

SIXTH DAY

St. Paul, Minnesota, Monday, January 23, 1989

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

Prayer was offered by the Chaplain, Rev. Joseph Paris.

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

Adkins	Davis	Kroening	Moe, R.D.	Renneke
Anderson	Decker	Laidig	Morse	Samuelson
Beckman	DeCramer	Langseth	Novak	Schmitz
Belanger	Diessner	Lantry	Olson	Solon
Benson	Frederick	Larson	Pariseau	Spear
Berg	Frederickson, D.J.	Lessard	Pehler	Storm
Berglin	Frederickson, D.R.	Marty	Peterson, D.C.	Stumpf
Bernhagen	Freeman	McGowan	Peterson, R.W.	Taylor
Bertram	Hughes	McQuaid	Piper	Vickerman
Brandl	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Cohen	Knaak	Merriam	Ramstad	
Dahl	Knutson	Moe, D.M.	Reichgott	

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Dicklich; Frank; Gustafson; Johnson, D.E.; Metzen and Purfeerst were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

May 31, 1988

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Carol A. Blomberg, Rt. 1, Box 95A, Nashwauk, Itasca County, has been appointed by me, effective January 6, 1986, for a term expiring the first

Monday in January, 1990.

(Referred to the Committee on Education.)

Sincerely,

Rudy Perpich, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 19, 1989

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 1: A bill for an act relating to courts; reenacting the statutory provision authorizing six member juries in nonfelony cases; reenacting Minnesota Statutes 1988, section 593.01, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 26, now on General Orders.

MOTIONS AND RESOLUTIONS

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

Mr. Vickerman moved that the name of Mr. Johnson, D.E. be added as a co-author to S.F. No. 48. The motion prevailed.

Mr. Bertram moved that the name of Mr. Lessard be added as a co-author to S.F. No. 106. The motion prevailed.

Mr. Benson moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Storm be added as chief author to S.F. No. 141. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Davis be added as a co-author to S.F. No. 145. The motion prevailed.

Mr. Benson moved that the name of Mr. Ramstad be added as a co-author to S.F. No. 148. The motion prevailed.

Mr. Samuelson moved that the name of Mr. Anderson be added as a co-author to S.F. No. 176. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Pehler be added as a co-author to S.F. No. 186. The motion prevailed.

Mr. Dahl moved that the name of Mr. Frank be added as a co-author to Senate Resolution No. 30. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 31: A Senate resolution commending James B. Lund for his many years of dedicated and effective service on behalf of the Veterans of Minnesota.

Referred to the Committee on Rules and Administration.

Mr. Pehler introduced—

Senate Resolution No. 32: A Senate resolution thanking the St. Cloud Technical High School Orchestra for its performance at the State Capitol.

Referred to the Committee on Rules and Administration.

CONSENT CALENDAR

S.F. No. 83: A resolution memorializing the Congress of the United States to restore full funding to the Veterans Administration Medical Centers.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Knaak	Moe, D.M.	Reichgott
Anderson	Davis	Kroening	Moe, R.D.	Renneke
Beckman	Decker	Laidig	Novak	Samuelson
Belanger	DeCramer	Lantry	Olson	Schmitz
Benson	Diessner	Larson	Pariseau	Solon
Berg	Frederick	Lessard	Pehler	Spear
Berglin	Frederickson, D.J.	Marty	Peterson, D.C.	Storm
Bernhagen	Frederickson, D.R.	McGowan	Peterson, R.W.	Stumpf
Bertram	Freeman	McQuaid	Piper	Taylor
Brandl	Hughes	Mehrkens	Pogemiller	Vickerman
Cohen	Johnson, D.J.	Merriam	Ramstad	Waldorf

So the resolution passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Chmielewski, Schmitz, Bernhagen, Frederick and Peterson, R.W. introduced—

S.F. No. 189: A bill for an act relating to transportation; requiring commissioner of transportation to fund and maintain existing informational highway signs; appropriating money; amending Minnesota Statutes 1988, sections 160.285, by adding a subdivision; 160.296, by adding a subdivision; 173.02, subdivision 1; 173.07, by adding a subdivision; and 173.13, subdivision 4.

Referred to the Committee on Transportation.

Mr. Luther introduced—

S.F. No. 190: A bill for an act relating to corporations; providing that the control share acquisition and business combination statutes apply to

certain corporations unless they elect not to be covered; clarifying application of the statutes; reducing the period of time that business combinations may be regulated from five years to three years; removing restrictions on business combinations if an interested shareholder acquires at least 90 percent of the voting shares; modifying requirements for the use of committees to determine whether a corporation should pursue certain legal remedies; providing that meeting notices do not have to be sent to shareholders when mail has been returned undeliverable; amending Minnesota Statutes 1988, sections 302A.011, subdivisions 41 and 49; 302A.243; 302A.435, subdivision 1; 302A.671, subdivision 1; and 302A.673, subdivisions 1 and 3.

Referred to the Committee on Judiciary.

Mr. Bertram introduced—

S.F. No. 191: A bill for an act relating to the military; reducing from two years to one year the number of years the adjutant general of the Minnesota national guard is required to serve as a brigadier general before promotion to major general; amending Minnesota Statutes 1988, section 190.07.

Referred to the Committee on Veterans and Military Affairs.

Mr. Bertram introduced—

S.F. No. 192: A bill for an act relating to natural resources; increasing certain limits on security in lieu of bond for forestry development projects; amending Minnesota Statutes 1988, section 574.264, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Messrs. Bertram and Pehler introduced—

S.F. No. 193: A bill for an act relating to education; requiring CPR instruction in secondary schools; requiring a CPR trained person at school sponsored activities on school grounds; amending Minnesota Statutes 1988, sections 123.38, by adding a subdivision; and 126.025, subdivision 1.

Referred to the Committee on Education.

Ms. Piper, Mr. Morse, Mrs. Adkins, Ms. Berglin and Mr. Anderson introduced—

S.F. No. 194: A bill for an act relating to human services; establishing new dates for payment rates for vendors of day training and habilitation services; imposing a requirement for variances from payment rates; allowing the commissioner to establish cost thresholds for community-based services for persons with mental retardation; amending Minnesota Statutes 1988, sections 252.46, subdivisions 1, 2, 3, 4, 6, and 12; 252.47; 256B.501, subdivisions 3 and 3g.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Mr. Vickerman, Ms. Peterson, D.C.; Mrs. Adkins and Mr. Storm introduced—

S.F. No. 195: A bill for an act relating to human services; giving subpoena power to the ombudsman for mental health and retardation; requiring reporting of death or serious injury; amending Minnesota Statutes 1988, sections

245.91, by adding a subdivision; and 245.94, subdivision 1, and by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Renneke introduced—

S.F. No. 196: A bill for an act relating to taxation; income; providing a subtraction for certain dependents; amending Minnesota Statutes 1988, section 290.01, subdivision 19b.

Referred to the Committee on Taxes and Tax Laws.

Mr. Renneke introduced—

S.F. No. 197: A bill for an act relating to taxation; income; repealing the subtraction for elderly and disabled and providing a pension exclusion; amending Minnesota Statutes 1988, sections 290.01, subdivision 19b, and by adding a subdivision; 290.032, subdivision 2; and 424A.10, subdivision 4; repealing Minnesota Statutes 1988, section 290.0802.

Referred to the Committee on Taxes and Tax Laws.

Mr. Langseth introduced—

S.F. No. 198: A bill for an act relating to transportation; increasing amount authorized for state transportation bonds for bridges; amending Laws 1979, chapter 280, sections 1 and 2, as amended.

Referred to the Committee on Transportation.

Mr. Johnson, D.J. introduced—

S.F. No. 199: A bill for an act relating to state land; authorizing sale of certain tax-forfeited land that borders public water in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Solon, Luther, Ms. Peterson, D.C. and Mr. Larson introduced—

S.F. No. 200: A bill for an act relating to insurance; regulating continuing insurance education; amending Minnesota Statutes 1988, section 60A.1701, subdivisions 1, 5, 7, 8, and 9; repealing Minnesota Rules, part 2725.0240.

Referred to the Committee on Commerce.

Mr. Davis introduced—

S.F. No. 201: A bill for an act relating to education; approving a maximum effort school loan program capital loan.

Referred to the Committee on Education.

Messrs. Davis and Morse introduced—

S.F. No. 202: A bill for an act relating to well abandonment; authorizing demonstration projects for cost-sharing funds and technical assistance; determining susceptible groundwater recharge areas; appropriating money;

amending Minnesota Statutes 1988, section 40.036, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 40.

