

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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FIFTY-NINTH DAY

St. Paul, Minnesota, Wednesday, May 14, 1997

The Senate met at 10:00 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. Richard Keene Smith.

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

Anderson	Hottinger	Laidig	Olson	Scheid
Beckman	Janezich	Langseth	Ourada	Solon
Belanger	Johnson, D.E.	Larson	Pappas	Spear
Berglin	Johnson, D.H.	Lesewski	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	Robertson	Vickerman
Fischbach	Kelly, R.C.	Morse	Robling	Wiener
Foley	Kiscaden	Murphy	Runbeck	Wiger
Frederickson	Kleis	Neuville	Sams	
Hanson	Knutson	Novak	Samuelson	
Higgins	Krentz	Oliver	Scheevel	

The President declared a quorum present.

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

## MEMBERS EXCUSED

Messrs. Berg; Lessard; Moe, R.D. and Ms. Ranum were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 13, 1997

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter 146, Senate File Number 868, a bill which would extend the sunset provision for the Minneapolis building contractors and remodelers licensure program.

In 1991, the Legislature passed a state licensure program for building contractors and remodelers. As a result of this legislation, Minneapolis and Saint Paul were to phase out their existing programs by March 31, 2000. The city of Minneapolis wishes to circumvent this commitment through this legislation.

Any advantages of a distinct licensure program by Minneapolis is greatly outweighed by the needless duplication inherent within such a parallel arrangement. Moreover, a unique licensure program could give unfair advantage to a certain group of building contractors and remodelers.

I can not support regulatory arrangements which are neither inclusive nor efficient in nature.

Warmest regards,  
Arne H. Carlson, Governor

Ms. Junge moved that S.F. No. 868 and the veto message thereon be laid on the table. The motion prevailed.

May 13, 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. Nos. 703 and 72.

Warmest regards,  
Arne H. Carlson, Governor

May 13, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1997 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1997	Date Filed 1997
	1863	142	10:10 a.m. May 13	May 13
703		145	10:30 a.m. May 13	May 13
72		147	10:25 a.m. May 13	May 13
	512	148	10:12 a.m. May 13	May 13

Sincerely,  
Joan Anderson Growe  
Secretary of State

**MESSAGES FROM THE HOUSE**

Mr. President:

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

**S.F. No. 1255:** A bill for an act relating to campaign finance; clarifying limits on contributions to candidates for local elected office; amending Minnesota Statutes 1996, section 211A.12.

Senate File No. 1255 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1997

Mr. Belanger moved that the Senate do not concur in the amendments by the House to S.F. No. 1255, 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. 94:** A bill for an act relating to state land; modifying provisions for the establishment of boundary lines; modifying provisions relating to the sale of trust lands; authorizing the commissioner of natural resources to pay certain outstanding real estate taxes and assessments; authorizing the commissioner of natural resources to transfer improvements on state-owned land; authorizing the commissioner of natural resources to sell certain land; authorizing the private sale of certain land; authorizing the sale of certain surplus land for recreational purposes; providing for disposition of certain lakeshore leased lands; amending Minnesota Statutes 1996, sections 84.0273; 92.06, subdivisions 1 and 4; 92.16, subdivision 1; and 94.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 92; and 94.

Senate File No. 94 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1997

Ms. Junge, for Mr. Moe, R.D., moved that the Senate do not concur in the amendments by the House to S.F. No. 94, 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 House File, herewith transmitted: H.F. No. 632.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 1997

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time.

**H.F. No. 632:** A bill for an act relating to public administration; modifying requirements for

spending to improve the capitol area and construct bridges, environmental learning centers, and community performing arts centers; appropriating money; amending Laws 1994, chapter 643, sections 3, subdivision 2; 15, subdivisions 2 and 4; and 23, subdivision 28, as amended; and Laws 1996, chapter 463, sections 13, subdivision 2; and 24, subdivision 8; repealing Laws 1996, chapter 463, section 7, subdivision 26.

Ms. Junge moved that H.F. No. 632 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

Ms. Junge moved that the Committee Report at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 1310:** A bill for an act relating to public administration; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing the commissioner of administration, with the approval of the commissioner of finance, to enter into lease-purchase agreements and to provide for the issuance of certificates of participation; prescribing certain conditions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reports the same back with the recommendation that the amendments in the report from the Committee on Governmental Operations and Veterans, shown in the Journal for April 8, 1997, be adopted and that S.F. No. 1310 be further amended as follows:

Page 4, line 24, delete "\$....." and insert "\$79,000,000"

Page 4, line 31, after the first "building" insert "and parking ramp" and delete everything after the second "building"

Page 4, line 32, delete "design," and insert "must be" and delete "at a suburban site" and insert "within an eight-mile radius of the capitol" and delete "at least 300,000" and insert "approximately 360,000"

Page 4, line 33, delete "\$....." and insert "\$79,000,000" and after "including" insert "the parking ramp,"

Page 4, line 34, after "adjustments" insert a comma

Page 5, line 1, after the period, insert "Notwithstanding Minnesota Statutes, section 15.50, subdivision 2, paragraphs (c) and (e), if the building is constructed within the capitol area as defined in paragraph (a) of that subdivision, plans for the building need not conform to the comprehensive plan for the area and need not be selected through a design competition."

Page 5, after line 15, insert:

"Subd. 3. [BOND SALE AUTHORIZATION.] To provide the money appropriated in this section from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$79,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

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

**Mr. Hottinger from the Committee on Health and Family Security,** to which were referred the following appointments as reported in the Journal for January 9, 1997:

DEPARTMENT OF HEALTH  
COMMISSIONER

Anne Barry

DEPARTMENT OF HUMAN SERVICES  
COMMISSIONER

David S. Doth

## EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Stevan Eikevik

Debra Esse

David W. Huisenga

Dr. G. Patrick Lilja

Steven Nesseth

Kevin Paap

John Prondzinski

DeeWayne Rognstad

Michael Stockstead

Dr. Albert Tsai

Dr. Michael Wilcox

Gary Wingrove

Reports the same back with the recommendation that the appointments be confirmed.

Ms. Junge moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S.F. No. 1310 was the second time.

**MOTIONS AND RESOLUTIONS**

**Mr. Vickerman introduced--**

**Senate Resolution No. 56:** A Senate resolution honoring Connie Burchill as he retires.

Referred to the Committee on Rules and Administration.

S.F. No. 735 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 735**

A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1996, sections 473.511, subdivision 4; 473.517; and 473.519.

May 12, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 735, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 735 be further amended as follows:

Page 3, line 6, before "The" insert "Except as provided in subdivision 3,"

Page 3, line 11, reinstate the stricken language

Page 3, line 12, reinstate "in this section as current costs, and"

Page 3, line 26, after the period, insert "The cash flow management fund so established must not exceed five percent of the council's total waste control operating budget."

Page 4, lines 16 to 36, reinstate the stricken language

Page 4, lines 24 and 30, strike "2" and insert "1"

Page 5, line 6, reinstate the stricken "3" and delete "1"

Amend the title as follows:

Page 1, line 2, delete "allowing" and insert "modifying"

Page 1, line 3, delete "to determine an" and insert "cost"

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

Senate Conferees: (Signed) Claire A. Robling, Linda I. Higgins, Steve Kelley

House Conferees: (Signed) Jim Rhodes, Betty Folliard, Myron Orfield

Mrs. Robling moved that the foregoing recommendations and Conference Committee Report on S.F. No. 735 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 735 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 78 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 78**

A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, sections 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.11, by adding a subdivision; and 203B.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

May 12, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 78, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 78 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 203B.02, subdivision 1, is amended to read:

Subdivision 1. ~~[UNABLE TO GO TO POLLING PLACE ELIGIBILITY FOR ABSENTEE VOTING.]~~ Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence ~~because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct~~ may vote by absentee ballot as provided in sections 203B.04 to 203B.15. The voter must indicate on the application for absentee ballots the reason that the voter will be unable to vote in person at the polling place on election day.

Sec. 2. Minnesota Statutes 1996, section 203B.03, subdivision 1, is amended to read:

Subdivision 1. [VIOLATION.] No individual shall intentionally:

- (a) make or sign any false certificate required by this chapter;
- (b) make any false or untrue statement in any application for absentee ballots;
- (c) apply for absentee ballots more than once in any election with the intent to cast an illegal ballot;
- (d) exhibit a ballot marked by that individual to any other individual;
- (e) do any act in violation of the provisions of this chapter for the purpose of casting an illegal vote in any precinct or for the purpose of aiding another to cast an illegal vote; ~~or~~
- (f) use information from absentee ballot materials or records for purposes unrelated to elections, political activities, or law enforcement;
- (g) provide assistance to an absentee voter except in the manner provided by section 204C.15, subdivision 1; or
- (h) accept any payment of money or other thing of monetary value for delivery, in person or by mail, of any absentee ballot application or voted ballots to the county auditor, municipal clerk, or school district clerk.

Before inspecting information from absentee ballot materials or records, an individual shall provide identification to the public official having custody of the material or information.

Sec. 3. Minnesota Statutes 1996, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION PROCEDURES.] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) the county auditor of the county where the applicant maintains residence; or
- (b) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be accepted if it is signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states ~~that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02~~ the reason that the voter will be unable to vote in person at the polling place on election day. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device, at the discretion of the auditor or clerk.

Sec. 4. Minnesota Statutes 1996, section 203B.06, subdivision 3, is amended to read:

Subd. 3. [DELIVERY OF BALLOTS.] If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

- (a) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail; ~~or~~
- (b) deliver the absentee ballots directly to the voter if the application is submitted in person; or
- (c) transmit a facsimile of the ballots to the voter in the manner provided in section 203B.082.

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed to an applicant for any election.

This subdivision does not apply to applications for absentee ballots received pursuant to sections 203B.04, subdivision 2, and 203B.11.

Sec. 5. [203B.082] [USE OF FACSIMILE BALLOTS.]

Subdivision 1. [ELIGIBILITY.] An eligible voter who either becomes a patient in a health care facility during the seven days immediately before an election or is residing outside the United States may vote by an electronically transmitted facsimile ballot as provided in this section.

Subd. 2. [APPLICATION.] Upon receipt of a properly completed application, the county auditor may send the voter the appropriate ballots and a ballot transmission form using an electronic facsimile device. The ballot transmission form must provide space for the voter's name, address, signature, date of birth, date on which the ballots were transmitted by the voter, and a statement acknowledging that the voter's ballots will not be secret. The ballot transmission form for a patient in a health care facility must include the certificate of eligibility required by section 203B.07, subdivision 2. The ballot transmission form for a person residing outside the United States must contain the affidavit required by section 203B.21, subdivision 3. The secretary of state shall prepare samples of the ballot transmission form for use by the county auditor.

Subd. 3. [RETURN.] The voter may return the voted ballots to the county auditor using an



electronic facsimile device. If an electronic facsimile device is used, the voter must also complete and return the ballot transmission form. Upon receipt of an electronically transmitted ballot, the county auditor shall immediately compare the information provided on the absentee ballot application with the information provided on the ballot transmission form. No record of the votes cast by the voter may be made. After the information on the ballot transmission form has been verified, the ballots must be sealed in a ballot secrecy envelope. The ballot transmission form must be attached to the ballot secrecy envelope and placed with the other absentee ballots for the precinct in which the voter resides. The county auditor shall certify that the ballots were properly enclosed in the ballot secrecy envelope, that no record of the votes cast on the ballots was made, and that the auditor will not disclose for whom the voter has voted.

Subd. 4. [REJECTION.] If the county auditor cannot verify that the ballots were transmitted by the same person who submitted the absentee ballot application, the ballots must be rejected and no votes on the ballots may be counted.

Sec. 6. [203B.145] [ACCESS TO ABSENTEE BALLOT MATERIALS.]

Public inspection of absentee ballot applications, absentee ballot return envelopes, other materials related to absentee voting, and any list that includes information from these materials must occur in the manner provided in the rules of the secretary of state."

Delete the title and insert:

"A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, sections 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivision 1; and 203B.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 203B."

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

Senate Conferees: (Signed) John Marty, Linda Scheid, Dennis R. Frederickson

House Conferees: (Signed) Tom Osthoff, Betty McCollum, Barb Vickerman

Mr. Marty moved that the foregoing recommendations and Conference Committee Report on S.F. No. 78 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 78 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Neuville	Olson	Pariseau	Stevens
Kiscaden				

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 575 and the Conference Committee Report thereon were reported to the Senate.

#### CONFERENCE COMMITTEE REPORT ON S.F. NO. 575

A bill for an act relating to employment; modifying requirements for drug and alcohol testing; clarifying provisions on review of personnel records by employees; setting a limit for penalties on unpaid OSHA fines; providing the criminal penalty of gross misdemeanor for an assault on an occupational safety and health investigator; amending Minnesota Statutes 1996, sections 181.953, subdivision 6; 181.961, subdivision 2; 182.666, subdivision 7; and 609.2231, subdivision 6.

May 7, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 575, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 575 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 181.14, subdivision 1, as amended by Laws 1997, chapter 83, section 6, is amended to read:

Subdivision 1. [PROMPT PAYMENT REQUIRED.] (a) When any such employee quits or resigns employment, the wages or commissions earned and unpaid at the time the employee quits or resigns shall be paid in full not later than the first regularly scheduled payday following the employee's final day of employment, unless an employee is subject to a collective bargaining agreement with a different provision. If the first regularly scheduled payday is less than five calendar days following the employee's final day of employment, full payment may be delayed until the second regularly scheduled payday but shall not exceed a total of 20 calendar days following the employee's final day of employment.

(b) Notwithstanding the provisions of paragraph (a), in the case of migrant workers, as defined in section 181.85, the wages or commissions earned and unpaid at the time the employee quits or resigns shall become due and payable within five days thereafter.

Sec. 2. Minnesota Statutes 1996, section 181.953, subdivision 6, is amended to read:

Subd. 6. [RIGHTS OF EMPLOYEES AND JOB APPLICANTS.] (a) Before requesting an employee or job applicant to undergo drug or alcohol testing, an employer shall provide the employee or job applicant with a form, developed by the employer, on which to ~~(1) acknowledge that the employee or job applicant has seen the employer's drug and alcohol testing policy, and (2) indicate any over-the-counter or prescription medications that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.~~

(b) If an employee or job applicant tests positive for drug use, the employee must be given written notice of the right to explain the positive test and the employer may request that the employee or job applicant indicate any over-the-counter or prescription medication that the

individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result.

(c) Within three working days after notice of a positive test result on a confirmatory test, the employee or job applicant may submit information to the employer, in addition to any information already submitted under paragraph (a) (b), to explain that result, or may request a confirmatory retest of the original sample at the employee's or job applicant's own expense as provided under subdivision 9.

Sec. 3. Minnesota Statutes 1996, section 181.961, subdivision 2, is amended to read:

Subd. 2. [TIME; LOCATION; CONDITION; COPY.] (a) The employer shall comply with a written request pursuant to subdivision 1 no later than seven working days after receipt of the request if the personnel record is located in this state, or no later than 14 working days after receipt of the request if the personnel record is located outside this state.

(b) With respect to current employees, the personnel record or an accurate copy must be made available for review by the employee during the employer's normal hours of operation at the employee's place of employment or other reasonably nearby location, but need not be made available during the employee's working hours. The employer may require that the review be made in the presence of the employer or the employer's designee. After the review and upon the employee's written request, the employer shall provide a copy of the record to the employee.

(c) With respect to employees who are separated from employment, upon the employee's written request, the employer shall provide a copy of the personnel record to the employee. Providing a copy of the employee's personnel record to the employee satisfies the employer's responsibility to allow review as stated in subdivision 1.

(d) The employer may ~~not charge a fee for the copy not to exceed the actual cost of making, compiling, and mailing the copy.~~

Sec. 4. Minnesota Statutes 1996, section 182.666, subdivision 7, is amended to read:

Subd. 7. Fines imposed under this chapter shall be paid to the commissioner for deposit in the special compensation fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Unpaid fines shall be increased to 125 percent of the original assessed amount if not paid within 60 days after the fine becomes a final order. After that 60 days, unpaid fines shall accrue an additional penalty of ten percent per month compounded monthly until the fine is paid in full or until the fine has accrued to 300 percent of the original assessed amount.

Sec. 5. Minnesota Statutes 1996, section 609.2231, subdivision 6, is amended to read:

Subd. 6. [PUBLIC EMPLOYEES WITH MANDATED DUTIES.] A person is guilty of a gross misdemeanor who:

(1) assaults an agricultural inspector, occupational safety and health investigator, child protection worker, public health nurse, or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance;

(2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and

(3) inflicts demonstrable bodily harm."

Delete the title and insert:

"A bill for an act relating to employment; modifying wage payment provisions; modifying requirements for drug and alcohol testing; clarifying provisions governing review of personnel records by employees; setting a limit for penalties on unpaid OSHA fines; providing the criminal

penalty of gross misdemeanor for an assault on an occupational safety and health investigation; amending Minnesota Statutes 1996, sections 181.14, subdivision 1, as amended; 181.953, subdivision 6; 181.961, subdivision 2; 182.666, subdivision 7; and 609.2231, subdivision 6."

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

Senate Conferees: (Signed) Linda Runbeck, Linda I. Higgins, Jerry R. Janezich

House Conferees: (Signed) Robert Leighton, Joe Mullery, Kevin Goodno

Ms. Runbeck moved that the foregoing recommendations and Conference Committee Report on S.F. No. 575 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 575 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### RECESS

Ms. Junge moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 1208:** A bill for an act relating to MinnesotaCare; eliminating the health care commission; modifying the regional coordinating boards; eliminating integrated service networks; modifying the health technology advisory committee; expanding the eligibility of the MinnesotaCare program; modifying general assistance medical care; modifying the enforcement mechanisms for the provider tax pass-through; modifying mandatory Medicare assignment; making technical, policy, and administrative changes and connections to MinnesotaCare taxes; providing grants for MinnesotaCare outreach; regulating community purchasing arrangements; requiring certain studies; appropriating money; amending Minnesota Statutes 1996, sections 60A.15, subdivision 1; 60A.951, subdivision 5; 62A.61; 62J.017; 62J.06; 62J.07, subdivisions 1 and 3; 62J.09, subdivision 1; 62J.15, subdivision 1; 62J.152, subdivisions 1, 2, 4, 5, and by adding a subdivision; 62J.17, subdivision 6a; 62J.22; 62J.25; 62J.2914, subdivision 1; 62J.2915; 62J.2916, subdivision 1; 62J.2917, subdivision 2; 62J.2921, subdivision 2; 62J.451, subdivision 6b; 62M.02, subdivision 21; 62N.01, subdivision 1; 62N.22; 62N.23; 62N.25, subdivision 5; 62N.26; 62N.40; 62Q.01, subdivisions 3, 4, and 5; 62Q.03, subdivision 5a; 62Q.106; 62Q.19, subdivision 1; 62Q.33, subdivision 2; 62Q.45, subdivision 2; 136A.1355; 144.147, subdivisions 1, 2, 3, and 4; 144.1484, subdivision 1; 256.01, subdivision 2; 256.045, subdivision 3a; 256.9352, subdivision 3; 256.9353, subdivisions 1, 3, and 7; 256.9354, subdivisions 4, 5, 6, 7, and by adding a subdivision; 256.9355, subdivisions 1, 4, and by adding a subdivision; 256.9357, subdivision 3; 256.9358, subdivision 4; 256.9359, subdivision 2; 256.9363, subdivisions 1 and 5; 256.9657, subdivision 3; 256B.0625, subdivision 13; 256D.03, subdivision 3; 295.50, subdivisions 3, 4, 6, 7, 9b, 13, 14, and by adding a subdivision; 295.51, subdivision 1; 295.52, subdivisions 1, 1a, 2, 4, and by adding subdivisions; 295.53, subdivisions 1, 3, and 4; 295.54, subdivisions 1 and 2; 295.55, subdivision 2; and 295.582; proposing coding for new law in Minnesota Statutes, chapters 16A; 144; and 256; proposing coding for new law as Minnesota Statutes, chapter 62S; repealing Minnesota Statutes 1996, sections 62E.11, subdivision 12; 62J.04, subdivisions 4 and 7; 62J.05; 62J.051; 62J.09, subdivision 3a; 62J.37; 62N.01, subdivision 2; 62N.02, subdivisions 2, 3, 4b, 4c, 6, 7, 8, 9, 10, and 12; 62N.03; 62N.04; 62N.05; 62N.06; 62N.065; 62N.071; 62N.072; 62N.073; 62N.074; 62N.076; 62N.077; 62N.078; 62N.10; 62N.11; 62N.12; 62N.13; 62N.14; 62N.15; 62N.17; 62N.18; 62N.24; 62N.38; 62Q.165, subdivision 3; 62Q.25; 62Q.29; 62Q.41; 147.01, subdivision 6; 295.52, subdivision 1b; and 295.53, subdivision 5; Laws 1993, chapter 247, article 4, section 8; Laws 1994, chapter 625, article 5, section 5, as amended; Laws 1995, chapter 96, section 2; and Laws 1995, First Special Session chapter 3, article 13, section 2.

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

Greenfield, Huntley, Dorn, Koskinen and Goodno.

Senate File No. 1208 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1997

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 78, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 78:** A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, sections 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.11, by adding a subdivision; and 203B.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

Senate File No. 78 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1997

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 97, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 97:** A bill for an act relating to health; providing for the isolation and detention of persons with active tuberculosis who pose an endangerment to the public health; establishing standards and procedures for isolation and detention; requiring reporting by licensed health professionals; modifying tuberculosis screening requirements; appropriating money; amending Minnesota Statutes 1996, section 144.445, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Senate File No. 97 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1997

### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 378 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON 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.

May 8, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 378, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) Steve L. Murphy, Pat Pariseau, Don Betzold

House Conferees: (Signed) Roxann Daggett, Gail Skare, Alice M. Johnson

Mr. Murphy moved that the foregoing recommendations and Conference Committee Report on S.F. No. 378 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 378 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Oliver	Scheevel
Beckman	Janezich	Laidig	Olson	Scheid
Belanger	Johnson, D.E.	Langseth	Ourada	Spear
Berglin	Johnson, D.H.	Larson	Pappas	Stevens
Betzold	Johnson, D.J.	Lesewski	Pariseau	Stumpf
Cohen	Johnson, J.B.	Limmer	Piper	Wiener
Day	Junge	Lourey	Pogemiller	Wiger
Fischbach	Kelley, S.P.	Marty	Robertson	
Foley	Kiscaden	Morse	Robling	
Frederickson	Kleis	Murphy	Runbeck	
Hanson	Knutson	Neuville	Sams	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Junge moved that H.F. No. 632 be taken from the table. The motion prevailed.

**H.F. No. 632:** A bill for an act relating to public administration; modifying requirements for spending to improve the capitol area and construct bridges, environmental learning centers, and community performing arts centers; appropriating money; amending Laws 1994, chapter 643, sections 3, subdivision 2; 15, subdivisions 2 and 4; and 23, subdivision 28, as amended; and Laws 1996, chapter 463, sections 13, subdivision 2; and 24, subdivision 8; repealing Laws 1996, chapter 463, section 7, subdivision 26.

### SUSPENSION OF RULES

Ms. Junge moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 632 and that the rules of the Senate be so far suspended as to give H.F. No. 632 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 632 was read the second time.

Mr. Morse moved to amend H.F. No. 632 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 632, and insert the language after the enacting clause, and the title, of S.F. No. 436, the third engrossment.

The motion prevailed. So the amendment was adopted.

Ms. Johnson, J.B. moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 12, after line 17, insert:

"Sec. 2. Minnesota Statutes 1996, section 446A.072, subdivision 4, is amended to read:

Subd. 4. [FUNDING LEVEL.] (a) The authority shall provide supplemental assistance for essential project component costs as certified by the commissioner of the pollution control agency under section 116.182, subdivision 4.

(b) A municipality may not receive more than \$4,000,000 under this section unless specifically approved by law.

(c) The authority will calculate the grant amount needed for the essential project component costs by first determining the amount needed to reduce a municipality's monthly residential sewer service charge to \$25 or to an annual residential sewer service charge in excess of 1.5 percent of the municipality's median household income, whichever is less, and then multiplying that amount by 80 percent to determine the actual award amount to supplement loans under section 446A.07 or provide up to one-third of the amount of the grant funding level required by USDA/RECD for projects listed on the agency's intended use plan.

(d) The authority shall provide supplemental assistance to a municipality that would not otherwise qualify for supplemental assistance if:

(1) the municipality voluntarily accepts a sewer connection from another governmental unit to serve residential, industrial, or commercial developments that were completed before March 1, 1996, or are on lots whose plats were recorded before that date; and

(2) fees charged by the municipality for the connection must take into account state and federal grants used by the municipality for the construction of the treatment plant.

The amount of supplemental assistance under this paragraph must be sufficient to reduce debt service payments under section 446A.07 to an extent equivalent to a zero percent loan in an amount up to the other governmental unit's project costs necessary for connection. Eligibility for supplemental assistance under this paragraph ends three years after the agency certifies that the connection has met the operational performance standards established by the agency.

(e) The authority shall provide supplemental assistance to a municipality that has increased project costs resulting from a wastewater discharge to an outstanding resource value water as defined in Minnesota Rules, part 7050.0180, subpart 2, item A, and would not otherwise qualify for supplemental assistance. The amount of supplemental assistance under this paragraph is up to 100 percent of the increased project costs to comply with the applicable discharge restrictions. The agency shall determine the amount of project costs attributable to the discharge restrictions to the outstanding resource value water. A municipality may appeal the agency's determination to the public facilities authority within 60 days of notification of the determination."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 24, after line 28, insert:

"Sec. 4. Laws 1994, chapter 643, section 10, subdivision 10, as amended by Laws 1995, First Special Session chapter 2, article 1, section 42, is amended to read:

Subd. 10. ~~Rochester Technical College University~~  
~~Center Rochester~~

1,200,000

~~This appropriation is to the board of trustees of the Minnesota state colleges and universities for predesign and design of an integrated campus in accordance with this subdivision. \$600,000 of this appropriation is available immediately. The remainder is available after a master academic~~



~~plan has been approved under clause (3) and the technical college has been sold., remodeling of student support facilities, remodeling of facilities for joint academic programming, and construction of roads and other infrastructure to integrate the campus for the delivery of consolidated college, state university, and University of Minnesota programs at the University Center Rochester. Planning may include consideration of codevelopment of facilities with local units of government.~~

~~(1) The board of trustees of the Minnesota state colleges and universities may enter into an agreement for the sale of the Rochester Technical College. The sale is contingent on the approval of the board of trustees and a determination by the board of trustees that the sale is consistent with its priorities. The sale price shall equal the appraised value if sold to independent school district No. 535, Rochester, or, if sold to any other party, the sale price shall not be less than the appraised value.~~

~~It is the intent of the legislature that no technical college program reduction, apart from normal program review, shall occur as a result of this sale.~~

~~(2) The sale shall not cause the technical college to lease space or to move to any temporary site.~~

~~(3) Prior to the preparation of design documents, the post-secondary boards and the relevant campus staff shall jointly prepare a master academic plan for an integrated campus for the Rochester center facility. The boards shall consider the creation of a polytechnic university. The plan shall be submitted for review to the higher education finance divisions by January 16, 1996, and must be approved by the legislature before the remaining \$600,000 of the appropriation is available.~~

~~(4) The proceeds from the sale of the technical college are appropriated for the design and construction necessary to integrate technical college programs into the Rochester center and to add or modify space where necessary. The new technical college program space must be attached to and must maximize the current services, space, and programs of the technical college, community college, state university, and University of Minnesota cooperative campus. The state board of trustees may not begin construction of this project until the legislature has approved the construction plans.~~

~~(5) The state board of trustees shall develop a plan to relocate to the Austin, Faribault, and other Southeastern Minnesota campuses all Rochester campus programs that are not essential to the integrated mission planned for the Rochester center facility. This plan must be completed prior to preparing design documents for the technical college addition to the Rochester center.~~

~~(6) The state board of trustees shall consider relocating the horticulture technology program from the Rochester campus to the Austin campus of Riverland technical college before the start of the 1995-1996 academic year."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Pogemiller moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 34, after line 4, insert:

"Sec. 22. [UNIVERSITY OF MINNESOTA STEAM PLANT.]

Subdivision 1. [APPROPRIATION.] \$15,000,000 is appropriated from the bond proceeds fund to the regents of the University of Minnesota to help pay the cost of relocating a steam plant to a site approved by the city of Minneapolis away from the Mississippi river.

Subd. 2. [BOND SALE AUTHORIZATION.] To provide the money appropriated in this section from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$15,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mrs. Scheid moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 34, after line 4, insert:

"Sec. 22. [METROPOLITAN MAGNET SCHOOL GRANTS.]

Subdivision 1. [APPROPRIATION.] \$2,000,000 is appropriated from the bond proceeds fund to the commissioner of children, families, and learning to make metropolitan magnet school grants for schools at suburban sites under Minnesota Statutes, section 124C.498.

Subd. 2. [BOND SALE AUTHORIZATION.] To provide the money appropriated in this section from the bond proceeds fund, the commissioner of finance, on request of the governor,

shall sell and issue bonds of the state in an amount up to \$2,000,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Ten Eyck moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 28, after line 7, insert:

"Sec. 8. Laws 1994, chapter 643, section 19, subdivision 8, as amended by Laws 1995, First Special Session chapter 2, article 1, section 45, is amended to read:

Subd. 8. Battle Point

Historic Site

350,000

This appropriation is to the Indian Affairs Council for design of the Battle Point historic site, preliminary plans for which were authorized in Laws 1990, chapter 610, article 1, section 17, and Laws 1992, chapter 558, section 24, subdivision 5.

Notwithstanding Laws 1990, chapter 610, article 1, section 17, the planned educational center will be owned by ~~independent school district No. 115, Cass Lake-Bena~~ the state with custodial control assigned to the Indian Affairs Council, and is subject to Minnesota Statutes, section 16A.695. The center must be constructed on land leased to the ~~school district~~ state by the Leech Lake Band of Chippewa Indians under a ground lease having an initial term of at least 20 years and a total term of at least 40 years, including renewal options. The ground lease must be executed by the commissioner of administration under Minnesota Statutes, section 16B.24, subdivision 6, based on the recommendations of the Indian Affairs Council, provided that, notwithstanding the limitations of section 16B.24, subdivision 6, the lease must be for the initial term described in this subdivision. The ground lease must be administered by the Indian Affairs Council. The ~~school district~~ Indian Affairs Council must contract with the Leech Lake Band to operate the center on behalf of the council. The center and all classes and programs run by or through the center must be open to the public. Notwithstanding Minnesota Statutes, section 3.922, for the purposes of carrying out the duties assigned to it in this subdivision, the Indian Affairs Council is authorized to assume

custodial control over the planned educational center, administer the ground lease, enter into the contract described in this subdivision with the Leech Lake Band to operate the center, and take any other action necessary to carry out the duties assigned to it in this subdivision and to a public officer or agency by Minnesota Statutes, section 16A.695."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 31, line 27, delete "\$49,500,000" and insert "\$79,000,000"

Page 31, line 30, before the period, insert ", including parking to accommodate approximately 950 vehicles"

Page 32, after line 7, insert:

"The building must be located within an eight-mile radius of the capitol, providing approximately 360,000 net square feet, and at a cost not to exceed \$79,000,000 including the parking ramp, inflation adjustments, and other contingencies. The design-build plan will call for completion of the project in time for the department of revenue to take occupancy before the expiration of its current lease in November 1998. Notwithstanding Minnesota Statutes, section 15.50, subdivision 2, paragraphs (c) and (e), if the building is constructed within the capitol area as defined in paragraph (a) of that subdivision, plans for the building need not conform to the comprehensive plan for the area and need not be selected through a design competition.

As an alternative to building, the commissioner of administration may use this appropriation to purchase the building currently leased for use by the department of revenue as its headquarters or another existing building determined by the commissioner to be suitable for use as a headquarters building for the department of revenue. The commissioner of administration may not use or encumber any portion of this appropriation for remodeling or renovation of the current building. No agreement for purchase of the current building may include any agreement that the present owner undertake any remodeling or renovation of the building. However, the

commissioner may use or encumber a portion of this appropriation for remodeling or renovation, or enter an agreement to purchase the current building which includes remodeling or renovation, during the break between legislative sessions with the approval of the legislative coordinating commission."

Page 33, line 18, delete "\$47,600,000" and insert "\$77,050,000"

Page 33, after line 20, insert:

"Sec. 20. [CERTIFICATE OF PARTICIPATION FINANCING.]

Subdivision 1. [AUTHORIZATION.] The commissioner of administration is authorized, with the approval of the commissioner of finance, to finance or refinance the capital cost of acquisition and betterment of a new or existing building for use as a department of revenue headquarters building by entering into a lease-purchase agreement, and for this purpose to provide for the issuance of certificates of participation, on the terms and conditions and subject to the limitations set forth in this section. The terms acquisition and betterment shall have the meanings given them in Minnesota Statutes, section 475.51. Capital cost shall include all items of cost which, under generally accepted accounting principles may be capitalized, including all costs of the financing transaction.

Subd. 2. [PURPOSES.] Lease-purchase financing or refinancing may be used only after consultation with the legislative advisory commission and when the commissioner of administration determines that:

(1) based upon present circumstances, the state should and intends to purchase the property to be financed; and

(2) the financing is expected to result in a cost reduction to the state when compared to leasing, computed on a present value basis based upon assumptions approved by the commissioner of finance.

Subd. 3. [AGREEMENT TERMS.] Lease-purchase agreements entered into pursuant to this section:

(1) shall be for a total term not exceeding 20 years, which shall be subject to termination by the state at the end of each fiscal year or biennium during the term, without penalty, in the event the legislature enacts a law specifically prohibiting the expenditure of state money to pay lease-purchase payments coming due under the lease-purchase agreement in all subsequent fiscal years or bienniums;

(2) may be subject to prepayment on such dates and terms as are approved by the commissioner of finance;

(3) may designate a portion of the lease-purchase payments due under the lease-purchase agreement as interest;

(4) may require the state to maintain property, general liability and rental interruption insurance, or self-insure risks ordinarily covered by such insurance;

(5) may provide that, in the event of termination of the lease-purchase agreement pursuant to clause (1), the state is required to transfer or release its interest in and possession of the property, to pay all costs of the transfer or release, and to pay all lease-purchase payments due or accrued on or before the termination date;

(6) may provide that, in the event of default under the lease-purchase agreement by the state, the lessor or its assignee shall, after reasonable notice, have the right to possession of the property, shall have the right to enforce any mortgage, security interest, or other contractual rights it may

have under the lease-purchase agreement with respect to the property, and shall have the right to recover all lease-purchase payments due or to become due or to accrue during the current fiscal year or biennium. In no event shall the lessor be entitled to recover lease-purchase payments accruing after termination of the lease-purchase agreement or consequential or punitive damages; and

(7) may contain such other terms as are commonly contained in like agreements entered into on arms-length basis between private parties and which the commissioner of finance determines will be economically advantageous to the state.

Subd. 4. [LEASE-PURCHASE AND OTHER PAYMENTS.] Lease-purchase payments and other amounts required to be paid by the state under or to carry out its obligations under a lease-purchase agreement shall be paid from money appropriated to the state departments or agencies using the property to pay rental or lease-purchase payments and other costs of operating and maintaining their office space through the internal services fund, which money is reappropriated for this purpose, and to the extent of capitalized interest, if any, from financing proceeds of the lease-purchase agreement or certificates of participation.

Subd. 5. [CERTIFICATES OF PARTICIPATION; SALE.] Certificates of participation shall be issued and sold by or with the approval of the commissioner of finance on such terms and conditions and in such manner as the commissioner shall determine. The net proceeds of the certificates of participation and interest earnings on them shall be used to pay capital costs financed and are appropriated to the commissioner of administration for this purpose. Net proceeds and interest earnings not needed for this purpose are appropriated to the commissioner of administration to pay lease-purchase payments and shall be credited to the department or agencies using the property.

Subd. 6. [LEASE-PURCHASE AGREEMENT NOT DEBT.] The commissioner of administration may not enter into a lease-purchase agreement unless the commissioner of finance has conducted a demand survey of the amount of projected rentals and determines that money has been appropriated and allotted for the payment of the maximum amount of lease-purchase payments payable from state money and that will become due and payable during the appropriation period in which the lease-purchase agreement is entered into. A lease-purchase agreement does not constitute or create a general or moral obligation or indebtedness of the state in excess of the money from time to time appropriated or otherwise available for the payment of lease-purchase payments coming due under the lease-purchase agreement, and the state has no continuing obligation to appropriate money for the payment of lease-purchase payments or other amounts required to be paid under the lease-purchase agreement. Lease-purchase payments and other amounts due under a lease-purchase agreement during a fiscal year or biennium for which money has been appropriated are current expenses of the state.

Subd. 7. [TAX EXEMPTION.] Property subject to a lease-purchase agreement is not subject to real estate taxes.

Subd. 8. [RELATION TO OTHER LAWS.] The authority granted by this section is separate from and in addition to the authority granted in, and shall not be subject to the terms and conditions of, any other financing law.

Subd. 9. [APPROPRIATION.] \$2,300,000 is appropriated from the general fund to the bond proceeds fund to replace appropriations made by Laws 1995, First Special Session chapter 2, article 1, section 2, subdivision 2, and Laws 1996, chapter 463, section 13, subdivision 8, for predesign and design of new or existing revenue department facilities. This appropriation is only effective if the commissioner of administration elects to finance new revenue department facilities using certificate of participation financing under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 34, after line 4, insert:

"Sec. 22. [APPROPRIATION; HIBBING COLLEGE CAMPUS.]

(a) \$4,500,000 is appropriated from the bond proceeds fund to the board of trustees of the Minnesota state colleges and universities to construct additions and install related electrical and mechanical utilities at the Hibbing community college to prepare for colocation of programs.

(b) To provide the money appropriated by this section from the bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds of the state in an amount up to \$4,500,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Wiener moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Page 32, after line 7, insert:

"Sec. 14. Laws 1996, chapter 463, section 14, subdivision 7, is amended to read:

Subd. 7. Mariucci Ice  
and Tennis Facility

7,000,000

To the board of regents of the University of Minnesota to predesign, design, construct, and equip a new facility adjacent to Mariucci arena on the Minneapolis campus to include ~~an ice sheet and tennis courts~~ one or more ice sheets and tennis courts."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend H.F. No. 632, as amended by the Senate May 14, 1997, as follows:

(The text of the amended House File is identical to S.F. No. 436.)

Pages 15 to 22, delete article 4

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 22, Mr. Metzen moved that he be excused from voting on H.F. No. 632. The motion prevailed.

Mr. Morse moved that H.F. No. 632 be laid on the table. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Mrs. Lourey introduced--**

**S.F. No. 1958:** A bill for an act relating to education; providing that high school pupils enrolled in post-secondary courses may participate in high school activities; excluding grades earned in a post-secondary course from a pupil's grade point average and class rank in a secondary school; amending Minnesota Statutes 1996, section 123.3514, subdivision 5; and by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

#### **Mr. Kelly, R.C. introduced--**

**S.F. No. 1959:** A bill for an act relating to retirement; teachers retirement association; providing for a phase-out of the St. Paul teachers retirement fund association by including them in statewide retirement plan coverage; amending Minnesota Statutes 1996, sections 354.05, subdivision 2; 354A.011, subdivision 27; and 354A.05.

Referred to the Committee on Governmental Operations and Veterans.

#### **Messrs. Neville; Kelly, R.C.; Limmer; Johnson, D.H. and Laidig introduced--**

**S.F. No. 1960:** A bill for an act relating to crime prevention; proposing an amendment to the Minnesota Constitution, article I, section 7, to permit courts to deny a defendant's release on bail when necessary to protect the safety of any individual or the public; providing procedures governing pretrial and postconviction release and detention decisions; providing for appellate review of release and detention orders; imposing criminal penalties for failure to appear in court as required and for commission of a crime while on release; amending Minnesota Statutes 1996, sections 589.16; 609.49, subdivision 3; 629.53; 629.63; 629.715, subdivision 1; and 629.72, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; proposing coding for new law as Minnesota Statutes, chapter 629A; repealing Minnesota Statutes 1996, sections 609.49, subdivisions 1 and 2; 629.44; 629.45; 629.47; 629.48; 629.49; 629.54; 629.55; 629.58; 629.59; 629.60; 629.61; 629.62; and 629.64.

Referred to the Committee on Crime Prevention.

#### **Mr. Larson introduced--**

**S.F. No. 1961:** A bill for an act relating to capital improvements; authorizing spending for sanitary sewer systems in Ida and Lake Mary townships in Douglas county; authorizing issuance of bonds; appropriating money.

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

#### **Mr. Stevens, Mrs. Pariseau, Mr. Lessard and Ms. Olson introduced--**

**S.F. No. 1962:** A bill for an act relating to the environment; requiring public hearings and legislative review of any proposed state actions related to the atmospheric transport of ozone, including draft and final state implementation plans to be submitted to the United States Environmental Protection Agency; requiring prior legislative approval of and prohibiting the submission of state implementation plans under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 116.



Referred to the Committee on Environment and Natural Resources.

**Messrs. Stevens, Berg, Mrs. Pariseau, Messrs. Stumpf and Lessard introduced--**

**S.F. No. 1963:** A bill for an act relating to private property; providing for the Private Property Protection Act; proposing coding for new law as Minnesota Statutes, chapter 516.

Referred to the Committee on Judiciary.

#### **MEMBERS EXCUSED**

Ms. Flynn was excused from the Session of today. Ms. Piper was excused from the Session of today at 1:00 p.m. Ms. Berglin and Mrs. Scheid were excused from the Session of today from 10:00 to 10:40 a.m. Ms. Pappas was excused from the Session of today from 10:00 to 10:45 a.m.

#### **ADJOURNMENT**

Ms. Junge moved that the Senate do now adjourn until 10:00 a.m., Thursday, May 15, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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