

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

NINETY-FOURTH DAY

St. Paul, Minnesota, Wednesday, March 18, 1998

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, Dr. John Eagen.

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

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

The President declared a quorum present.

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

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. 2659 and 2861.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. President:

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

S.F. No. 695: A bill for an act relating to trusts; defining a nonprofit health care trust; establishing requirements for certain agreements or transactions between nonprofit health care trusts and for-profit corporations or entities; amending Minnesota Statutes 1996, section 317A.811, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 501B.

Senate File No. 695 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

CONCURRENCE AND REPASSAGE

Ms. Berglin moved that the Senate concur in the amendments by the House to S.F. No. 695 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 695 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:

Beckman	Hanson	Knutson	Neuville	Samuelson
Belanger	Higgins	Krentz	Novak	Scheevel
Berg	Hottinger	Langseth	Oliver	Scheid
Berglin	Johnson, D.E.	Larson	Olson	Solon
Betzold	Johnson, D.H.	Lesewski	Ourada	Spear
Cohen	Johnson, D.J.	Lessard	Pappas	Stevens
Day	Johnson, J.B.	Limmer	Piper	Stumpf
Dille	Junge	Lourey	Price	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Robertson	Terwilliger
Flynn	Kelly, R.C.	Metzen	Robling	Vickerman
Foley	Kiscaden	Moe, R.D.	Runbeck	Wiener
Frederickson	Kleis	Morse	Sams	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. 908: A bill for an act relating to financial institutions; trust companies; providing for the organization, powers, and duties of trust companies; providing fiduciary provisions for trust companies and banks exercising trust powers; regulating interstate trust offices; making conforming changes; amending Minnesota Statutes 1996, sections 48.01, subdivision 1; 48.36, subdivision 1; 48.37; 48.39; 48.41; 48.42; 48.43; 48.44; 48.45; 48.46; 48.47; 50.085, subdivision 14; 303.25, subdivision 3; 525.551, subdivision 6; and 525.56, subdivision 4; Minnesota Statutes 1997 Supplement, sections 16A.6701, subdivision 1; and 48.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 48A; repealing Minnesota Statutes 1996, sections 48.38; 48.475; 48.65; 48.66; 48.67; 48.68; 48.69; 48.70; 48.71; 48.72; 48.73; 48.75; 48.76; 48.77; 48.78; 48.79; 48.80; 48.81; 48.82; 48.83; 48.84; 48.841; 48.845; 48.846; 48.85; and 48.86; and Minnesota Statutes 1997 Supplement, section 48.476.

Senate File No. 908 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

CONCURRENCE AND REPASSAGE

Mr. Oliver moved that the Senate concur in the amendments by the House to S.F. No. 908 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 908 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2645: A bill for an act relating to metropolitan government; modifying requirement for affirmative action plans by certain contractors; amending Minnesota Statutes 1996, section 473.144.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. Wiger moved that the Senate do not concur in the amendments by the House to S.F. No. 2645, 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. 2252: A bill for an act relating to crimes; modifying criminal penalties for DWI; authorizing sentences to programs of intensive supervision; making technical correction; amending Minnesota Statutes 1997 Supplement, section 169.121, subdivision 3e.

Senate File No. 2252 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

CONCURRENCE AND REPASSAGE

Ms. Wiener moved that the Senate concur in the amendments by the House to S.F. No. 2252 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2252 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 726: A bill for an act relating to state government; modifying the state procurement process; authorizing rulemaking; making various conforming amendments; appropriating money; amending Minnesota Statutes 1996, sections 3.225, subdivision 2; 3.732, subdivision 6; 3.922, subdivision 5; 3C.10, subdivision 3; 4A.04; 6.551; 11A.24, subdivision 4; 12.221, subdivision 5; 15.054; 15.061; 16A.101; 16A.85, subdivision 1; 16B.181; 17.1015; 41A.023; 43A.23, subdivision 1; 44A.01, subdivision 1; 45.0291; 84.025, subdivision 7; 84.026; 84.0845; 85A.02, subdivisions 3, 16, and 18; 103F.515, subdivision 3; 116.03, subdivision 2; 116J.035, subdivision 1; 116J.402; 116J.58, subdivision 2; 116J.68, subdivision 2; 116J.966, subdivision 1; 124.14, subdivision 1; 126.151, subdivision 2; 129C.10, subdivision 7; 136A.06; 136A.16, subdivision 1; 136A.29, subdivision 6; 136F.23; 136F.56, subdivision 5; 136F.581, subdivision 3; 136F.66; 136F.72, subdivision 3; 136F.96; 137.35, subdivisions 1, 2, and 3; 144.0742; 144.95, subdivision 5; 161.315, subdivision 4; 161.321, subdivisions 1, 2, 5, 6, and 7; 161.41, subdivision 2; 179A.23; 198.35, subdivision 1; 216C.02, subdivision 1; 237.51, subdivision 5a; 241.0221, subdivision 6; 241.27, subdivision 2; 246.36; 246.57, subdivisions 1 and 6; 256B.031, subdivision 1; 256B.04, subdivisions 14 and 15; 298.2211, subdivision 4; 349A.06, subdivision 1; 349A.07, subdivision 6; 352.03, subdivisions 6 and 16; 354.06, subdivision 2a; 354.07, subdivision 7; 356A.06, subdivision 7; 446A.12, subdivision 5; 462A.18, subdivision 2; 471.345, subdivision 8; 473.142; 473.556, subdivision 14; 480.09, subdivision 1; and 626.90, subdivision 2; Minnesota Statutes 1997 Supplement, sections 3.225, subdivision 1; 16A.15, subdivision 3; 16B.465, subdivision 7;

16E.07, subdivision 9; 17.03, subdivision 12; 41D.03, subdivision 7; 61B.21, subdivision 1; 85A.02, subdivision 5b; 121.1113, subdivision 2; 136A.40; 138.35, subdivision 1b; 179A.03, subdivision 14; 216D.03, subdivision 2; 241.277, subdivision 2; 256B.19, subdivision 2a; 256D.03, subdivision 6; 353.03, subdivision 3a; and 626.91, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16C; and 174; repealing Minnesota Statutes 1996, sections 16B.06; 16B.07; 16B.08; 16B.09; 16B.101; 16B.102; 16B.103; 16B.123; 16B.13; 16B.14; 16B.15; 16B.16; 16B.167; 16B.17; 16B.175; 16B.18, subdivisions 1, 2, and 4; 16B.185; 16B.19; 16B.20, subdivisions 1 and 3; 16B.21; 16B.22; 16B.226; 16B.227; 16B.23; 16B.28; 16B.29; and 16B.89; Minnesota Statutes 1997 Supplement, sections 16B.18, subdivision 3; 16B.20, subdivision 2; and 16B.482.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. Knutson moved that the Senate do not concur in the amendments by the House to S.F. No. 726, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2119: A bill for an act relating to local government; authorizing municipalities to provide for contract bid specifications, design, and construction standards; amending Minnesota Statutes 1996, section 471.345, by adding a subdivision.

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

Jennings, Wolf and Hausman.

Senate File No. 2119 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. President:

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

S.F. No. 2192: A bill for an act relating to corporations; clarifying the application of certain statutory requirements for corporations created by political subdivisions; authorizing the ratification of a nonprofit corporation by Brown county; amending Minnesota Statutes 1997 Supplement, section 465.715, subdivision 1.

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

Harder, Rest and Erhardt.

Senate File No. 2192 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the

appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2351: A bill for an act relating to natural resources; adding to and deleting from state parks; creating a new recreation area; providing for a state park permit exemption; amending Minnesota Statutes 1996, section 85.054, by adding a subdivision.

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

Kalis, Osthoff and Sekhon.

Senate File No. 2351 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. President:

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

S.F. No. 2445: A bill for an act relating to public safety; regulating excavation notice system; authorizing commissioner of public safety to appoint pipeline safety committee; increasing civil penalty; amending Minnesota Statutes 1996, sections 216D.04, subdivisions 1, 3, and by adding a subdivision; 216D.05; and 216D.08, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 299J; repealing Minnesota Statutes 1996, section 299J.06.

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

Ozment, Jennings and Kahn.

Senate File No. 2445 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 3354:

The name of Jefferson has been deleted and the name of Mares has been added.

Edward A. Burdick, Chief Clerk, House of Representatives

March 17, 1998

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2708:

H.F. No. 2708: A bill for an act relating to agriculture; providing for associations of producers; setting dispute resolution procedures; establishing an advisory committee; amending Minnesota Statutes 1996, sections 17.692; 17.693, subdivisions 1, 2, and 6; 17.694, subdivisions 1, 2, 3, 6, and 7; 17.696, subdivision 2; 17.697; 17.698; 17.70, subdivisions 1, 2, and 3; 17.701; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 1996, section 17.699.

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

Juhnke; Johnson, R. and Swenson, H. have been appointed as such committee on the part of the House.

House File No. 2708 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1998

Mr. Frederickson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2708, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2722:

H.F. No. 2722: A bill for an act relating to the environment; providing penalties for violations of underground storage tank statutes and rules; amending Minnesota Statutes 1996, sections 115.071, by adding a subdivision; and 116.073, subdivisions 1 and 2.

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

McCollum, Wagenius and Kraus have been appointed as such committee on the part of the House.

House File No. 2722 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1998

Mr. Novak moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2722, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2736:

H.F. No. 2736: A bill for an act relating to counties; authorizing gifts to certain food distribution organizations; amending Minnesota Statutes 1996, section 465.039.

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

Hilty, Mariani and Kuisle have been appointed as such committee on the part of the House.

House File No. 2736 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 17, 1998

Mrs. Lourey moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2736, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 3397, 3399 and the reports pertaining to appointments. The motion prevailed.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 3397: A bill for an act relating to commerce; eliminating retroactive exemption from the franchise law of agreements between air carriers; amending Laws 1997, chapter 222, section 61.

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

Page 1, delete section 1 and insert:

"Section 1. Laws 1997, chapter 222, section 61, is amended to read:

Sec. 61. [EFFECTIVE DATE.]

Section 32, paragraph (h), is effective the day following final enactment and shall apply to all agreements or arrangements regardless of the date they were entered into or renewed provided, however, that section 32, paragraph (h), shall not apply to any agreements or arrangements subject to litigation pending on the date of enactment wherein such agreements or arrangements are alleged to constitute a franchise within the meaning of Minnesota Statutes, section 80C.01, subdivision 4. The nonapplicability of section 32, paragraph (h), to those agreements or arrangements subject to litigation pending on the date of enactment shall not evidence any intent nor be construed to mean that they would or would not otherwise constitute a franchise within the meaning of Minnesota Statutes, section 80C.01, subdivision 4.

Sections 4, 6, 7, 42, 43, 46, 48, and 57 are effective the day following final enactment.

Sections 53 and 54 are effective the day following final enactment and apply to causes of action arising from incidents occurring on or after that date."

Amend the title as follows:

Page 1, delete line 3 and insert "application of air carrier franchise exemption to pending litigation"

Page 1, line 4, delete everything before the semicolon

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Solon from the Committee on Commerce, to which was referred

S.F. No. 3399: A bill for an act relating to commerce; regulating franchises; modifying the definition of a franchise; amending Minnesota Statutes 1997 Supplement, section 80C.01, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Laws 1997, chapter 222, section 61, is amended to read:

Sec. 61. [EFFECTIVE DATE.]

Section 32, paragraph (h), is effective the day following final enactment and shall apply to all

agreements or arrangements regardless of the date they were entered into or renewed provided, however, that section 32, paragraph (h), shall not apply to any agreements or arrangements subject to litigation pending on the date of enactment wherein such agreements or arrangements are alleged to constitute a franchise within the meaning of Minnesota Statutes, section 80C.01, subdivision 4. The nonapplicability of section 32, paragraph (h), to those agreements or arrangements subject to litigation pending on the date of enactment shall not evidence any intent nor be construed to mean that they would or would not otherwise constitute a franchise within the meaning of Minnesota Statutes, section 80C.01, subdivision 4.

Sections 4, 6, 7, 42, 43, 46, 48, and 57 are effective the day following final enactment.

Sections 53 and 54 are effective the day following final enactment and apply to causes of action arising from incidents occurring on or after that date.

Sec. 2. [EFFECTIVE DATE.]

This act is effective retroactively to May 31, 1997."

Delete the title and insert:

"A bill for an act relating to commerce; eliminating retroactive application of air carrier franchise exemption to pending litigation; amending Laws 1997, chapter 222, section 61."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Sams from the Committee on Agriculture and Rural Development, to which were referred the following appointments as reported in the Journal for March 10, 1998:

MINNESOTA RURAL FINANCE AUTHORITY

Marlene Malstrom
Armin Tesch

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Sams from the Committee on Agriculture and Rural Development, to which was referred the following appointment as reported in the Journal for February 20, 1998:

BOARD OF ANIMAL HEALTH

Mahesh Kumar

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Vickerman from the Committee on Local and Metropolitan Government, to which were referred the following appointments as reported in the Journal for January 20, 1998:

GAMBLING CONTROL BOARD

Peggy Moon

METROPOLITAN COUNCIL

James J. Wychor

MINNESOTA RACING COMMISSION

John C. Farrell
Richard L. Pemberton
Cynthia Piper

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Morse, Ms. Wiener, Messrs. Cohen, Price and Ms. Robertson introduced--

S.F. No. 3400: A bill for an act relating to natural resources; prohibiting use of motorboats on certain waters in the boundary waters canoe area wilderness; providing a civil penalty; amending Minnesota Statutes 1996, section 97A.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Mr. Laidig, Ms. Kiscaden, Messrs. Johnson, D.E.; Oliver and Johnson, D.H. introduced--

S.F. No. 3401: A bill for an act relating to natural resources; prohibiting use of motorboats on certain waters in the boundary waters canoe area wilderness; providing a civil penalty; amending Minnesota Statutes 1996, section 97A.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Messrs. Beckman, Foley, Betzold, Frederickson and Spear introduced--

S.F. No. 3402: A bill for an act relating to natural resources; prohibiting use of motorboats on certain waters in the boundary waters canoe area wilderness; providing a civil penalty; amending Minnesota Statutes 1996, section 97A.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Mr. Kelley, S.P.; Ms. Ranum, Mr. Novak, Ms. Berglin and Mr. Wiger introduced--

S.F. No. 3403: A bill for an act relating to natural resources; prohibiting use of motorboats on certain waters in the boundary waters canoe area wilderness; providing a civil penalty; amending Minnesota Statutes 1996, section 97A.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Mr. Hottinger, Mses. Higgins, Anderson, Mrs. Lourey and Ms. Krentz introduced--

S.F. No. 3404: A bill for an act relating to natural resources; prohibiting use of motorboats on certain waters in the boundary waters canoe area wilderness; providing a civil penalty; amending Minnesota Statutes 1996, section 97A.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Mses. Johnson, J.B.; Flynn; Pappas; Mr. Marty and Ms. Piper introduced--

S.F. No. 3405: A bill for an act relating to natural resources; prohibiting use of motorboats on certain waters in the boundary waters canoe area wilderness; providing a civil penalty; amending Minnesota Statutes 1996, section 97A.225, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

MOTIONS AND RESOLUTIONS - CONTINUED

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. 2775, 161, 3046 and 537.

SPECIAL ORDER

S.F. No. 2775: A bill for an act relating to children; proposing an amendment to the Minnesota Constitution by adding a new article XV, and by renumbering certain sections; renaming the permanent school fund as the children's endowment fund; maximizing the long-term total return to the fund; requiring a work group to propose a governance structure for the endowment; proposing coding for new law as Minnesota Statutes, chapter 119C.

Mr. Neuville moved to amend S.F. No. 2775 as follows:

Page 2, line 19, delete "six" and insert "eight"

Page 3, line 2, delete "six" and insert "eight"

CALL OF THE SENATE

Mr. Hottinger imposed a call of the Senate for the balance of the proceedings on S.F. No. 2775. 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 23 and nays 42, as follows:

Those who voted in the affirmative were:

Berg	Kiscaden	Lesewski	Ourada	Scheevel
Berglin	Kleis	Limmer	Price	Stevens
Day	Knutson	Marty	Robertson	Terwilliger
Fischbach	Laidig	Neuville	Robling	
Frederickson	Larson	Olson	Runbeck	

Those who voted in the negative were:

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

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

Mr. Neuville moved to amend S.F. No. 2775 as follows:

Page 2, line 19, after "children" insert "from conception"

Page 3, line 2, after "children" insert "from conception"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Laidig	Neuville	Samuelson
Berg	Johnson, D.E.	Larson	Olson	Scheevel
Day	Johnson, D.J.	Lesewski	Ourada	Solon
Dille	Kelly, R.C.	Lessard	Robling	Stevens
Fischbach	Kleis	Limmer	Runbeck	Stumpf
Frederickson	Knutson	Metzen	Sams	Vickerman

Those who voted in the negative were:

Anderson	Hottinger	Langseth	Pappas	Ten Eyck
Belanger	Janezich	Lourey	Piper	Terwilliger
Berglin	Johnson, D.H.	Marty	Pogemiller	Wiener
Betzold	Johnson, J.B.	Moe, R.D.	Price	Wiger
Cohen	Junge	Morse	Ranum	
Flynn	Kelley, S.P.	Murphy	Robertson	
Foley	Kiscaden	Novak	Scheid	
Higgins	Krentz	Oliver	Spear	

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

S.F. No. 2775 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 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Day, Laidig, Samuelson and Stevens voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 161: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; article XI, sections 7 and 8; abolishing the office of state treasurer; transferring or repealing the powers, responsibilities, and duties of the state treasurer; amending Minnesota Statutes 1996, sections 9.011, subdivision 1; and 11A.03.

Mr. Kleis moved to amend S.F. No. 161 as follows:

Page 1, after line 10, insert:

"ARTICLE 1

Section 1. [CONSTITUTIONAL AMENDMENTS PROPOSED.]

Subdivision 1. [PROPOSAL TO PEOPLE.] An amendment to the Minnesota Constitution is proposed to the people as provided by subdivisions 2 to 6.

Subd. 2. [CHANGES TO ARTICLE IV.] If the amendment is adopted, article IV will read as follows:

Section 1. The legislature consists of the senate ~~and house of representatives.~~

Sec. 2. The number of members who compose the senate ~~and house of representatives~~ shall be prescribed by law, but not more than 135. The representation ~~in both houses~~ shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.

Sec. 3. At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature ~~senate~~ shall have the power to prescribe the bounds of congressional and legislative districts. Senators shall be chosen by single districts of convenient contiguous territory. ~~No representative district shall be divided in the formation of a senate district.~~ The senate districts shall be numbered in a regular series.

Sec. 4. ~~Representatives shall be chosen for a term of two years, except to fill a vacancy.~~ Senators shall be chosen for a term of four years, except to fill a vacancy and except there shall be an entire new election of all the senators at the first election ~~of representatives~~ after each new legislative apportionment redistricting provided for in this article and the senators chosen at that election from districts with odd numbers shall serve for an initial term of two years. The governor shall call elections to fill vacancies in either house of the legislature senate.

Sec. 5. No senator ~~or representative~~ shall hold any other office under the authority of the United States or the state of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator senator may resign from the legislature senate by tendering his resignation to the governor.

Sec. 6. Senators ~~and representatives~~ shall be qualified voters of the state, and shall have resided one year in the state and six months immediately preceding the election in the district from which elected. ~~Each house~~ The senate shall be the judge of the election returns and eligibility of its own members. The legislature senate shall prescribe by law the manner for taking evidence in cases of contested seats ~~in either house.~~

Sec. 7. ~~Each house~~ The senate may determine the rules of its proceedings, sit upon its own adjournment, punish its ~~members~~ for disorderly behavior, and with the concurrence of two-thirds expel a member; but no member shall be expelled a second time for the same offense.

Sec. 8. Each member and officer of the legislature senate before entering upon his duties shall take an oath or affirmation to support the Constitution of the United States, the constitution of this state, and to discharge faithfully the duties of his office to the best of his judgment and ability.

Sec. 9. The compensation of senators ~~and representatives~~ shall be prescribed by law. No increase of compensation shall take effect during the period for which the members of the existing ~~house of representatives~~ senate may have been elected.

Sec. 10. The members of ~~each house~~ the senate in all cases except treason, felony and breach of the peace, shall be privileged from arrest ~~during the session of their respective houses~~ and in going to or returning from the same. For any speech or debate in ~~either house~~ the senate they shall not be questioned in any other place.

Sec. 11. Two or more members of ~~either house~~ the senate may dissent and protest against any act or resolution which they think injurious to the public or to any individual and have the reason of their dissent entered in the journal.

Sec. 12. The ~~legislature~~ senate shall meet at the seat of government in regular session in each biennium at the times prescribed by law for not exceeding a total of 120 legislative days. The ~~legislature~~ senate shall not meet in regular session, nor in any adjournment thereof, after the first Monday following the third Saturday in May of any year. After meeting at a time prescribed by law, the ~~legislature~~ senate may adjourn to another time. "Legislative day" shall be defined by law. A special session of the ~~legislature~~ senate may be called by the governor on extraordinary occasions.

~~Neither house during a session of the legislature shall adjourn for more than three days (Sundays excepted) nor to any other place than that in which the two houses shall be assembled without the consent of the other house.~~

Sec. 13. A majority of ~~each house~~ the senate constitutes a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members in the manner and under the penalties it may provide.

Sec. 14. ~~Each house~~ The senate shall be open to the public during its sessions except in cases which in its opinion require secrecy.

Sec. 15. ~~Each house~~ The senate shall elect its presiding officer and other officers as may be provided by law. ~~Both houses~~ It shall keep journals of ~~their~~ its proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered in the ~~journals~~ journal.

Sec. 16. In all elections by the ~~legislature~~ senate members shall vote viva voce and their votes shall be entered in the journal.

Sec. 17. No law shall embrace more than one subject, which shall be expressed in its title.

~~Sec. 18. All bills for raising revenue shall originate in the house of representatives, but the senate may propose and concur with the amendments as on other bills.~~

Sec. 19. Every bill shall be reported on three different days in ~~each house~~ the senate, unless, in case of urgency, two-thirds of the ~~house where the bill is pending~~ senate deem it expedient to dispense with this rule.

Sec. 20. Every bill passed by ~~both houses~~ the senate shall be enrolled and signed by the presiding officer ~~of each house~~. Any presiding officer refusing to sign a bill passed by ~~both houses~~ shall thereafter be disqualified from any office of honor or profit in the state. ~~Each house~~ The senate by rule shall provide the manner in which a bill shall be certified for presentation to the governor in case of such refusal.

Sec. 21. No bill shall be passed by ~~either house~~ upon the day prescribed for adjournment. This section shall not preclude the enrollment of a bill or its transmittal ~~from one house to the other~~ or to the executive for his signature.

Sec. 22. The style of all laws of this state shall be: "Be it enacted by the ~~legislature~~ senate of the state of Minnesota." No law shall be passed unless voted for by a majority of ~~all the members elected to each house of the legislature~~ senate, and the vote entered in the journal of ~~each house~~.

Sec. 23. Every bill passed in conformity to the rules of each house and the joint rules of the two houses ~~senate~~ shall be presented to the governor. If he approves a bill, he shall sign it, deposit it in the office of the secretary of state and notify the house in which it originated ~~senate~~ of that fact. If he vetoes a bill, he shall return it with his objections to the house in which it originated ~~senate~~. His objections shall be entered in the journal. If, after reconsideration, two-thirds of that house ~~the senate~~ agree to pass the bill, it shall be sent, together with the governor's objections, to the other ~~house~~, which shall likewise reconsider it. If approved by two-thirds of that house it becomes a law and shall be deposited in the office of the secretary of state. In such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered in the journal of each house. Any bill not returned by the governor within three days (Sundays excepted) after it is presented to him becomes a law as if he had signed it, unless the legislature ~~senate~~ by adjournment within that time prevents its return. Any bill passed during the last three days of a session may be presented to the governor during the three days following the day of final adjournment and becomes law if the governor signs and deposits it in the office of the secretary of state within 14 days after the adjournment of the legislature ~~senate~~. Any bill passed during the last three days of the session which is not signed and deposited within 14 days after adjournment does not become a law.

If a bill presented to the governor contains several items of appropriation of money, he may veto one or more of the items while approving the bill. At the time he signs the bill the governor shall append to it a statement of the items he vetoes and the vetoed items shall not take effect. If the legislature ~~senate~~ is in session, he shall transmit to the house in which the bill originated ~~senate~~ a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration any item is approved by two-thirds of the members elected to each house, it is a part of the law notwithstanding the objections of the governor.

Sec. 24. Each order, resolution or vote requiring the concurrence of the two houses except such as relate to the business or adjournment of the legislature ~~senate~~ shall be presented to the governor and is subject to his veto as prescribed in case of a bill.

Sec. 25. During a session each house ~~the senate~~ may punish by imprisonment for not more than 24 hours any person not a member who is guilty of any disorderly or contemptuous behavior in its presence.

Sec. 26. Passage of a general banking law requires the vote of two-thirds of the members of each house of the legislature ~~senate~~.

Subd. 3. [CHANGES TO ARTICLE VIII.] If the amendment is adopted, article VIII, sections 1 and 6, will read as follows:

Section 1. The house of representatives ~~senate~~ has the sole power of impeachment through a concurrence of a majority of all its members. All impeachments shall be tried by the senate. When sitting for that purpose, senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators present.

Sec. 6. A member of the senate ~~or the house of representatives~~, an executive officer of the state identified in section 1 of article V of the constitution, or a judge of the supreme court, the court of appeals, or a district court is subject to recall from office by the voters. The grounds for recall of a judge shall be established by the supreme court. The grounds for recall of an officer other than a judge are serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office of a serious crime. A petition for recall must set forth the specific conduct that may warrant recall. A petition may not be issued until the supreme court has determined that the facts alleged in the petition are true and are sufficient grounds for issuing a recall petition. A petition must be signed by a number of eligible voters who reside in the district where the officer serves and who number not less than 25 percent of the number of votes cast for the office at the most recent general election. Upon a determination by the secretary of state that a petition has been signed by at least the minimum number of eligible voters, a recall election must be conducted in the manner provided by law. A recall election may not occur less than six months before the end of the officer's term. An officer who is removed

from office by a recall election or who resigns from office after a petition for recall issues may not be appointed to fill the vacancy that is created.

Subd. 4. [CHANGES TO ARTICLE IX.] If the amendment is adopted, article IX, sections 1 and 2, will read as follows:

Section 1. ~~A majority~~ Sixty percent of the members elected to ~~each house of the legislature~~ senate may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session and submitted to the people for their approval or rejection at a general election. ~~If a majority 60 percent of all the electors voting at the election on the amendment~~ vote to ratify an amendment, it becomes a part of this constitution. If two or more amendments are submitted at the same time, voters shall vote for or against each separately.

Sec. 2. Two-thirds of the members elected to ~~each house of the legislature~~ senate may submit to the electors at the next general election the question of calling a convention to revise this constitution. ~~If a majority 60 percent of all the electors voting at the election vote for a convention, the legislature~~ senate at its next session, shall provide by law for calling the convention. The convention shall consist of as many delegates as there are members of the house of representatives senate. Delegates shall be chosen in the same manner as members of the ~~house of representatives~~ senate and shall meet within three months after their election. Section 5 of article IV of the constitution does not apply to election to the convention.

Subd. 5. [CHANGE TO ARTICLE XI.] If the amendment is adopted, article XI, section 5, will read as follows:

Sec. 5. Public debt may be contracted and works of internal improvements carried on for the following purposes:

(a) to acquire and to better public land and buildings and other public improvements of a capital nature and to provide money to be appropriated or loaned to any agency or political subdivision of the state for such purposes if the law authorizing the debt is adopted by the vote of at least three-fifths of the members of ~~each house of the legislature~~ senate;

(b) to repel invasion or suppress insurrection;

(c) to borrow temporarily as authorized in section 6;

(d) to refund outstanding bonds of the state or any of its agencies whether or not the full faith and credit of the state has been pledged for the payment of the bonds;

(e) to establish and maintain highways subject to the limitations of article XIV;

(f) to promote forestation and prevent and abate forest fires, including the compulsory clearing and improving of wild lands whether public or private;

(g) to construct, improve and operate airports and other air navigation facilities;

(h) to develop the state's agricultural resources by extending credit on real estate security in the manner and on the terms and conditions prescribed by law;

(i) to improve and rehabilitate railroad rights-of-way and other rail facilities whether public or private, provided that bonds issued and unpaid shall not at any time exceed \$200,000,000 par value; and

(j) as otherwise authorized in this constitution.

As authorized by law political subdivisions may engage in the works permitted by (f), (g), and (i) and contract debt therefor.

Subd. 6. [EFFECTIVE DATE.] If the amendment is adopted, it is effective for members of the legislature whose terms begin the first Monday in January 2003.

Sec. 2. [BALLOT PROPOSITION.]

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

"Shall the Minnesota Constitution be amended to provide that the Minnesota House of Representatives and Senate be combined and a single legislative body be created, beginning in 2003?"

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

Sec. 3. [REPEALER.]

Minnesota Statutes 1996, sections 2.021; and 2.031, subdivision 1, are repealed.

Sec. 4. [EFFECTIVE DATE.]

If the amendment proposed in section 1 is adopted, section 3 is effective for members of the legislature whose terms begin the first Monday in January 2003."

Page 1, line 11, delete "1" and insert "2"

Page 4, line 23, delete "2" and insert "3"

Page 5, line 9, delete "1" and insert "2"

Amend the title accordingly

CALL OF THE SENATE

Ms. Wiener imposed a call of the Senate for the balance of the proceedings on S.F. No. 161. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Kleis moved to amend S.F. No. 161 as follows:

Page 4, line 20, after "treasurer" insert "and should the voters be able to decide if they wish to combine the Minnesota house of representatives and senate into a single legislative body"

Mr. Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 161 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 59 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille Hanson Laidig Novak Terwilliger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3046: A bill for an act relating to transportation; creating surface transportation fund; dedicating motor vehicle sales tax revenues to transportation; proposing an amendment to the Minnesota Constitution by adding a section to article XIV; proposing coding for new law in Minnesota Statutes, chapter 174.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Ms. Junge moved to amend S.F. No. 537 as follows:

Page 2, line 11, after "by" insert "a person in a position of authority, or by"

Page 2, line 12, reinstate the stricken comma

Page 2, line 15, after the first stricken "of" insert "or by a person in" and reinstate the stricken "a position of"

Page 2, line 16, reinstate the stricken language

Page 3, lines 16 and 21, after "by" insert "a person in a position of authority, or by"

Page 3, lines 17 and 22, reinstate the stricken comma

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend S.F. No. 537 as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1996, section 125.09, is amended by adding a subdivision to read:

Subd. 1a. [MANDATORY REVOCATION OF LICENSE.] The board of teaching or state board of education shall permanently revoke a teacher's license to teach if the board learns that the teacher has ever been convicted of an offense for which registration is required under section 243.166 or has been convicted of a violation of section 609.3451."

Page 10, after line 34, insert:

"Section 1 is effective August 1, 1998."

Page 10, line 35, delete "2 to 7" and insert "3 to 8"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 537 as follows:

Page 1, line 22, delete everything after "in"

Page 1, line 23, delete everything before the comma and insert "paragraph (c)"

Page 1, after line 26, insert:

"(c) A court may stay the adjudication of a defendant's guilt:

(1) as provided in section 152.18;

(2) if the parties agree to the stay; or

(3) if the court determines that a manifest injustice would occur unless the adjudication of guilt is stayed, and the factual basis for the determination is stated on the record."

Page 1, line 27, delete "(c) Paragraph (b)" and insert "(d) This section"

Page 1, after line 28, insert:

"(e) Notwithstanding Minnesota Rules of Criminal Procedure, rule 28.04, subdivision 2, clause (6), when the prosecuting attorney appeals a stay of adjudication a court may not order that the defendant's attorneys fees and costs be paid by the governmental unit responsible for the prosecution.

(f) Notwithstanding Minnesota Rules of Criminal Procedure, rule 28.04, subdivision 2, clause (8), the prosecuting attorney may appeal a stay of adjudication within 30 days after the defense, or the clerk of court pursuant to Minnesota Rules of Criminal Procedure, rule 33.03, subsequently serves notice of entry of the order appealed from upon the prosecuting attorney or within 30 days after the prosecuting attorney is notified in court on the record of the order, whichever occurs first."

Mr. Knutson requested division as follows:

First portion:

Page 1, line 22, delete everything after "in"

Page 1, line 23, delete everything before the comma and insert "paragraph (c)"

Page 1, after line 26, insert:

"(c) A court may stay the adjudication of a defendant's guilt:

(1) as provided in section 152.18;

(2) if the parties agree to the stay; or

(3) if the court determines that a manifest injustice would occur unless the adjudication of guilt is stayed, and the factual basis for the determination is stated on the record."

Second portion:

Page 1, line 27, delete "(c) Paragraph (b)" and insert "(d) This section"

Page 1, after line 28, insert:

"(e) Notwithstanding Minnesota Rules of Criminal Procedure, rule 28.04, subdivision 2, clause (6), when the prosecuting attorney appeals a stay of adjudication a court may not order that the defendant's attorneys fees and costs be paid by the governmental unit responsible for the prosecution.

(f) Notwithstanding Minnesota Rules of Criminal Procedure, rule 28.04, subdivision 2, clause (8), the prosecuting attorney may appeal a stay of adjudication within 30 days after the defense, or the clerk of court pursuant to Minnesota Rules of Criminal Procedure, rule 33.03, subsequently serves notice of entry of the order appealed from upon the prosecuting attorney or within 30 days after the prosecuting attorney is notified in court on the record of the order, whichever occurs first."

CALL OF THE SENATE

Ms. Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 537. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the first portion of the Neuville amendment. The motion prevailed. So the first portion of the Neuville amendment was adopted.

The question was taken on the adoption of the second portion of the Neuville amendment. The motion prevailed. So the second portion of the Neuville amendment was adopted.

Ms. Junge moved that S.F. No. 537 be laid on the table. The motion prevailed.

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. 2276: A bill for an act relating to children; modifying certain parentage and child support enforcement provisions; amending Minnesota Statutes 1996, sections 257.64, subdivision 3; 518.54, subdivision 8, and by adding a subdivision; 518.551, subdivisions 1, 5, and 9; and 518.615, subdivision 2; Minnesota Statutes 1997 Supplement, sections 518.54, subdivision 6; 518.551, subdivision 5b; 518.5511, by adding a subdivision; 518.6111, subdivisions 9 and 14; 518.615, subdivision 1; and 552.04, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 518.

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

Dawkins, Leighton, Biernat, Larsen and Bishop.

Senate File No. 2276 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1998

Mr. President:

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

S.F. No. 1378: A bill for an act relating to government data practices; modifying the Data Practices Act; providing for data privacy for certain audit information; classifying certain law enforcement data; providing for the classification of and access to government data; providing that certain documents may be classified as nonpublic data until negotiations with vendors and best and final offers are received; making technical and clarifying changes to tax disclosure provisions; amending Minnesota Statutes 1996, sections 13.794, subdivision 1; 13.82, by adding subdivisions; 13.85, subdivision 2; 13.99, by adding subdivisions; 171.12, subdivision 1; 270B.02, subdivision 3; 270B.03, subdivision 6; 270B.12, subdivision 6; and 629.341, subdivision 4; Minnesota Statutes 1997 Supplement, sections 13.46, subdivision 2; 260.161, subdivision 1; 268.19; 270B.01, subdivision 8; 299C.095, subdivision 2; and 471A.03, subdivision 3; repealing Minnesota Statutes 1996, section 270.10, subdivision 3.

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

McGuire, Macklin and Skoglund.

Senate File No. 1378 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1998

Mr. President:

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

S.F. No. 3346: A bill for an act relating to human services; appropriating money; changing provisions for long-term care, health care programs and provisions, including MA and GAMC, MinnesotaCare, welfare reform, and regional treatment centers; providing for the sale of certain nursing home property; regulating compulsive gambling; imposing penalties; amending Minnesota Statutes 1996, sections 119B.24; 144.701, subdivisions 1, 2, and 4; 144.702, subdivisions 1, 2, and 8; 144A.09, subdivision 1; 144A.44, subdivision 2; 214.03; 245.462, subdivisions 4 and 8; 245.4871, subdivision 4; 245A.03, by adding a subdivision; 245A.14, subdivision 4; 256.014, subdivision 1; 256.969, subdivisions 16 and 17; 256B.03, subdivision 3; 256B.04, by adding a subdivision; 256B.055, subdivision 7, and by adding a subdivision; 256B.057, subdivision 3a, and by adding subdivisions; 256B.0625, subdivisions 7, 17, 19a, 20, 34, and by adding subdivisions; 256B.0627, subdivision 4; 256B.0911, subdivision 4; 256B.0916; 256B.41, subdivision 1; 256B.431, subdivisions 2b, 4, 11, 22, and by adding a subdivision; 256B.501, subdivision 2; 256B.69, by adding subdivisions; 256D.03, subdivision 4, and by adding subdivisions; 256D.051, by adding a subdivision; 256D.46, subdivision 2; 256I.04, subdivisions 1, 3, and by adding a subdivision; 256I.05, subdivision 2; and 609.115, subdivision 9; Minnesota Statutes 1997 Supplement, sections 60A.15, subdivision 1; 62J.685; 62J.69, subdivisions 1, 2, and by adding a subdivision; 62J.75; 103I.208, subdivision 2; 144.1494, subdivision 1; 144A.071, subdivision 4a; 171.29, subdivision 2; 214.32, subdivision 1; 245B.06, subdivision 2; 256.01, subdivision 2; 256.031, subdivision 6; 256.9657, subdivision 3; 256.9685, subdivision 1; 256.9864; 256B.04,

subdivision 18; 256B.056, subdivisions 1a and 4; 256B.06, subdivision 4; 256B.062; 256B.0625, subdivision 31a; 256B.0627, subdivision 5; 256B.0645; 256B.0911, subdivisions 2 and 7; 256B.0913, subdivision 14; 256B.0915, subdivisions 1d and 3; 256B.0951, by adding a subdivision; 256B.431, subdivisions 3f and 26; 256B.433, subdivision 3a; 256B.434, subdivision 10; 256B.69, subdivisions 2 and 3a; 256B.692, subdivisions 2 and 5; 256B.77, subdivisions 3, 7a, 10, and 12; 256D.05, subdivision 8; 256J.02, subdivision 4; 256J.03; 256J.08, subdivisions 11, 26, 28, 40, 60, 68, 73, 83, and by adding subdivisions; 256J.09, subdivisions 6 and 9; 256J.11, subdivision 2, as amended; 256J.12; 256J.14; 256J.15, subdivision 2; 256J.20, subdivisions 2 and 3; 256J.21; 256J.24, subdivisions 1, 2, 3, 4, and by adding subdivisions; 256J.26, subdivisions 1, 2, 3, and 4; 256J.28, subdivisions 1, 2, and by adding a subdivision; 256J.30, subdivisions 10 and 11; 256J.31, subdivisions 5 and 10; 256J.32, subdivisions 4, 6, and by adding a subdivision; 256J.33, subdivisions 1 and 4; 256J.35; 256J.36; 256J.37, subdivisions 1, 2, 9, and by adding subdivisions; 256J.38, subdivision 1; 256J.39, subdivision 2; 256J.395; 256J.42; 256J.43; 256J.45, subdivisions 1, 2, and by adding a subdivision; 256J.46, subdivisions 1, 2, and 2a; 256J.47, subdivision 4; 256J.48, subdivisions 2, 3, and by adding a subdivision; 256J.49, subdivision 4; 256J.50, subdivision 5, and by adding a subdivision; 256J.52, subdivision 4; 256J.54, subdivisions 2, 3, 4, and 5; 256J.55, subdivision 5; 256J.56; 256J.57, subdivision 1; 256J.645, subdivision 3; 256J.74, subdivision 2, and by adding a subdivision; 256K.03, subdivision 5; 256L.01; 256L.02, subdivisions 2 and 3; 256L.03, subdivisions 1, 3, 4, 5, and by adding subdivisions; 256L.04, subdivisions 1, 2, 7, 8, 9, 10, and by adding subdivisions; 256L.05, subdivisions 2, 3, 4, and by adding subdivisions; 256L.06, subdivision 3; 256L.07; 256L.09, subdivisions 2, 4, and 6; 256L.11, subdivision 6; 256L.12, subdivision 5; 256L.15; 256L.17, by adding a subdivision; and 270A.03, subdivision 5; Laws 1994, chapter 633, article 7, section 3; Laws 1997, chapter 203, article 4, section 64; and article 9, section 21; chapter 207, section 7; chapter 225, article 2, section 64; and chapter 248, section 46, as amended; proposing coding for new law in Minnesota Statutes, chapters 144; 145; 245; 256; 256B; 256D; 256J; and 256L; repealing Minnesota Statutes 1996, sections 144.0721, subdivision 3a; 256.031, subdivisions 1, 2, 3, and 4; 256.032; 256.033, subdivisions 2, 3, 4, 5, and 6; 256.034; 256.035; 256.036; 256.0361; 256.047; 256.0475; 256.048; 256.049; and 256B.501, subdivision 3g; Minnesota Statutes 1997 Supplement, sections 62J.685; 144.0721, subdivision 3; 256.031, subdivisions 5 and 6; 256.033, subdivisions 1 and 1a; 256B.057, subdivision 1a; 256B.062; 256B.0913, subdivision 15; 256J.25; 256J.28, subdivision 4; 256J.32, subdivision 5; 256J.34, subdivision 5; 256J.76; 256L.04, subdivisions 3, 4, 5, and 6; 256L.06, subdivisions 1 and 2; 256L.08; 256L.09, subdivision 3; 256L.13; and 256L.14; Laws 1997, chapter 85, article 1, sections 61 and 71; and article 3, section 55; Minnesota Rules (Exempt), parts 9500.9100; 9500.9110; 9500.9120; 9500.9130; 9500.9140; 9500.9150; 9500.9160; 9500.9170; 9500.9180; 9500.9190; 9500.9200; 9500.9210; and 9500.9220.

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

Greenfield, Wejcman, Winter, Bradley and Goodno.

Senate File No. 3346 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1998

Mr. President:

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

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

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 17, 1998

Mr. Kelly, R.C. moved that the Senate do not concur in the amendments by the House to S.F. No. 2586, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 726: Messrs. Knutson, Metzen and Ms. Wiener.

S.F. No. 2645: Mr. Wiger, Mrs. Robling and Mr. Kelley, S.P.

H.F. No. 2708: Messrs. Frederickson, Beckman and Vickerman.

H.F. No. 2722: Messrs. Novak, Dille and Lessard.

S.F. No. 2586: Messrs. Kelly, R.C.; Morse and Limmer.

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

MEMBERS EXCUSED

Mrs. Pariseau was excused from the Session of today. Messrs. Janezich and Murphy were excused from the Session of today from 10:00 to 10:40 a.m. Mr. Pogemiller was excused from the Session of today from 10:00 to 10:45 a.m. Ms. Ranum was excused from the Session of today from 10:00 to 11:15 a.m. Ms. Anderson was excused from the Session of today from 10:30 to 11:00 a.m. Mr. Johnson, D.J. was excused from the Session of today at 12:30 p.m. Mr. Beckman was excused from the Session of today from 12:45 to 1:00 p.m. Mr. Novak was excused from the Session of today at 2:15 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 19, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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