Referred to the Committee on Environment and Natural Resources.

Mr. Spear, Mses. Berglin; Peterson, D.C.; Messrs. Kroening and Pogemiller introduced—

S.F. No. 203: A bill for an act relating to intoxicating liquor; authorizing an on-sale liquor license for the Minneapolis convention center; repealing Laws 1973, chapter 505.

Referred to the Committee on Commerce.

Messrs. Stumpf, Hughes and Luther introduced—

S.F. No. 204: A bill for an act relating to elections; providing for the removal of certain voter registration cards; amending Minnesota Statutes 1988, section 201.13.

Referred to the Committee on Elections and Ethics.

Messrs. Stumpf and Johnson, D.J. introduced—

S.F. No. 205: A bill for an act relating to taxation; making technical corrections and clarifications and administrative changes to premium taxes, cigarette taxes, sales taxes, motor vehicle excise taxes, liquor taxes, marijuana and controlled substances taxes, lodging taxes, and the metropolitan solid waste landfill fee; providing for unmarked vehicles for use by the department of revenue; providing for use of radio equipment in the vehicles; providing for sales of unstamped tobacco products and liquor to Indian tribes; providing for cancellation of sales tax permits; exempting liquor used in law enforcement training; repealing obsolete or unnecessary terms or provisions; repealing express company, freight line company, and sleeping car company gross earnings taxes; repealing the Minnesota unfair cigarette sales act; amending Minnesota Statutes 1988, sections 16B.54, subdivision 2; 41A.09, subdivision 3; 69.54; 168.011, by adding a subdivision; 168.012, subdivision 1, and by adding a subdivision; 270.06; 297.04, subdivision 9; 297.041, subdivisions 1, 2, and 4; 297.06, subdivision 3; 297A.06; 297A.17; 297A.20; 297A.21, subdivision 4; 297A.25, subdivisions 11 and 16; 297B.01, subdivision 5; 297B.02, subdivision 1; 297C.02, subdivision 4; 297C.07; 299C.37, subdivision 1; 297D.13, by adding a subdivision; 469.190, subdivision 1; 473.843, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 297, 297A, 297C, and 297D; repealing Minnesota Statutes 1988, sections 295.01, subdivisions 4, 5, 6, 7, and 8; 295.15; 295.21; 295.23; 295.24; 295.25; 295.27; 295.29; 295.30; 295.31; 297A.19; 297A.253; 325D.30; 325D.31; 325D.32; 325D.33; 325D.34; 325D.35; 325D.36; 325D.37; 325D.38; 325D.39; 325D.40; 325D.42; and 477A.018.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Belanger, Waldorf, Schmitz, Kroening and Knaak introduced—

S.F. No. 206: A bill for an act relating to state government; administrative procedures; regulating exempt rules; making certain technical changes; amending Minnesota Statutes 1988, section 14.40; proposing coding for

new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1988, sections 116.44, subdivision 1; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3; Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128.

Referred to the Committee on Governmental Operations.

Messrs. Ramstad and Benson introduced—

S.F. No. 207: A bill for an act relating to taxation; extending open space property tax treatment to certain recreational uses; amending Minnesota Statutes 1988, section 273.112, subdivision 3.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl, Luther, Solon and Spear introduced—

S.F. No. 208: A bill for an act relating to commerce; prohibiting the sale of replica firearms; providing penalties; amending Minnesota Statutes 1988, section 325F81, subdivisions 1, 2, and 4.

Referred to the Committee on Commerce.

Mr. Chmielewski introduced—

S.F. No. 209: A bill for an act relating to retirement; public employees retirement association; adding employees of the Minnesota association of townships as members; amending Minnesota Statutes 1988, section 353.01, subdivision 2a.

Referred to the Committee on Governmental Operations.

Ms. Reichgott introduced—

S.F. No. 210: A bill for an act relating to real property; providing that purchaser's right to cancel applies to condominiums created before August 1, 1980; providing that lien on real estate added in expansion of flexible condominiums does not affect existing condominiums; empowering homeowner associations to foreclose assessment liens; amending Minnesota Statutes 1988, sections 515A.1-102; and 515A.2-111; proposing coding for new law as Minnesota Statutes, chapter 515B.

Referred to the Committee on Judiciary.

Mr. Bertram introduced—

S.F. No. 211: A bill for an act relating to human services; excluding payments for exposure to Agent Orange from eligibility determination for general assistance; exempting causes of action for damages from exposure to Agent Orange from state agency liens and subrogation; amending Minnesota Statutes 1988, sections 256.015, by adding a subdivision; 256D.03, subdivisions 3 and 8; and 256D.08, subdivision 1.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Langseth, Pogemiller, Ms. Peterson, D.C. and Mr. Benson introduced—

S.F. No. 212: A bill for an act relating to education; requiring annual testing by school districts and publication of school comparison reports; requiring the development of survey instruments and publication of uniform objective and subjective information; authorizing school districts and the state board to establish chartered schools; appropriating money; amending Minnesota Statutes 1988, sections 121.11, subdivision 8, and by adding a subdivision; 121.165; and 124A.036, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 121; 123; and 126.

Referred to the Committee on Education.

Ms. Reichgott, Mr. Luther, Ms. Peterson, D.C.; Messrs. Knaak and Merriam introduced—

S.F. No. 213: A bill for an act relating to crimes; prohibiting unauthorized access to computers; imposing penalties; amending Minnesota Statutes 1988, sections 609.531, subdivision 1; and 609.87, subdivision 1, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

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

S.F. No. 214: A bill for an act relating to courts; creating a new judicial district; amending Minnesota Statutes 1988, section 2.722, subdivision 1.

Referred to the Committee on Judiciary.

Mrs. McQuaid introduced—

S.F. No. 215: A bill for an act relating to notaries public; increasing the period of time during which reappointments may be made; amending Minnesota Statutes 1988, section 359.02.

Referred to the Committee on Judiciary.

Mr. Peterson, R.W. introduced—

S.F. No. 216: A bill for an act relating to education; correcting, clarifying, repealing, and changing certain education statutes; amending Minnesota Statutes 1988, sections 120.062, subdivisions 1 and 12; 121.88, subdivision 10; 121.904, subdivision 4a; 121.912, subdivision 1; 123.36, subdivision 13; 123.705, subdivision 1; 124.155, subdivision 2; 124.214, subdivisions 2 and 3; 124.225, subdivisions 1, 4b, 7a, 7b, 8a, 8b, 8i, 8j, 8k, 8l, 10, and by adding a subdivision; 124.245, subdivision 6; 124.575, subdivision 1; 124A.24; 126.22, subdivisions 2 and 3; and 275.125, subdivisions 5b, 5c, 5e, and 9; repealing Minnesota Statutes 1988, sections 120.02, subdivisions 2, 3, 4, 5, 6, 8, 9, 12, and 18; 120.05, subdivision 1; 120.075; 120.0751; 120.0752; 120.13; 120.14; 120.15; 120.16; 120.77; 121.09; 121.11, subdivision 13; 121.12; 121.151; 121.19; 121.28; 121.35; 121.49, subdivision 1; 121.496, subdivision 1; 121.83; 121.84; 121.845; 121.85; 121.86; 121.882, subdivisions 6 and 10; 121.902, subdivision 2; 121.9121, subdivision 6; 122.86; 122.87; 122.88; 123.35, subdivisions

8a, 8b, and 8c; 123.3511; 123.3512; 123.39, subdivision 5; 123.581, subdivisions 1 and 6; 123.60; 123.601; 123.61; 123.68; 123.701; 123.744; 124.12, subdivision 1; 124.18, subdivisions 2 and 3; 124.2138, subdivisions 3 and 4; 124.225, subdivisions 8i and 8j; 124.496; 124.573, subdivision 2; 124A.27, subdivision 7; 125.02; 125.231, subdivision 3; 125.241, subdivision 3; 125.60, subdivision 7; 126.02; 126.025; 126.03; 126.05; 126.07; 126.10; 126.11; 126.268, subdivision 2; 126.39, subdivision 11; 126.52, subdivision 11; 126.70, subdivision 3; 126.80; 127.08; 129B.52, subdivision 3; and 275.128.

Referred to the Committee on Education.

Mr. Beckman introduced—

S.F. No. 217: A bill for an act relating to human services; authorizing counties to establish multidisciplinary chemical dependency prevention teams; authorizing the state planning agency to fund these teams in several counties on a demonstration basis; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 254A.

Referred to the Committee on Health and Human Services.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, January 26, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate