

EIGHTH DAY

St. Paul, Minnesota, Monday, January 28, 1991

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

CALL OF THE SENATE

Mr. Bernhagen 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. John A. Harris.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Adkins	Day	Johnson, J.B.	Metzen	Renneke
Beckman	DeCramer	Johnston	Moe, R.D.	Riveness
Belanger	Dicklich	Kelly	Mondale	Sams
Benson, D.D.	Finn	Knaak	Morse	Samuelson
Benson, J.E.	Flynn	Kroening	Neuville	Solon
Berg	Frank	Laidig	Novak	Spear
Berglin	Frederickson, D.J.	Langseth	Olson	Storm
Bernhagen	Frederickson, D.R.	Larson	Pappas	Stumpf
Bertram	Gustafson	Lessard	Pariseau	Traub
Brataas	Halberg	Luther	Piper	Vickerman
Chmielewski	Hottinger	Marty	Pogemiller	Waldorf
Cohen	Hughes	McGowan	Price	
Dahl	Johnson, D.E.	Mehrkens	Ranum	
Davis	Johnson, D.J.	Merriam	Reichgott	

The President declared a quorum present.

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 13 and 47.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 24, 1991

FIRST READING OF HOUSE BILLS

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

H.F. No. 13: A bill for an act relating to taxation; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; amending Minnesota Statutes 1990, section 289A.39, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

H.F. No. 47: A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16B.70, subdivision 1; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

Mr. Moe, R.D. moved that H.F. No. 47 be laid on the table. The motion prevailed.

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 re-referred

S.F. No. 62: A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources

fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16B.70, subdivision 1; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; Laws 1990, chapter 568, article 2, section 104, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 477A.

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

Page 2, line 18, after "handicapped" insert "aid"

Page 2, line 19, after "mastery" insert "aid"

Page 2, line 26, after "prevention" insert "aid"

Page 5, line 18, delete "It is estimated that"

Page 5, delete line 19

Page 5, line 49, delete "It is"

Page 5, delete lines 50 and 51

Page 5, delete lines 67 and 68

Page 6, line 9, delete "It is estimated"

Page 6, delete line 10

Page 9, line 29, delete "[APPROPRIATION REDUCTIONS: SUMMARY.]" and insert "APPROPRIATION REDUCTIONS: SUMMARY"

Page 10, delete lines 4 to 10 and insert:

"If the county and municipal state aids have been apportioned by the commissioner of transportation according to law and rule based upon anticipated fiscal year 1991 motor vehicle excise tax transfer receipts, the commissioner must reduce the apportionment by the total amount of the 1991 fiscal year motor vehicle excise tax transfer receipts and those proceeds shall be returned to the general fund upon final enactment."

Page 10, line 13, after "section 297B.09," insert "or Minnesota Rules, part 8820.1200."

Page 11, line 3, delete "[APPROPRIATION REDUCTION: SUMMARY.]" and insert "APPROPRIATION REDUCTIONS: SUMMARY"

Page 15, line 33, after "county's" insert "July 20," and after "1991" insert a comma

Page 16, lines 1 and 3, after "scheduled" insert "July 20," and after

“1991” insert a comma

Page 16, line 6, after “*The*” insert “July 20,” and after “1991” insert a comma

Page 18, line 9, after “*town’s*” insert “July 20,” and after “1991” insert a comma

Page 18, lines 14 and 16, after “*scheduled*” insert “July 20,” and after “1991” insert a comma

Page 18, lines 20 and 35, after “*The*” insert “July 20,” and after “1991” insert a comma

Page 18, line 26, after “*district’s*” insert “July 20,” and after “1991” insert a comma

Page 18, lines 32 and 34, before “1991” insert “July 20,” and after “1991” insert a comma

And when so amended the bill be reported to the Senate without recommendation. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 62 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that the names of Messrs. Morse, Sams, Finn and Davis be added as co-authors to S.F. No. 91. The motion prevailed.

Mr. Moe, R.D. moved that H.F. No. 47 be taken from the table. The motion prevailed.

H.F. No. 47: A bill for an act relating to financing of government in this state; reducing appropriations for the biennium ending June 30, 1991, with certain conditions; providing for transfer of certain money in the state treasury; appropriating money for a deficiency in income maintenance appropriations; transferring certain balances in the Minnesota resources fund to the general fund; canceling certain balances to the general fund; eliminating the motor vehicle excise tax transfer from the general fund for highway purposes; transferring balances in the transit assistance fund to the general fund; transferring funds from the Greater Minnesota Corporation fund balance to the general fund; transferring receipts from the infrastructure development fund to the general fund; providing for an employee-leave-without-pay program; reducing calendar year 1991 state aid payments to local units of government; amending Minnesota Statutes 1990, sections 16B.70, subdivision 1; 477A.011, subdivisions 27, 28, and by adding a subdivision; 477A.012, subdivision 1, and by adding a subdivision; 477A.013, subdivisions 1, 3, and by adding a subdivision; and 477A.014, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 477A.

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. 47 and that the rules of the Senate be so far suspended as to give H.F. No. 47 its second and third reading and place it on its final passage.

The motion prevailed.

H.F. No. 47 was read the second time.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the proceedings on H.F. No. 47. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on H.F. No. 47.

H.F. No. 47 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 36 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Dahl	Johnson, D.J.	Mehrkens	Solon
Benson, D.D.	Dicklich	Kelly	Merriam	Storm
Benson, J.E.	Frederickson, D.R.	Knaak	Moe, R.D.	Stumpf
Berg	Gustafson	Laidig	Mondale	Traub
Bernhagen	Halberg	Langseth	Olson	
Bertram	Hottinger	Larson	Pariseau	
Brataas	Hughes	Luther	Reichgott	
Cohen	Johnson, D.E.	McGowan	Renneke	

Those who voted in the negative were:

Adkins	Finn	Lessard	Piper	Spear
Beckman	Flynn	Marty	Pogemiller	Vickerman
Berglin	Frank	Metzen	Price	Waldorf
Chmielewski	Frederickson, D.J.	Morse	Ranum	
Davis	Johnson, J.B.	Neuville	Riveness	
Day	Johnston	Novak	Sams	
DeCramer	Kroening	Pappas	Samuelson	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Gustafson moved that S.F. No. 62, on General Orders, be stricken and laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Langseth, Renneke, Mehrkens, Vickerman and DeCramer introduced—

S.F. No. 92: A bill for an act relating to towns; providing for money from town road account to be distributed to towns by March 1, annually; amending Minnesota Statutes 1990, section 162.081, subdivisions 3 and 4.

Referred to the Committee on Transportation.

Messrs. Langseth, Renneke, Mehrkens, Vickerman and Lessard introduced—

S.F. No. 93: A bill for an act relating to natural resources; limiting certain fees charged to towns in connection with town road projects; amending Minnesota Statutes 1990, section 103G.301, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Mr. Samuelson introduced—

S.F. No. 94: A bill for an act relating to occupations and professions; regulating and licensing builders and contractors; authorizing the commissioner of commerce to adopt rules; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Commerce.

Mr. Chmielewski, Ms. Reichgott, Messrs. Sams; Moe, R.D. and Metzen introduced—

S.F. No. 95: A bill for an act relating to taxation; allowing an extension to file income tax returns and property tax refund claims for national guard and reserve members who are called to active duty; amending Minnesota Statutes 1990, section 289A.39, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Messrs. Day and Neuville introduced—

S.F. No. 96: A resolution memorializing the Board of Regents of the University of Minnesota to refrain from closing its Waseca campus.

Referred to the Committee on Education.

Mr. Mehrkens introduced—

S.F. No. 97: A bill for an act relating to Wabasha county; providing for transfer of certain reassessment costs; transferring certain department of revenue funds to the reassessment account in the special revenue fund.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dahl, Hottinger, Dicklich, Knaak and Ms. Pappas introduced—

S.F. No. 98: A bill for an act relating to education; requiring the state board of education to adopt a rule on preparation time for teachers.

Referred to the Committee on Education.

Messrs. Benson, D.D.; Larson; Ms. Johnston, Messrs. Langseth and Vickerman introduced—

S.F. No. 99: A bill for an act relating to human services; requiring eligibility reporting for aid to families with dependent children at least every three months; amending Minnesota Statutes 1990, section 256.73, subdivision 6.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 100: A bill for an act relating to transportation; authorizing department of transportation to assist towns in financing engineering and approach work for bridge projects under certain conditions; amending Minnesota Statutes 1990, section 161.39, subdivision 5.

Referred to the Committee on Transportation.

Mr. Benson, D.D. introduced—

S.F. No. 101: 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; Stumpf; Lessard; Frederickson, D.R. and Mrs. Pariseau introduced—

S.F. No. 102: A bill for an act relating to natural resources; appropriating funds for beaver abatement and control.

Referred to the Committee on Environment and Natural Resources.

Messrs. Davis; Stumpf; Lessard; Frederickson, D.R. and Mrs. Pariseau introduced—

S.F. No. 103: A bill for an act relating to forestry; requiring notice to towns of prospective removal of timber.

Referred to the Committee on Environment and Natural Resources.

Mrs. Adkins and Ms. Piper introduced—

S.F. No. 104: A bill for an act relating to alcoholic beverages; declaring as a felony certain furnishing of alcoholic beverages to persons under age 21; amending Minnesota Statutes 1990, section 340A.701, subdivision 1.

Referred to the Committee on Commerce.

Messrs. Samuelson; Johnson, D.J.; Bertram and Johnson, D.E. introduced—

S.F. No. 105: A bill for an act relating to appropriations; removing certain directions, limits, and provisos on the use of money for certain projects; amending Laws 1990, chapter 610, article 1, section 9, subdivision 1.

Referred to the Committee on Veterans and General Legislation.

Messrs. Finn, Cohen, Luther and Knaak introduced—

S.F. No. 106: A bill for an act relating to property; permitting name or identity change of corporate mortgagee or assignee of mortgagee in the recital in a mortgage satisfaction or release to be recorded without further evidence of name or identity change; clarifying application of language regulating distributions to a testamentary trustee; amending Minnesota Statutes 1990, section 524.3-913; proposing coding for new law in Minnesota Statutes, chapter 507.

Referred to the Committee on Judiciary.

Mses. Berglin, Pappas, Messrs. Luther, Knaak and Spear introduced—

S.F. No. 107: A bill for an act relating to marriage; providing alternate forms of marriage solemnization; amending Minnesota Statutes 1990, section 517.18.

Referred to the Committee on Judiciary.

Messrs. McGowan, Lessard, Mrs. Pariseau, Messrs. Berg and Frederickson, D.R. introduced—

S.F. No. 108: A bill for an act relating to the environment; providing that the petroleum tank release compensation board require proof of payment by a responsible person before reimbursement; amending Minnesota Statutes 1990, section 115C.09, subdivisions 1, 3, and 3a.

Referred to the Committee on Environment and Natural Resources.

Mr. Chmielewski introduced—

S.F. No. 109: A bill for an act relating to judicial administration; increasing fees; eliminating fees; decreasing the number of certified copies of marriage licenses prepared; expanding the probate surcharge to informal probate matters; amending Minnesota Statutes 1990, sections 357.021, subdivision 2; 517.101; and 525.5501, subdivision 2.

Referred to the Committee on Judiciary.

Mr. Chmielewski, Mrs. Adkins, Messrs. Laidig, Neuville and Bertram introduced—

S.F. No. 110: A bill for an act proposing an amendment to the Minnesota Constitution, article I, adding a section to provide that the right to keep and bear arms shall not be abridged.

Referred to the Committee on Judiciary.

Messrs. Riveness, Halberg, Price, Ms. Reichgott and Mr. Sams introduced—

S.F. No. 111: A bill for an act relating to taxation; providing homestead treatment to the residence of a disabled parent of the owner; amending Minnesota Statutes 1990, section 273.124, subdivision 15.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Frederickson, D.J.; Pogemiller; Beckman; Johnson, D.E. and Dicklich introduced—

S.F. No. 112: A bill for an act relating to health; imposing a surcharge on health coverage; establishing the emergency medical services personnel account; establishing an incentive plan for ambulance service personnel; setting plan requirements; amending Minnesota Statutes 1990, section 60A.15, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 353E.

Referred to the Committee on Commerce.

Messrs. Knaak, Laidig, Mondale and Neuville introduced—

S.F. No. 113: A bill for an act relating to probate; modifying the common law rule against perpetuities and repealing the statutory rule; proposing coding for new law in Minnesota Statutes, chapter 501B; repealing Minnesota Statutes 1990, sections 501A.01 to 501A.07.

Referred to the Committee on Judiciary.

Messrs. Sams; Finn; Frederickson, D.J.; Samuelson and Benson, D.D. introduced—

S.F. No. 114: A bill for an act relating to health; requiring geographic representation on the board of medical examiners; amending Minnesota Statutes 1990, section 147.01, subdivision 1.

Referred to the Committee on Health and Human Services.

Messrs. Samuelson and Finn introduced—

S.F. No. 115: A bill for an act relating to highways; designating the Paul Bunyan Expressway from Little Falls through Cass Lake to Bemidji; amending Minnesota Statutes 1990, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

Ms. Traub, Messrs. Hughes, Dicklich, Finn and Ms. Berglin introduced—

S.F. No. 116: A bill for an act relating to education; establishing a legislative commission on children, youth, and their families; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Education.

Messrs. Kelly, Price, Mses. Pappas, Reichgott and Mr. Hottinger introduced—

S.F. No. 117: A bill for an act relating to education; moving up the requirement for compulsory education to age 18 from the year 2000 to next school year; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 123.35, subdivision 8; and 260.015, subdivision 19.

Referred to the Committee on Education.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, January 31, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate