

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

---

NINETY-SIXTH DAY

St. Paul, Minnesota, Friday, March 20, 1998

The Senate met at 8:30 a.m. 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. Mary Ellen Nielsen.

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	Stevens
Betzold	Johnson, D.J.	Limmer	Piper	Stumpf
Cohen	Johnson, J.B.	Lourey	Pogemiller	Ten Eyck
Day	Junge	Marty	Price	Terwilliger
Dille	Kelley, S.P.	Metzen	Ranum	Vickerman
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiener
Flynn	Kiscaden	Morse	Robling	Wiger
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.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 19, 1998

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1998 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1998	Date Filed 1998
	3250	Res. No. 6	Without signature	March 18
2699		Res. No. 7	Without signature	March 18
2163		285	10:07 a.m. March 18	March 18
2516		286	10:09 a.m. March 18	March 18
	668	288	11:25 a.m. March 18	March 18
	2601	289	11:28 a.m. March 18	March 18
	2612	290	11:28 a.m. March 18	March 18
2230		291	10:09 a.m. March 18	March 18
2574		292	11:10 a.m. March 18	March 18
2608		293	11:12 a.m. March 18	March 18
3068		294	11:20 a.m. March 18	March 18
	2500	295	4:32 p.m. March 18	March 18
	2222	296	Without signature	March 18
	2895	297	4:40 p.m. March 18	March 18
2945		298	4:30 p.m. March 18	March 18
2266		299	4:34 p.m. March 18	March 18
2570		300	4:40 p.m. March 18	March 18
1076		301	4:25 p.m. March 18	March 18
2384		302	4:24 p.m. March 18	March 18
1583		303	4:20 p.m. March 18	March 18
2041		304	4:17 p.m. March 18	March 18

Sincerely,  
Joan Anderson Growe  
Secretary of State

### 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. 2550.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

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. 816:** A bill for an act relating to animals; requiring court order issued on complaint of animal cruelty to require that peace officer be accompanied by veterinarian; allowing veterinarians to dock horses; modifying requirements for the care of equine animals; repealing restrictions on clipped animals; changing dog house specifications; amending Minnesota Statutes 1996, sections 343.22, subdivision 1; 343.25; 343.40, subdivision 2; and 346.38, subdivisions 4 and 5; repealing Minnesota Statutes 1996, section 343.26.

Senate File No. 816 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

Mr. Dille moved that S.F. No. 816 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2586:** A bill for an act relating to corrections; requiring sex offender treatment facilities to provide certain information regarding sex offenders; clarifying which law enforcement agency may request the end-of-confinement review committee to reassess the risk level to which an offender has been assigned; adjusting the time within which certain requirements of the community notification law must be met; eliminating duplicative efforts on notifying victims of certain information; amending Minnesota Statutes 1996, sections 241.67, subdivision 8, and by adding a subdivision; 244.052, subdivision 1; and 611A.037, subdivision 2; Minnesota Statutes 1997 Supplement, section 244.052, subdivisions 3, 4, and 5.

There has been appointed as such committee on the part of the House:

Bishop, Skoglund and Pugh.

Senate File No. 2586 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2730:** A bill for an act relating to state government; department of administration; making technical corrections relating to information systems and technology, data practices, and certain appropriations oversight; authorizing the commissioner to apply for and receive grants; designating the department as the responsible agency for certain federal programs; changing the name of the Minnesota telecommunications network; clarifying department of administration authority over building operations and maintenance; extending the expiration date of the governor's residence council; changing certain terminology, providing for disposition of certain revenue, and clarifying certain referenda authority with respect to the state building code; amending Minnesota Statutes 1996, sections 16B.04, subdivision 2, and by adding a subdivision; 16B.24, subdivision 1; 16B.27, subdivision 3; 16B.58, subdivision 1; 16B.65, subdivisions 1 and 6; and 124C.74, subdivisions 2 and 3; Minnesota Statutes 1997 Supplement, sections 15.059, subdivision 5a; 16B.415; 16B.465; 16B.72; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.13, subdivision 3; and 221.173; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; and Laws 1997, chapter 202, article 1, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B.

There has been appointed as such committee on the part of the House:

Hilty, Kahn and Larsen.

