

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

THIRD SPECIAL SESSION

THIRD DAY

St. Paul, Minnesota, Thursday, November 13, 1997

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

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.

Prayer was offered by the Chaplain, Rev. Vern Anderson.

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:

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

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. Stevens 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 Files, herewith returned: S.F. Nos. 8, 18, 12 and 22.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned October 28, 1997

MOTIONS AND RESOLUTIONS

Mr. Larson introduced--

Senate Resolution No. 6: A Senate resolution congratulating Ed Christopherson of Alexandria, Minnesota, on being named to the Minnesota Hall of Faith.

Referred to the Committee on Rules and Administration.

Mr. Larson introduced--

Senate Resolution No. 7: A Senate resolution congratulating Bonnie Lutz for receiving the Milken Family Foundation National Educator Award.

Referred to the Committee on Rules and Administration.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Terwilliger; Novak; Langseth; Johnson, D.E. and Janezich introduced--

S.F. No. 25: A bill for an act relating to baseball; providing for a process to construct, fund, maintain, and govern a major league baseball park; providing for community ownership of the baseball team; providing for powers and duties of the Minnesota sports facilities commission; authorizing certain taxes, revenue distributions, bonds and other debt obligations, and allocations; appropriating money; amending Minnesota Statutes 1996, sections 297A.25, by adding a subdivision; 349A.10, by adding a subdivision; 473.551, subdivisions 3, 8, and by adding subdivisions; 473.552; 473.553, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; and 473.556, subdivisions 3, 4, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473; proposing coding for new law as Minnesota Statutes, chapter 473I; repealing Minnesota Statutes 1996, sections 473.553, subdivision 14; and 473.561.

Mr. Moe, R.D. moved that S.F. No. 25 be laid on the table. The motion prevailed.

Mr. Langseth introduced--

S.F. No. 26: A bill for an act relating to taxation; providing for designation of property tax rebate payments for use to provide funding for a baseball park.

Referred to the Committee on Rules and Administration.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 25 be taken from the table. The motion prevailed.

S.F. No. 25: A bill for an act relating to baseball; providing for a process to construct, fund, maintain, and govern a major league baseball park; providing for community ownership of the baseball team; providing for powers and duties of the Minnesota sports facilities commission; authorizing certain taxes, revenue distributions, bonds and other debt obligations, and allocations; appropriating money; amending Minnesota Statutes 1996, sections 297A.25, by adding a subdivision; 349A.10, by adding a subdivision; 473.551, subdivisions 3, 8, and by adding subdivisions; 473.552; 473.553, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; and 473.556, subdivisions 3, 4, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473; proposing coding for new law as Minnesota Statutes, chapter 473I; repealing Minnesota Statutes 1996, sections 473.553, subdivision 14; and 473.561.

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 S.F. No. 25 and that the rules of the Senate be so far suspended as to give S.F. No. 25 its second and third reading and place it on its final passage.

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.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 56 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Limmer	Marty	Ourada	Runbeck
------	--------	-------	--------	---------

The motion prevailed.

S.F. No. 25 was read the second time.

Mr. Oliver moved that S.F. No. 25 be referred to the Committee on Rules and Administration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 12 and nays 52, as follows:

Those who voted in the affirmative were:

Berg	Kleis	Marty	Oliver	Runbeck
Frederickson	Laidig	Neuville	Pariseau	Scheevel
Kiscaden	Limmer			

Those who voted in the negative were:

Anderson	Hanson	Krentz	Ourada	Solon
Beckman	Higgins	Langseth	Pappas	Spear
Belanger	Hottinger	Larson	Piper	Stumpf
Berglin	Janezich	Lesewski	Pogemiller	Ten Eyck
Betzold	Johnson, D.E.	Lessard	Price	Terwilliger
Cohen	Johnson, D.J.	Lourey	Ranum	Vickerman
Day	Johnson, J.B.	Metzen	Robertson	Wiener
Dille	Junge	Moe, R.D.	Robling	Wiger
Fischbach	Kelley, S.P.	Morse	Sams	
Flynn	Kelly, R.C.	Murphy	Samuelson	
Foley	Knutson	Novak	Scheid	

The motion did not prevail.

Mr. Stumpf moved to amend S.F. No. 25 as follows:

Page 14, line 15, after "commission" insert "and the Minnesota amateur sports commission"

The motion prevailed. So the amendment was adopted.

Mr. Marty moved to amend S.F. No. 25 as follows:

Page 7, line 3, after the headnote, insert "(a)"

Page 7, after line 12, insert:

"(b) The city of Minneapolis, Minneapolis community development agency, or any city department, agency, commission, or board shall use no city resources over \$10 million dollars for the financing of professional sports facilities without the approval of a simple majority of the votes cast on the question, in a ballot question put to the public at the next regularly scheduled election. City resources are defined for these purposes as: tax increment financing, bonds, loans, land purchase or procurement, land or site preparation, including necessary infrastructure such as roads, parking development, sewer and water, or other infrastructure development, general fund expenditures, sales tax or other taxes, deferred payments, interest free or below market interest rate loans, the donation or below market value sale of any city resources or holdings or any other free or below cost city services. The ballot question shall not be put before the public in a special election, in order to prevent the costs associated with special elections."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 34, as follows:

Those who voted in the affirmative were:

Berg	Higgins	Knutson	Neuville	Robertson
Berglin	Johnson, D.J.	Lesewski	Oliver	Robling
Day	Johnson, J.B.	Limmer	Ourada	Runbeck
Fischbach	Junge	Lourey	Pappas	Samuelson
Flynn	Kelly, R.C.	Marty	Piper	Spear
Frederickson	Kleis	Morse	Ranum	Wiger

Those who voted in the negative were:

Beckman	Betzold	Dille	Hanson	Janezich
Belanger	Cohen	Foley	Hottinger	Johnson, D.E.

Johnson, D.H.	Langseth	Murphy	Sams	Ten Eyck
Kelley, S.P.	Larson	Novak	Scheevel	Terwilliger
Kiscaden	Lessard	Pariseau	Scheid	Vickerman
Krentz	Metzen	Pogemiller	Solon	Wiener
Laidig	Moe, R.D.	Price	Stumpf	

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

Mr. Johnson, D.H. moved to amend S.F. No. 25 as follows:

Page 33, line 10, delete "or similar facility"

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 25 as follows:

Page 14, after line 18, insert:

"Subd. 20. [GOVERNOR'S DETERMINATION REGARDING REVENUE SHARING AGREEMENT.] The governor must certify in a written report to the legislature that major league baseball has, after November 1, 1997, completed a revenue sharing agreement between owners of major league baseball teams and major league professional baseball players. The governor must certify that the agreement is sufficient to ensure that the total gross revenues of baseball teams in all markets, from all sources, are equalized. As used in this subdivision, "equalized" means that small market teams are projected to have revenues no less than 70 percent of the revenues of the major league baseball team that has the highest amount of revenue."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 49 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Ourada	Samuelson
Beckman	Johnson, D.H.	Lesewski	Pappas	Scheevel
Berg	Johnson, D.J.	Lessard	Pariseau	Solon
Berglin	Johnson, J.B.	Limmer	Piper	Spear
Cohen	Junge	Lourey	Price	Stumpf
Day	Kelly, R.C.	Marty	Ranum	Ten Eyck
Dille	Kleis	Metzen	Robertson	Vickerman
Fischbach	Knutson	Morse	Robling	Wiener
Frederickson	Krentz	Neuville	Runbeck	Wiger
Hanson	Laidig	Oliver	Sams	

Those who voted in the negative were:

Belanger	Higgins	Kelley, S.P.	Moe, R.D.	Pogemiller
Betzold	Janezich	Kiscaden	Murphy	Scheid
Flynn	Johnson, D.E.	Langseth	Novak	Terwilliger
Foley				

The motion prevailed. So the amendment was adopted.

Mr. Belanger moved to amend S.F. No. 25 as follows:

Page 24, delete lines 15 to 25

Page 24, line 26, delete "Subd. 2. [SPECIAL TAXES.]"

Page 24, line 35, after "area" insert "within the city that"

The motion prevailed. So the amendment was adopted.

Ms. Flynn moved to amend S.F. No. 25 as follows:

Pages 30 to 33, delete article 3 and insert:

"ARTICLE 3
GOVERNANCE

Section 1. Minnesota Statutes 1996, section 473.553, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of six voting members, four nonvoting members, plus a chair appointed as provided in subdivision 3. Three voting members shall be appointed by the Minneapolis city council and three voting members shall be appointed by the city council of the city in which the stadium baseball park is located plus a chair appointed as provided in subdivision 3. The four nonvoting members shall be appointed as follows: one state representative shall be appointed by the speaker of the house, one state representative shall be appointed by the house minority caucus leader, and two state senators shall be appointed by the subcommittee on committees of the senate committee on rules and administration, one from the majority caucus and one from the minority caucus.

Sec. 2. Minnesota Statutes 1996, section 473.553, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The chair shall be appointed by the governor as the ~~ninth~~ seventh voting member and shall meet all of the qualifications of a member, except the chair need only reside outside the city of Minneapolis, and outside the city in which the baseball park is located if it is located outside Minneapolis. The chair shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned by the commission or by law. The commission may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 3. Minnesota Statutes 1996, section 473.553, subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] A member shall not during a term of office hold the office of metropolitan council member or be a member of another metropolitan agency or hold any judicial office or office of state government. None of the members appointed by the Minneapolis city council ~~or~~ or by the city council of the city in which the stadium baseball park is located shall be an elected public official of that city or of another political subdivision any part of whose territory is shared with that city. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, article V, section 6. The oath, duly certified by the official administering it, shall be filed with the chair of the metropolitan council.

Sec. 4. Minnesota Statutes 1996, section 473.553, subdivision 5, is amended to read:

Subd. 5. [TERMS.] The terms of three voting members shall end the first Monday in January in the year ending in the numeral "5". The terms of the other voting members and the chair shall end the first Monday in January in the year ending in the numeral "7". The term of each voting member and the chair shall be four years. The terms shall continue until a successor is appointed and qualified. Members may be removed only for cause. The nonvoting members serve at the pleasure of the respective appointing authorities.

Sec. 5. [TRANSITION.]

If the baseball park is located outside the city of Minneapolis, the members appointed by the city council of the city in which the baseball park is located shall be appointed as soon as is practicable. The terms of the three members of the commission whose terms are next to expire after the selection of the location for the baseball park, shall expire upon the appointment and qualification of the three new members appointed by the city council of the city in which the baseball park is located.

Sec. 6. [APPLICATION; EFFECTIVE DATE.]

This article applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and is effective the day after final enactment."

Amend the title accordingly

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

Mr. Kelley, S.P. moved to amend S.F. No. 25 as follows:

Page 2, line 16, delete "lottery proceeds,"

Page 8, delete lines 26 and 27 and insert "expenditure of any part of the money appropriated under article 2, section 9."

Page 10, line 9, delete "distributed as follows: (1)"

Page 10, delete lines 10 to 12 and insert "conveyed to the commissioner of finance to be deposited in the general fund."

Page 14, delete lines 2 to 6

Page 14, line 7, delete "17" and insert "16"

Page 14, line 10, delete "18" and insert "17"

Page 14, line 15, delete "19" and insert "18"

Page 14, delete lines 20 to 36

Page 15, delete lines 1 to 36

Page 16, delete lines 1 to 24

Page 16, line 25, delete "Subd. 8" and insert "Subdivision 1"

Page 16, line 27, delete "purposes specified in subdivision 1" and insert "following purposes after the council has made the determinations in section 473.5992, subdivision 1:

(1) to pay the costs of the acquisition and betterment of a baseball park;

(2) to reimburse the commission for its costs in complying with and making the determinations required by section 473.5992, whenever incurred;

(3) to pay issuance costs, interest costs during construction, and costs of bond insurance or other credit enhancement for the bonds and to establish necessary reserves for operating and debt service costs;

(4) to refund bonds issued under this section; and

(5) to fund judgments entered by any court against the commission in matters relating to the commission's functions related to the baseball park" and before "The" insert paragraph coding

Page 16, line 29, delete "subdivision 1,"

Page 17, line 13, delete "9" and insert "2"

Page 17, delete lines 34 to 36

Page 18, delete lines 1 to 28

Page 18, line 29, delete "11" and insert "3"

Page 18, line 33, delete "subdivision 10 and" and delete "473I.08" and insert "473I.07"

Page 19, line 3, delete "council or the"

Page 19 line 6, delete "the special revenue fund"

Page 19, line 7, delete everything before "the"

Page 19, line 10, delete "subdivision 10 and" and delete "473I.08" and insert "473I.07"

Page 19, line 12, delete "the"

Page 19, delete line 13

Page 19, line 14, delete "3, or" and delete ", provided that the state retains"

Page 19, delete lines 15 to 20 and insert "; and"

Page 19, delete lines 35 and 36

Page 20, delete lines 1 to 32

Page 20, line 33, delete "13" and insert "4"

Page 20, line 35, delete "council" and insert "commission"

Page 21, line 2, delete the second "council" and insert "commission"

Page 23, delete section 22

Page 25, line 7, delete "payment of principal and"

Page 25, line 8, delete everything before "and" and insert "the ballpark loan repayment account for repayment of the general fund for the amount appropriated under article 2, section 9,"

Page 25, line 9, after "commission" insert "or the commissioner of finance"

Page 27, lines 8 and 35, delete "baseball park" and insert "ballpark loan repayment"

Pages 28 and 29, delete sections 9 to 11 and insert:

"Sec. 9. [473I.07] [APPROPRIATION; BALLPARK LOAN REPAYMENT ACCOUNT.]

(a) \$215,000,000 is appropriated from the general fund to the metropolitan council as a loan to be used for construction of a baseball park as provided in this act.

(b) The metropolitan council must enter into a loan agreement with the commissioner of finance that requires the commission to repay the general fund the amount of the loan, plus interest computed at a rate of 2.5 percent per year on the outstanding balance. All money credited under this act to the ballpark loan repayment account, the proceeds of the special lottery games conducted under section 2 that are allocable to the general fund, and money in the baseball park account that is not required to pay debt service on obligations sold for purposes of the baseball park, plus an amount determined by the commissioner of revenue to equal the revenue derived from imposition of the sales tax under chapter 297A on sports memorabilia items, must be used to repay the loan and interest on it.

Page 33, line 6, after the period, insert "Notwithstanding any other law to the contrary, after the bonds have been defeased, all revenues dedicated to payment of debt service on obligations issued to finance the metrodome must be dedicated to repayment of the loan made under article 2, section 9."

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 35 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson

Beckman

Belanger

Berg

Berglin

Betzold	Janezich	Langseth	Pappas	Scheid
Dille	Johnson, D.E.	Lessard	Piper	Solon
Flynn	Johnson, D.J.	Moe, R.D.	Pogemiller	Spear
Foley	Kelley, S.P.	Morse	Price	Stumpf
Higgins	Kiscaden	Murphy	Ranum	Terwilliger
Hottinger	Laidig	Novak	Sams	Wiener

Those who voted in the negative were:

Cohen	Johnson, J.B.	Larson	Oliver	Runbeck
Day	Junge	Lesewski	Olson	Samuelson
Fischbach	Kelly, R.C.	Limmer	Ourada	Scheevel
Frederickson	Kleis	Lourey	Pariseau	Ten Eyck
Hanson	Knutson	Metzen	Robertson	Vickerman
Johnson, D.H.	Krentz	Neuville	Robling	Wiger

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. moved that S.F. No. 25 be laid on the table. The motion prevailed.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 6:00 p.m. The motion prevailed.

The hour of 6:00 p.m. having arrived, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 25 be taken from the table. The motion prevailed.

S.F. No. 25: A bill for an act relating to baseball; providing for a process to construct, fund, maintain, and govern a major league baseball park; providing for community ownership of the baseball team; providing for powers and duties of the Minnesota sports facilities commission; authorizing certain taxes, revenue distributions, bonds and other debt obligations, and allocations; appropriating money; amending Minnesota Statutes 1996, sections 297A.25, by adding a subdivision; 349A.10, by adding a subdivision; 473.551, subdivisions 3, 8, and by adding subdivisions; 473.552; 473.553, subdivisions 1, 2, 3, 4, 5, and by adding a subdivision; and 473.556, subdivisions 3, 4, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473; proposing coding for new law as Minnesota Statutes, chapter 473I; repealing Minnesota Statutes 1996, sections 473.553, subdivision 14; and 473.561.

Mr. Langseth moved to amend S.F. No. 25 as follows:

Page 29, after line 30, insert:

"Sec. 12. [BASEBALL PARK CHECKOFF.]

Every individual who files a claim form for the property tax rebate allowed under Laws 1997, chapter 231, article 1, section 16, may designate on the original claim form that \$1 or more shall be deducted from the rebate that would otherwise be payable to that individual and paid into an account to be established for the construction of a major league professional baseball park. The commissioner of revenue shall notify filers of their right to designate that a portion of their rebate shall be paid into the baseball stadium construction account. The sum of the amounts so designated to be paid shall be credited to the baseball park account described in section 4 for use as described in section 4. All interest earned on money accrued in the account shall be credited to the account by the state treasurer."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. moved that S.F. No. 25 be laid on the table. The motion prevailed.

MEMBERS EXCUSED

Ms. Olson was excused from the Session of today from 12:00 noon to 4:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, November 14, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, November 13, 1997

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
897			
1297			
1897			
2297			

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
2599		

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
25 105		
25 99		
Sen. Res. No . 6 98		
Sen. Res. No . 7 98		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 25 to 26Page 98
--------------------	--------------