

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

---

FIFTY-FIRST DAY

St. Paul, Minnesota, Thursday, May 1, 1997

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

## CALL OF THE SENATE

Mr. Betzold 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. Stanley V. Sledz.

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.

April 30, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1.

Warmest regards,  
Arne H. Carlson, Governor

**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. 513, 1146, 662, 38 and 413.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 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. 1894:** A bill for an act relating to flood relief; providing an exception to the nursing home moratorium; providing for early payment of state aids to local governments; appropriating money; amending Minnesota Statutes 1996, section 144A.071, subdivision 4a.

Senate File No. 1894 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

**CONCURRENCE AND REPASSAGE**

Mr. Moe, R.D. moved that the Senate concur in the amendments by the House to S.F. No. 1894 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1894 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**MESSAGES FROM THE HOUSE - CONTINUED**

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. 378:** A bill for an act relating to taxation; recodifying taxes on liquor; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 16A.26; 340A.301, subdivision 8; 340A.302, subdivision 1; 340A.414, subdivision 7; 340A.417; and 340A.7035; proposing coding for new law as Minnesota Statutes, chapter 297G; repealing Minnesota Statutes 1996, sections 297C.01; 297C.02; 297C.03; 297C.04; 297C.045; 297C.05; 297C.06; 297C.07; 297C.08; 297C.09; 297C.10; 297C.11; 297C.12; 297C.13; 297C.14; 297C.16; and 297C.17.

Senate File No. 378 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

Mr. Murphy moved that the Senate do not concur in the amendments by the House to S.F. No. 378, 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 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. 472:** A bill for an act relating to taxation; recodifying sales taxes on cigarettes and tobacco products; providing criminal and civil penalties; appropriating money; amending Minnesota Statutes 1996, sections 16A.26; 16A.661, subdivision 3; 16A.6701, subdivision 1; 116P.13, subdivision 1; 325D.32, subdivision 4; and 325D.415; proposing coding for new law as Minnesota Statutes, chapter 297F; repealing Minnesota Statutes 1996, sections 297.01; 297.02; 297.03; 297.031; 297.032; 297.04; 297.041; 297.05; 297.06; 297.07; 297.075; 297.08; 297.09; 297.10; 297.11; 297.12; 297.13; 297.21; 297.22; 297.23; 297.24; 297.25; 297.26; 297.31; 297.32; 297.321; 297.33; 297.335; 297.34; 297.35; 297.36; 297.37; 297.38; 297.385; 297.39; 297.40; 297.41; 297.42; 297.43; and 297.44.

Senate File No. 472 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

### CONCURRENCE AND REPASSAGE

Mr. Belanger moved that the Senate concur in the amendments by the House to S.F. No. 472 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 472 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

Scheevel  
SolonSpear  
StevensStumpf  
Ten EyckVickerman  
Wiener

Wiger

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

### MESSAGES FROM THE HOUSE - CONTINUED

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. 4:** A bill for an act relating to the military; changing the tuition and textbook reimbursement grant program; amending Minnesota Statutes 1996, section 192.501, subdivision 2.

Senate File No. 4 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

Mr. Moe, R.D., for Mr. Johnson, D.E., moved that the Senate do not concur in the amendments by the House to S.F. No. 4, 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 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. 333:** A bill for an act relating to home care; modifying an exemption from the definition of provider; requiring rules to include certain standards; establishing an assisted living home care provider license; redefining elderly housing with services establishment; modifying reimbursement procedures for assisted living services under medical assistance and alternative care; defining certain housing with services establishments as a permitted single family residential use of property for zoning purposes; requiring a study; amending Minnesota Statutes 1996, sections 144A.43, subdivision 4; 144A.45, subdivision 1, and by adding a subdivision; 144A.46, subdivisions 1 and 3; 144D.01, subdivisions 4, 5, 6, and by adding a subdivision; 144D.03, subdivision 1; 144D.06; 157.17, subdivisions 2 and 5; 245A.03, subdivision 2; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256I.04, subdivision 2a; and 462.357, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 144A; and 144D; repealing Minnesota Statutes 1996, sections 144A.45, subdivision 3; 144A.49; 144B.01; 144B.02; 144B.03; 144B.04; 144B.05; 144B.06; 144B.07; 144B.08; 144B.09; 144B.10; 144B.11; 144B.12; 144B.13; 144B.14; 144B.15; 144B.16; and 144B.17.

Senate File No. 333 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

Ms. Berglin moved that S.F. No. 333 be laid on the table. 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. 101:** A bill for an act relating to human services; adding an exclusion to elderly

housing with services establishment; downsizing the number of IMD beds; modifying the appeal process for nursing facilities; changing procedure for permanent placement of a child and provisions for reimbursement for family foster care; removing the time limitation on family general assistance; amending Minnesota Statutes 1996, sections 144D.01, subdivision 4; 245.466, by adding a subdivision; 256B.059, subdivisions 1, 2, 5, and by adding a subdivision; 256B.17, subdivision 7; 256B.431, subdivision 18; 256B.50, subdivisions 1, 1b, 1c, and 1e; 256D.01, subdivision 1a; 257.071, subdivision 2; 260.191, subdivision 3b; 260.192; 260.242, subdivision 2; and 382.18; repealing Minnesota Statutes 1996, sections 256B.17, subdivisions 1, 2, 3, 4, 5, 6, and 8; and 256B.50, subdivisions 1d, 1g, 1h, and 2.

Senate File No. 101 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

### CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 101 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 101 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

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. 813:** A bill for an act relating to children; providing for transfer of custody of a child to a relative by a consent decree; authorizing communication or contact agreements between adoptive parents and birth relatives; providing for a relative conference and relative care agreement following a report of child abuse or neglect; amending Minnesota Statutes 1996, sections 257.02; 259.59 by adding a subdivision; 260.191, subdivision 3b; 260.241, subdivision 1; and 518.158; proposing coding for new law in Minnesota Statutes, chapters 257; 259; and 626.

Senate File No. 813 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

Ms. Ranum moved that S.F. No. 813 be laid on the table. 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. 166:** A bill for an act relating to motor vehicles; allowing sale 25 days after notice of vehicles impounded by Minneapolis, St. Paul, or Bloomington; amending Minnesota Statutes 1996, sections 168B.051, subdivision 2, and by adding a subdivision; 168B.06, subdivision 1; 168B.07, subdivision 1; and 168B.087, subdivision 1.

Senate File No. 166 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

### CONCURRENCE AND REPASSAGE

Mr. Kelly, R.C. moved that the Senate concur in the amendments by the House to S.F. No. 166 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 166:** A bill for an act relating to motor vehicles; allowing sale 15 days after notice of vehicles impounded in Minneapolis or St. Paul; amending Minnesota Statutes 1996, sections 168B.051, subdivision 2, and by adding a subdivision; 168B.06, subdivision 1; and 168B.07, subdivision 1.

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 57 and nays 4, as follows:

Those who voted in the affirmative were:

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

Ms. Lesewski, Messrs. Ourada, Price and Mrs. Robling voted in the negative.

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

### MESSAGES FROM THE HOUSE - CONTINUED

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. 302:** A bill for an act relating to health; allowing certain community health clinics to offer health care services on a prepaid basis; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Senate File No. 302 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

Ms. Berglin moved that S.F. No. 302 be laid on the table. 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. 755:** A bill for an act relating to meetings of governmental bodies; authorizing meetings by interactive television if certain criteria are met; amending Minnesota Statutes 1996, sections 3.055, by adding a subdivision; and 471.705, subdivision 1.

Senate File No. 755 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 30, 1997

Ms. Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 755, 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.

## 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. 1863** 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.
1863	1630				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1863 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1863 and insert the language after the enacting clause of S.F. No. 1630, the third engrossment; further, delete the title of H.F. No. 1863 and insert the title of S.F. No. 1630, the third engrossment.

And when so amended H.F. No. 1863 will be identical to S.F. No. 1630, and further recommends that H.F. No. 1863 be given its second reading and substituted for S.F. No. 1630, 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. 254** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
254	855				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 254 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 254 and insert the language after the enacting clause of S.F. No. 855, the first engrossment; further, delete the title of H.F. No. 254 and insert the title of S.F. No. 855, the first engrossment.

And when so amended H.F. No. 254 will be identical to S.F. No. 855, and further recommends that H.F. No. 254 be given its second reading and substituted for S.F. No. 855, 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. 244** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
244	389				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 244 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 244 and insert the language after the enacting clause of S.F. No. 389, the third engrossment; further, delete the title of H.F. No. 244 and insert the title of S.F. No. 389, the third engrossment.

And when so amended H.F. No. 244 will be identical to S.F. No. 389, and further recommends that H.F. No. 244 be given its second reading and substituted for S.F. No. 389, 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. 1863, 254 and 244 were read the second time.

## **MOTIONS AND RESOLUTIONS**

**Mrs. Pariseau introduced--**

**Senate Resolution No. 50:** A Senate resolution congratulating the Lakeville Senior High School Science Olympiad team.



Referred to the Committee on Rules and Administration.

**Ms. Flynn and Mr. Moe, R.D. introduced--**

**Senate Resolution No. 51:** A Senate resolution commending James Coleman on being recognized as a National Merit Scholar.

Referred to the Committee on Rules and Administration.

**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.

S.F. Nos. 1111, 1268, H.F. No. 241, S.F. Nos. 80, 1423, H.F. No. 664, S.F. Nos. 1862, 1328, 1419, 609, 1464, 737, 364 and 298.

**SPECIAL ORDER**

**S.F. No. 1111:** A bill for an act relating to agriculture; changing well water testing requirements for certain grade A milk producers; amending Minnesota Statutes 1996, section 32.394, subdivision 11.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 1268:** A bill for an act relating to public utilities; providing for an analysis of certain utility personal property taxes.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Day	Fischbach
Beckman	Berg	Betzold	Dille	Flynn

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

Mr. Stevens voted in the negative.

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Morse moved that H.F. No. 276, No. 16 on General Orders, be stricken and laid on the table. The motion prevailed.

Mrs. Lourey moved that H.F. No. 1540, No. 20 on General Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 241:** A bill for an act relating to motor carriers; allowing personnel of departments of transportation and public safety to conduct joint or combined audits of motor carrier records; requiring commissioner of public safety to provide commissioner of transportation information on traffic accidents involving commercial motor vehicles; providing for enforcement authority of personnel of departments of transportation and public safety relating to motor carriers; conforming state statutes to federal motor carrier safety regulations; providing for the reauthorization of the uniform hazardous materials registration and permit program for an additional year; authorizing commissioner of transportation to accept electronic signatures for electronically transmitted motor carrier documents; amending Minnesota Statutes 1996, sections 168.187, subdivision 20; 169.09, subdivision 13; 169.85; 169.871, subdivisions 1 and 1a; 221.0314, subdivisions 2, 6, 7, 9, 10, and 11; 221.0355, subdivisions 5 and 15; 221.221, subdivisions 2 and 4; 296.17, subdivision 18; 296.171, subdivision 4; and 299D.06; Laws 1994, chapter 589, section 8, as amended; proposing coding for new law in Minnesota Statutes, chapter 221.

Mr. Vickerman moved to amend H.F. No. 241, as amended pursuant to Rule 49, adopted by the Senate April 7, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 1096.)

Page 6, after line 30, insert:

"Sec. 6. Minnesota Statutes 1996, section 171.041, as amended by Laws 1997, chapter 48, is amended to read:

171.041 [RESTRICTED LICENSES FOR FARM WORK.]

Notwithstanding any provisions of section 171.04 relating to the age of an applicant to the contrary, the commissioner may issue a restricted farm work license to operate a motor vehicle to a person who has attained the age of 15 years but who is under the age of 16 years and who, except for age, is qualified to hold a driver's license. The applicant is not required to comply with the six-month instruction permit possession provisions of sections 171.04, subdivision 1, clause (2), and 171.05, subdivision 2a. The restricted license shall be issued solely for the purpose of authorizing the person to whom the restricted license is issued to assist the person's parents or guardians with farm work. A person holding this restricted license may operate a motor vehicle

only during daylight hours and only within a radius of 20 miles of the parent's or guardian's farmhouse; however, in no case may a person holding the restricted license operate a motor vehicle in a city of the first class. An applicant for a restricted license shall apply to the commissioner for the license on forms prescribed by the commissioner. The application shall be accompanied by a copy of a property tax statement showing that the applicant's residence is classified as agricultural land and by a written verified statement by the applicant's parent or guardian setting forth the necessity for the license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Foley questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Mr. Vickerman withdrew his amendment.

Mr. Sams moved that H.F. No. 241 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 80:** A bill for an act relating to elections; providing for presidential primaries by mail; amending Minnesota Statutes 1996, sections 204B.45, subdivision 3, and by adding a subdivision; 207A.01; 207A.02, subdivision 1a; 207A.03; 207A.04, subdivision 3; 207A.06, subdivision 2; 207A.08; and 207A.09; proposing coding for new law in Minnesota Statutes, chapter 207A; repealing Minnesota Statutes 1996, section 207A.07.

Mr. Johnson, D.J. moved to amend S.F. No. 80 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 200.01, is amended to read:

200.01 [CITATION, MINNESOTA ELECTION LAW.]

This chapter and chapters 201, 202A, 203B, 204B, 204C, 204D, 205, 205A, 206, 207A, 208, 209, 211A, 211B, and 211C shall be known as the Minnesota election law.

Sec. 2. Minnesota Statutes 1996, section 207A.01, is amended to read:

207A.01 [PRESIDENTIAL PRIMARY.]

A presidential primary must be held on the first Tuesday in ~~April~~ March each year after 1999 in which a president and vice president of the United States are to be nominated and elected, at which the voters of this state may express their preference among the candidates of the major political party of their choice, for that party's nomination to be president of the United States or may vote for uncommitted delegates to the national party convention. For the purposes of sections 207A.01 to 207A.07 207A.09, "political party" or "party" means a political party as defined in section 200.02, subdivision 7.

Sec. 3. Minnesota Statutes 1996, section 207A.02, subdivision 1a, is amended to read:

Subd. 1a. [TIME FOR FILING; FEE.] The period for filing an affidavit of candidacy for the presidential primary must begin 16 weeks before the primary and end 14 weeks before the primary. The filing fee is ~~\$500~~ \$1,000. The period for signing nominating petitions must begin 16 weeks before the primary and end ten weeks before the primary.

Sec. 4. Minnesota Statutes 1996, section 207A.06, subdivision 2, is amended to read:

Subd. 2. [CHOSEN DELEGATES.] Delegates to the national convention of each political party

appearing on the presidential primary ballot must be chosen by the state convention or congressional district convention of that party, except as otherwise provided in this subdivision. The secretary of each party's state convention or congressional district convention shall promptly notify the secretary of state of the names of the delegates to the national convention chosen as ~~supporters of each presidential candidate and the names of the candidates to which the delegates have been apportioned by July 1 of each year in which a presidential primary is held. A political party whose apportionment of delegates does not conform to the results of the presidential primary ceases to be eligible to issue political contribution refund receipt forms under section 290.06, subdivision 23, until it notifies the secretary of state of an apportionment that does conform to the results of the presidential primary.~~

Sec. 5. Minnesota Statutes 1996, section 207A.08, is amended to read:

207A.08 [INFORMATION ON PARTY CHOICE.]

Notwithstanding section 204C.18, subdivision 1, or other law to the contrary, ~~a person entitled to inspect the duplicate registration file or receive a copy of a current precinct the public information list under section 201.091~~ must also be informed of indicate the party choice of any voter who voted in the most recent presidential primary under this chapter.

Sec. 6. Minnesota Statutes 1996, section 207A.09, is amended to read:

207A.09 [RULEMAKING AUTHORITY.]

The secretary of state shall adopt rules ~~to implement the provisions of this chapter as follows:~~

- (1) to implement ~~section~~ sections 207A.01 to 207A.08;
- (2) to determine a method for verifying the signatures on nominating petitions and petitions in place of filing fees for the presidential primary;
- (3) to determine the format of the presidential primary ballots; and
- (4) to determine the manner of paying or reimbursing the costs to the counties of conducting the presidential primary.

Sec. 7. [REPEALER.]

Minnesota Statutes 1996, section 207A.07, is repealed."

Amend the title accordingly

### CALL OF THE SENATE

Mr. Johnson, D.J. imposed a call of the Senate for the balance of the proceedings on S.F. No. 80. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 48 and nays 10, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, J.B.	Lesewski	Ourada	Scheid
Belanger	Junge	Lessard	Pariseau	Spear
Cohen	Kelly, R.C.	Lourey	Piper	Stevens
Day	Kiscaden	Marty	Price	Ten Eyck
Dille	Kleis	Metzen	Robertson	Terwilliger
Fischbach	Knutson	Morse	Robling	Vickerman
Foley	Krentz	Murphy	Runbeck	Wiener
Frederickson	Laidig	Neuville	Sams	Wiger
Hottinger	Langseth	Oliver	Samuelson	
Johnson, D.J.	Larson	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Betzold	Higgins	Limmer	Pogemiller
Berglin	Flynn	Kelley, S.P.	Pappas	Ranum

The motion prevailed. So the amendment was adopted.

Ms. Junge moved to amend the Johnson, D.J. amendment to S.F. No. 80, adopted by the Senate May 1, 1997, as follows:

Page 2, line 6, delete everything after "held"

Page 2, lines 7 to 12, delete the new language

The question was taken on the adoption of the Junge amendment to the Johnson, D.J. amendment.

The roll was called, and there were yeas 25 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kelly, R.C.	Lourey	Ranum
Berglin	Higgins	Krentz	Marty	Runbeck
Betzold	Hottinger	Lesewski	Pappas	Spear
Cohen	Junge	Lessard	Piper	Wiener
Fischbach	Kelley, S.P.	Limmer	Price	Wiger

Those who voted in the negative were:

Beckman	Johnson, D.H.	Langseth	Olson	Scheevel
Belanger	Johnson, D.J.	Larson	Ourada	Scheid
Berg	Johnson, J.B.	Metzen	Pariseau	Stumpf
Day	Kiscaden	Morse	Pogemiller	Ten Eyck
Dille	Kleis	Murphy	Robertson	Terwilliger
Flynn	Knutson	Neuville	Robling	Vickerman
Frederickson	Laidig	Oliver	Sams	

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

Mr. Neuville moved to amend the Johnson, D.J. amendment to S.F. No. 80, adopted by the Senate May 1, 1997, as follows:

Page 2, line 9, after "forms" insert "for contributions received after July 1"

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

S.F. No. 80 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 39 and nays 23, as follows:

Those who voted in the affirmative were:

Beckman	Hottinger	Lesewski	Ourada	Stevens
Belanger	Johnson, D.J.	Lessard	Piper	Stumpf
Berg	Johnson, J.B.	Metzen	Price	Ten Eyck
Cohen	Kleis	Morse	Robertson	Terwilliger
Day	Krentz	Murphy	Runbeck	Vickerman
Dille	Laidig	Neuville	Sams	Wiener
Frederickson	Langseth	Oliver	Samuelson	Wiger
Hanson	Larson	Olson	Scheid	

Those who voted in the negative were:

Anderson	Foley	Kelly, R.C.	Marty	Robling
Berglin	Higgins	Kiscaden	Pappas	Scheevel
Betzold	Janezich	Knutson	Pariseau	Spear
Fischbach	Junge	Limmer	Pogemiller	
Flynn	Kelley, S.P.	Lourey	Ranum	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Sams moved that H.F. No. 241 be taken from the table. The motion prevailed.

**H.F. No. 241:** A bill for an act relating to motor carriers; allowing personnel of departments of transportation and public safety to conduct joint or combined audits of motor carrier records; requiring commissioner of public safety to provide commissioner of transportation information on traffic accidents involving commercial motor vehicles; providing for enforcement authority of personnel of departments of transportation and public safety relating to motor carriers; conforming state statutes to federal motor carrier safety regulations; providing for the reauthorization of the uniform hazardous materials registration and permit program for an additional year; authorizing commissioner of transportation to accept electronic signatures for electronically transmitted motor carrier documents; amending Minnesota Statutes 1996, sections 168.187, subdivision 20; 169.09, subdivision 13; 169.85; 169.871, subdivisions 1 and 1a; 221.0314, subdivisions 2, 6, 7, 9, 10, and 11; 221.0355, subdivisions 5 and 15; 221.221, subdivisions 2 and 4; 296.17, subdivision 18; 296.171, subdivision 4; and 299D.06; Laws 1994, chapter 589, section 8, as amended; proposing coding for new law in Minnesota Statutes, chapter 221.

Mr. Vickerman moved to amend H.F. No. 241, as amended pursuant to Rule 49, adopted by the Senate April 7, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 1096.)

Page 6, after line 30, insert:

"Sec. 6. Minnesota Statutes 1996, section 171.041, as amended by Laws 1997, chapter 48, is amended to read:

171.041 [RESTRICTED LICENSES FOR FARM WORK.]

Notwithstanding any provisions of section 171.04 relating to the age of an applicant to the contrary, the commissioner may issue a restricted farm work license to operate a motor vehicle to a person who has attained the age of 15 years but who is under the age of 16 years and who, except for age, is qualified to hold a driver's license. The applicant is not required to comply with the six-month instruction permit possession provisions of sections 171.04, subdivision 1, clause (2), and 171.05, subdivision 2a. The restricted license shall be issued solely for the purpose of authorizing the person to whom the restricted license is issued to assist the person's parents or guardians with farm work. A person holding this restricted license may operate a motor vehicle only during daylight hours and only within a radius of 20 miles of the parent's or guardian's farmhouse; however, in no case may a person holding the restricted license operate a motor vehicle in a city of the first class. An applicant for a restricted license shall apply to the commissioner for the license on forms prescribed by the commissioner. The application shall be accompanied by a copy of a property tax statement showing that the applicant's residence is classified as agricultural land and by a written verified statement by the applicant's parent or guardian setting forth the necessity for the license."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Betzold moved to amend H.F. No. 241, as amended pursuant to Rule 49, adopted by the Senate April 7, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 1096.)

Page 12, line 13, after "information" insert "in good faith"

The motion prevailed. So the amendment was adopted.

Mr. Sams moved to amend H.F. No. 241, as amended pursuant to Rule 49, adopted by the Senate April 7, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 1096.)

Page 14, after line 18, insert:

"Sec. 24. [NOVICE DRIVERS LICENSE ADVISORY COMMITTEE.]

Subdivision 1. [ADVISORY COMMITTEE ESTABLISHED.] The commissioner of public safety shall establish a novice drivers license advisory committee. The advisory committee consists of the commissioner or the commissioner's designee, the commissioner of transportation or that commissioner's designee, and the following members appointed by the commissioner of public safety, as follows:

- (1) one member representing the Minnesota safety council;
- (2) one member representing the Minnesota driver and traffic safety education association;
- (3) one member representing the Minnesota highway safety center;
- (4) one member representing private driving schools;
- (5) one member representing the Minnesota traffic safety education association;
- (6) one student representing the Minnesota safety program;
- (7) one county attorney recommended by the Minnesota county attorney's association;
- (8) the director of the department of public safety's office of traffic safety;
- (9) the director of the department of public safety's division of driver and vehicle services;
- (10) one member representing the Minnesota alcohol and traffic safety association; and
- (11) one member representing the American automobile association of Minnesota.

Subd. 2. [STUDY.] The advisory committee shall study and evaluate the feasibility and desirability of methods to develop and improve the skills of younger drivers in the safest possible environment, by gradually introducing them to full driving privileges at a rate commensurate with their age, skill, and experience. The advisory committee shall examine all aspects of public policy that affect the safety performance of young drivers, including driver licensing, driver training and education, and driver examining.

Subd. 3. [REPORT.] The advisory committee shall report to the commissioner of public safety on its findings and recommendations not later than January 1, 1998.

Sec. 25. [EFFECTIVE DATE.]

Section 24 is effective the day following final enactment and is repealed January 1, 1998."

Amend the title accordingly

Mrs. Pariseau questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Mr. Sams withdrew his amendment.

H.F. No. 241 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	Janezich	Larson	Pappas	Solon
Belanger	Johnson, D.E.	Lesewski	Pariseau	Spear
Berg	Johnson, D.H.	Lessard	Piper	Stevens
Berglin	Johnson, D.J.	Limmer	Pogemiller	Stumpf
Betzold	Johnson, J.B.	Lourey	Price	Ten Eyck
Dille	Junge	Marty	Ranum	Terwilliger
Fischbach	Kelley, S.P.	Metzen	Robertson	Vickerman
Flynn	Kelly, R.C.	Morse	Robling	Wiener
Foley	Kiscaden	Murphy	Runbeck	Wiger
Frederickson	Kleis	Neuville	Sams	
Hanson	Knutson	Oliver	Samuelson	
Higgins	Krentz	Olson	Scheevel	
Hottinger	Laidig	Ourada	Scheid	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Flynn moved that S.F. No. 1351 be taken from the table. The motion prevailed.

**S.F. No. 1351:** A bill for an act relating to public employment; making technical changes; modifying definitions; modifying certain arbitration procedures; ratifying certain labor agreements; amending Minnesota Statutes 1996, sections 3.855, subdivision 2; 43A.06, subdivision 1; 179A.03, subdivision 14; 179A.10, subdivision 1; 179A.11, subdivision 1; and 179A.16, subdivision 1.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1423:** A bill for an act relating to St. Louis county; adding court bailiffs to the unclassified service; amending Minnesota Statutes 1996, section 383C.035.

Mr. Johnson, D.J. moved to amend S.F. No. 1423 as follows:

Page 2, after line 32, insert:

"Sec. 2. [TOWN OF BREITUNG; CONVEYANCE OF REAL PROPERTY.]



Notwithstanding any law to the contrary, the town board of the town of Breitung in St. Louis county may convey a plat of land containing the Soudan community store described as Lot 1, Block 5, plat of Soudan, to the Soudan store board for a nominal consideration or whatever consideration that may be mutually determined by the Breitung town board and the Soudan store board.

Sec. 3. [EFFECTIVE DATE.]

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, section 2 is effective without local approval on the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the town of Breitung to convey certain real property for nominal or other consideration;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1423 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**H.F. No. 664:** A bill for an act relating to state government; adding authority for the board of water and soil resources to accept and administer federal grants, donations, gifts, and other contributions to achieve authorized objectives of the agency; amending Minnesota Statutes 1996, sections 103B.101, subdivision 9; and 103C.401, subdivision 1.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Oliver	Sams
Beckman	Hottinger	Laidig	Olson	Scheevel
Belanger	Johnson, D.E.	Langseth	Ourada	Scheid
Berglin	Johnson, D.H.	Lesewski	Pappas	Solon
Betzold	Johnson, D.J.	Lessard	Pariseau	Spear
Cohen	Johnson, J.B.	Limmer	Piper	Stevens
Dille	Junge	Lourey	Price	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Ranum	Vickerman
Flynn	Kiscaden	Morse	Robertson	Wiger
Foley	Kleis	Neuville	Robling	
Frederickson	Knutson	Novak	Runbeck	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**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.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1328:** A bill for an act relating to renewable energy; providing for action by the public utilities commission on purchases of wind and biomass power; requiring a study; proposing coding for new law in Minnesota Statutes, chapter 216B.

Mr. Johnson, D.E. moved to amend S.F. No. 1328 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [216B.1645] [POWER PURCHASE CONTRACTS OR INVESTMENTS.]

Upon the petition of a public utility, the public utilities commission shall approve or disapprove power purchase contracts or investments entered into or made by the utility to satisfy the wind and biomass mandates contained in sections 216B.2423 and 216B.2424. The expenses incurred in accordance with the contract and the reasonable investments made by a public utility with the approval of the commission shall be included by the commission in its determination of just and reasonable rates. Upon petition by a public utility, the commission shall approve or approve as modified a rate schedule providing for the automatic adjustment of charges to recover the expenses or costs approved by the commission.

Sec. 2. [EVALUATION OF BIOMASS FACILITIES.]

The commissioner of agriculture shall evaluate alternative financing mechanisms by which the cost of financing biomass energy projects can be reduced to improve the financial viability of such projects and produce savings for electric energy consumers in the state.

The analysis must include the extent to which financial participation of public and private institutions can achieve interest savings for the incremental development of biomass energy projects. Financing options to be reviewed must include:

(1) use of the bonding capacity of existing public financing authorities;

- (2) private financing options for biomass energy facilities;
- (3) establishment of a new development authority to facilitate public financial participation in biomass energy projects;
- (4) issuance of tax exempt or taxable state general obligation bonds to produce interest savings for development of biomass energy facilities; and
- (5) production credit payments for biomass energy production.

In conducting this analysis, the commissioner shall work with the commissioners of finance, public service, and trade and economic development and with stakeholders involved in farm-grown, closed-loop biomass energy projects. The analysis with recommendations must be submitted to the legislature by January 15, 1998."

The motion prevailed. So the amendment was adopted.

S.F. No. 1328 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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 1419:** A bill for an act relating to utilities; authorizing municipal and cooperative utilities to form joint ventures for the provision of utility services; proposing coding for new law as Minnesota Statutes, chapter 453B; repealing Laws 1996, chapter 300, section 1.

Mr. Johnson, D.E. moved to amend S.F. No. 1419 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1996, chapter 300, section 1, is amended to read:

Section 1. [JOINT VENTURE.]

Subdivision 1. [AUTHORIZATION.] On behalf of the city of Willmar is authorized to allow, the Willmar municipal utilities commission is authorized to enter into a joint venture with the Kandiyohi cooperative electric power association for the provision of utility services including retail electric service within the boundaries of each utility's exclusive electric service territory, as shown on the map of service territories maintained by the department of public service and as may otherwise be provided by law. The terms and conditions of the joint venture are subject to ratification by both the municipal utilities commission of the city of Willmar and the board of the Kandiyohi cooperative electric power association and may include the formation of a corporate or other separate legal entity with an administrative and governance structure independent of the two utilities. A corporate entity formed under this section shall be subject to all laws and rules

applicable to municipal utilities and cooperative electric associations. The corporate or other separate legal entity, if formed:

(1) has the authority and legal capacity, and in the exercise of joint venture powers the privileges, responsibilities, and duties authorized by this section;

(2) is subject to the law generally applicable to the organization, internal governance, and activities of the entity formed;

(3) may exercise in connection with its property and affairs, and in connection with property within its control, any and all powers that may be exercised by a natural person or a private corporation or other private legal entity in connection with similar property and affairs; and

(4) is not a public body or authority, government entity, municipal corporation, or political subdivision.

A joint venture, including any separate legal entity, if formed, may elect to be deemed a municipal utility or a cooperative association for purposes of Minnesota Statutes, chapter 216B, or other federal or state law regulating utility operations.

Subd. 2. [POWERS.] (a) The A joint venture formed under this section, if any, shall have such has the powers, privileges, responsibilities, and duties of the separate utilities entering into the joint venture as the joint venture agreement may provide, except that, upon formation of the joint venture, neither the joint venture nor the Willmar municipal utilities commission shall have the power of eminent domain or the authority under section 216B.44 to and the powers provided under paragraph (b), except that the joint venture, with respect to retail electric utility services, may not enlarge the service territory served by the joint venture under Minnesota Statutes, sections 216B.44 and 216B.47, unless it receives the written consent of the retail electric utility serving the area under consideration.

(b) Such powers include, but are not limited to, the authority to:

(1) finance, acquire, own, construct, and operate facilities necessary for the provision of electric power to wholesale or retail customers, including generation, transmission, and distribution facilities;

(2) combine retail electric service territories, in whole or in part, upon notice and hearing to do so with the public utilities commission;

(3) serve electric customers in the two utilities' retail electric service territories or in the combined service territory and as provided in Minnesota Statutes, chapter 216B;

(4) combine, share, or employ administrative, managerial, operational, or other staff which combining or sharing will not degrade safety, reliability, or customer service standards;

(5) provide for joint administrative functions, such as meter reading and billing;

(6) purchase or sell power utility services at wholesale for resale to customers;

(7) provide energy conservation programs, other utility programs, and public interest programs, such as cold weather shutoff protection, and energy conservation spending programs as required by law and rule; and

(8) participate as the parties deem necessary or appropriate in the provision of wholesale electric power utility services with other municipal utilities, rural electric cooperative utilities associations, investor-owned utilities, or other entities, public or private.

Subd. 3. [MONITOR AND REPORT.] The Kandiyohi cooperative electric power association and the Willmar municipal utilities commission shall monitor the progress and operation of the joint venture, and shall issue a report to the public utilities commission and legislative committees with jurisdiction over utility regulation and operation outlining the progress of the joint venture. The report required by this subdivision must be submitted not later than January 1, 1998.

Subd. 4. [CITY AUTHORITY.] This section shall be construed liberally to effectuate its legislative intent and purpose of allowing the Willmar municipal utilities commission and the Kandiyohi cooperative power association to operate a joint venture with the powers granted by this section. No additional authority is necessary to authorize the city of Willmar to form and operate a joint venture as provided in this section. The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law or charter. A joint venture under this section and the Willmar municipal utilities commission relative to any joint venture under this section has all powers, privileges, responsibilities, and duties necessary or appropriate to effectuate the intent and purpose of this section, including but not limited to the expenditure of public funds and the transfer of real or personal property in accordance with the terms and conditions of the joint venture and the joint venture agreement. Nothing in this section shall be construed to supersede or modify any powers, privileges, or authority of the Willmar municipal utilities commission or the Kandiyohi cooperative electric power association. The power of the Willmar city council to overrule or override an action of the Willmar municipal utilities commission as provided in the Willmar city charter is not superseded but that power shall not extend to the actions of the joint venture. If there is a conflict or inconsistency between this section and any other law or any other charter provision, the provisions of this section shall prevail.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to utilities; authorizing a municipal and cooperative utility to form joint ventures for the provision of utility services; amending Laws 1996, chapter 300, section 1."

Mr. Betzold moved to amend the Johnson, D.E. amendment to S.F. No. 1419 as follows:

Page 3, line 19, strike "1" and insert "15"

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

Mr. Johnson, D.E. moved that S.F. No. 1419 be laid on the table. The motion prevailed.

### **SPECIAL ORDER**

**S.F. No. 609:** A bill for an act relating to domestic abuse; providing for enforcement of orders for protection issued in other states; imposing criminal penalties; amending Minnesota Statutes 1996, section 518B.01, subdivisions 14 and 18.

Ms. Junge moved to amend S.F. No. 609 as follows:

Page 1, after line 6, insert:

"ARTICLE 1

ENFORCEMENT OF ORDERS FOR PROTECTION FROM OTHER STATES"

Page 5, after line 35, insert:

"ARTICLE 2

CHILD SAFETY

Section 1. [TITLE.]

This article shall be known as the "Alex and Brandon Frank Child Safety Act."

Sec. 2. Minnesota Statutes 1996, section 256F.09, subdivision 2, is amended to read:

Subd. 2. [FUNDING.] The commissioner may award grants to create or maintain family visitation centers.

In awarding grants to maintain a family visitation center, the commissioner may award a grant to a center that can demonstrate a 35 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a family visitation center, the commissioner shall give priority to:

- (1) areas of the state where no other family visitation center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a family visitation center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Sec. 3. Minnesota Statutes 1996, section 256F.09, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL SERVICES.] Each family visitation center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each family visitation center must have available an individual knowledgeable about or experienced in the provision of services to battered women on its staff, its board of directors, or otherwise available to it for consultation.

Sec. 4. Minnesota Statutes 1996, section 480.30, subdivision 1, is amended to read:

Subdivision 1. [CHILD ABUSE; DOMESTIC ABUSE; HARASSMENT.] The supreme court's judicial education program must include ongoing training for district court judges on child and adolescent sexual abuse, domestic abuse, harassment, stalking, and related civil and criminal court issues. The program must include the following:

- (1) information about the specific needs of victims. ~~The program must include;~~
- (2) education on the causes of sexual abuse and family violence ~~and;~~
- (3) education on culturally responsive approaches to serving victims;
- (4) education on the impacts of domestic abuse and domestic abuse allegations on children and the importance of considering these impacts when making visitation and child custody decisions under chapter 518; and
- (5) information on alleged and substantiated reports of domestic abuse, including, but not limited to, department of human services survey data.

The program also must emphasize the need for the coordination of court and legal victim advocacy services and include education on sexual abuse and domestic abuse programs and policies within law enforcement agencies and prosecuting authorities as well as the court system.

Sec. 5. Minnesota Statutes 1996, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

- (a) The name and address of the petitioner and any prior or other name used by the petitioner;
- (b) The name and, if known, the address of the respondent and any prior or other name used by the respondent and known to the petitioner;

- (c) The place and date of the marriage of the parties;
- (d) In the case of a petition for dissolution, that either the petitioner or the respondent or both:
  - (1) Has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
  - (2) Has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or
  - (3) Has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;
- (e) The name at the time of the petition and any prior or other name, age and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;
- (f) Whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;
- (g) In the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship;
- (h) In the case of a petition for legal separation, that there is a need for a decree of legal separation; ~~and~~
- (i) Any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts; and
- (j) Whether an order for protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 6. Minnesota Statutes 1996, section 518.175, is amended by adding a subdivision to read:

Subd. 1a. [DOMESTIC ABUSE; SUPERVISED VISITATION.] (a) If a custodial parent requests supervised visitation under subdivision 1 or 5 and an order for protection under chapter 518B or a similar law of another state is in effect against the noncustodial parent to protect the custodial parent or the child, the judge or judicial officer must consider the order for protection in making a decision regarding visitation.

(b) The state court administrator, in consultation with representatives of custodial and noncustodial parents and other interested persons, shall develop standards to be met by persons who are responsible for supervising visitation. Either parent may challenge the appropriateness of an individual chosen by the court to supervise visitation.

Sec. 7. Minnesota Statutes 1996, section 518.175, subdivision 5, is amended to read:

Subd. 5. The court shall modify an order granting or denying visitation rights whenever modification would serve the best interests of the child. Except as provided in section 631.52, the court may not restrict visitation rights unless it finds that:

- (1) the visitation is likely to endanger the child's physical or emotional health or impair the child's emotional development; or
- (2) the noncustodial parent has chronically and unreasonably failed to comply with court-ordered visitation.

If the custodial parent makes specific allegations that visitation places the custodial parent or child in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights. Consistent with subdivision 1a, the court may require a third party, including the local social services agency, to supervise the visitation or may restrict a parent's visitation rights if necessary to protect the custodial parent or child from harm.

Sec. 8. Minnesota Statutes 1996, section 518B.01, subdivision 4, is amended to read:

Subd. 4. [ORDER FOR PROTECTION.] There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.

(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

(e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(f) The court shall advise a petitioner under paragraph (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(g) The court shall advise a petitioner under paragraph (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

(h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

(i) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(j) The court shall advise the petitioner of the right to request supervised visitation, as provided in section 518.175, subdivision 1a.

Sec. 9. Minnesota Statutes 1996, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE; ALTERNATE SERVICE; PUBLICATION; NOTICE.] (a) The petition and any order issued under this section shall be served on the respondent personally.



(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any visitation proceeding, the court shall consider the order for protection in making a decision regarding visitation.

Sec. 10. Minnesota Statutes 1996, section 518B.01, subdivision 17, is amended to read:

Subd. 17. [EFFECT ON CUSTODY PROCEEDINGS.] In a subsequent custody proceeding the court may must consider, but is not bound by, a finding in a proceeding under this chapter or under a similar law of another state that domestic abuse has occurred between the parties.

Sec. 11. [COMBINED JURISDICTION FAMILY COURT.]

(a) Notwithstanding Minnesota Statutes, sections 260.031, subdivision 4, and 484.70, subdivisions 6 and 7, paragraphs (d) and (e), the supreme court may implement a pilot project to improve the resolution of family issues, including domestic abuse, by assigning related family, probate, and juvenile court matters, other than delinquency proceedings, to a single judge. The project must include orders for protection and related domestic abuse issues and address methods for improving continuity and consistency with respect to consideration of domestic abuse issues in different proceedings involving the same family or household members. The project must be established in a district that does not include the metropolitan area.

(b) The supreme court is requested to report to the legislature on the effectiveness of the pilot project in resolving family issues when the project is completed or by January 15, 2000, whichever is earlier.

Sec. 12. [EFFECTIVE DATE.]

Section 9 is effective August 1, 1997, and applies to proceedings that commence on or after that date."

Amend the title accordingly

Ms. Kiscaden moved to amend the Junge amendment to S.F. No. 609 as follows:

Page 1, delete section 1

Renumber the sections in sequence and correct the internal references

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

The question recurred on the adoption of the Junge amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 609 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 1464:** A resolution memorializing the President and Congress to enact legislation waiving the English-language and residency requirements for American citizenship for Hmong and other Laotian veterans of American-recruited and -trained special guerrilla units fighting in Laos from 1961 to 1975.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Johnson, D.E. moved that S.F. No. 1419 be taken from the table. The motion prevailed.

**S.F. No. 1419:** A bill for an act relating to utilities; authorizing municipal and cooperative utilities to form joint ventures for the provision of utility services; proposing coding for new law as Minnesota Statutes, chapter 453B; repealing Laws 1996, chapter 300, section 1.

The question recurred on the Johnson, D.E. amendment, as amended.

Mr. Kelley, S.P. moved to amend the Johnson, D.E. amendment to S.F. No. 1419 as follows:

Page 4, after line 11, insert:

"Subd. 5. [TELEPHONE EXCHANGE REQUIREMENT.] A joint venture may not establish a telephone exchange in a municipality until it has received authorization to do so in a referendum conducted in that municipality under Minnesota Statutes, section 237.19."

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

The question recurred on the adoption of the Johnson, D.E. amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 1419 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

**S.F. No. 737:** 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.

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	Berg	Cohen	Flynn	Hanson
Beckman	Berglin	Dille	Foley	Higgins
Belanger	Betzold	Fischbach	Frederickson	Hottinger

Janezich	Knutson	Murphy	Ranum	Stevens
Johnson, D.E.	Krentz	Neuville	Robertson	Stumpf
Johnson, D.H.	Laidig	Oliver	Robling	Ten Eyck
Johnson, D.J.	Langseth	Olson	Runbeck	Vickerman
Johnson, J.B.	Lessard	Ourada	Sams	Wiener
Junge	Limmer	Pappas	Samuelson	Wiger
Kelley, S.P.	Lourey	Pariseau	Scheevel	
Kiscaden	Marty	Pogemiller	Scheid	
Kleis	Morse	Price	Spear	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 364:** A bill for an act relating to public safety; authorizing release of investigative data relating to crimes perpetrated by a juvenile to the victim; providing that persons convicted of terroristic threats or felony stalking or harassment violations have the burden of proof to establish that custody or visitation is in the best interests of a child; requiring notification of a victim when sentence modification occurs; amending Minnesota Statutes 1996, sections 260.161, subdivision 3; 518.179, subdivision 2; and 631.52, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 611A.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 298:** A bill for an act relating to partnerships; enacting the Uniform Partnership Act of 1994; providing for limited liability partnerships; proposing coding for new law in Minnesota Statutes, chapter 322A; proposing coding for new law as Minnesota Statutes, chapter 323A; repealing Minnesota Statutes 1996, sections 323.01; 323.02, subdivisions 1, 2, 3, 4, 5, 6, 7, and 8; 323.03; 323.04; 323.05; 323.06; 323.07; 323.08; 323.09; 323.10; 323.11; 323.12; 323.13; 323.14; 323.15; 323.16; 323.17; 323.18; 323.19; 323.20; 323.21; 323.22; 323.23; 323.24; 323.25; 323.26; 323.27; 323.28; 323.29; 323.30; 323.31; 323.32; 323.33; 323.34; 323.35; 323.36; 323.37; 323.38; 323.39; 323.40; 323.41; 323.42; 323.43; 323.44; 323.45; 323.46; and 323.47.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Ranum moved that S.F. No. 813 be taken from the table. The motion prevailed.

**S.F. No. 813:** A bill for an act relating to children; providing for transfer of custody of a child to a relative by a consent decree; authorizing communication or contact agreements between adoptive parents and birth relatives; providing for a relative conference and relative care agreement following a report of child abuse or neglect; amending Minnesota Statutes 1996, sections 257.02; 259.59 by adding a subdivision; 260.191, subdivision 3b; 260.241, subdivision 1; and 518.158; proposing coding for new law in Minnesota Statutes, chapters 257; 259; and 626.

### CONCURRENCE AND REPASSAGE

Ms. Ranum moved that the Senate concur in the amendments by the House to S.F. No. 813 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 813:** A bill for an act relating to children; providing for transfer of custody of a child to a relative by a consent decree; authorizing communication or contact agreements between adoptive parents and birth parents; providing for a relative conference and relative care agreement following a report of child abuse or neglect; amending Minnesota Statutes 1996, sections 257.02; 259.59, by adding a subdivision; 260.191, subdivision 3b; 260.241, subdivision 1; and 518.158; proposing coding for new law in Minnesota Statutes, chapters 257; 259; and 626.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Ms. Berglin moved that S.F. No. 333 be taken from the table. The motion prevailed.

**S.F. No. 333:** A bill for an act relating to home care; modifying an exemption from the definition of provider; requiring rules to include certain standards; establishing an assisted living home care provider license; redefining elderly housing with services establishment; modifying reimbursement procedures for assisted living services under medical assistance and alternative care; defining certain housing with services establishments as a permitted single family residential use of property for zoning purposes; requiring a study; amending Minnesota Statutes 1996, sections 144A.43, subdivision 4; 144A.45, subdivision 1, and by adding a subdivision; 144A.46, subdivisions 1 and 3; 144D.01, subdivisions 4, 5, 6, and by adding a subdivision; 144D.03, subdivision 1; 144D.06; 157.17, subdivisions 2 and 5; 245A.03, subdivision 2; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256I.04, subdivision 2a; and 462.357, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 144A; and 144D; repealing Minnesota Statutes 1996, sections 144A.45, subdivision 3; 144A.49; 144B.01; 144B.02; 144B.03; 144B.04; 144B.05; 144B.06; 144B.07; 144B.08; 144B.09; 144B.10; 144B.11; 144B.12; 144B.13; 144B.14; 144B.15; 144B.16; and 144B.17.

**CONCURRENCE AND REPASSAGE**

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 333 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 333 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Ms. Berglin moved that S.F. No. 302 be taken from the table. The motion prevailed.

**S.F. No. 302:** A bill for an act relating to health; allowing certain community health clinics to offer health care services on a prepaid basis; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Ms. Berglin moved that the Senate do not concur in the amendments by the House to S.F. No. 302, 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.

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 Report at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 637:** A bill for an act relating to retirement; increasing pension benefit accrual rates; adjusting financing for pension plans; adding supplemental financial conditions information for pension funds; reducing appropriations; modifying or establishing various pension aids; appropriating money; amending Minnesota Statutes 1996, sections 3.85, subdivisions 11 and 12; 3A.02, subdivisions 1 and 4; 3A.07; 11A.18, subdivision 9; 69.011, subdivisions 1, 2, and by adding a subdivision; 69.021, subdivisions 7a and 10; 69.031, subdivision 5; 352.01, subdivision 25; 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.72, subdivision 2; 352.92, subdivisions 1 and 2; 352.93, subdivisions 2, 3, and by adding a subdivision; 352.95, subdivisions 1 and 5; 352B.02, subdivisions 1a and 1c; 352B.08, subdivisions 2 and 2a; 352B.10, subdivision 1; 352B.30, by adding a subdivision; 352C.031, subdivision 4; 352C.033; 353.01, subdivision 37; 353.27, subdivisions 2 and 3a; 353.29, subdivision 3; 353.651, subdivision 3; 353.656, subdivision 1; 353.71, subdivision 2; 353A.08, subdivisions 1 and 2; 353A.083, by adding a subdivision; 354.05, subdivision 38; 354.42, subdivisions 2, 3, and 5; 354.44, subdivision 6, and by adding a subdivision; 354.53, subdivision 1; 354.55, subdivision 11; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a, and 3c; 354A.31, subdivisions 4 and 4a; 356.20, subdivision 2; 356.215, subdivisions 2, 4d, and 4g; 356.217; 356.30, subdivisions 1 and 3; 356.32, subdivision 2; 422A.06, subdivision 8; 422A.151; 423B.01, subdivision 9, and by adding a subdivision; 423B.06, by adding a subdivision; 423B.07; 423B.09, subdivision 1, and by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivisions 2, 3, 6, and by adding a subdivision; and 490.124, subdivisions 1 and 5; Laws 1965, chapter 519, section 1, as amended; Laws 1979, chapter 109, section 1, as amended; Laws 1989, chapter 319, article 19, section 7, subdivisions 1, as amended, 3, 4, as amended, and 7; and Laws 1993, chapter 125, article 1, section 1; proposing coding for new law in Minnesota Statutes, chapters 124; 273; 352; 352C; 352E; 354A; and 356; repealing Minnesota Statutes 1996, sections 124.195, subdivision 12; 124.2139; 353C.01; 353C.02; 353C.03; 353C.04; 353C.05; 353C.06; 353C.07; 353C.08; 353C.09; 353C.10; 354A.12, subdivision 2b; 356.70; and 356.88, subdivision 2; and Laws 1985, chapter 259, section 3; and Laws 1993, chapter 336, article 3, section 1.

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

Page 8, after line 11, insert:

"Sec. 5. Minnesota Statutes 1996, section 3A.03, subdivision 1, is amended to read:

Subdivision 1. [PERCENTAGE.] Every member of the legislature shall contribute ~~nine~~ ten percent of total salary, by payroll deduction, to be paid into the state treasury and deposited in the general fund. It shall be the duty of the director to record the periodic contributions of each member of the legislature and credit such contribution to the member's account."

Page 69, after line 32, insert:

"Sec. 72. [POLICE STATE AID ADJUSTMENT.]

The legislature determines that the total employer contributions paid to the public employees police and fire fund for calendar year 1995, as certified to the commissioner of revenue by the public employees retirement association in August 1996 for determining the amount of police state aid to be distributed in September 1996, were overstated for some of the counties and cities and understated for other counties and cities. The executive director of the public employees

retirement association shall certify to the commissioner of revenue the amount of the overstated or understated 1995 calendar year employer contributions paid to the public employees police and fire fund by each county and city; and the commissioner of revenue shall adjust the October 1997 police state aid distributions by the applicable amount of overpaid or underpaid police state aid distributed in September 1996.

The estimated net adjustment for police state aid in the fiscal year ending June 30, 1998, is \$1,835,000. The expected net reduction to future police state aid expenditures resulting from this adjustment is 6.5 percent less each year."

Page 70, line 4, delete "36 and 37" and insert "37 and 38"

Page 70, line 5, delete "15, 16, 19, 20, 27, and 28" and insert "16, 17, 20, 21, 28, and 29"

Page 70, line 7, delete "46, 47, and 48" and insert "47, 48, and 49"

Page 70, line 8, delete "to 14, 17, 18, 21 to 26, 29" and insert "to 4 and 6, 15, 18, 19, 22 to 27, 30"

Page 70, line 9, delete "35, 38 to 45, and 49 to 71" and insert "36, 39 to 46, and 50 to 73" and after the period, insert "Section 5 is effective the first full pay period after December 31, 1998."

Page 70, line 15, before "This" insert "(a) Except as provided in paragraph (b),"

Page 70, line 17, delete ", except that" and insert ".

(b)" and after "members" insert "of the legislature who were"

Page 70, line 18, after "1997," insert "or members of the legislature who were elected before July 1, 1997, and who elect not to be members of the plan established by this chapter"

Page 70, delete line 19 and insert "the unclassified employees retirement program governed by chapter 352D.

(c) The coverage election under paragraph (b) is irrevocable and must be made on a form prescribed by the director."

Page 70, line 21, before "This" insert "(a) Except as provided in paragraph (b),"

Page 70, line 23, before "Constitutional" insert:

"(b)"

Page 70, line 24, after "1997," insert "or constitutional officers who were elected before July 1, 1997, and who elect not to be members of the plan established by this chapter"

Page 70, delete line 25 and insert "unclassified employees retirement program governed by chapter 352D.

(c) The coverage election under paragraph (b) is irrevocable and must be made on a form prescribed by the executive director of the Minnesota state retirement system."

Pages 70 to 76, delete sections 3 to 12 and insert:

"Sec. 3. Minnesota Statutes 1996, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] (a) Employees enumerated in paragraph (b) (c), clauses 2, 3, 4, and 6 to 15, if they are in the unclassified service of the state or metropolitan council and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee



who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Persons referenced in paragraph (c), clauses (1) and (5), are participants in the unclassified program under this chapter unless the person is eligible to elect different coverage under section 3A.07 or 352C.011 and elects retirement coverage by the applicable alternative retirement plan.

(c) Enumerated employees and referenced persons are:

(1) the governor, the lieutenant governor, the secretary of state, the state auditor, the state treasurer, and the attorney general;

(2) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, or;

(3) an employee of the state board of investment;

(2) (4) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.081, subdivision 1 or 15A.083, subdivision 4;

(3) (5) a member of the legislature;

(6) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(4) (7) a person who is employed in a position established under section 43A.08, subdivision 1, clause (3), or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(5) (8) the regional administrator, or executive director of the metropolitan council, general counsel, division directors, operations managers, and other positions as designated by the council, all of which may not exceed 27 positions at the council and the chair, provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;

(6) (9) the executive director, associate executive director, and not to exceed nine positions of the higher education services office in the unclassified service, as designated by the higher education services office before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(7) (10) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(8) (11) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(9) (12) an employee whose principal employment is at the state ceremonial house;

(10) (13) an employee of the Minnesota educational computing corporation;

(11) (14) an employee of the world trade center board; and

(12) (15) an employee of the state lottery board who is covered by the managerial plan established under section 43A.18, subdivision 3.

Sec. 4. Minnesota Statutes 1996, section 352D.02, subdivision 2, is amended to read:

Subd. 2. [COVERAGE UPON EMPLOYMENT CHANGE.] A person becoming a participant in the unclassified program by virtue of employment in a position specified in subdivision 1, clause ~~(2)~~ (4) and remaining in the unclassified service shall remain a participant in the program even though the position the person occupies is deleted from any of the sections referenced in subdivision 1, clause ~~(2)~~ (4) by subsequent amendment, except that a person shall not be eligible to elect the unclassified program after separation from unclassified service if on the return of the person to service, that position is not specified in subdivision 1, clause ~~(2)~~ (4). Any person employed in a position specified in subdivision 1 shall cease to participate in the unclassified program in the event the position is placed in the classified service.

Sec. 5. Minnesota Statutes 1996, section 352D.04, subdivision 1, is amended to read:

Subdivision 1. [INVESTMENT OPTIONS.] (a) ~~An employee~~ A person exercising an option to participate in the retirement program provided by this chapter may elect to purchase shares in one or a combination of the income share account, the growth share account, the international share account, the money market account, the bond market account, the fixed interest account, or the common stock index account established in section 11A.17. The ~~employee person~~ may elect to participate in one or more of the investment accounts in the fund by specifying, on a form provided by the executive director, the percentage of the ~~employee's person's~~ contributions provided in subdivision 2 to be used to purchase shares in each of the accounts.

(b) A participant may indicate in writing on forms provided by the Minnesota state retirement system a choice of options for subsequent purchases of shares. Until a different written indication is made by the participant, the executive director shall purchase shares in the supplemental fund as selected by the participant. If no initial option is chosen, 100 percent income shares must be purchased for a participant. A change in choice of investment option is effective no later than the first pay date first occurring after 30 days following the receipt of the request for a change.

(c) Shares in the fixed interest account attributable to any guaranteed investment contract as of July 1, 1994, may not be withdrawn from the fund or transferred to another account until the guaranteed investment contract has expired, unless the participant qualifies for withdrawal under section 352D.05 or for benefit payments under sections 352D.06 to 352D.075.

(d) A participant or former participant may also change the investment options selected for all or a portion of the participant's shares previously purchased in accounts, subject to the provisions of paragraph (c) concerning the fixed interest account. Changes in investment options for the participant's shares must be effected as soon as cash flow to an account practically permits, but not later than six months after the requested change.

Sec. 6. Minnesota Statutes 1996, section 352D.04, subdivision 2, is amended to read:

Subd. 2. [CONTRIBUTION RATES.] (a) ~~The moneys money~~ used to purchase shares under this section shall ~~be~~ is the employee and employer contributions provided in this subdivision.

~~(a)~~ (b) The employee contribution shall ~~be~~ is an amount equal to the employee contribution specified in section 352.04, subdivision 2.

~~(b)~~ (c) The employer contribution shall ~~be~~ is an amount equal to six percent of salary.

(d) These contributions shall ~~must~~ be made ~~by deduction from salary~~ in the manner provided in section 352.04, subdivisions 4, 5, and 6.

(e) For members of the legislature, the contributions under this subdivision also must be made on per diem payments received during a regular or special legislative session, but may not be made on per diem payments received outside of a regular or special legislative session, on the additional compensation attributable to a leadership position under section 3.099, subdivision 3, living expense payments under section 3.101, or special session living expense payments under section 3.103.

Sec. 7. [355.621] [LEGISLATORS AND CONSTITUTIONAL OFFICERS; SOCIAL SECURITY COVERAGE REFERENDUM.]

Subdivision 1. [DEFINITIONS GENERALLY.] For the purposes of sections 7 to 14, each of the terms defined in this section has the indicated meaning.

Subd. 2. [ENABLING ACT.] "Enabling act" means sections 355.01 to 355.07.

Subd. 3. [LEGISLATOR.] "Legislator" means a member of the legislature duly elected and sworn into office.

Subd. 4. [CONSTITUTIONAL OFFICER.] "Constitutional officer" means the governor, the lieutenant governor, the attorney general, the secretary of state, the state auditor, and the state treasurer duly elected and sworn into office.

Subd. 5. [ADDITIONAL TERMS.] The terms "social security act," "state agency," "employment," "wages," "contribution fund," "federal insurance contributions act," and "political subdivision" each have the meaning ascribed in the enabling act.

Sec. 8. [355.622] [REFERENDUM.]

Under the enabling act, the governor shall designate an agency or individual to supervise a referendum to be held after July 1, 1997, in accordance with provisions of section 218(d)(6)(c) of the Social Security Act, for legislators and for constitutional officers.

Sec. 9. [355.623] [NOTICE OF REFERENDUM.]

The notice of referendum required by section 218(d) of the Social Security Act that is to be provided to legislators and to constitutional officers must contain a statement of the rights which accrue under the Social Security Act. The statement must be in the form that the agency or individual designated to supervise the referendum deems necessary and sufficient to inform legislators and constitutional officers of their Social Security Act rights. The statement must also inform the legislators and constitutional officers of the effect that social security coverage will have on their future public retirement coverage.

Sec. 10. [355.624] [DIVISION OF THE LEGISLATORS RETIREMENT PLAN AND THE ELECTIVE STATE OFFICERS RETIREMENT PLAN.]

(a) In accord with section 218(d)(6)(c) of the Social Security Act, the state agency shall divide the legislators retirement plan into two parts or divisions and shall divide the elective state officers retirement plan into two parts or divisions.

(b) One division or part of the legislators retirement plan must be composed of legislators who desire coverage under an agreement under section 218(d) of the Social Security Act, and those legislators must have their future public pension plan coverage under chapter 352D. Also included in this division or part are legislators who are elected after July 1, 1997. The other division or part of the legislators retirement plan must be composed of legislators who do not desire coverage under an agreement under section 218(d) of the Social Security Act, and those legislators must have their future public pension plan coverage under chapter 3A.

(c) One division or part of the elective state officers retirement plan must be composed of constitutional officers who desire coverage under an agreement under section 218(d) of the Social Security Act, and those constitutional officers must have their future public pension plan coverage under chapter 352D. Also included in this division or part are constitutional officers who are elected after July 1, 1997. The other division or part of the elective state officers retirement plan must be composed of constitutional officers who do not desire coverage under an agreement under section 218(d) of the Social Security Act, and those constitutional officers must have their future public pension plan coverage under chapter 352C.

Sec. 11. [355.625] [TRANSFER OF MEMBERS.]

In accord with section 218(d)(6)(f) of the Social Security Act and when the legislators retirement plan or the elective state officers retirement plan, whichever applies, is divided into two parts or divisions, a legislator or constitutional officer who does not desire coverage under an

agreement under section 218(d) of the Social Security Act may be transferred to the other part or division if the agreement with the federal Department of Health and Human Services so provides and if the legislator or constitutional officer files with the state agency a written request for the transfer.

Sec. 12. [355.626] [CERTIFICATION BY GOVERNOR.]

If the governor receives satisfactory evidence that the conditions specified in section 218(d)(7) of the Social Security Act have been met with respect to the legislators retirement plan or the elective state officers retirement plan, whichever applies, the governor shall so certify to the secretary of the federal Department of Health and Human Services.

Sec. 13. [355.627] [AGREEMENTS WITH FEDERAL AGENCY.]

Upon the governor's certification under section 12, the state agency, with the approval of the governor, is authorized after June 30, 1997, to enter into or modify an agreement with the secretary of the federal Department of Health and Human Services with respect to legislators or constitutional officers, whichever applies.

Sec. 14. [355.628] [SOCIAL SECURITY CONTRIBUTIONS.]

Subdivision 1. [EMPLOYER CONTRIBUTIONS.] Employer contributions required under the agreement or modification under section 13 and payments required by section 355.49 must be paid by the senate, the house of representatives, or the relevant constitutional office, whichever applies.

Subd. 2. [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.] (a) After the date on which the agreement or modification under section 13 is executed, there must be paid as a deduction from wages an employee contribution by legislators or constitutional officers in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if the service constituted employment within the meaning of the act.

(b) Contributions made under this subdivision must be paid into the contribution fund in partial discharge of the employer liability for social security coverage.

(c) A failure to deduct employee contributions does not relieve the legislator or constitutional officer or the senate, the house of representatives, or the relevant constitutional office of the liability to make the contribution.

Sec. 15. [COVERAGE ELECTION.]

(a) Members of the legislature who were members of the legislators retirement plan on the effective date of this section and constitutional officers who were members of the elective state officers retirement plan on the effective date of this section may elect coverage by the unclassified employees retirement program governed by Minnesota Statutes, chapter 352D, instead of the prior retirement coverage, as part of the social security referendum under section 10.

(b) The election of a retirement coverage change applies only to prospective service as a member of the legislature or a constitutional officer. The election must be made in conjunction with the referendum selection under section 10. A member of the legislature or a constitutional officer who elects a retirement coverage change under this section is entitled to an augmented deferred retirement annuity under Minnesota Statutes, section 3A.02, subdivisions 1 and 4, or Minnesota Statutes, sections 352C.031 and 352C.033, whichever applies, notwithstanding any provision of law to the contrary.

(c) A member of the legislature or a constitutional officer who elects a retirement coverage change under this section is not entitled to a refund under Minnesota Statutes, section 3A.03, subdivision 2, or 352C.09, subdivision 2, whichever applies, until the person terminates service as a member of the legislature or a constitutional officer."

Page 79, line 20, delete "\$21,324,000" and insert "\$21,027,000"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "4;" insert "3A.03, subdivision 1;"

Page 1, line 18, after "352C.033;" insert "352D.02, subdivisions 1 and 2; 352D.04, subdivisions 1 and 2;"

Page 1, line 42, delete "352E;" after "354A;" insert "355;"

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

### SECOND READING OF SENATE BILLS

S.F. No. 637 was read the second time.

### RECESS

Mr. Johnson, D.E. moved that the Senate do now recess until 2:00 p.m. The motion prevailed.

The hour of 2:00 p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 830 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 830:** A bill for an act relating to child support enforcement; modifying provisions governing the establishment and enforcement of child support and maintenance; authorizing disclosure of certain data to the attorney general; providing for certain financial data matches; changing provisions for driver's license suspension, motor vehicle liens, payment agreements, and child support judgments; modifying provisions governing publication of names of delinquent obligors; providing for case reviewers; providing for a child support lien; regulating work release and probation violation for criminal nonsupport for certain offenders; requiring a study; appropriating money; specifying penalties; amending Minnesota Statutes 1996, sections 8.35; 13.46, subdivision 2; 13.99, by adding a subdivision; 168A.05, subdivision 8; 171.19; 256.87, subdivisions 1, 1a, 3, 5, and by adding a subdivision; 256.978, subdivisions 1 and 2; 256.979, subdivisions 5, 6, 7, 8, and by adding a subdivision; 256.9791, subdivision 1; 256.9792, subdivisions 1 and 2; 256.998, subdivisions 1, 6, 7, and 9; 257.62, subdivisions 1 and 2; 257.66, subdivision 3, and by adding a subdivision; 257.70; 257.75, subdivisions 1a, 2, 3, 4, 5, and 7; 299C.46, subdivision 3; 508.63; 508A.63; 518.005, by adding a subdivision; 518.10; 518.148, subdivision 2; 518.171, subdivisions 1 and 4; 518.54, subdivision 6, and by adding a subdivision; 518.551, subdivisions 5, 5b, 7, 12, 13, 14, and by adding a subdivision; 518.5511, subdivisions 1, 2, 3, 4, and by adding a subdivision; 518.5512, subdivisions 2, 3, and by adding subdivisions; 518.553; 518.575; 518.616, by adding a subdivision; 518.64, subdivision 2; 518.641, subdivision

2; 518.68, subdivision 2; 548.091, subdivisions 1a, 2a, 3a, and by adding subdivisions; 550.37, subdivision 24; and 609.375, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13B; 256; and 518; proposing coding for new law as Minnesota Statutes, chapter 552; repealing Minnesota Statutes 1996, sections 256.74; 256.979, subdivision 9; 518.5511, subdivisions 5, 6, 7, 8, and 9; 518.611; 518.613; 518.645; 518C.502; 518C.9011; and 609.375, subdivisions 3, 4, and 6.

Mr. Cohen moved to amend S.F. No. 830 as follows:

Page 2, line 22, delete "certain" and insert "Certain"

Page 35, line 25, strike "(b)" and insert "(c)"

Page 35, line 36, strike "(c)" and insert "(d)"

Page 97, line 22, before "All" insert "Notwithstanding section 138.17,"

Page 98, line 25, delete "second" and insert "third"

Page 126, delete section 30

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 14, delete "appropriating money;"

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 830 as follows:

Page 36, line 34, delete "other resources of an individual"

Page 36, line 35, delete everything before "nonperiodic"

Page 37, line 1, after "recoveries" insert "for lost wages or salary" and after "lawsuit" insert "for lost wages or salary"

Page 37, delete line 2 and insert "and bonuses."

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 830 as follows:

Page 44, line 33, delete "200" and insert "150"

Page 45, line 1, delete "200" and insert "150"

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 830 as follows:

Page 71, line 7, before the period, insert ". In addition to the right of a public retraction and apology, a person whose name was made public in error has a civil action for damages caused by the error"

The motion prevailed. So the amendment was adopted.

Mr. Lessard then moved to amend S.F. No. 830 as follows:

Page 91, line 9, delete "establish" and insert "obtain recommendations for establishing"

Page 91, line 11, after the period, insert "The procedures must impose the fewest restrictions on recreational licenses consistent with federal law. No procedure may be implemented until approved by the legislature and enacted into law."

The motion prevailed. So the amendment was adopted.

Mr. Lessard then moved to amend S.F. No. 830 as follows:

Page 69, after line 1, insert:

"Sec. 59. Minnesota Statutes 1996, section 518.553, is amended to read:

518.553 [PAYMENT AGREEMENTS.]

In proposing or approving proposed written payment agreements for purposes of section 518.551, the court, an administrative law judge, or the public authority shall take into consideration the amount of the arrearages, the amount of the current support order, any pending request for modification, and the earnings of the obligor. The court, administrative law judge, or public authority shall also consider the impact of any failure of the obligee to cooperate with visitation and other parental rights of the obligor on the obligor's failure to make timely support payments."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Lessard then moved to amend the fourth Lessard amendment to S.F. No. 830 as follows:

Page 1, line 12, delete "shall" and insert "may"

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

The question recurred on the adoption of the fourth Lessard amendment, as amended. The motion did not prevail. So the amendment, as amended, was not adopted.

Mr. Foley moved to amend S.F. No. 830 as follows:

Page 2, line 32, delete the second ", including"

Page 2, line 33, delete "the cost of care, examination, and treatment,"

Page 2, line 34, delete "and chapter 260"

Page 4, delete lines 18 to 26

Page 63, lines 28 to 30, delete the new language

The motion prevailed. So the amendment was adopted.

S.F. No. 830 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 299 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 299:** A bill for an act relating to state parks; adding to state parks; renaming O.L. Kipp state park; permitting liquor sales in certain parks; authorizing the commissioner to contract out certain restaurant services; modifying state park permit exemptions; amending Minnesota Statutes 1996, sections 85.012, by adding a subdivision; 85.0505; and 85.054, by adding a subdivision; repealing Minnesota Statutes 1996, section 85.012, subdivision 46.

Mr. Morse moved to amend H.F. No. 299, as amended pursuant to Rule 49, adopted by the Senate April 16, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 386.)

Page 2, line 18, delete "may" and insert "shall"

The motion prevailed. So the amendment was adopted.

Mr. Stevens moved to amend H.F. No. 299, as amended pursuant to Rule 49, adopted by the Senate April 16, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 386.)

Page 1, line 18, before "Minnesota" insert "(a)"

Page 1, after line 21, insert:

"(b) The commissioner of natural resources may contract with a private person, firm, or corporation to operate the restaurant in Douglas Lodge in Itasca state park."

### CALL OF THE SENATE

Mr. Morse imposed a call of the Senate for the balance of the proceedings on H.F. No. 299. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Kiscaden	Lesewski	Robertson	Terwilliger
Berg	Kleis	Limmer	Robling	Wiger
Day	Knutson	Oliver	Runbeck	
Dille	Langseth	Olson	Scheevel	
Fischbach	Larson	Ourada	Stevens	

Those who voted in the negative were:

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

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



Mr. Johnson, D.J. moved to amend H.F. No. 299, as amended pursuant to Rule 49, adopted by the Senate April 16, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 386.)

Page 3, after line 13, insert:

"Sec. 4. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, St. Louis county may sell the land in St. Louis county described in this section by private sale under the remaining provisions of chapter 282.

(b) The conveyance must be in a form approved by the attorney general and must reserve an easement for the state, in a form prescribed by the commissioner of natural resources, for the land within 66 feet of either side of the center line of Amity creek for angling and fish management purposes, and rights of access to the easement for the commissioner by a reasonable route across the parcels of land.

(c) The parcels of land that may be sold are described as:

(1) City of Duluth: that part of the Northeast Quarter of the Northeast Quarter of the Northwest 1/4 lying north of the center line of Amity creek, Section 31, Township 51, Range 13; and

(2) City of Duluth: that part of the North 1/2 of the Northwest 1/4 of the Northwest 1/4 of Northeast 1/4 lying north of the center line of Amity creek and within 220 feet of the west line of the said Northwest 1/4 of the Northeast 1/4, Section 31, Township 51, Range 13.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mrs. Pariseau moved to amend H.F. No. 299, as amended pursuant to Rule 49, adopted by the Senate April 16, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 386.)

Page 2, after line 2, insert:

"Sec. 3. Minnesota Statutes 1996, section 92.46, subdivision 3, is amended to read:

Subd. 3. [LEASE RATE INCREASES.] State land leased under subdivision 1, that have increased lease rates effective on or after January 1, ~~1986~~ 1997, shall phase in the increased lease rates by ~~three~~ six equal annual increments, except that the lease rates shall be adjusted to reflect changes in the lease rates resulting from rules adopted under subdivision 1."

Page 3, after line 16, insert:

"Sec. 6. [EFFECTIVE DATE.]

Section 3 is effective January 1, 1997."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Morse questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Johnson, D.J. moved to amend H.F. No. 299, as amended pursuant to Rule 49, adopted by the Senate April 16, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 386.)

Page 2, after line 2, insert:

"Sec. 3. Minnesota Statutes 1996, section 85.054, is amended by adding a subdivision to read:

Subd. 7. [TETTEGOUCHE STATE PARK.] A state park permit is not required and a fee may not be charged for motor vehicle entry at Palisade Head in Tettegouche state park, provided that motor vehicles entering the park under this provision may not be parked at Palisade Head for more than one hour."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 299 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 437 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 437:** A resolution memorializing Congress to pass federal legislation requiring persons selling insurance in federally chartered financial institutions to comply with all applicable state insurance laws and regulations.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Cohen	Dille
Beckman	Berg	Betzold	Day	Fischbach

Flynn	Junge	Limmer	Pariseau	Solon
Foley	Kelly, R.C.	Lourey	Piper	Spear
Frederickson	Kiscaden	Marty	Pogemiller	Stevens
Hanson	Kleis	Metzen	Price	Stumpf
Higgins	Knutson	Moe, R.D.	Ranum	Ten Eyck
Hottinger	Krentz	Morse	Robertson	Terwilliger
Janezich	Laidig	Murphy	Robling	Vickerman
Johnson, D.E.	Langseth	Novak	Sams	Wiener
Johnson, D.H.	Larson	Oliver	Samuelson	Wiger
Johnson, D.J.	Lesewski	Ourada	Scheevel	
Johnson, J.B.	Lessard	Pappas	Scheid	

So the resolution passed and its title was agreed to.

### 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. 378: Mr. Murphy, Mrs. Pariseau and Mr. Betzold.

S.F. No. 4: Messrs. Johnson, D.E.; Stumpf and Mrs. Fischbach.

S.F. No. 755: Ms. Flynn, Mr. Betzold and Ms. Runbeck.

S.F. No. 302: Mses. Berglin, Flynn and Kiscaden.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### Mr. Murphy introduced--

**S.F. No. 1938:** A bill for an act relating to capital improvements; authorizing the issuance of bonds to refurbish the Le Duc mansion in Hastings; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

### MEMBERS EXCUSED

Mr. Neuville was excused from the Session of today at 2:00 p.m. Mr. Kelley, S.P. was excused from the Session of today at 3:20 p.m. Ms. Johnson, J.B. was excused from the Session of today from 8:00 to 8:45 a.m. Mr. Johnson, D.J. was excused from the Session of today from 8:00 to 9:10 a.m. Mrs. Scheid was excused from the Session of today from 8:00 to 9:20 a.m. and 12:50 to 1:25 p.m. Mr. Pogemiller was excused from the Session of today from 8:00 to 10:00 and 11:15 to 11:35 a.m. Mr. Johnson, D.E. was excused from the Session of today from 8:00 to 11:00 a.m. Mr. Terwilliger was excused from the Session of today from 8:00 to 9:00 and 11:25 a.m. to 1:10 p.m. Mr. Johnson, D.H. was excused from the Session of today from 9:00 to 10:30 a.m. Mr. Novak was excused from the Session of today from 10:00 to 11:00 a.m. and 12:00 noon to 2:00 p.m. Ms.

Olson was excused from the Session of today from 11:55 a.m. to 12:30 p.m. Mr. Moe, R.D. was excused from the Session of today from 10:30 a.m. to 1:30 p.m. Mr. Metzen was excused from the Session of today from 11:15 to 11:45 a.m. and 12:15 to 1:30 p.m. Mr. Solon was excused from the Session of today from 12:00 noon to 1:30 p.m. Mr. Limmer was excused from the Session of today from 11:50 a.m. to 12:30 p.m. and 2:20 to 3:20 p.m. Mr. Murphy was excused from the Session of today from 12:05 to 12:35 and 2:00 to 3:00 p.m. Mr. Lessard was excused from the Session of today from 2:15 to 3:00 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, May 2, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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