Senate File No. 2730 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 726:** A bill for an act relating to state government; modifying the state procurement process; authorizing rulemaking; making various conforming amendments; appropriating money; amending Minnesota Statutes 1996, sections 3.225, subdivision 2; 3.732, subdivision 6; 3.922, subdivision 5; 3C.10, subdivision 3; 4A.04; 6.551; 11A.24, subdivision 4; 12.221, subdivision 5; 15.054; 15.061; 16A.101; 16A.85, subdivision 1; 16B.181; 17.1015; 41A.023; 43A.23, subdivision 1; 44A.01, subdivision 1; 45.0291; 84.025, subdivision 7; 84.026; 84.0845; 85A.02, subdivisions 3, 16, and 18; 103F.515, subdivision 3; 116.03, subdivision 2; 116J.035, subdivision 1; 116J.402; 116J.58, subdivision 2; 116J.68, subdivision 2; 116J.966, subdivision 1; 124.14, subdivision 1; 126.151, subdivision 2; 129C.10, subdivision 7; 136A.06; 136A.16, subdivision 1; 136A.29, subdivision 6; 136F.23; 136F.56, subdivision 5; 136F.581, subdivision 3; 136F.66; 136F.72, subdivision 3; 136F.96; 137.35, subdivisions 1, 2, and 3; 144.0742; 144.95, subdivision 5; 161.315, subdivision 4; 161.321, subdivisions 1, 2, 5, 6, and 7; 161.41, subdivision 2; 179A.23; 198.35, subdivision 1; 216C.02, subdivision 1; 237.51, subdivision 5a; 241.0221, subdivision 6; 241.27, subdivision 2; 246.36; 246.57, subdivisions 1 and 6; 256B.031, subdivision 1; 256B.04, subdivisions 14 and 15; 298.2211, subdivision 4; 349A.06, subdivision 1; 349A.07, subdivision 6; 352.03, subdivisions 6 and 16; 354.06, subdivision 2a; 354.07, subdivision 7; 356A.06, subdivision 7; 446A.12, subdivision 5; 462A.18, subdivision 2; 471.345, subdivision 8; 473.142; 473.556, subdivision 14; 480.09, subdivision 1; and 626.90, subdivision 2; Minnesota Statutes 1997 Supplement, sections 3.225, subdivision 1; 16A.15, subdivision 3; 16B.465, subdivision 7; 16E.07, subdivision 9; 17.03, subdivision 12; 41D.03, subdivision 7; 61B.21, subdivision 1; 85A.02, subdivision 5b; 121.1113, subdivision 2; 136A.40; 138.35, subdivision 1b; 179A.03, subdivision 14; 216D.03, subdivision 2; 241.277, subdivision 2; 256B.19, subdivision 2a; 256D.03, subdivision 6; 353.03, subdivision 3a; and 626.91, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16C; and 174; repealing Minnesota Statutes 1996, sections 16B.06; 16B.07; 16B.08; 16B.09; 16B.101; 16B.102; 16B.103; 16B.123; 16B.13; 16B.14; 16B.15; 16B.16; 16B.167; 16B.17; 16B.175; 16B.18, subdivisions 1, 2, and 4; 16B.185; 16B.19; 16B.20, subdivisions 1 and 3; 16B.21; 16B.22; 16B.226; 16B.227; 16B.23; 16B.28; 16B.29; and 16B.89; Minnesota Statutes 1997 Supplement, sections 16B.18, subdivision 3; 16B.20, subdivision 2; and 16B.482.

There has been appointed as such committee on the part of the House:

Kahn, Jefferson and Krinkie.

Senate File No. 726 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2645:** A bill for an act relating to metropolitan government; modifying requirement for affirmative action plans by certain contractors; amending Minnesota Statutes 1996, section 473.144.

There has been appointed as such committee on the part of the House:

Dawkins, Jefferson and Stanek.

Senate File No. 2645 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3650.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 19, 1998

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 3650:** A bill for an act relating to agriculture; changing the director of farmer-lender mediation; extending the Farmer-Lender Mediation Act; requiring a report; amending Minnesota Statutes 1997 Supplement, section 583.22, subdivision 5; Laws 1986, chapter 398, article 1, section 18, as amended.

Mr. Moe, R.D. moved that H.F. No. 3650 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

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

### 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. 3042** 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.
3042	2797				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3042 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3042 and insert the language after the enacting clause of S.F. No. 2797, the first engrossment; further, delete the title of H.F. No. 3042 and insert the title of S.F. No. 2797, the first engrossment.

And when so amended H.F. No. 3042 will be identical to S.F. No. 2797, and further recommends that H.F. No. 3042 be given its second reading and substituted for S.F. No. 2797, 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. 2970** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.            S.F. No.  
2970                    2555

**CONSENT CALENDAR**

H.F. No.            S.F. No.

**CALENDAR**

H.F. No.            S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2970 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2970 and insert the language after the enacting clause of S.F. No. 2555, the first engrossment; further, delete the title of H.F. No. 2970 and insert the title of S.F. No. 2555, the first engrossment.

And when so amended H.F. No. 2970 will be identical to S.F. No. 2555, and further recommends that H.F. No. 2970 be given its second reading and substituted for S.F. No. 2555, 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. 3042 and 2970 were read the second time.

**MOTIONS AND RESOLUTIONS**

Mr. Foley moved that his name be stricken as a co-author to S.F. No. 3402. The motion prevailed.

**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. No. 113 and S.F. No. 41.

**SPECIAL ORDER**

**H.F. No. 113:** A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 14; extending until the year 2020 the period during which at least 40 percent of the net proceeds from the state lottery must be credited to the environment and natural resources trust fund; modifying authority for appropriations from the fund.

Mr. Morse moved to amend H.F. No. 113, the unofficial engrossment, as follows:

Page 2, lines 7 and 12, delete "2050" and insert "2025"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 113 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 62 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Neuville, Scheevel and Stevens voted in the negative.

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

### SPECIAL ORDER

**S.F. No. 41:** A bill for an act proposing an amendment to the Minnesota Constitution, article 1, by adding a section; affirming the right of citizens to hunt or take game and fish.

Ms. Anderson moved to amend S.F. No. 41 as follows:

Page 1, lines 10 and 19, after "to" insert "clean air and water and to"

Amend the title accordingly

Mr. Berg questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kelly, R.C.	Morse	Spear
Berglin	Janezich	Kiscaden	Pappas	Wiener
Betzold	Johnson, J.B.	Kleis	Pogemiller	Wiger
Cohen	Junge	Krentz	Ranum	
Flynn	Kelley, S.P.	Marty	Robertson	

Those who voted in the negative were:

Beckman	Hanson	Lesewski	Oliver	Samuelson
Belanger	Hottinger	Lessard	Olson	Scheevel
Berg	Johnson, D.E.	Lourey	Ourada	Scheid
Day	Johnson, D.H.	Metzen	Pariseau	Stevens
Dille	Knutson	Moe, R.D.	Price	Stumpf
Fischbach	Laidig	Murphy	Robling	Ten Eyck
Foley	Langseth	Neuville	Runbeck	Terwilliger
Frederickson	Larson	Novak	Sams	Vickerman

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

Ms. Runbeck moved to amend S.F. No. 41 as follows:

Page 1, after line 24, insert:

"Sec. 3. [PROPOSED AMENDMENT.]

An amendment to the Minnesota Constitution, adding a section to Article XI, is proposed to the people. If the amendment is adopted, the new section will read as follows:

Sec. 15. An executive officer shall be charged by law to make an estimate of the revenue from taxes expected to be received by the state in each fiscal year. If the tax revenue actually received in any fiscal year exceeds the amount estimated by two percent or more, each income taxpayer shall receive a refund of that same percent of the income taxes that the taxpayer has paid for the taxpayer's most recent complete taxable year. The operation of this section may be suspended by a law adopted with the concurrence of three-fifths of the members of each house of the legislature.

Sec. 4. [QUESTION.]

The proposed amendment shall be submitted to the people at the 1998 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide for the automatic refund of certain excess state tax revenues?"

Yes.....  
No....." "

Amend the title accordingly

Mr. Murphy questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

**CALL OF THE SENATE**

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 41. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Limmer appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 52 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kelly, R.C.	Murphy	Spear
Beckman	Hanson	Knutson	Novak	Stevens
Belanger	Higgins	Krentz	Ourada	Stumpf
Berg	Hottinger	Laidig	Pappas	Ten Eyck
Berglin	Janezich	Langseth	Pogemiller	Terwilliger
Betzold	Johnson, D.E.	Lessard	Price	Vickerman
Cohen	Johnson, D.H.	Lourey	Ranum	Wiener
Day	Johnson, D.J.	Marty	Sams	Wiger
Dille	Johnson, J.B.	Metzen	Scheevel	
Flynn	Junge	Moe, R.D.	Scheid	
Foley	Kelley, S.P.	Morse	Solon	

Those who voted in the negative were:

Fischbach	Larson	Neuville	Pariseau	Runbeck
Kiscaden	Lesewski	Oliver	Robertson	
Kleis	Limmer	Olson	Robling	

So the decision of the President was sustained.

Ms. Runbeck moved that Rule 37 be so far suspended as to allow Ms. Runbeck to offer her amendment.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 21 and nays 45, as follows:

Those who voted in the affirmative were:

Day	Knutson	Neuville	Robertson	Terwilliger
Dille	Laidig	Oliver	Robling	
Fischbach	Larson	Olson	Runbeck	
Kiscaden	Lesewski	Ourada	Scheevel	
Kleis	Limmer	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Frederickson	Junge	Moe, R.D.	Samuelson
Beckman	Hanson	Kelley, S.P.	Morse	Scheid
Belanger	Higgins	Kelly, R.C.	Murphy	Solon
Berg	Hottinger	Krentz	Novak	Spear
Berglin	Janezich	Langseth	Pappas	Stumpf
Betzold	Johnson, D.E.	Lessard	Pogemiller	Ten Eyck
Cohen	Johnson, D.H.	Lourey	Price	Vickerman
Flynn	Johnson, D.J.	Marty	Ranum	Wiener
Foley	Johnson, J.B.	Metzen	Sams	Wiger

The motion did not prevail.

S.F. No. 41 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Mr. Lessard moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 50 and nays 14, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.E.	Larson	Novak	Samuelson
Belanger	Johnson, D.H.	Lesewski	Olson	Scheevel
Berg	Johnson, D.J.	Lessard	Ourada	Scheid
Day	Johnson, J.B.	Limmer	Pariseau	Solon
Dille	Junge	Lourey	Pogemiller	Stevens
Fischbach	Kleis	Metzen	Price	Stumpf
Frederickson	Knutson	Moe, R.D.	Robertson	Ten Eyck
Hanson	Krentz	Morse	Robling	Terwilliger
Hottinger	Laidig	Murphy	Runbeck	Vickerman
Janezich	Langseth	Neuville	Sams	Wiger

Those who voted in the negative were:

Anderson	Flynn	Kelley, S.P.	Oliver	Spear
Berglin	Foley	Kiscaden	Pappas	Wiener
Betzold	Higgins	Marty	Ranum	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Junge moved that S.F. No. 537 be taken from the table. The motion prevailed.

**S.F. No. 537:** A bill for an act relating to crime prevention; clarifying that a court may not refuse to adjudicate a defendant's guilt except upon agreement of the parties; amending the criminal sexual conduct statutes to criminalize certain acts committed by persons in a position of authority, even where the authority was not used to cause the victim to submit; amending Minnesota Statutes 1996, sections 609.095; 609.341, subdivisions 11 and 12; 609.342, subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; and 609.345, subdivision 1.

## RECONSIDERATION

Having voted on the prevailing side, Ms. Krentz moved that the vote whereby the first portion of the Neuville amendment to S.F. No. 537 was adopted on March 18, 1998, be now reconsidered.

**CALL OF THE SENATE**

Ms. Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 537. 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the vote was reconsidered.

The question recurred on the adoption of the first portion of the Neuville amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Lourey	Pogemiller	Stevens
Berg	Johnson, D.E.	Marty	Samuelson	Terwilliger
Betzold	Kiscaden	Neuville	Scheevel	
Dille	Laidig	Olson	Scheid	
Frederickson	Lesewski	Pariseau	Spear	

Those who voted in the negative were:

Beckman	Hottinger	Knutson	Novak	Solon
Belanger	Janezich	Krentz	Oliver	Stumpf
Berglin	Johnson, D.H.	Langseth	Pappas	Ten Eyck
Cohen	Johnson, D.J.	Larson	Price	Vickerman
Day	Johnson, J.B.	Limmer	Ranum	Wiener
Fischbach	Junge	Metzen	Robertson	Wiger
Flynn	Kelley, S.P.	Moe, R.D.	Robling	
Foley	Kelly, R.C.	Morse	Runbeck	
Higgins	Kleis	Murphy	Sams	

The motion did not prevail. So the first portion of the Neuville amendment was not adopted.

S.F. No. 537 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 44 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kelly, R.C.	Morse	Sams
Belanger	Hottinger	Kleis	Murphy	Scheevel
Berglin	Janezich	Knutson	Novak	Solon
Cohen	Johnson, D.E.	Krentz	Oliver	Stumpf
Day	Johnson, D.H.	Langseth	Pappas	Ten Eyck
Fischbach	Johnson, D.J.	Larson	Price	Vickerman
Flynn	Johnson, J.B.	Limmer	Ranum	Wiener
Foley	Junge	Metzen	Robling	Wiger
Frederickson	Kelley, S.P.	Moe, R.D.	Runbeck	

Those who voted in the negative were:

Berg	Kiscaden	Marty	Pogemiller	Spear
Betzold	Laidig	Neuville	Robertson	Stevens
Dille	Lesewski	Olson	Samuelson	Terwilliger
Hanson	Lourey	Pariseau	Scheid	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

#### RECONSIDERATION

Having voted on the prevailing side, Mr. Morse moved that the vote whereby H.F. No. 113 was passed by the Senate on March 20, 1998, be now reconsidered. The motion did not prevail. So the vote was not reconsidered.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

#### MESSAGES FROM THE HOUSE

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. 2751:** A bill for an act relating to employment; requiring an accommodation to certain nursing mothers; providing that breast-feeding is excepted from the crime of indecent exposure; amending Minnesota Statutes 1996, section 617.23; proposing coding for new law in Minnesota Statutes, chapter 181.

Senate File No. 2751 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

Ms. Anderson moved that the Senate do not concur in the amendments by the House to S.F. No. 2751, 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 to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3145:

**H.F. No. 3145:** A bill for an act relating to housing; providing for review of certain allocations and compliance monitoring by the Minnesota housing finance agency; amending Minnesota Statutes 1996, section 462A.223, by adding subdivisions.

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

Rest, Abrams and Sykora have been appointed as such committee on the part of the House.

House File No. 3145 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 March 19, 1998

Mr. Novak moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3145, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2267:** A bill for an act relating to insurance; workers' compensation self-insurance; regulating terminations of self-insurance authority and commercial workers' compensation self-insurance groups; providing investment, funding, reporting, and transfer requirements; requiring a notice; amending Minnesota Statutes 1996, sections 79A.06, subdivision 5; 79A.22, subdivision 7, and by adding a subdivision; 79A.23, subdivisions 1 and 2; 79A.24, subdivisions 1, 2, and 4; 79A.26, subdivision 2; and 79A.31, subdivision 1; Minnesota Statutes 1997 Supplement, section 62J.65.

Senate File No. 2267 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 19, 1998

### CONCURRENCE AND REPASSAGE

Mr. Novak moved that the Senate concur in the amendments by the House to S.F. No. 2267 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2267 was read the third time, as amended by the House, and placed on its repassage.

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED****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. 2736: Mrs. Lourey, Mr. Vickerman and Mrs. Robling.

H.F. No. 3145: Messrs. Novak, Pogemiller and Frederickson.

S.F. No. 2751: Mses. Anderson, Krentz and Mrs. Robling.

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

**MEMBERS EXCUSED**

Ms. Piper was excused from the Session of today at 9:15 a.m. Mr. Ourada was excused from the Session of today at 10:30 a.m. Mr. Beckman was excused from the Session of today from 11:30 to 11:45 a.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 23, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



# INDEX TO DAILY JOURNAL

Friday, March 20, 1998

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 6047 to 6048

## CHAPTER LAWS

		Session Laws		
S.F. Nos.	H.F. Nos.	Chapter No.		Page
	3250	Res .No.6		6048
2699		Res .No.7		6048
2163		285		6048
2516		286		6048
	668	288		6048
	2601	289		6048
	2612	290		6048
2230		291		6048
2574		292		6048
2608		293		6048
3068		294		6048
	2500	295		6048
	2222	296		6048
	2895	297		6048
2945		298		6048
2266		299		6048
2570		300		6048
1076		301		6048
2384		302		6048
1583		303		6048
2041		304		6048

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
726	6050	3145	6057	
816	6048	3650	6051	6051
2267	6058			
2550	6048			
2586	6049			
2645	6050			
2730	6049			
2751	6057			

**CONCURRENCE AND REPASSAGE**

S.F. Nos.	Page	H.F. Nos.	Page
2267	.....6058		

**REPORTS OF COMMITTEES AND SECOND READINGS**

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
			2970	.....6051	6052
			3042	.....6051	6052

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
537	.....6055		
3402	.....6052		

**APPOINTMENTS TO CONFERENCE COMMITTEES**

S.F. Nos.	Page	H.F. Nos.	Page
2751	.....6059	3145	..... 6059

**SPECIAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
41	.....6053	113	..... 6052

**RECONSIDERATION**

S.F. Nos.	Page	H.F. Nos.	Page
537	.....6055		