

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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THIRD DAY

St. Paul, Minnesota, Monday, January 11, 1999

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

## CALL OF THE SENATE

Senator 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. Arthur Bowman.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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

Senators Dille; Johnson, D.H.; Knutson; Neuville; Olson and Runbeck were excused from the Session of today.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

**Senate Concurrent Resolution No. 1:** A Senate concurrent resolution relating to the adoption of temporary joint rules.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 7, 1999

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

**Senate Concurrent Resolution No. 2:** A Senate concurrent resolution relating to parking space on the Capitol grounds, Capitol Approach and Aurora Avenue for members of the Legislature and staff.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 7, 1999

### MOTIONS AND RESOLUTIONS

Senator Johnson, D.J. moved that the names of Senators Hottinger and Murphy be added as co-authors to S.F. No. 1. The motion prevailed.

Senator Kelley, S.P. moved that the names of Senators Lesewski, Frederickson and Janezich be added as co-authors to S.F. No. 2. The motion prevailed.

Senator Johnson, D.J. moved that the name of Senator Kiscaden be added as a co-author to S.F. No. 7. The motion prevailed.

Senator Stumpf moved that the name of Senator Sams be added as a co-author to S.F. No. 12. The motion prevailed.

Senator Johnson, D.J. moved that the name of Senator Wiger be added as a co-author to S.F. No. 15. The motion prevailed.

Senator Metzen moved that the name of Senator Murphy be added as a co-author to S.F. No. 18. The motion prevailed.

Senator Metzen moved that the names of Senators Solon and Frederickson be added as co-authors to S.F. No. 20. The motion prevailed.

Senator Samuelson moved that the names of Senators Metzen and Robling be added as co-authors to S.F. No. 25. The motion prevailed.

Senator Betzold moved that the name of Senator Wiger be added as a co-author to S.F. No. 41. The motion prevailed.

Senator Marty moved that the name of Senator Knutson be added as a co-author to S.F. No. 46. The motion prevailed.

#### **Senators Moe, R.D. and Day introduced--**

**Senate Concurrent Resolution No. 3:** A Senate concurrent resolution relating to the adjournment of the Senate and House of Representatives on January 14, 1999.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, that upon adjournment on January 14, 1999, the Senate and House of Representatives may each adjourn for more than three days.

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Senator Betzold moved that S.F. No. 8 be withdrawn from the Committee on Taxes and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senator Novak introduced--**

**S.F. No. 49:** A bill for an act relating to economic development and international trade; establishing a Minnesota office of international affairs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 4.

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

**Senators Novak; Johnson, D.H.; Ourada; Johnson, J.B. and Scheevel introduced--**

**S.F. No. 50:** A bill for an act relating to utilities; abolishing sunset provision repealing performance-based gas purchasing plans; repealing Minnesota Statutes 1998, section 216B.167, subdivisions 7 and 8.

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

**Senator Langseth introduced--**

**S.F. No. 51:** A bill for an act relating to education; providing for declining pupil unit aid for independent school district Nos. 2854, Ada-Borup; 2176, Warren-Alvarado-Oslo; 846, Breckenridge; and 595, East Grand Forks.

Referred to the Committee on Children, Families and Learning.

**Senators Samuelson, Ten Eyck, Sams and Lourey introduced--**

**S.F. No. 52:** A bill for an act relating to health; providing for certain patient rights and protections; amending Minnesota Statutes 1998, sections 62D.07, subdivision 3; 62D.11, subdivision 1; 62J.451, subdivision 6a; 62J.71, subdivision 1; 62J.72, subdivision 1; 62J.80; 62M.05, subdivisions 1, 3, and by adding subdivisions; 62M.06, by adding a subdivision; 62Q.10; 62Q.105, subdivisions 3, 7, and by adding a subdivision; 62Q.106; 62Q.19, subdivision 5a; 62Q.55; 62Q.56, subdivision 1, and by adding subdivisions; 72A.201, subdivision 4a; and 256B.692, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62J; 62M; and 62Q; repealing Minnesota Statutes 1998, sections 62J.42; 62Q.105, subdivision 4; 62Q.11; 62Q.30; 62Q.51, subdivision 4; and 62Q.58.

