

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

—————  
FORTY-SEVENTH DAY

St. Paul, Minnesota, Friday, April 25, 1997

The Senate met at 8:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Mr. Wiger 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. Jeffrey M. Lindsay.

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

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

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

Mr. Johnson, D.J. was excused from the Session of today.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1928.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1997

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1905:** A bill for an act relating to the organization and operation of state government; appropriating money for the general legislative and administrative expenses of state government; requiring studies; creating working groups; creating state accounts; modifying local government financial reporting provisions; modifying agency and budget reporting provisions; modifying cash advance provisions; modifying provisions for claims against appropriations; providing for disposition of lawsuit proceeds; modifying state property rental provisions; providing a teen court program; providing for a uniform business identifier and electronic business licensing; authorizing the payment of salary differential for reserve forces on active duty in Haiti; waiving contractor's bond for art in state buildings; modifying the disposition of certain fees and surcharges; authorizing reimbursement charges for certain inspections; modifying responsibilities for payment of certain retirement supplemental benefits; setting state policy for regulatory rules and programs of agencies; regulating obsolete, unnecessary, or duplicative rules; providing for expansion of international trading opportunities; modifying provisions of the amateur sports commission; restricting payments related to the Target Center; modifying appointment provisions for the board of ethical practices executive director; providing for additional legislative leadership positions; establishing the Minnesota office of technology; providing for repayment of certain local government grants; changing the name of the ethical practices board; amending Minnesota Statutes 1996, sections 3.099, subdivision 3; 6.47; 10A.02, subdivision 5; 14.05, subdivision 5; 14.131; 16A.10, subdivision 2; 16A.11, subdivisions 1, 3, and 3c; 16A.1285, subdivision 3; 16A.129, subdivision 3; 16A.15, subdivision 3; 16B.19, subdivision 2b; 16B.24, subdivision 5; 16B.35, by adding a subdivision; 16B.465, subdivision 3; 16B.70, subdivision 2; 176.611, by adding subdivisions; 240A.08; 327.33, subdivision 2; 327B.04, subdivision 7; 349.163, subdivision 4; 356.865, subdivision 3; 363.073, subdivision 1; and 473.556, subdivision 16; proposing coding for new law in Minnesota Statutes, chapters 14; 16A; 16B; 43A; 260; and 465; proposing coding for new law as Minnesota Statutes, chapter 237A; repealing Minnesota Statutes 1996, sections 10A.21; 15.95; 15.96; 16B.40; 16B.41; 16B.42; 16B.43; and 16B.58, subdivision 8.

Senate File No. 1905 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 24, 1997

Mr. Moe, R.D., for Mr. Price, moved that the Senate do not concur in the amendments by the House to S.F. No. 1905, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 601, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 601 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 24, 1997

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 601

A bill for an act relating to local government; authorizing boundary commissions; amending Minnesota Statutes 1996, section 465.79.

April 21, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 601, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 601 be further amended as follows:

Page 1, line 19, before the period, insert "in the respective jurisdiction"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Stephen G. Wenzel, Al Juhnke, Ron Kraus

Senate Conferees: (Signed) Jim Vickerman, Don Samuelson, Pat Pariseau

Mr. Vickerman moved that the foregoing recommendations and Conference Committee Report on H.F. No. 601 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 601 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### REPORTS OF COMMITTEES

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

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

**H.F. No. 735** 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.
735	53				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 735 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 735 and insert the language after the enacting clause of S.F. No. 53, the third engrossment; further, delete the title of H.F. No. 735 and insert the title of S.F. No. 53, the third engrossment.

And when so amended H.F. No. 735 will be identical to S.F. No. 53, and further recommends that H.F. No. 735 be given its second reading and substituted for S.F. No. 53, 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. 1370** 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.
1370	546				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1370 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1370 and insert the language after the enacting clause of S.F. No. 546, the first engrossment; further, delete the title of H.F. No. 1370 and insert the title of S.F. No. 546, the first engrossment.

And when so amended H.F. No. 1370 will be identical to S.F. No. 546, and further recommends that H.F. No. 1370 be given its second reading and substituted for S.F. No. 546, 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.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 735 and 1370 were read the second time.

**MOTIONS AND RESOLUTIONS****Ms. Berglin introduced--**

**Senate Resolution No. 47:** A Senate resolution urging the President of the United States to direct the Department of the Interior to add a statue to the Franklin Delano Roosevelt memorial, showing his disability.

WHEREAS, Franklin Delano Roosevelt led the citizens of the United States through depression and war, exhorting them to be courageous and assuring them that they had "nothing to fear but fear itself"; and

WHEREAS, he exercised this leadership in spite of his own disability: as the result of a polio attack in 1921, he could not walk unaided; and

WHEREAS, although he himself tried to mask his disability in order to protect his ability to lead, that disability was an undeniable part of his life and so of our history; and

WHEREAS, the memorial planned for Franklin Delano Roosevelt, which will be opened in May, contains three statues of Roosevelt, none of them depicting him with any sign of disability; and

WHEREAS, showing Roosevelt in his wheelchair or with his braces or cane would be a victory for historical accuracy, a way of shattering stereotypes about disabilities, and a lesson for all; and

WHEREAS, the National Organization on Disabilities has strongly urged that a fourth statue be added to the memorial showing Roosevelt's disability and has offered to bear the cost of the statue; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it urges the President to direct the Department of the Interior to add to the Franklin Delano Roosevelt memorial a fourth statue that acknowledges Roosevelt's physical disability.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit them to the President of the United States and the Secretary of the Interior.

Ms. Berglin moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

### SPECIAL ORDERS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

H.F. Nos. 1162, 966, S.F. No. 662, H.F. No. 1409, S.F. Nos. 445, 256, H.F. No. 512, S.F. Nos. 173, 741, 740, 1383 and H.F. No. 1880.

### SPECIAL ORDER

**H.F. No. 1162:** A bill for an act relating to state employment; making changes of a technical and housekeeping nature; amending Minnesota Statutes 1996, sections 43A.01, subdivision 2; 43A.02, subdivisions 1, 14, 20, 30, and 37; 43A.04, subdivisions 1, 2, 3, and 9; 43A.05, subdivisions 1 and 3; 43A.08, subdivisions 1 and 1a; 43A.13, subdivision 7; 43A.27, subdivision 1; 43A.30, subdivision 1; and 43A.36, subdivisions 1 and 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Janezich	Knutson	Metzen
Beckman	Fischbach	Johnson, D.E.	Krentz	Moe, R.D.
Belanger	Flynn	Johnson, D.H.	Laidig	Morse
Berg	Foley	Junge	Langseth	Murphy
Berglin	Frederickson	Kelley, S.P.	Larson	Neuville
Betzold	Hanson	Kelly, R.C.	Lessard	Oliver
Cohen	Higgins	Kiscaden	Limmer	Olson
Day	Hottinger	Kleis	Lourey	Ourada

Pariseau	Robling	Scheevel	Stumpf	Wiener
Piper	Runbeck	Scheid	Ten Eyck	Wiger
Pogemiller	Sams	Spear	Terwilliger	
Robertson	Samuelson	Stevens	Vickerman	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 966:** A bill for an act relating to employment; modifying provisions governing payment of wages; including the state in the definition of employer for certain purposes; amending Minnesota Statutes 1996, sections 181.02; 181.03; 181.063; 181.10; 181.13; and 181.171, by adding a subdivision.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 662:** A bill for an act relating to health professions; establishing licensure requirements for volunteer practitioners of psychology; modifying requirements for licensure as licensed psychologists and for professional identification; amending Minnesota Statutes 1996, sections 148.907, subdivisions 2, 3, and 4; and 148.96, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 148.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kelly, R.C.	Lourey	Pogemiller
Beckman	Frederickson	Kiscaden	Metzen	Price
Belanger	Hanson	Kleis	Moe, R.D.	Robertson
Berg	Higgins	Knutson	Morse	Robling
Berglin	Hottinger	Krentz	Murphy	Runbeck
Betzold	Janezich	Laidig	Neuville	Sams
Cohen	Johnson, D.E.	Langseth	Oliver	Samuelson
Day	Johnson, D.H.	Larson	Olson	Scheevel
Dille	Johnson, J.B.	Lesewski	Ourada	Scheid
Fischbach	Junge	Lessard	Pariseau	Spear
Flynn	Kelley, S.P.	Limmer	Piper	Stevens

Stumpf  
Ten Eyck

Terwilliger

Vickerman

Wiener

Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1409:** A bill for an act relating to agriculture; legislative review of feedlot permit rules; amending Minnesota Statutes 1996, section 116.07, subdivision 7.

Mr. Sams moved to amend H.F. No. 1409, as amended pursuant to Rule 49, adopted by the Senate April 22, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 1134.)

Page 3, line 19, delete everything after "members" and insert a period

Page 3, delete lines 20 to 23

The motion prevailed. So the amendment was adopted.

H.F. No. 1409 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 445:** A bill for an act relating to veterans; establishing a program to pay a monetary bonus to veterans of the Persian Gulf War; imposing a criminal penalty for false application; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

Mr. Betzold moved to amend S.F. No. 445 as follows:

Page 1, lines 11 and 12, after the comma, insert "conservator, or personal representative"

Page 1, line 15, after "guardian" insert ", conservator, or personal representative"

Page 2, line 5, after "Guardian" insert "or 'conservator'"

Page 2, lines 6 and 11, after "minor" insert "beneficiary" and before the comma, insert "veteran"

Page 2, line 7, delete "minor or" and after "incompetent" insert "veteran"

Page 2, line 13, after "minor" insert "beneficiary" and before the period, insert "veteran"

Page 4, line 8, before the period, insert "or conservator"

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 1, line 23, delete "veterans" and insert "veteran's" and delete "mother" and insert "parent or parents"

Page 1, line 24, delete "father" and insert "sibling or siblings"

Page 1, delete line 25 and insert:

"(5) the veteran's estate."

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 3, line 3, before the comma, insert "in Southwest Asia"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 50, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Oliver	Piper	Spear
Berglin	Flynn	Pappas	Ranum	Wiener

Those who voted in the negative were:

Beckman	Higgins	Knutson	Morse	Runbeck
Belanger	Hottinger	Krentz	Murphy	Sams
Berg	Johnson, D.E.	Laidig	Novak	Samuelson
Cohen	Johnson, D.H.	Langseth	Olson	Scheevel
Day	Johnson, J.B.	Larson	Ourada	Scheid
Dille	Junge	Lesewski	Pariseau	Stevens
Fischbach	Kelley, S.P.	Lessard	Pogemiller	Stumpf
Foley	Kelly, R.C.	Limmer	Price	Ten Eyck
Frederickson	Kiscaden	Lourey	Robertson	Vickerman
Hanson	Kleis	Metzen	Robling	Wiger

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

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 3, line 6, after "includes" insert ":

(1) a" and delete "any"

Page 3, line 8, delete ". "Veteran" includes any" and insert "; or

(2) a"

Page 3, line 17, before "Veteran" insert paragraph coding

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 3, line 34, after the comma, insert "the commissioner shall pay" and delete "must be"

Page 3, line 35, delete "paid"



Page 6, line 4, delete "The"

Page 6, delete line 5

Page 6, line 6, delete everything before "The"

Page 6, line 10, delete "(c)" and insert "(b)"

Page 6, delete lines 12 and 13

Page 6, line 14, delete "8" and insert "7"

Page 6, line 17, after "from" insert "state"

Page 6, line 18, delete "9" and insert "8"

Page 6, line 21, delete "10" and insert "9"

Page 6, line 24, delete "11" and insert "10"

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 2, line 35, delete "had" and insert "declared"

Page 2, line 36, delete everything after "record"

Page 3, line 1, delete everything before the period and insert "during the eligibility period described in paragraph (f)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 15 and nays 44, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kelly, R.C.	Oliver	Ranum
Berglin	Foley	Krentz	Pappas	Spear
Betzold	Higgins	Morse	Piper	Wiener

Those who voted in the negative were:

Beckman	Hottinger	Laidig	Murphy	Samuelson
Belanger	Johnson, D.E.	Langseth	Novak	Scheevel
Berg	Johnson, D.H.	Larson	Olson	Scheid
Cohen	Johnson, J.B.	Lesewski	Ourada	Stevens
Day	Junge	Lessard	Pariseau	Stumpf
Dille	Kelley, S.P.	Limmer	Price	Ten Eyck
Fischbach	Kiscaden	Lourey	Robling	Vickerman
Frederickson	Kleis	Metzen	Runbeck	Wiger
Hanson	Knutson	Moe, R.D.	Sams	

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

## 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:

S.F. No. 526: Mrs. Pariseau, Messrs. Scheevel and Murphy.

