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

Page 2, after line 1, insert:

"Sec. 2. [TOWN OF WHITE BEAR; DEVELOPMENT DISTRICT.]

*Subdivision 1. [DEVELOPMENT DISTRICT.] The town of White Bear may establish one or more economic development districts to facilitate development within the town and for such purpose may exercise all of the powers granted to a city under Minnesota Statutes, sections 469.124 to 469.134.*

*Subd. 2. [TAX INCREMENT FINANCING.] The town of White Bear and its governing body have all the powers and duties granted to or imposed on a city and the governing body of a city under Minnesota Statutes, sections 469.174 to 469.179, with respect to any development undertaken in a development district created pursuant to subdivision 1."*

Page 2, line 4, delete "*section 1 is*" and insert "*sections 1 and 2 are*" and delete "*the*"

Page 2, line 5, delete "*day after final enactment*" and insert "*July 1, 1988*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "*authority*" insert "*and economic development districts, and to exercise tax increment financing powers*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 1799: A bill for an act relating to taxation; exempting the University of Minnesota and state universities and colleges from the sales and use tax; amending Minnesota Statutes 1987 Supplement, section 297A.25, subdivision 11.

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

Page 2, line 4, delete "*the day after final enactment*" and insert "*June 30, 1988*"

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

H.F. No. 2306: A bill for an act relating to bonds; authorizing the Minnesota public facilities authority to issue revenue bonds and make loans to or purchase the bonds of municipalities for wastewater treatment and water supply systems; amending Minnesota Statutes 1987 Supplement, sections 446A.04, by adding subdivisions; 446A.05, subdivision 1; and proposing coding for new law in Minnesota Statutes, chapter 446A.

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

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

H.F. No. 1224: A bill for an act relating to local government; permitting the establishment of a joint economic development authority in Cook county; authorizing a lodging tax in certain towns.

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 2141: A bill for an act relating to natural resources; ratifying and affirming the settlement agreement arising from litigation concerning certain treaty related claims of Chippewa Indians; prescribing powers and duties of the commissioner of natural resources in relation to the settlement agreement; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Page 2, after line 19, insert:

"Sec. 2. [APPROPRIATION.]

*\$5,050,000 is appropriated from the general fund to the commissioner of natural resources for fiscal year 1989 to carry out the agreement ratified in section 1."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "appropriating money;"

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

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1783: A bill for an act relating to motor vehicles; requiring mandatory annual inspection of motor vehicle emission control equipment on vehicles registered in the metropolitan area; prescribing powers and duties of the pollution control agency and the department of public safety; imposing fees for inspection; prescribing penalties; requiring that gasoline sold in the metropolitan area for use in motor vehicles must contain oxygenated fuel; requiring the commissioners of agriculture, transportation, pollution control agency, and public service to report to the legislature on their study of oxygenated fuels; appropriating money; amending Minnesota Statutes 1986, section 296.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 5, line 28, after "*vehicle*" insert "*after inspection and*"

Page 5, line 36, delete "*covered by*" and insert "*for repairs made under*"

Page 7, line 23, after the period, insert "*The fee covers the first inspection and follow-up inspections as allowed by the rules of the agency.*"

Pages 7 and 8, delete sections 7 and 8

Page 8, delete line 30

Page 9, line 1, after the period, insert:

"Sec. 7. [REPAYMENT.]"

Page 9, line 8, delete "\$ . . . . ." and insert "\$218,000"

Page 9, line 10, after the period, insert "\$10,000 is for fiscal year 1988 and \$208,000 is for fiscal year 1989."

Page 9, line 13, delete " . . . . ." and insert "four"

Page 9, delete lines 17 to 19 and insert:

"Sections 1 and 3 to 9 are effective the day following final enactment. Section 2 is effective January 1, 1991."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "requiring"

Page 1, delete lines 8 to 12

Page 1, line 13, delete everything after the semicolon

Page 1, line 14, delete everything before "proposing"

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



Mr. Davis from the Committee on Agriculture, to which was referred the following appointment as reported in the Journal for February 15, 1988:

**BOARD OF ANIMAL HEALTH**

**Sharon Hurley**

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Davis from the Committee on Agriculture, to which was referred the following appointment as reported in the Journal for February 9, 1988:

**MINNESOTA RURAL FINANCE AUTHORITY**

**Paul A. Sobocinski**

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Davis from the Committee on Agriculture, to which were referred the following appointments as reported in the Journal for February 26, 1987:

**MINNESOTA RURAL FINANCE AUTHORITY**

**Andrew L. Walters**

**David G. Velde**

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1968, 1799, 2141 and 1783 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 2063, 1865, 2306 and 1224 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Samuelson moved that the name of Mrs. Lantry be added as a co-author to S.F. No. 1336. The motion prevailed.