Referred to the Committee on Health and Family Security.

**Senator Samuelson introduced--**

**S.F. No. 53:** A bill for an act relating to recreational vehicles; modifying the operation provisions of all-terrain vehicles; amending Minnesota Statutes 1998, section 84.928, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**Senators Larson, Berglin, Stevens, Pogemiller and Kiscaden introduced--**

**S.F. No. 54:** A bill for an act relating to income tax; modifying the long-term care insurance credit; amending Minnesota Statutes 1998, section 290.0672, subdivision 2.

Referred to the Committee on Taxes.

**Senators Stevens, Olson, Dille, Stumpf and Johnson, J.B. introduced--**

**S.F. No. 55:** A bill for an act relating to wetlands; creating a cost-share program for small cities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103G.

Referred to the Committee on Environment and Natural Resources.

**Senators Stevens, Pogemiller, Kleis and Fischbach introduced--**

**S.F. No. 56:** A bill for an act relating to retirement; St. Cloud police consolidation account; providing for the inclusion of account pension and benefit recipients in the 1997 PERA-P&F benefit increases enacted during the course of the consolidation process.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Stevens, Sams, Dille, Scheevel and Vickerman introduced--**

**S.F. No. 57:** A bill for an act relating to agriculture; providing for shared savings loans for demonstration projects of manure digester technology; requiring purchase of energy from manure waste methane recovery systems; providing rebates; appropriating money; amending Minnesota Statutes 1998, section 17.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Agriculture and Rural Development.

**Senators Stevens; Johnson, D.J.; Day; Vickerman and Fischbach introduced--**

**S.F. No. 58:** A bill for an act relating to taxation; sales and use; exempting sales to political subdivisions of a state; amending Minnesota Statutes 1998, sections 297A.25, subdivision 11; and 297A.47.

Referred to the Committee on Taxes.

**Senators Stevens and Ourada introduced--**

**S.F. No. 59:** A bill for an act relating to state lands; authorizing conveyance of certain tax-forfeited land that borders public water in Sherburne county.

Referred to the Committee on Environment and Natural Resources.

**Senators Flynn; Moe, R.D.; Johnson, D.E.; Junge and Day introduced--**

**S.F. No. 60:** A bill for an act relating to elections; defining certain terms; changing the name of the state partisan primary to the state party nominating election; requiring candidates to demonstrate party support before being listed on a party's ballot; moving the state party nominating election and primary from September to June; changing certain procedures, terms, and deadlines; amending Minnesota Statutes 1998, sections 10A.255, subdivisions 1 and 3; 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 200.02, by adding a subdivision; 202A.14, subdivision 1; 204B.08, subdivisions 1 and 2; 204B.09, subdivision 1; 204B.10, subdivisions 2, 3, and 4; 204B.11, subdivision 2; 204B.12, subdivision 1; 204B.33; 204D.03, subdivision 1; and 204D.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 204B.

Referred to the Committee on Election Laws.

**Senators Samuelson, Day, Lesewski, Vickerman and Ten Eyck introduced--**

**S.F. No. 61:** A bill for an act relating to taxation; property; providing for the assessment of

certain platted property; amending Minnesota Statutes 1998, section 273.11, subdivision 14, and by adding a subdivision.

Referred to the Committee on Local and Metropolitan Government.

**Senators Wiger, Knutson, Vickerman, Day and Neuville introduced--**

**S.F. No. 62:** A bill for an act relating to crime; providing that persons convicted of a third violent felony shall be sentenced to life imprisonment; amending Minnesota Statutes 1998, sections 244.05, subdivisions 4 and 5; and 609.1095, subdivision 3.

Referred to the Committee on Crime Prevention.

**Senators Wiger, Cohen, Pariseau, Pappas and Spear introduced--**

**S.F. No. 63:** A resolution memorializing the United States government to urge the Ethiopian government to respect the human rights of Eritreans in Ethiopia.

Referred to the Committee on Rules and Administration.

**Senators Berg, Dille and Lesewski introduced--**

**S.F. No. 64:** A bill for an act relating to agriculture; removing limitations on ownership and use of agricultural lands by limited liability companies; amending Minnesota Statutes 1998, sections 500.24, subdivisions 2, 3, 3a, 3b, and 4; and 500.245, subdivisions 1 and 2.

Referred to the Committee on Agriculture and Rural Development.

**Senators Murphy, Janezich and Scheid introduced--**

**S.F. No. 65:** A bill for an act relating to taxation; sales and use; exempting television commercials and tangible personal property used or consumed in producing television commercials; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Murphy and Janezich introduced--**

**S.F. No. 66:** A bill for an act relating to taxation; increasing the aid base for local government aid paid to certain cities; amending Minnesota Statutes 1998, section 477A.011, subdivision 36.

Referred to the Committee on Local and Metropolitan Government.

**Senators Murphy, Janezich, Belanger, Dille and Stevens introduced--**

**S.F. No. 67:** A bill for an act relating to taxation; providing for payment of property tax refunds to personal representatives of deceased claimants; amending Minnesota Statutes 1998, section 290A.18, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

**Senators Murphy, Janezich, Belanger, Dille and Scheid introduced--**

**S.F. No. 68:** A bill for an act relating to recreational vehicles; repealing the prohibition on the operation of a snowmobile with a track equipped with metal traction devices on public lands, roads, and trails; continuing the current prohibition on the use of snowmobiles with metal traction devices on paved public trails; amending Laws 1998, chapter 401, section 61; repealing Minnesota Statutes 1998, section 84.871, subdivision 2; and Laws 1998, chapter 401, section 23.

Referred to the Committee on Environment and Natural Resources.

**Senators Murphy, Janezich, Novak and Scheid introduced--**

**S.F. No. 69:** A bill for an act relating to the environment; abolishing the motor vehicle emission control equipment inspection program; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 116.63; 116.64; and 116.65.

Referred to the Committee on Environment and Natural Resources.

**Senators Stevens, Stumpf, Berg and Laidig introduced--**

**S.F. No. 70:** A bill for an act relating to natural resources; creating a board of natural resources; transferring certain powers and duties of the commissioner to board of natural resources; amending Minnesota Statutes 1998, sections 84.027, subdivision 2; 84.029, subdivision 2; 84.03; 84.033; 84.035, subdivisions 8 and 10; 84.0895, subdivisions 3 and 7; 84.45; 84.80, subdivision 1; 84.86, subdivision 1; 84.942, subdivisions 2 and 3; 84.944; 84A.55, subdivisions 9 and 11; 84A.56; 85.052, subdivision 1; 86B.205, subdivision 9; 88.09; 89.002; 89.01, subdivision 2; 89.032; 89.19; 90.041, subdivision 2; 92.06, subdivision 4; 92.35; 92.45; 93.47, subdivisions 2 and 3; 97A.055, subdivision 4a; 97A.101, subdivision 2; 97A.141, subdivision 4; 97A.145; 97C.205; 97C.211, subdivision 2; 103B.511, subdivision 1; 103B.531, subdivision 3; 103F.155; 103F.221, subdivision 2; 103F.325, subdivision 4; 103F.335, subdivisions 1 and 2; 103F.601, subdivision 1; 103G.121, subdivision 2; 103G.315, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

**Senator Betzold introduced--**

**S.F. No. 71:** A bill for an act relating to administrative procedure; changing certain requirements for notifying the legislature of proposed rulemaking; amending Minnesota Statutes 1998, section 14.116.

Referred to the Committee on Governmental Operations and Veterans.

**Senators Murphy, Janezich and Scheid introduced--**

**S.F. No. 72:** A bill for an act relating to appropriations; appropriating money for water and sewer extension to Reads Landing.

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

**Senators Murphy, Janezich, Dille and Sams introduced--**

**S.F. No. 73:** A bill for an act relating to human services; modifying financial eligibility criteria for the consumer support program; requiring maximum use of federal funds for the program; amending Minnesota Statutes 1998, section 256.476, subdivisions 3, 7, and 8.

Referred to the Committee on Health and Family Security.

**Senators Betzold, Foley, Piper, Kiscaden and Lourey introduced--**

**S.F. No. 74:** A bill for an act relating to health; providing for the protection of conscience and religious liberty in health care; proposing coding for new law in Minnesota Statutes, chapters 62Q; and 145.

Referred to the Committee on Health and Family Security.

**Senators Foley, Marty, Flynn and Knutson introduced--**

**S.F. No. 75:** A bill for an act relating to crimes; lowering per se level for alcohol impairment offenses from 0.10 to 0.08 for hunting, for handling explosives, and for operating a motor vehicle, recreational vehicle, or watercraft; amending Minnesota Statutes 1998, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169.121, subdivision 1; 169.123, subdivisions 2, 4, 5a, and 6; 192A.555; and 609.21, subdivision 1.

Referred to the Committee on Crime Prevention.

**Senator Foley introduced--**

**S.F. No. 76:** A bill for an act relating to crime prevention; eliminating requirement to hold DWI-related vehicle forfeiture proceeding at same time as implied consent hearing; amending Minnesota Statutes 1998, section 169.1217, subdivision 7a.

Referred to the Committee on Crime Prevention.

**Senator Murphy introduced--**

**S.F. No. 77:** A bill for an act relating to the county of Goodhue; allowing a 1998 levy limit adjustment for certain payments in lieu of tax.

Referred to the Committee on Local and Metropolitan Government.

**Senators Vickerman and Lourey introduced--**

**S.F. No. 78:** A bill for an act relating to traffic regulations; increasing maximum allowable length of recreational vehicle combinations to 65 feet; amending Minnesota Statutes 1998, section 169.81, subdivision 3c.

Referred to the Committee on Transportation.

**Senator Johnson, D.E. introduced--**

**S.F. No. 79:** A bill for an act relating to appropriations; authorizing state bonds; appropriating money for wastewater infrastructure funding for the Green Lake Sanitary Sewer and Water Project.

Referred to the Committee on Environment and Natural Resources.

**Senators Stevens, Lourey, Stumpf, Samuelson and Laidig introduced--**

**S.F. No. 80:** A bill for an act relating to appropriations; appropriating money for marketing and infrastructure changes due to fishing and border limitations in Ontario waters and Mille Lacs Lake.

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

**Senators Hottinger; Day; Johnson, D.J.; Murphy and Belanger introduced--**

**S.F. No. 81:** A bill for an act relating to taxation; income; allowing a subtraction for charitable contributions to individuals who do not itemize deductions for federal income tax purposes; amending Minnesota Statutes 1998, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

**Senators Fischbach, Stevens, Scheevel, Olson and Knutson introduced--**

**S.F. No. 82:** A bill for an act relating to natural resources; modifying metal traction device restrictions on snowmobiles; amending Minnesota Statutes 1998, sections 84.871, subdivision 2; and 84.8715, subdivisions 1 and 2; repealing Laws 1998, chapter 401, section 24, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

**Senators Stevens, Stumpf, Vickerman and Pariseau introduced--**

**S.F. No. 83:** A bill for an act relating to water; changing the classification of public waters wetlands; amending Minnesota Statutes 1998, sections 84.085, subdivision 2; 103F.601, subdivision 1; 103G.005, subdivisions 14, 15, and 19; 103G.201; 103G.211; 103G.231, subdivision 3; 272.02, subdivision 1; and 645.44, subdivision 8a; repealing Minnesota Statutes 1998, sections 103G.005, subdivision 15a; 103G.221; 103G.225; 103G.231, subdivisions 1 and 2; and 103G.235.

Referred to the Committee on Environment and Natural Resources.

**Senator Cohen introduced--**

**S.F. No. 84:** A bill for an act relating to government; providing for protection of public officials and employees; prohibiting the filing of fraudulent liens; providing criminal penalties and civil remedies; proposing coding for new law in Minnesota Statutes, chapters 514; and 609.

Referred to the Committee on Judiciary.

**Senator Cohen introduced--**

**S.F. No. 85:** A bill for an act relating to taxation; requiring disclosure of and a vote by local governing bodies on increases in property taxes due to reduced market value; amending Minnesota Statutes 1998, section 275.065, subdivision 6.

Referred to the Committee on Local and Metropolitan Government.

**Senator Pogemiller introduced--**

**S.F. No. 86:** A bill for an act relating to education; providing for technical and other changes to kindergarten through grade 12 education provisions; amending Minnesota Statutes 1998, sections 120B.05; 120B.11, subdivision 5; 121A.25, subdivision 1; 123A.22, subdivisions 6 and 7; 123A.27; 123A.48, subdivision 19; 123A.485, subdivision 1; 123B.14, subdivision 5; 123B.31; 123B.70, subdivision 1; 123B.86, subdivision 1; 123B.88, subdivisions 1, 13, and 22; 123B.95, subdivision 2; 124D.11, subdivision 5; 124D.114; 124D.21; 124D.38, subdivision 9; 124D.40; 124D.41; 124D.42, subdivisions 4, 6, and 7; 124D.43; 124D.45, subdivisions 1 and 2; 124D.454, subdivision 8; 124D.53, subdivision 2; 124D.61; 124D.70; 124D.81, subdivision 1; 124D.83, subdivision 2; 124D.895; 125A.62, subdivision 1; 125A.77, subdivision 1; 125A.79, subdivision 1; 126C.05, subdivisions 4 and 5; 126C.10, subdivision 9; 126C.14; 126C.15, subdivision 3; 126C.16, subdivisions 1 and 2; 126C.22, subdivision 4; 126C.41, subdivision 1; 126C.44; 126C.48, subdivisions 2 and 5; 127A.41, subdivision 1; 127A.45, subdivision 13; and 127A.49, subdivisions 2 and 3; Laws 1998, chapter 398, article 5, section 50, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 120A; repealing Minnesota Statutes 1998, sections 123B.92, subdivision 10; 124D.128, subdivision 4; 124D.38, subdivision 10; and 124D.45, subdivision 3; Laws 1995, First Special Session chapter 3, article 5, section 9; Laws 1997, chapter 192, section 19.

Referred to the Committee on Children, Families and Learning.

**Senators Marty, Piper and Foley introduced--**

**S.F. No. 87:** A bill for an act relating to campaign finance and public disclosure; increasing the



public's right to know; requiring disclosure of economic interests of independent contractors and consultants; requiring conduit funds to register with the board of campaign finance and public disclosure, to have a treasurer, and to not commingle funds; requiring full disclosure of the total costs of lobbying; requiring reports; amending Minnesota Statutes 1998, sections 10A.01, subdivisions 4, 11, 28, and by adding a subdivision; 10A.04, subdivisions 4, 5, and 6; 10A.14, subdivisions 1 and 2; 10A.20, subdivisions 1, 2, 3, and by adding a subdivision; and 211B.15, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1998, section 10A.04, subdivision 4a.

Referred to the Committee on Election Laws.

**Senator Marty introduced--**

**S.F. No. 88:** A bill for an act relating to the campaign finance and public disclosure board; specifying member qualifications; amending Minnesota Statutes 1998, section 10A.02, subdivision 1.

Referred to the Committee on Election Laws.

**Senators Junge, Knutson, Belanger, Ranum and Pogemiller introduced--**

**S.F. No. 89:** A bill for an act relating to crime; including violation of a similar law from another state within the enhanced penalty provision of the harassment and anti-stalking law; amending Minnesota Statutes 1998, section 609.749, subdivision 4.

Referred to the Committee on Crime Prevention.

**Senator Betzold introduced--**

**S.F. No. 90:** A bill for an act relating to civil actions; modifying the limitations provision governing health provider actions; amending Minnesota Statutes 1998, section 541.07; proposing coding for new law in Minnesota Statutes, chapter 541.

Referred to the Committee on Judiciary.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 9:30 a.m., Thursday, January 14, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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Monday, January 11, 1999

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