S.F. No. 1881: Ms. Johnson, J.B.; Mr. Langseth, Ms. Flynn, Messrs. Day and Ourada.

H.F. No. 686: Messrs. Johnson, D.H.; Ten Eyck and Ourada.

H.F. No. 753: Messrs. Metzen, Solon and Belanger.

H.F. No. 2158: Messrs. Beckman; Novak; Johnson, D.H.; Limmer and Ms. Runbeck.

H.F. No. 2147: Ms. Piper, Mr. Marty, Mrs. Lourey, Ms. Lesewski and Mrs. Robling.

H.F. No. 2150: Messrs. Morse, Lessard, Ms. Anderson, Messrs. Laidig and Dille.

S.F. No. 1905: Messrs. Price, Cohen, Metzen, Frederickson and Betzold.

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

The Senate resumed consideration of S.F. No. 445.

Mr. Betzold moved to amend S.F. No. 445 as follows:

Page 3, line 24, delete "become eligible for" and insert "receive"

Page 3, line 27, delete "became eligible for" and insert "received"

Page 3, line 30, delete "became" and insert "was"

The motion prevailed. So the amendment was adopted.

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 2, line 16, after the semicolon, insert "or"

Page 2, delete lines 17 to 19

Page 2, line 20, delete "(4)" and insert "(2)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 2 and nays 54, as follows:

Ms. Anderson and Mr. Betzold voted in the affirmative.

Those who voted in the negative were:

Beckman	Hanson	Laidig	Oliver	Runbeck
Belanger	Higgins	Langseth	Olson	Sams
Berg	Hottinger	Larson	Ourada	Samuelson
Berglin	Johnson, D.E.	Lesewski	Pappas	Scheevel
Cohen	Johnson, D.H.	Lessard	Pariseau	Scheid
Day	Junge	Limmer	Piper	Spear
Dille	Kelley, S.P.	Lourey	Pogemiller	Stevens
Fischbach	Kiscaden	Metzen	Price	Ten Eyck
Flynn	Kleis	Morse	Ranum	Vickerman
Foley	Knutson	Murphy	Robertson	Wiener
Frederickson	Krentz	Novak	Robling	

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

Mr. Betzold then moved to amend S.F. No. 445 as follows:

Page 3, line 24, delete "\$300" and insert "\$200"

Page 6, after line 27, insert:

"Sec. 2. [197.795] [VETERANS' BONUS PROGRAM.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Applicant" means a veteran or a veteran's guardian, conservator, or personal representative, or a beneficiary or a beneficiary's guardian, conservator, or personal representative, who has filed an application with the commissioner for a bonus under this section.

(c) "Application" means a request for a bonus payment by an applicant through submission of written information on a form designed by the commissioner for this purpose.

(d) "Beneficiary" means, in relation to a deceased veteran, and in the order named:

(1) the surviving spouse, if not remarried;

(2) the children of the veteran, if there is no surviving spouse or the surviving spouse has remarried;

(3) the veteran's surviving parent or parents;

(4) the veteran's surviving sibling or siblings; or

(5) the veteran's estate.

(e) "Commissioner" means the commissioner of veterans affairs.

(f) "Department" means the department of veterans affairs.

(g) "Eligibility period for the bonus" means the period after July 31, 1991, to December 31, 1997.

(h) "Guardian" or "conservator" means the legally appointed representative of a minor beneficiary or incompetent veteran, the chief officer of a hospital or institution in which the incompetent veteran is placed if the officer is authorized to accept money for the benefit of the minor beneficiary or incompetent veteran, the person determined by the commissioner to be the person who is legally charged with the responsibility for the care of the minor beneficiary or incompetent veteran, or the person determined by the commissioner to be the person who has assumed the responsibility for the care of the minor beneficiary or incompetent veteran.

(i) "Honorable service" means honorable service in the United States armed forces, as evidenced by:

(1) an honorable discharge; or

(2) in the case of an applicant who is currently serving in active duty in the United States armed forces, a certificate from an appropriate service authority that the applicant's service to date has been honorable.

(j) "Veteran" means a person who was a member of a reserve component of the armed forces of the United States, including the national guard, who was ordered to active duty for at least 200 consecutive days under United States Code, title 10, section 673b, during the eligibility period for the bonus, and who also:

(1) has been separated or discharged from the United States armed forces, and whose home of record at the time of entry into active duty in the United States armed forces, as indicated on the person's form DD-214, is the state of Minnesota; or

(2) is currently serving in the United States armed forces, and has a certificate from an appropriate service authority stating that the person declared Minnesota as the home of record at the time of entry into active duty in the United States armed forces.

"Veteran" does not include a member of the national guard or the reserve components of the United States armed forces ordered to active duty for the sole purpose of training.

Subd. 2. [BONUS AMOUNT.] (a) For a veteran who provided honorable service in the United States armed forces for at least 200 consecutive days during the eligibility period for the bonus, the bonus amount is \$600.

(b) No payment may be made to a veteran or beneficiary who has received a similar bonus payment from another state.

Subd. 3. [APPLICATION PROCESS.] A veteran, or the beneficiary of a veteran, entitled to a bonus may make application for a bonus to the department on a form prescribed by the commissioner and verified by the applicant. If the veteran is incompetent or the veteran's beneficiary is a minor or incompetent, the application must be made by the person's guardian or conservator. An application must be accompanied by evidence of residency, honorable service, active duty service during the eligibility period for the bonus, and any other information the commissioner requires.

If the information provided in the application is incomplete, the department must notify the applicant in writing of that fact and must identify the items of information needed to make a determination. After notifying an applicant that the person's application is incomplete, the department shall hold the application open while awaiting further information from the applicant, and the applicant may submit that information without filing an appeal and request for review.

Subd. 4. [ELIGIBILITY DETERMINATION; APPEAL PROCESS; AND PAYMENT.] (a) The commissioner shall make a bonus payment to an applicant upon submission of proof to the department that an applicant is entitled to payment under this section.

(b) Upon notification that the department has determined that an applicant is not eligible for a bonus, the applicant may appeal the department's determination and request a review by the commissioner. The appeal and request for review must be made in writing within 60 days of the department's mailing of its determination. Following receipt by the department of an applicant's appeal and request for review by the commissioner, no payment may be made by the department to the applicant until the review has been completed. For the review, the applicant may submit additional information to supplement the information provided in the application, and may request that the review be conducted through written correspondence, or in person with the commissioner. The commissioner shall act upon an appeal and request for review within seven working days of its receipt by the department. Following review by the commissioner of the application and any additional information submitted or presented by the applicant, the commissioner's determination is final. Any expenses incurred by the applicant as the result of the applicant's appeal and request for review are the obligation of the applicant.

Subd. 5. [NOTICES.] Notices and correspondence to an applicant must be directed to the applicant by mail at the address listed in the application. Notices and correspondence to the commissioner must be addressed to the commissioner's office in St. Paul.

Subd. 6. [POWERS AND DUTIES OF THE COMMISSIONER.] (a) The commissioner shall determine who is the beneficiary of a deceased veteran and determine who is the person who has assumed the responsibility for the care of any minor or incompetent.

(b) The commissioner may employ persons and may incur other expenses necessary to administer this section.

Subd. 7. [TAX EXEMPT GIFTS.] The bonus payments provided for by this section are gifts or gratuities given as a token of appreciation to eligible veterans and are not compensation for services rendered. The payments are exempt from state taxation.

Subd. 8. [NONASSIGNABLE; EXCEPTED FROM PROCESS.] A claim for payment under this section is not assignable or subject to garnishment, attachment, or levy of execution.

Subd. 9. [PENALTIES.] A person who knowingly makes a false statement relating to a material fact in support of a claim for a bonus under this section is guilty of a misdemeanor.

Subd. 10. [DEADLINE FOR APPLICATIONS.] The application period for the bonus program established in this section is November 1, 1997, to June 30, 1999. The department may not receive or accept new applications after June 30, 1999."

Page 6, after line 35, insert:

"\$200,000 is appropriated from the general fund to the commissioner of veterans affairs for the purpose of making bonus payments authorized under section 2. This appropriation may not be used for administrative purposes by the department. This appropriation is available July 1, 1997, and does not expire until all applications submitted in accordance with section 2 have been acted on by the commissioner."

Page 7, lines 2 and 4, delete "section 1" and insert "sections 1 and 2"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate for the balance of the proceedings on the amendment. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

Ms. Junge moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 12 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kiscaden	Pappas	Ranum
Berglin	Higgins	Krentz	Piper	Spear
Betzold	Hottinger			

Those who voted in the negative were:

Belanger	Johnson, D.H.	Limmer	Pogemiller	Stevens
Berg	Junge	Lourey	Price	Ten Eyck
Cohen	Kelley, S.P.	Metzen	Robertson	Vickerman
Day	Kleis	Morse	Robling	Wiener
Fischbach	Knutson	Murphy	Runbeck	Wiger
Foley	Laidig	Oliver	Sams	
Frederickson	Larson	Olson	Samuelson	
Hanson	Lesewski	Ourada	Scheevel	
Johnson, D.E.	Lessard	Pariseau	Scheid	

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

S.F. No. 445 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Johnson, D.H.	Langseth	Murphy
Beckman	Flynn	Johnson, J.B.	Larson	Novak
Belanger	Foley	Junge	Lesewski	Oliver
Berg	Frederickson	Kelley, S.P.	Lessard	Olson
Berglin	Hanson	Kelly, R.C.	Limmer	Ourada
Betzold	Higgins	Kleis	Lourey	Pappas
Cohen	Hottinger	Knutson	Marty	Pariseau
Day	Janezich	Krentz	Metzen	Piper
Dille	Johnson, D.E.	Laidig	Morse	Pogemiller

Price  
Ranum  
Robertson  
Robling

Runbeck  
Sams  
Samuelson

Scheevel  
Scheid  
Spear

Stevens  
Ten Eyck  
Terwilliger

Vickerman  
Wiener  
Wiger

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 256:** A bill for an act relating to commerce; regulating building and construction contracts; regulating payments and retainages; proposing coding for new law in Minnesota Statutes, chapter 337.

Ms. Wiener moved to amend S.F. No. 256 as follows:

Page 2, line 16, after the first "to" insert "construction of or"

Page 2, line 18, delete "townhomes" and insert "attached single-family dwellings, if those dwellings are used for residential purposes and have fewer than 13 units per structure"

Page 2, line 34, delete "and" and insert "or"

Page 3, line 1, delete "townhomes" and insert "attached single-family dwellings, if those dwellings are used for residential purposes and have fewer than 13 units per structure"

The motion prevailed. So the amendment was adopted.

S.F. No. 256 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson  
Beckman  
Belanger  
Berg  
Berglin  
Betzold  
Cohen  
Day  
Dille  
Fischbach  
Flynn  
Foley  
Frederickson

Hanson  
Higgins  
Hottinger  
Janezich  
Johnson, D.E.  
Johnson, D.H.  
Johnson, D.J.  
Junge  
Kelley, S.P.  
Kelly, R.C.  
Kiscaden  
Kleis  
Knutson

Krentz  
Laidig  
Larson  
Lesewski  
Lessard  
Limmer  
Lourey  
Marty  
Metzen  
Moe, R.D.  
Morse  
Murphy  
Neuville

Novak  
Oliver  
Olson  
Ourada  
Pariseau  
Piper  
Pogemiller  
Price  
Ranum  
Robertson  
Robling  
Runbeck  
Sams

Scheevel  
Scheid  
Spear  
Stevens  
Stumpf  
Ten Eyck  
Terwilliger  
Vickerman  
Wiener  
Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 512:** A bill for an act relating to municipalities; authorizing bankruptcy filing; proposing coding for new law in Minnesota Statutes, chapter 471.

Mr. Hottinger moved to amend H.F. No. 512, as amended pursuant to Rule 49, adopted by the Senate March 6, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 388.)

Page 1, lines 16 and 17, delete "port authority,"

The motion prevailed. So the amendment was adopted.

H.F. No. 512 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 56 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Wiger voted in the negative.

So the bill, as amended, was passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 173:** A bill for an act relating to commerce; providing for the use, validity, and security of electronic signatures and messages transmitted in commerce; prescribing penalties; proposing coding for new law as Minnesota Statutes, chapter 325K.

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Krentz	Murphy	Runbeck
Beckman	Higgins	Laidig	Novak	Sams
Belanger	Hottinger	Langseth	Oliver	Scheevel
Berg	Johnson, D.E.	Larson	Olson	Scheid
Berglin	Johnson, D.H.	Lesewski	Ourada	Spear
Betzold	Johnson, J.B.	Lessard	Pappas	Stevens
Cohen	Junge	Limmer	Pariseau	Ten Eyck
Day	Kelley, S.P.	Lourey	Piper	Terwilliger
Dille	Kelly, R.C.	Marty	Ranum	Vickerman
Fischbach	Kleis	Metzen	Robertson	Wiger
Flynn	Knutson	Morse	Robling	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 741:** A bill for an act relating to health; regulating the practice of respiratory care; establishing the requirements for registration and regulation of respiratory care practitioners; providing for continuing education, fees, reporting obligations, disciplinary actions, and for an advisory council; providing criminal penalties; proposing coding for new law as Minnesota Statutes, chapter 147C; repealing Minnesota Rules, parts 4762.0010; 4762.0020; 4762.0030; 4762.0040; 4762.0050; 4762.0060; 4762.0065; 4762.0070; 4762.0080; 4762.0090; 4762.0100; 4762.0200; and 4762.0300.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Knutson	Oliver	Runbeck
Beckman	Hanson	Krentz	Olson	Sams
Belanger	Higgins	Langseth	Ourada	Samuelson
Berg	Hottinger	Larson	Pappas	Scheevel
Berglin	Johnson, D.E.	Lesewski	Pariseau	Scheid
Betzold	Johnson, D.H.	Lessard	Piper	Spear
Cohen	Johnson, J.B.	Limmer	Pogemiller	Stevens
Day	Junge	Lourey	Price	Ten Eyck
Dille	Kelley, S.P.	Marty	Ranum	Terwilliger
Fischbach	Kelly, R.C.	Metzen	Robertson	Vickerman
Flynn	Kleis	Novak	Robling	Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 740:** A bill for an act relating to utilities; expanding the telephone assistance program to provide assistance to low-income families with children; amending Minnesota Statutes 1996, section 237.70, subdivisions 4a, 6, and 7.

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 39 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kelley, S.P.	Novak	Samuelson
Beckman	Flynn	Kelly, R.C.	Pappas	Scheid
Belanger	Foley	Langseth	Piper	Spear
Berg	Frederickson	Lessard	Pogemiller	Ten Eyck
Berglin	Higgins	Lourey	Price	Terwilliger
Betzold	Hottinger	Marty	Ranum	Vickerman
Cohen	Johnson, D.E.	Metzen	Robling	Wiener
Day	Johnson, J.B.	Morse	Sams	

Those who voted in the negative were:

Fischbach	Knutson	Limmer	Ourada	Runbeck
Kiscaden	Larson	Oliver	Pariseau	Scheevel
Kleis	Lesewski	Olson	Robertson	Stevens

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1383:** A bill for an act relating to the legislature; increasing membership on the legislative audit commission and the commission advisory council; prescribing procedures for rotation of the chair; amending Minnesota Statutes 1996, sections 3.97, subdivision 2; and 3.971, subdivision 4.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Knutson	Morse	Robertson
Beckman	Frederickson	Krentz	Novak	Robling
Belanger	Higgins	Laidig	Oliver	Runbeck
Berg	Hottinger	Langseth	Olson	Sams
Berglin	Johnson, D.E.	Larson	Ourada	Scheevel
Betzold	Johnson, J.B.	Lesewski	Pappas	Scheid
Cohen	Junge	Lessard	Pariseau	Spear
Day	Kelley, S.P.	Limmer	Piper	Stevens
Dille	Kelly, R.C.	Lourey	Pogemiller	Terwilliger
Fischbach	Kiscaden	Marty	Price	Vickerman
Flynn	Kleis	Metzen	Ranum	Wiener

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1880:** A bill for an act relating to reemployment compensation; providing less frequent payment schedules for certain employers; providing for noncharging of benefits in certain situations; proposing coding for new law in Minnesota Statutes, chapter 268.

Ms. Kiscaden moved that the amendment made to H.F. No. 1880 by the Committee on Rules and Administration in the report adopted April 14, 1997, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1880 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 738 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 738:** A bill for an act relating to community-based land use planning; establishing goals; establishing a county community-based planning process; establishing a municipal community-based planning process; sunseting the municipal board; establishing an alternative dispute resolution process; appropriating money; amending Minnesota Statutes 1996, sections 115.49, by adding a subdivision; 394.23; 394.24, subdivision 1; 414.0325, subdivision 1; 414.033, subdivisions 2b, 11, and 12; 462.352, subdivisions 5, 6, and by adding a subdivision; and 462.357, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 394; 414; 462; 473; and 572A; repealing Minnesota Statutes 1996, section 414.033, subdivision 2a.

Mr. Vickerman moved to amend S.F. No. 738 as follows:

Page 5, line 13, after "county" insert "or district"

Page 22, lines 20 and 21, delete "office of strategic and long-range planning" and insert "bureau of mediation services"

Page 22, lines 25 and 26, delete "office of strategic and long-range planning" and insert "bureau of mediation services"

Page 22, line 27, before the period, insert "and provide a list of neutrals experienced in land use planning or local government issues obtained from the supreme court, Minnesota municipal board, bureau of mediation services, Minnesota state bar association, Hennepin county bar association, office of dispute resolution, and others"

Page 22, line 28, after "shall" insert "select a mediator from the list of neutrals or someone else acceptable to the parties and"

Page 22, lines 29 and 31, delete "office" and insert "bureau"

Page 23, line 13, after "parties" insert "and provide a list of neutrals experienced in land use planning and local government issues obtained from the supreme court, Minnesota municipal board, bureau of mediation services, Minnesota state bar association, Hennepin county bar association, office of dispute resolution and others"

Page 23, line 15, after "shall" insert "select a mediator from the list of neutrals or someone else acceptable to the parties and"

Page 24, line 1, delete everything after the comma

Page 24, line 2, delete everything before "the"

Page 24, line 3, delete "for disputes under section"

Page 24, line 4, delete "572A.015," and after "arbitrator" insert "from the list of neutrals under sections 572A.01, subdivision 2, and 572A.015, subdivision 2, or someone else"

Page 24, line 5, delete "office or the"

Page 24, line 11, delete "office or"

Page 24, lines 22 and 23, delete "office of strategic and long-range planning or"

Page 24, lines 33 and 34, delete "office of strategic and long-range planning or"

The motion prevailed. So the amendment was adopted.

Mr. Stevens moved to amend S.F. No. 738 as follows:

Page 4, line 29, after "may" insert "not"

Page 5, line 13, after "county" insert "or district"

Page 5, line 14, after the period, insert "No dispute resolution process may be initiated if there is unanimous agreement among the local units of government in a planning district that the community-based comprehensive plan is acceptable."

Page 7, line 27, after "may" insert "not"

Page 17, line 29, after "may" insert "not"

Page 18, line 3, after "may" insert "not"

Mr. Stevens then moved to amend the Stevens amendment to S.F. No. 738 as follows:

Page 1, delete line 3

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

Mr. Stevens then moved to amend the Stevens amendment to S.F. No. 738 as follows:

Page 1, delete line 2

Page 1, delete line 9

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

### CALL OF THE SENATE

Mr. Vickerman imposed a call of the Senate for the balance of the proceedings on S.F. No. 738. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Stevens amendment, as amended.

The roll was called, and there were yeas 12 and nays 41, as follows:

Those who voted in the affirmative were:

Belanger	Fischbach	Lessard	Pariseau	Scheevel
Berg	Frederickson	Ourada	Samuelson	Stevens
Dille	Hanson			

Those who voted in the negative were:

Anderson	Johnson, D.H.	Lesewski	Piper	Spear
Beckman	Johnson, J.B.	Lourey	Pogemiller	Ten Eyck
Berglin	Junge	Marty	Price	Vickerman
Betzold	Kelley, S.P.	Metzen	Ranum	Wiener
Cohen	Kiscaden	Morse	Robertson	Wiger
Flynn	Kleis	Murphy	Robling	
Foley	Knutson	Oliver	Runbeck	
Higgins	Krentz	Olson	Sams	
Hottinger	Laidig	Pappas	Scheid	

The motion did not prevail. So the Stevens amendment, as amended, was not adopted.

Mrs. Pariseau moved to amend S.F. No. 738 as follows:

Page 22, delete section 8

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 11 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Kiscaden	Lessard	Olson	Robertson
Berg	Lesewski	Limmer	Pariseau	Scheevel
Frederickson				

Those who voted in the negative were:

Beckman	Foley	Junge	Marty	Pappas
Berglin	Hanson	Kelley, S.P.	Metzen	Piper
Betzold	Higgins	Kleis	Morse	Pogemiller
Cohen	Hottinger	Krentz	Murphy	Price
Dille	Johnson, D.H.	Laidig	Oliver	Ranum
Fischbach	Johnson, J.B.	Lourey	Ourada	Robling

Runbeck  
Sams

Samuelson  
Scheid

Spear  
Ten Eyck

Vickerman

Wiger

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

S.F. No. 738 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 49 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Ourada	Sams
Beckman	Higgins	Laidig	Pappas	Samuelson
Belanger	Hottinger	Lesewski	Pariseau	Scheid
Berglin	Johnson, D.E.	Lourey	Piper	Spear
Betzold	Johnson, D.H.	Marty	Pogemiller	Ten Eyck
Cohen	Johnson, J.B.	Metzen	Price	Terwilliger
Dille	Junge	Morse	Ranum	Vickerman
Flynn	Kelley, S.P.	Murphy	Robertson	Wiener
Foley	Kiscaden	Oliver	Robling	Wiger
Frederickson	Kleis	Olson	Runbeck	

Those who voted in the negative were:

Berg	Lessard	Limmer	Scheevel	Stevens
Fischbach				

So the bill, as amended, was 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 reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

### REPORTS OF COMMITTEES

Ms. Junge moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### **Mr. Johnson, D.J. from the Committee on Taxes, to which was re-referred**

**S.F. No. 1023:** A bill for an act relating to taxation; imposing a fee on motor vehicle rentals; providing for a rebate of the fee to motor vehicle lessors to compensate for motor vehicle registration fees paid by lessors; appropriating money; amending Minnesota Statutes 1996, section 297A.135.

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

#### **Mr. Johnson, D.J. from the Committee on Taxes, to which was re-referred**

**S.F. No. 92:** A bill for an act relating to taxation; providing for disclosure or inspection of certain data or return information; limiting disclosure of certain data under subpoena; providing criminal penalties; amending Minnesota Statutes 1996, sections 270.66, subdivision 3; 270B.01, subdivision 8; 270B.03, subdivisions 1, 3, and 4; 270B.08, subdivision 1; 270B.085, subdivision 1; 270B.09; 270B.12, subdivision 7; 270B.14, subdivision 1, and by adding subdivisions; 270B.16; and 287.34; proposing coding for new law in Minnesota Statutes, chapter 270B.

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

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

**S.F. No. 1697:** A bill for an act relating to public finance; updating and clarifying bond allocation provisions; amending Minnesota Statutes 1996, sections 474A.03, subdivisions 1 and 2a; 474A.04, subdivision 1a; 474A.047, subdivision 1; 474A.061, subdivision 2b; 474A.091, subdivisions 3 and 6; and 474A.131, subdivisions 1 and 1a.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

**S.F. No. 1324:** A bill for an act relating to the city of Saint Paul; authorizing a program for the disconnection of rainleaders and repair of defective sanitary sewer connections and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

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

**Mr. Cohen from the Committee on State Government Finance, to which was re-referred**

**S.F. No. 412:** A bill for an act relating to employment; establishing and modifying certain salary provisions for certain public employees; amending Minnesota Statutes 1996, sections 3.855, subdivision 3; 15A.081, subdivisions 7b, 8, and 9; 15A.083, subdivisions 5, 6a, and 7; 43A.17, subdivisions 1 and 3; 43A.18, subdivisions 4 and 5; 85A.02, subdivision 5a; 298.22, subdivision 1; and 349A.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1996, section 15A.081, subdivisions 1 and 7.

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

**Mr. Cohen from the Committee on State Government Finance, to which was re-referred**

**S.F. No. 292:** A bill for an act relating to the legislative coordinating commission; providing sign language interpreters for meetings with legislators; amending Minnesota Statutes 1996, section 3.303, by adding a subdivision.

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

**Mr. Cohen from the Committee on State Government Finance, to which was referred**

**S.F. No. 1862:** A bill for an act relating to public finance; clarifying a duty relating to expenditure forecasts; amending Minnesota Statutes 1996, section 16A.103, subdivision 1.

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

Page 1, line 18, delete the new language

Page 1, line 19, delete "must determine" and insert "In determining"

Page 1, line 21, after "forecast" insert ", the commissioner must consult with the chair of the senate state government finance committee, the chair of the house ways and means committee, and with house and senate fiscal staff"

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

**Mr. Cohen from the Committee on State Government Finance, to which was re-referred**

**S.F. No. 1630:** A bill for an act relating to agriculture; establishing a task force to make recommendations on modifications to the agricultural marketing and bargaining law.

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

Page 2, line 7, delete everything after the period

Page 2, delete lines 8 and 9 and insert "Notwithstanding Minnesota Statutes, section 15.059, subdivision 6, members of the task force may not be reimbursed for expenses."

Page 2, line 13, after the period, insert "The task force expires June 30, 1998."

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

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

**S.F. No. 737:** A bill for an act relating to health; clarifying the status of the comprehensive health association under medical assistance and general assistance medical care; clarifying eligibility; opening the process for selecting a writing carrier; permitting contributing members to offset assessments against premium taxes; eliminating the four-month waiting period under MinnesotaCare for association enrollees; modifying coverage for medical assistance enrollees; transferring insurance premium tax revenue to the general fund; appropriating money; amending Minnesota Statutes 1996, sections 62E.02, subdivisions 13 and 18; 62E.11, by adding subdivisions; 62E.13, subdivision 2; 256.9357, subdivision 3; 256B.056, subdivision 8; 256B.0625, subdivision 15; 256D.03, subdivision 3b; 295.58; and 297.13, subdivision 1.

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

Pages 1 and 2, delete section 1

Page 2, delete section 3

Pages 3 to 8, delete sections 6 to 14

Page 8, delete line 28

Page 8, line 29, delete "2 to 10 and 13" and insert "1 to 3"

Page 8, delete lines 31 and 32

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to health; opening the process for selecting a writing carrier for the comprehensive health care association; requiring a report; amending Minnesota Statutes 1996, sections 62E.02, subdivision 18; 62E.11, by adding a subdivision; and 62E.13, subdivision 2."

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

**Mr. Johnson, D.J. from the Committee on Taxes, to which was referred**

**S.F. No. 1754:** A bill for an act relating to public finance; modifying provisions relating to the issuance of debt and the use and investment of public funds; amending Minnesota Statutes 1996, sections 118A.04, subdivision 9; 118A.05, subdivision 4; 136A.32, subdivision 7; 373.01, subdivision 3; 373.40, subdivision 7; 410.32; 412.301; 414.067, subdivision 2; 429.021, subdivision 1; 447.45, subdivision 2; 465.71; 469.0171; 469.059, subdivision 6; 469.101, subdivision 6; 469.153, subdivision 2; 469.154, subdivisions 3, and 6; 469.155, by adding a subdivision; 471.981, by adding a subdivision; 475.61, subdivision 3; 475.67, subdivision 12; and 641.23; proposing coding for new law in Minnesota Statutes, chapters 471; and 475.

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

Page 2, line 19, after "in" insert "this subdivision,"

Page 2, line 20, after "2" insert a comma

Page 3, line 27, after "computer" insert "hardware and"

Page 3, line 29, after "unbundled" insert "together with application development services and training related to the use of the computer"

Page 4, line 16, after "computer" insert "hardware and"

Page 4, line 18, after "unbundled" insert "together with application development services and training related to the use of the computer"

Page 5, line 4, after "computer" insert "hardware and"

Page 5, line 6, after "unbundled" insert "together with application development services and training related to the use of the computer"

Page 8, line 4, after "facilities" insert "owned by a municipal gas or electric utility"

Pages 8 and 9, delete section 11 and insert:

"Sec. 11. Minnesota Statutes 1996, section 465.71, is amended to read:

465.71 [INSTALLMENT AND LEASE PURCHASES; CITIES; COUNTIES; SCHOOL DISTRICTS.]

A home rule charter city, statutory city, county, town, or school district may purchase personal property under an installment contract, or lease real or personal property with an option to purchase under a lease purchase agreement, by which contract or agreement title is retained by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any, but such purchases are subject to statutory and charter provisions applicable to the purchase of real or personal property. For purposes of the bid requirements contained in section 471.345, "the amount of the contract" shall include the total of all lease payments for the entire term of the lease under a lease-purchase agreement. The obligation created by a lease purchase agreement shall not be included in the calculation of net debt for purposes of section 475.53, and shall not constitute debt under any other statutory provision. No election shall be required in connection with the execution of a lease purchase agreement authorized by this section. The city, county, town, or school district must have the right to terminate a lease purchase agreement at the end of any fiscal year during its term. The city, county, town, or school district may convey or lease interests in real property to the lessor for nominal consideration, including existing facilities that are to be improved under the lease purchase agreement. Conveyances made as permitted by this section before December 1, 1996, are valid. The validity of any lease purchase agreement entered into under this section prior to December 1, 1996, and subsequent refinancings shall not be affected by either the amount of consideration paid by a lessor for an interest in real property or, in the case of lessors organized by or on behalf of the city, county, town, or school district, any defect in or lack of authority to organize such entity. In the case of a lessor organized by a city, town, or school district for the purpose of a lease and leaseback agreement before or after the date of enactment of this act the lessor is a public corporation for purposes of section 465.035 and is subject to all laws as if it were a part of the county, city, or school district."

Page 10, after line 3, insert:

"Sec. 13. Minnesota Statutes 1996, section 469.034, subdivision 2, is amended to read:

Subd. 2. [GENERAL OBLIGATION REVENUE BONDS.] (a) An authority may pledge the general obligation of the general jurisdiction governmental unit as additional security for bonds payable from income or revenues of the project or the authority. The authority must find that the pledged revenues will equal or exceed 110 percent of the principal and interest due on the bonds for each year. The proceeds of the bonds must be used for a qualified housing development project or projects. The obligations must be issued and sold in the manner and following the procedures provided by chapter 475, except the obligations are not subject to approval by the electors. The authority is the municipality for purposes of chapter 475.

(b) The principal amount of the issue must be approved by the governing body of the general jurisdiction governmental unit whose general obligation is pledged. Public hearings must be held on issuance of the obligations by both the authority and the general jurisdiction governmental unit. The hearings must be held at least 15 days, but not more than 120 days, before the sale of the obligations.

(c) The maximum amount of general obligation bonds that may be issued and outstanding under this section equals the greater of:

(1) one-half of one percent of the taxable market value of the general jurisdiction governmental unit whose general obligation which includes a tax on property is pledged, ~~or~~;

(2) \$3,000,000; or

(3) in the case of obligations for a qualified refunded project, in aggregate, \$6,000,000.

In the case of county or multicounty general obligation bonds, the outstanding general obligation bonds of all cities in the county or counties issued under this subdivision must be added in calculating the limit under clause (1).

(d) "General jurisdiction governmental unit" means the city in which the housing development project is located. In the case of a county or multicounty authority, the county or counties may act as the general jurisdiction governmental unit. In the case of a multicounty authority, the pledge of the general obligation is a pledge of a tax on the taxable property in each of the counties.

(e) "Qualified housing development project" means:

(1) a housing development project providing housing either for the elderly or for individuals and families with incomes not greater than 80 percent of the median family income as estimated by the United States Department of Housing and Urban Development for the standard metropolitan statistical area or the nonmetropolitan county in which the project is located, and will be owned by the authority for the term of the bonds; or

(2) a qualified refunded project.

A qualified housing development project may admit nonelderly individuals and families with higher incomes if:

(1) three years have passed since initial occupancy;

(2) the authority finds the project is experiencing unanticipated vacancies resulting in insufficient revenues, because of changes in population or other unforeseen circumstances that occurred after the initial finding of adequate revenues; and

(3) the authority finds a tax levy or payment from general assets of the general jurisdiction governmental unit will be necessary to pay debt service on the bonds if higher income individuals or families are not admitted.

(f) "Qualified refunded project" means a project financed with obligations issued by a multicounty authority prior to December 31, 1994, for which revenues pledged by an authority have not been sufficient on a current basis to pay all principal and interest due on the obligations in the last preceding fiscal year of the authority."

Page 10, line 8, after "corporation" insert ", but only if the limited partnership, limited liability company, or corporation owns or operates a facility that is located within an industrial development district and the investment is in furtherance of the port authority's governmental purpose"

Page 10, line 15, after "corporation" insert ", but only if the limited partnership, limited liability company, or corporation owns or operates a facility that is located within an economic development district and the investment is in furtherance of the authority's governmental purpose"



Page 14, line 31, after "contracts" insert "from existing suppliers"

Page 15, line 12, after the period, insert "Electricity and gas contracted for under this section may not be resold to retail utility customers except as provided in chapter 216B."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, before "469.059," insert "469.034, subdivision 2;"

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 1023, 92, 1697, 1324, 412, 292, 1862, 1630, 737 and 1754 were read the second time.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Cohen moved that the name of Mr. Price be added as a co-author to S.F. No. 1827. The motion prevailed.

Mr. Murphy moved that S.F. No. 1415, No. 25 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Hottinger moved that S.F. No. 1014, No. 59 on General Orders, be stricken and returned to its author. The motion prevailed.

Ms. Wiener moved that S.F. No. 1149, No. 41 on General Orders, be stricken and re-referred to the Committee on Crime Prevention. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Messrs. Metzen; Stumpf; Moe, R.D. and Langseth introduced--**

**S.F. No. 1932:** A bill for an act relating to real estate; requiring 60 days' notice of default on a real estate mortgage, notice of termination of a real estate contract for deed, and eight weeks' notice of commencement of a sale and foreclosure proceeding; providing that a court may order a delay in a foreclosure sale or contract termination under certain circumstances; limiting the right to maintain actions for deficiency judgments; amending Minnesota Statutes 1996, sections 47.20, by adding a subdivision; and 559.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 580; proposing coding for new law as Minnesota Statutes, chapter 584.

Referred to the Committee on Judiciary.

### MEMBERS EXCUSED

Mr. Solon was excused from the Session of today. Mr. Janezich was excused from the Session of today at 9:00 a.m. Mr. Neuville was excused from the Session of today at 9:20 a.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 8:45 a.m. Ms. Johnson, J.B. was excused from the Session of today from 8:00 to 8:55 a.m. Mr. Novak and Ms. Ranum were excused from the Session of today from 8:00 to 9:10 a.m. Mr. Belanger was excused from the Session of today from 8:00 to 8:50 a.m. Mr. Marty was excused from the Session of today from

8:00 to 11:00 a.m. Ms. Junge was excused from the Session of today from 8:00 to 8:45 and 11:00 to 11:30 a.m. Messrs. Larson and Novak were excused from the Session of today at 11:35 a.m. Mr. Kelly, R.C. was excused from the Session of today at 12:00 noon. Messrs. Moe, R.D. and Stumpf were excused from the Session of today at 10:00 a.m. Mr. Murphy was excused from the Session of today from 12:30 to 1:15 p.m. Ms. Runbeck was excused from the Session of today from 11:40 a.m. to 12:20 p.m.

### **ADJOURNMENT**

Ms. Junge moved that the Senate do now adjourn until 10:00 a.m., Monday, April 28, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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