Mr. Frederickson, D.J. moved that the name of Mr. Beckman be added as a co-author to S.F. No. 1939. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time.

Mr. Merriam, for the Committee on Finance, introduced—

S.F. No. 2569: A bill for an act relating to education; appropriating money to the higher education coordinating board, regents of the University of Minnesota, state university board, state board for community colleges, and state board of vocational technical education, with certain conditions; authorizing bonding for capital improvements; amending Minnesota Statutes 1986, sections 3.971, subdivision 1; 92.05; 136.31, by adding a subdivision; and 136.41, by adding subdivisions; 248.07, subdivisions 7 and 12; Minnesota Statutes 1987 Supplement, section 248.07, subdivision 8; Laws 1983, chapter 334, section 7, as amended; and Laws 1987, chapter 401, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 135A and 137; repealing Minnesota Statutes 1986, sections 136.26; and 136C.13, subdivision 3.

Under the rules of the Senate, laid over one day.

**MOTIONS AND RESOLUTIONS - CONTINUED****SUSPENSION OF RULES**

Mr. Moe, R.D. 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. 1749 and that the rules of the Senate be so far suspended as to give H.F. No. 1749, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 1749: A bill for an act relating to transportation; increasing the tax on gasoline and special fuel to 20 cents per gallon; increasing the share of motor vehicle excise tax revenues dedicated to highways and transit to 35 percent; amending Minnesota Statutes 1986, section 296.02, subdivision 1b; and Minnesota Statutes 1987 Supplement, sections 296.025, subdivisions 2a and 2b; and 297B.09, subdivision 1.

Mr. Purfeerst moved to amend H.F. No. 1749, the unofficial engrossment, as follows:

Page 3, line 36, reinstate the stricken "of"

Page 4, line 1, before "annually" insert "\$30"

The motion prevailed. So the amendment was adopted.

Mr. Peterson, R.W. moved to amend H.F. No. 1749, the unofficial engrossment, as follows:

Pages 3 and 4, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 1987 Supplement, section 168.27, subdivision 16, is amended to read:

Subd. 16. [DEALER PLATES, ~~DISTINGUISHING NUMBERS.~~] (a) The registrar shall issue to every motor vehicle dealer, upon a request from the motor vehicle dealer licensed as provided in subdivision 2 or 3, one or more plates displaying a general distinguishing number upon the payment of \$10 to the registrar. In addition the dealer shall pay a motor vehicle

excise tax of \$15 annually for each dealer plate purchased as required by section 297B.035. The registrar shall deposit the tax in the state treasury and it shall be credited as provided in section 297B.09. A motor ~~vehicles~~ vehicle, new or used, owned by the motor vehicle dealer and bearing the number plate, ~~except vehicles leased to the user who is not an employee of the dealer during the term of the lease, held for hire, or customarily used by the dealer as a tow truck, service truck, or parts pickup truck~~ dealer plates, may be driven upon the streets and highways of this state as follows:

(1) by the motor vehicle dealer, or any employee of the motor vehicle dealer or by any member of the immediate family of the dealer or employee for either private or business purposes;

(2) only (1) for demonstration purposes by any prospective buyer thereof for a period of 48 hours or in the case of a truck, truck-tractor, or semitrailer, for a period of up to seven days; or

(3) in a promotional event that lasts no longer than four days in which at least three motor vehicles are involved (2) to move the vehicle from place to place on the dealer's property; or (3) to test drive the motor vehicle to determine whether it is in proper working condition.

(b) A new or used motor vehicle sold by the motor vehicle dealer and bearing the motor vehicle dealer's number plate may be driven upon the public streets and highways for a period of 72 hours by the buyer for either of the following purposes: (1) Removing the vehicle from this state for registration in another state, or (2) permitting the buyer to use the motor vehicle before the buyer receives number plates pursuant to registration. Use of a motor vehicle by the buyer under the provisions of clause (2) of the preceding sentence before the buyer receives number plates pursuant to registration constitutes a use of the public streets or highways for the purpose of the time requirements for registration of motor vehicles."

Page 7, after line 14, insert:

"Sec. 8. Minnesota Statutes 1986, section 297B.035, subdivision 1, is amended to read:

Subdivision 1. Except as provided in this section, motor vehicles purchased for resale in the ordinary course of business or used by any motor vehicle dealer, as defined in section 168.011, subdivision 21, which that bear dealer plates as authorized by section 168.27, subdivision 16, shall be are exempt from the provisions of this chapter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Wegscheid questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 47, as follows:

Those who voted in the affirmative were:

|             |          |           |                |        |
|-------------|----------|-----------|----------------|--------|
| Berglin     | Langseth | Moe, D.M. | Peterson, D.C. | Spear  |
| Chmielewski | Luther   | Moe, R.D. | Peterson, R.W. | Taylor |
| Freeman     | Marty    | Morse     | Piper          |        |
| Hughes      | Merriam  | Pehler    | Pogemiller     |        |

Those who voted in the negative were:

|           |                    |                    |           |           |
|-----------|--------------------|--------------------|-----------|-----------|
| Adkins    | Cohen              | Frederickson, D.R. | Lessard   | Schmitz   |
| Anderson  | Dahl               | Gustafson          | McQuaid   | Solon     |
| Beckman   | Davis              | Johnson, D.E.      | Metzen    | Storm     |
| Belanger  | Decker             | Johnson, D.J.      | Novak     | Stumpf    |
| Benson    | DeCramer           | Jude               | Olson     | Vickerman |
| Berg      | Dicklich           | Knaak              | Purfeerst | Waldorf   |
| Bernhagen | Diessner           | Kroening           | Ramstad   | Wegscheid |
| Bertram   | Frank              | Laidig             | Reichgott |           |
| Brandl    | Frederick          | Lantry             | Renneke   |           |
| Brataas   | Frederickson, D.J. | Larson             | Samuelson |           |

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

Mr. Purfeerst moved to amend H.F. No. 1749, the unofficial engrossment, as follows:

Page 7, after line 22, insert:

"Sec. 9. [TOLL ROADS.]

*The commissioner of transportation shall cooperate with officials of local governments and the federal government to evaluate the potential of constructing toll roads in this state. The commissioner shall determine the extent to which toll roads would relieve highway congestion, speed up the construction of needed highways, and connect important market segments.*

Sec. 10. [JOINT TOLL ROAD AUTHORITY.]

*Two or more local government units may enter into a joint powers agreement under Minnesota Statutes, section 471.59, to contract for the evaluation of the potential for constructing a toll road within the boundaries of the local government units. For purposes of this section, a local government unit is a county, statutory or home rule charter city, or town."*

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

|          |                    |                    |           |           |
|----------|--------------------|--------------------|-----------|-----------|
| Adkins   | Chmielewski        | Frederickson, D.R. | Lantry    | Schmitz   |
| Beckman  | Davis              | Johnson, D.J.      | Metzen    | Vickerman |
| Belanger | DeCramer           | Knaak              | Moe, R.D. | Wegscheid |
| Benson   | Frederick          | Knutson            | Purfeerst |           |
| Bertram  | Frederickson, D.J. | Langseth           | Samuelson |           |

Those who voted in the negative were:

|           |               |           |                |         |
|-----------|---------------|-----------|----------------|---------|
| Anderson  | Diessner      | Larson    | Olson          | Solon   |
| Berglin   | Frank         | Lessard   | Pehler         | Spear   |
| Bernhagen | Freeman       | Luther    | Peterson, D.C. | Storm   |
| Brandl    | Gustafson     | Marty     | Peterson, R.W. | Stumpf  |
| Brataas   | Hughes        | McQuaid   | Piper          | Taylor  |
| Cohen     | Johnson, D.E. | Merriam   | Pogemiller     | Waldorf |
| Dahl      | Jude          | Moe, D.M. | Ramstad        |         |
| Decker    | Kroening      | Morse     | Reichgott      |         |
| Dicklich  | Laidig        | Novak     | Renneke        |         |

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

Mr. Luther moved to amend H.F. No. 1749, the unofficial engrossment, as follows:

Page 7, after line 22, insert:

**"Sec. 9. [TRANSPORTATION STUDY.]**

*Subdivision 1. [STUDY.] The chair of the legislative committee on planning and fiscal policy may appoint a select committee to conduct a critical analysis and submit to the committee and the legislature an interim report by March 1, 1989, and a final report by January 1, 1990, on the following topics:*

*(a) [REQUIRING COST-BENEFIT RELATIONSHIP.] The select committee shall establish a set of evaluation measures for state transportation expenditures that would tie transportation costs directly to the benefits gained.*

*(b) [COST-EFFECTIVE TRANSIT.] The select committee shall develop policies to ensure that the most cost-effective transit alternatives are considered to maximize the investment in transit throughout the state, with consideration of land development policies, highway investments, parking policies, and agency relationships.*

*(c) [EVALUATING HIGHWAY STANDARDS.] The select committee shall establish a set of criteria for evaluating the current bid-letting process and highway standards and design, addressing issues of safety, traffic volumes, maintenance standards, and social impact.*

*(d) [INVESTMENT PRIORITIES.] The select committee shall review current policies for setting transportation investment priorities, considering the impact of biennial appropriations versus long-term funding mechanisms.*

*(e) [COST-SAVING MEASURES AND STAFFING.] The select committee shall recommend potential cost-saving measures and shall review the staffing level of the department of transportation to determine if reductions may be made consistent with future needs and transportation investment levels.*

*(f) [LAND USE CONTROLS.] The select committee shall review the need for development of a state transportation policy that addresses land use control and the impact of development on transportation resources.*

*Subd. 2. [CONSULTANTS AND LEGISLATIVE AUDITOR.] The select committee may contract with consultants to carry out research, writing, statistical analysis, and other functions designated by the select committee. The select committee may obtain the assistance of the legislative auditor in carrying out its duties. The commissioners of transportation, administration, and state planning shall all fully cooperate with the select committee in conducting its studies.*

*Subd. 3. [APPROPRIATION.] \$150,000 is appropriated from the highway user tax distribution fund to the legislative committee on planning and fiscal policy to conduct the studies and prepare the reports required by this section, to be available until June 30, 1990."*

Page 8, line 1, after the period, insert "Section 9 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, after the first semicolon, insert "requiring a study of the

state transportation system;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

|          |               |           |                |           |
|----------|---------------|-----------|----------------|-----------|
| Belanger | Freeman       | Langseth  | Novak          | Reichgott |
| Berglin  | Gustafson     | Lantry    | Olson          | Schmitz   |
| Brandl   | Hughes        | Luther    | Pehler         | Solon     |
| Cohen    | Johnson, D.E. | Marty     | Peterson, D.C. | Spear     |
| Dahl     | Johnson, D.J. | McQuaid   | Peterson, R.W. | Storm     |
| Davis    | Jude          | Merriam   | Piper          | Waldorf   |
| DeCramer | Knaak         | Metzen    | Pogemiller     | Wegscheid |
| Diessner | Kroening      | Moe, D.M. | Purfeerst      |           |
| Frank    | Laidig        | Moe, R.D. | Ramstad        |           |

Those who voted in the negative were:

|           |             |                    |           |           |
|-----------|-------------|--------------------|-----------|-----------|
| Adkins    | Bertram     | Frederick          | Lessard   | Vickerman |
| Anderson  | Brataas     | Frederickson, D.J. | Renneke   |           |
| Beckman   | Chmielewski | Frederickson, D.R. | Samuelson |           |
| Benson    | Decker      | Knutson            | Stumpf    |           |
| Bernhagen | Dicklich    | Larson             | Taylor    |           |

The motion prevailed. So the amendment was adopted.

H.F. No. 1749 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 32 and nays 33, as follows:

Those who voted in the affirmative were:

|             |               |           |                |         |
|-------------|---------------|-----------|----------------|---------|
| Berglin     | Dicklich      | Luther    | Novak          | Schmitz |
| Brandl      | Diessner      | Marty     | Peterson, D.C. | Solon   |
| Chmielewski | Freeman       | Merriam   | Peterson, R.W. | Spear   |
| Cohen       | Hughes        | Metzen    | Piper          | Stumpf  |
| Dahl        | Johnson, D.J. | Moe, D.M. | Pogemiller     |         |
| Davis       | Langseth      | Moe, R.D. | Purfeerst      |         |
| DeCramer    | Lantry        | Morse     | Reichgott      |         |

Those who voted in the negative were:

|           |                    |               |           |           |
|-----------|--------------------|---------------|-----------|-----------|
| Adkins    | Brataas            | Johnson, D.E. | Lessard   | Storm     |
| Anderson  | Decker             | Jude          | McQuaid   | Taylor    |
| Beckman   | Frank              | Knaak         | Olson     | Vickerman |
| Belanger  | Frederick          | Knutson       | Pehler    | Waldorf   |
| Benson    | Frederickson, D.J. | Kroening      | Ramstad   | Wegscheid |
| Bernhagen | Frederickson, D.R. | Laidig        | Renneke   |           |
| Bertram   | Gustafson          | Larson        | Samuelson |           |

So the bill, as amended, failed to pass.

## MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2565 a Special Order to be heard immediately.

### SPECIAL ORDER

S.F. No. 2565: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; amending Minnesota

Statutes 1986, section 84B.11, subdivision 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MEMBERS EXCUSED

Mr. Mehrkens was excused from the Session of today. Mr. Berg was excused from the Session of today at 5:30 p.m. Mr. Novak was excused from the Session of today from 12:00 noon to 1:20 p.m. Ms. Reichgott was excused from the Session of today from 3:00 to 3:45 p.m. Mr. Pehler was excused from the Session of today from 3:30 to 4:20 p.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, March 29, 1988. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate