

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

ELEVENTH DAY

St. Paul, Minnesota, Tuesday, February 11, 1997

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered Senator Pat Piper.

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

Anderson	Higgins	Laidig	Novak	Scheid
Beckman	Janezich	Langseth	Oliver	Solon
Belanger	Johnson, D.E.	Larson	Olson	Spear
Berglin	Johnson, D.H.	Lesewski	Ourada	Stevens
Betzold	Johnson, D.J.	Lessard	Pappas	Stumpf
Cohen	Johnson, J.B.	Limmer	Pariseau	Ten Eyck
Day	Junge	Lourey	Piper	Terwilliger
Dille	Kelley, S.P.	Marty	Pogemiller	Vickerman
Fischbach	Kelly, R.C.	Metzen	Price	Wiener
Flynn	Kiscaden	Moe, R.D.	Ranum	Wiger
Foley	Kleis	Morse	Robling	
Frederickson	Knutson	Murphy	Samuelson	
Hanson	Krentz	Neuville	Scheevel	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1:

H.F. No. 1: A bill for an act relating to education; repealing the K-12 education appropriations caps; appropriating money; amending Minnesota Statutes 1996, sections 124.17, subdivision 1; and 124A.22, subdivision 2; repealing Laws 1995, First Special Session chapter 3, article 14, section 5, as amended.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Johnson, A.; Carlson and Koppendrayner have been appointed as such committee on the part of the House.

House File No. 1 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 10, 1997

Mr. Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 117.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 10, 1997

FIRST READING OF HOUSE BILLS

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

H.F. No. 117: A bill for an act relating to commerce; requiring local units of government to license the retail sale of tobacco; providing for mandatory penalties against license holders for sales to minors; amending Minnesota Statutes 1996, section 461.12; proposing coding for new law in Minnesota Statutes, chapter 461.

Referred to the Committee on Commerce.

REPORTS OF COMMITTEES

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 35: A bill for an act relating to Ramsey county; providing for election of soil and water conservation district supervisors by only the voters in supervisor districts for which candidates are nominated; proposing coding for new law in Minnesota Statutes, chapter 383A.

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 1996, section 103C.311, is amended to read:

103C.311 [FORMATION OF SUPERVISOR DISTRICTS.]

Subdivision 1. [SUPERVISORS ELECTED AT LARGE.] (a) The district board, after two successive annual elections have been held, shall, with the approval of the state board, divide a district into five supervisor districts for purposes of nomination for election. At each election after the division, one or more supervisors shall be nominated from each supervisor district.

(b) If the boundary of a soil and water conservation district has been substantially changed by a division of the district, the district shall be divided into five supervisor districts for nomination purposes.

(c) This subdivision does not disqualify a supervisor during the term for which the supervisor

was elected or nominated for election. Supervisors nominated from the supervisor districts shall be included on the ballot for election from the entire area included in the soil and water conservation district.

(d) A certified copy of the minutes or the resolution of the supervisors establishing supervisor districts must be promptly filed by the chair of the district board with the county auditor of the counties where the district is located and with the state board.

Subd. 2. [SUPERVISORS ELECTED BY DISTRICTS.] (a) In the counties of Ramsey and Washington, the district board, with the approval of the state board, may by resolution provide that supervisors will be elected by supervisor districts as provided in this subdivision.

(b) The supervisor districts must be composed of precincts established by county and municipal governing bodies under section 204B.14. The districts must be compact, include only contiguous territory, and be substantially equal in population. The districts must be numbered in a regular series. The boundaries of the districts must be redrawn after each decennial federal census as provided in section 204B.135. A certified copy of the resolution establishing supervisor districts must be filed by the chair of the district board with the county auditor of the counties where the soil and water conservation district is located, with the state board, and with the secretary of state at least 30 days before the first date candidates may file for the office of supervisor.

(c) Each supervisor district is entitled to elect one supervisor. A supervisor must be a resident of the district from which elected.

(d) The district board shall provide staggered terms for supervisors elected by district. After each redistricting, there shall be a new election of supervisors in all the districts at the next general election, except that if the change made in the boundaries of a district is less than five percent of the average population of all the districts, the supervisor in office at the time of the redistricting shall serve for the full term for which elected. The district board shall determine by lot the seats to be filled for a two-year term, a four-year term, and a six-year term.

Sec. 2. [EFFECTIVE DATE.]

This act is effective July 1, 1997, without local approval, as authorized by Minnesota Statutes, section 645.023, subdivision 1, paragraph (a)."

Delete the title and insert:

"A bill for an act relating to elections; permitting the election of soil and water conservation district supervisors from single-member districts in the counties of Ramsey and Washington; amending Minnesota Statutes 1996, section 103C.311."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 148: A bill for an act relating to economic development; increasing the revenue bonding authority of the public facilities authority; amending Minnesota Statutes 1996, section 446A.12, subdivision 1.

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 264: A bill for an act relating to housing; providing temporary authority for certain loans.

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

Delete everything after the enacting clause and insert:

"Section 1. [HOME IMPROVEMENT LOANS TO PREVENT WEATHER DAMAGE.]

Notwithstanding any rule to the contrary, the Minnesota housing finance agency may make home improvement loans that do not result in a permanent general improvement to the property provided such loans are for the purpose of preventing damage to the property from severe weather conditions that cause a failure of plumbing, heating, or electrical systems, or that cause a defect in the roof or foundation.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is in effect the day following final enactment and is effective until July 1, 1997."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 67: A bill for an act relating to corrections; modifying multiple occupancy requirements applicable to state prisons; amending Minnesota Statutes 1996, section 243.53.

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

Page 1, delete lines 19 to 23 and insert "~~designed and built to comply with multiple occupancy standards for not more than one half of the facility's capacity~~ Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit double celling to the greatest extent possible, comply with multiple occupancy standards, and must"

Page 2, after line 2, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

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

S.F. No. 179: A bill for an act relating to corrections; amending the appropriation to build a close-custody correctional facility of at least 800 beds; providing that the new facility shall be at level four; deleting certain construction bid requirements; amending Laws 1996, chapter 463, section 16, subdivision 3.

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

Page 1, line 14, after "at" insert "custody"

Page 2, line 34, strike "same committee" and after "chairs" insert "of the house ways and means committee and the senate human resources finance committee and the chairs of the house and senate policy and finance committees and divisions having jurisdiction over criminal justice issues"

Page 2, after line 53, insert:

"The commissioner of corrections shall construct an access road from state trunk highway 361 to the parking lot of the correctional facility.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, after "at" insert "custody"

Page 1, line 6, after the semicolon, insert "authorizing construction of an access road;"

And when so amended the bill do pass and be re-referred to the Committee on Transportation. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 35, 264 and 67 were read the second time.

MOTIONS AND RESOLUTIONS

Ms. Berglin moved that her name be stricken as chief author and the name of Mrs. Lourey be added as chief author to S.F. No. 115. The motion prevailed.

Mr. Janezich moved that the name of Mr. Samuelson be added as a co-author to S.F. No. 153. The motion prevailed.

Mr. Solon moved that his name be stricken as a co-author to S.F. No. 286. The motion prevailed.

Mr. Moe, R.D. moved that the name of Ms. Wiener be added as a co-author to S.F. No. 286. The motion prevailed.

Ms. Berglin moved that her name be stricken as chief author and the name of Mrs. Lourey be shown as chief author to S.F. No. 328. The motion prevailed.

Ms. Junge moved that the name of Mr. Wiger be added as a co-author to S.F. No. 372. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Higgins be added as a co-author to S.F. No. 483. The motion prevailed.

Mr. Morse moved that the name of Ms. Higgins be added as a co-author to S.F. No. 486. The motion prevailed.

Mr. Morse moved that the name of Ms. Higgins be added as a co-author to S.F. No. 487. The motion prevailed.

Ms. Runbeck moved that the name of Ms. Olson be added as a co-author to S.F. No. 489. The motion prevailed.

Mr. Moe, R.D. moved that his name be stricken as a co-author to S.F. No. 180. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Murphy introduced--

S.F. No. 490: A bill for an act relating to the environment; providing that petroleum tank release cleanup funds may be used to assist in the replacement of underground storage tanks; amending Minnesota Statutes 1996, section 115C.09, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Mr. Betzold introduced--

S.F. No. 491: A bill for an act relating to taxation; exempting sales of tickets or admissions to high school athletic tournaments from taxation; amending Minnesota Statutes 1996, section 297A.25, subdivision 30.

Referred to the Committee on Taxes.

Mr. Day introduced--

S.F. No. 492: A bill for an act relating to gambling; requiring the state lottery to authorize and regulate the operation of video lottery terminals at a licensed racetrack with horse racing on which pari-mutuel betting is conducted; regulating the use of net terminal income; providing penalties; amending Minnesota Statutes 1996, section 297A.259; proposing coding for new law in Minnesota Statutes, chapter 349A.

Referred to the Committee on Local and Metropolitan Government.

Mr. Johnson, D.J.; Mrs. Scheid, Mr. Hottinger and Ms. Pappas introduced--

S.F. No. 493: A bill for an act relating to taxation; property; providing uniform rules for the low-income rental housing class; reducing the class rate for apartments and nonhomestead residential properties; imposing penalties; authorizing rulemaking; appropriating money; amending Minnesota Statutes 1996, sections 273.124, by adding a subdivision; 273.13, subdivision 25; 273.1398, subdivision 1a; 290A.03, subdivisions 11 and 13; 290A.19; 469.040, subdivision 3, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 273; and 462A; repealing Minnesota Statutes 1996, sections 273.1317; 273.1318; and 290A.03, subdivisions 12a and 14.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Kelley, S.P.; Price; Ms. Junge, Mr. Wiger and Ms. Wiener introduced--

S.F. No. 494: A bill for an act relating to education; authorizing a fiscal year 1998 levy adjustment resulting from the repeal of the K-12 appropriations caps to be spread over three years.

Referred to the Committee on Children, Families and Learning.

Messrs. Novak and Hottinger introduced--

S.F. No. 495: A bill for an act relating to insurance; health; requiring coverage for diabetes outpatient self-management training and education; amending Minnesota Statutes 1996, section 62A.45.

Referred to the Committee on Commerce.

Mr. Frederickson, Ms. Hanson, Messrs. Sams, Day and Dille introduced--

S.F. No. 496: A bill for an act relating to motor vehicles; allowing payment of prorated license fee following transfer of vehicle from dealer; amending Minnesota Statutes 1996, section 168.013, subdivisions 2 and 6.

Referred to the Committee on Transportation.

Mrs. Scheid, by request, Mr. Johnson, D.J.; Ms. Pappas, Messrs. Belanger and Murphy introduced--

S.F. No. 497: A bill for an act relating to taxation; making policy changes to income and withholding taxes, sales and use taxes, MinnesotaCare taxes, and tax collections; providing civil penalties; amending Minnesota Statutes 1996, sections 60A.15, subdivision 1; 116.07, subdivision 10; 270.02, subdivision 3; 270.063; 270.10, subdivision 5; 270.101, subdivisions 2, 3, and by adding a subdivision; 270.271, by adding a subdivision; 270.273, subdivision 2; 270.276, subdivision 2; 270.67, subdivision 2; 270.68, subdivision 1; 270.69, subdivision 11; 270.701, subdivisions 2 and 5; 270.708, subdivision 1; 270.721; 270.73, subdivision 1; 270A.07, subdivision 1; 271.06, subdivision 2; 271.08, subdivision 1; 271.10, subdivision 2; 287.31, subdivision 1; 287.37; 289A.02, subdivision 7; 289A.08, subdivisions 3 and 7; 289A.09, subdivision 2; 289A.20, subdivisions 1 and 2; 289A.26, subdivisions 2, 3, 6, and 7; 289A.31, subdivisions 1, 5, and 7; 289A.36, subdivision 4; 289A.37, subdivision 1; 289A.40, subdivisions 1 and 2; 289A.60, subdivision 15; 290.01, subdivisions 19, 19c, 19d, and 31; 290.095, subdivision 3; 290.35, subdivision 2; 291.005, subdivision 1; 295.50, subdivisions 3, 6, and 14; 295.52, subdivision 4; 295.53, subdivision 4; 295.55, subdivision 2; 297A.01, subdivisions 3, 15, and by adding a subdivision; 297A.041; 297A.07, subdivision 3; 297A.09; 297A.24, by adding a subdivision; 297A.25, subdivisions 2, 7, 12, and 41; 297A.45, subdivision 4, and by adding a subdivision; 297B.035, subdivision 3; 297B.11; 297E.04, subdivision 3; 298.01, subdivision 4c; 299F.21; 349.12, subdivision 26a; and 349.163, subdivision 8; Laws 1995, chapter 264, article 10, section 15; proposing coding for new law in Minnesota Statutes, chapters 270; 287; and 290.

Referred to the Committee on Local and Metropolitan Government.

Ms. Kiscaden, Messrs. Solon, Stevens, Samuelson and Ms. Piper introduced--

S.F. No. 498: A bill for an act relating to health; providing an exception to the nursing home moratorium; amending Minnesota Statutes 1996, section 144A.071, subdivision 4a.

Referred to the Committee on Health and Family Security.

Mr. Terwilliger, Ms. Olson, Messrs. Knutson; Kelley, S.P. and Stumpf introduced--

S.F. No. 499: A bill for an act relating to education; modifying the state council on vocational technical education; appropriating money; amending Minnesota Statutes 1996, section 136F.56, subdivisions 1, 2, 6, 7, and by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mr. Foley, Mses. Piper, Kiscaden, Robertson and Mr. Betzold introduced--

S.F. No. 500: A bill for an act relating to family support enforcement; adopting changes to the uniform interstate family support act; amending Minnesota Statutes 1996, sections 518C.101; 518C.205; 518C.207; 518C.304; 518C.305; 518C.306; 518C.307; 518C.501; 518C.605; 518C.606; 518C.611; 518C.612; and 518C.701; proposing coding for new law in Minnesota Statutes, chapter 518C.

Referred to the Committee on Judiciary.

Messrs. Solon, Metzen, Oliver and Day introduced--

S.F. No. 501: A bill for an act relating to commerce; providing powers and duties to the commissioner; regulating securities; modifying the real estate licensing exemption for closing agents; regulating real property appraisers; regulating residential building contractors and remodelers; modifying licensing requirements for collection agencies; regulating notaries public; making technical changes; amending Minnesota Statutes 1996, sections 45.011, subdivision 1; 45.028, subdivision 1; 80A.04, subdivisions 3, 4, and by adding a subdivision; 80A.05, subdivisions 4, 5, and by adding a subdivision; 80A.06, subdivisions 1, 2, and 3; 80A.08; 80A.12, by adding a subdivision; 80A.14, subdivision 3, and by adding subdivisions; 80A.15, subdivisions 1 and 2; 80A.28, subdivisions 1 and 2; 82.20, subdivision 15; 82B.13, subdivisions 1, 4, and 5;

82B.14; 326.83, subdivision 11; 326.84, subdivision 3; 326.921; 332.33, subdivision 1, and by adding a subdivision; 332.34; 359.061; and 359.071; proposing coding for new law in Minnesota Statutes, chapters 45; 60K; and 80A; repealing Minnesota Statutes 1996, section 60K.07, subdivision 1.

Referred to the Committee on Commerce.

Messrs. Betzold, Ten Eyck, Ms. Ranum, Mr. Knutson and Ms. Kiscaden introduced--

S.F. No. 502: A bill for an act relating to information policy; establishing a legislative task force to make recommendations on information policy issues; appropriating money.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Frederickson, Ms. Krentz, Messrs. Price and Laidig introduced--

S.F. No. 503: A bill for an act relating to natural resources; appropriating money for ecological services.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced--

S.F. No. 504: A bill for an act relating to local government; permitting the city of Nashwauk to own and operate a gas utility.

Referred to the Committee on Local and Metropolitan Government.

Mr. Lessard introduced--

S.F. No. 505: A bill for an act relating to motor vehicles; authorizing special license plates and exemption from registration taxation for veterans formerly missing in action; amending Minnesota Statutes 1996, section 168.031; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

Mr. Johnson, D.H.; Ms. Junge, Messrs. Ten Eyck, Foley and Knutson introduced--

S.F. No. 506: A bill for an act relating to peace officers; increasing criminal penalties for falsely reporting a crime; providing criminal penalties for persons who knowingly make false allegations of misconduct against peace officers in civil actions; amending Minnesota Statutes 1996, section 609.505; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Messrs. Kelly, R.C.; Wiger, Ms. Pappas, Mr. Cohen and Ms. Anderson introduced--

S.F. No. 507: A bill for an act relating to the city of St. Paul; reinstating the rental tax equity pilot project; providing for property tax refunds for participants; appropriating money.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Kelley, S.P. and Cohen introduced--

S.F. No. 508: A bill for an act relating to public administration; changing the terms and conditions of a state appropriation; amending Laws 1994, chapter 643, section 2, subdivision 12.

Referred to the Committee on State Government Finance.

Ms. Kiscaden, Messrs. Morse, Sams, Ms. Berglin and Mr. Samuelson introduced--

S.F. No. 509: A bill for an act relating to human services; clarifying eligibility of special transportation service providers to receive medical assistance reimbursement for service; amending Minnesota Statutes 1996, section 256B.0625, subdivision 17.

Referred to the Committee on Health and Family Security.

Mrs. Lourey, Messrs. Betzold, Samuelson, Dille and Ms. Kiscaden introduced--

S.F. No. 510: A bill for an act relating to health; establishing licensing requirements for the provision of ambulance service; relocating provisions related to emergency medical services; appropriating money; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 144E; repealing Minnesota Statutes 1996, sections 144.801; 144.802; 144.803; 144.804; and 144.806.

Referred to the Committee on Health and Family Security.

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.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1: Messrs. Langseth; Moe, R.D. and Johnson, D.E.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 13, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Tuesday, February 11, 1997

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
		1	.....169	
		117	.....170	170

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
35	..... 170	173			
67	..... 172	173			
148	..... 171				
179	..... 172				
264	..... 171	173			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
115	..... 173		
153	..... 173		
180	..... 173		
286	..... 173		
328	..... 173		
372	..... 173		
483	..... 173		
486	..... 173		
487	..... 173		
489	..... 173		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
		1	.....177

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 490 to 510 Pages 173 to 177