

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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FORTY-SECOND DAY

St. Paul, Minnesota, Tuesday, April 13, 1999

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

## CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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

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

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

Senator Stumpf was excused from the Session of today.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 60:

**H.F. No. 60:** A bill for an act relating to health; allowing reimbursement for supplemental private duty nursing services provided by spouses of recipients under the community alternative care home and community-based waived services program; amending Minnesota Statutes 1998, section 256B.49, by adding a subdivision.

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

Haas, Luther and Westerberg have been appointed as such committee on the part of the House.

House File No. 60 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 April 12, 1999

Senator Moe, R.D., for Senator Betzold, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 60, 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.

### MOTIONS AND RESOLUTIONS

Senator Runbeck moved that her name be stricken as a co-author to S.F. No. 1647. The motion prevailed.

Senator Kelly, R.C. moved that the name of Senator Wiger be added as a co-author to S.F. No. 1872. The motion prevailed.

Senator Higgins moved that the name of Senator Pogemiller be added as a co-author to S.F. No. 1976. The motion prevailed.

#### **Senator Metzen introduced--**

**Senate Resolution No. 66:** A Senate resolution honoring retiring Gopher Men's Hockey Coach Doug Woog

Referred to the Committee on Rules and Administration.

### SPECIAL ORDERS

Pursuant to Rule 10, Senator 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. 2038, 845, H.F. Nos. 426, 142, S.F. Nos. 496, 985, H.F. Nos. 70, 359, S.F. No. 1848, H.F. Nos. 621, 872, 1003, 1568, S.F. No. 1279, H.F. Nos. 528, 270, S.F. Nos. 1471, 63, H.F. No. 627 and S.F. No. 1831.

### SPECIAL ORDER

**S.F. No. 2038:** A bill for an act relating to insurance; regulating workers' compensation self-insurance; providing reporting and financial requirements; amending Minnesota Statutes 1998, sections 79A.21, subdivisions 2 and 3; 79A.22, subdivision 2; 79A.23; and 79A.24, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Belanger	Higgins	Larson	Pappas	Stevens
Berg	Hottinger	Lesewski	Pariseau	Ten Eyck
Berglin	Janezich	Limmer	Pogemiller	Terwilliger
Betzold	Johnson, D.E.	Lourey	Price	Vickerman
Day	Johnson, D.J.	Marty	Ranum	Wiener
Dille	Junge	Metzen	Robertson	Wiger
Fischbach	Kelley, S.P.	Moe, R.D.	Robling	Ziegler
Flynn	Kiscaden	Murphy	Runbeck	
Foley	Kleis	Neuville	Sams	
Frederickson	Knutson	Olson	Scheevel	
Hanson	Krentz	Ourada	Scheid	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 845:** A bill for an act relating to agriculture; the board of animal health; authorizing the board of animal health to implement a federal voluntary Johne's disease program; changing the name of the executive secretary of the board of animal health to the executive director; repealing limitations on the sale of cattle; amending Minnesota Statutes 1998, sections 35.02, subdivision 1; 35.04; 35.05; 35.08; 35.09, subdivisions 2 and 2a; 35.67; 35.68; 35.82, subdivisions 1b, 2, and 3; 35.92, subdivision 5; and 35.93, subdivision 1; repealing Minnesota Statutes 1998, sections 35.245; and 35.96, subdivision 4.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 426:** A resolution memorializing the President and Congress to enact laws that will expedite the exchange of intermingled state and federal lands located within the exterior boundaries of the Superior National Forest to consolidate land ownership for the purpose of enabling each government to properly discharge its respective management duties.

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

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

Anderson	Berg	Betzold	Dille	Flynn
Belanger	Berglin	Cohen	Fischbach	Foley

Frederickson	Kelley, S.P.	Marty	Piper	Scheid
Hanson	Kiscaden	Metzen	Pogemiller	Solon
Higgins	Kleis	Moe, R.D.	Price	Stevens
Hottinger	Knutson	Murphy	Ranum	Ten Eyck
Janezich	Krentz	Neuville	Robertson	Terwilliger
Johnson, D.E.	Langseth	Novak	Robling	Vickerman
Johnson, D.H.	Larson	Olson	Runbeck	Wiener
Johnson, D.J.	Lesewski	Ourada	Sams	Wiger
Johnson, J.B.	Limmer	Pappas	Samuelson	Ziegler
Junge	Lourey	Pariseau	Scheevel	

So the resolution passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 142:** A bill for an act relating to crime; expanding the definition of "subsequent controlled substance conviction" to include convictions subsequent to a stay of adjudication for a controlled substance crime; amending Minnesota Statutes 1998, section 152.01, subdivision 16a.

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 55 and nays 1, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Krentz	Olson	Sams
Berg	Higgins	Langseth	Ourada	Samuelson
Berglin	Hottinger	Larson	Pappas	Scheevel
Betzold	Johnson, D.E.	Lesewski	Pariseau	Scheid
Cohen	Johnson, D.J.	Lessard	Piper	Solon
Day	Johnson, J.B.	Limmer	Pogemiller	Stevens
Dille	Junge	Lourey	Price	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Ranum	Terwilliger
Flynn	Kiscaden	Metzen	Robertson	Wiener
Foley	Kleis	Neuville	Robling	Wiger
Frederickson	Knutson	Novak	Runbeck	Ziegler

Those who voted in the negative were:

Anderson

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 496:** A bill for an act relating to crime; allowing courts to extend the time period for search warrants for financial records; amending Minnesota Statutes 1998, section 626.15.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kleis	Limmer
Belanger	Fischbach	Johnson, D.E.	Knutson	Lourey
Berg	Flynn	Johnson, D.J.	Krentz	Marty
Berglin	Foley	Johnson, J.B.	Langseth	Metzen
Betzold	Frederickson	Junge	Larson	Neuville
Cohen	Hanson	Kelley, S.P.	Lesewski	Novak
Day	Higgins	Kiscaden	Lessard	Olson

Ourada	Price	Sams	Stevens	Wiger
Pappas	Ranum	Samuelson	Ten Eyck	Ziegler
Pariseau	Robertson	Scheevel	Terwilliger	
Piper	Robling	Scheid	Vickerman	
Pogemiller	Runbeck	Solon	Wiener	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 985:** A bill for an act relating to human rights; prohibiting business discrimination on the basis of national origin, creed, or religion; amending Minnesota Statutes 1998, section 363.03, subdivision 8a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 70:** A bill for an act relating to public safety; authorizing law enforcement agencies to sell forfeited firearms, ammunition, and firearm accessories to firearms dealers; allowing certain agencies to retain forfeited money for crime prevention use; amending Minnesota Statutes 1998, section 609.5315, subdivisions 1 and 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson  
Berglin  
Betzold

Flynn  
Foley

Higgins  
Kelley, S.P.

Marty  
Piper

Pogemiller  
Ranum

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 359:** A bill for an act relating to utilities; authorizing public utilities commission to establish and delegate powers to subcommittees and to designate lead commissioners; allowing petitions to be deemed approved unless set aside for affirmative action by the commission; amending Minnesota Statutes 1998, section 216A.03, by adding subdivisions.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ziegler

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1848:** A bill for an act relating to workers' compensation; modifying third party liability provisions; requiring attorneys to file statements of attorney fees; modifying special compensation fund procedures; increasing the benefit for burial expenses; providing alternative cost allocation accounts; amending Minnesota Statutes 1998, sections 176.011, subdivision 3; 176.061, subdivisions 3, 5, 7, 10, and by adding a subdivision; 176.081, subdivision 1; 176.101, subdivisions 1, 2a, and 8; 176.102, subdivision 11; 176.111, subdivision 18, and by adding a subdivision; 176.129, subdivisions 2, 3, and 4; 176.231, subdivision 2; and 176.611, subdivision 2a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Cohen	Foley	Janezich	Junge
Belanger	Day	Frederickson	Johnson, D.E.	Kelley, S.P.
Berg	Dille	Hanson	Johnson, D.H.	Kiscaden
Berglin	Fischbach	Higgins	Johnson, D.J.	Kleis
Betzold	Flynn	Hottinger	Johnson, J.B.	Knutson

Krentz	Metzen	Pariseau	Sams	Vickerman
Langseth	Moe, R.D.	Piper	Samuelson	Wiener
Larson	Murphy	Pogemiller	Scheevel	Wiger
Lesewski	Neuville	Price	Scheid	Ziegler
Lessard	Novak	Ranum	Solon	
Limmer	Olson	Robertson	Stevens	
Lourey	Ourada	Robling	Ten Eyck	
Marty	Pappas	Runbeck	Terwilliger	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 621:** A bill for an act relating to public safety; adding various arson definitions relating to flammability; imposing penalties on students who use ignition devices inside educational buildings; amending Minnesota Statutes 1998, sections 609.561, subdivision 3; and 609.5631, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 872:** A bill for an act relating to contracts; regulating building and construction contracts; providing for the enforceability of certain agreements indemnifying against environmental liability; amending Minnesota Statutes 1998, section 337.02.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Johnson, J.B.	Limmer	Ourada
Belanger	Frederickson	Junge	Lourey	Pappas
Berg	Hanson	Kelley, S.P.	Marty	Pariseau
Berglin	Higgins	Kleis	Metzen	Piper
Betzold	Hottinger	Knutson	Moe, R.D.	Pogemiller
Cohen	Janezich	Krentz	Murphy	Price
Day	Johnson, D.E.	Larson	Neuville	Ranum
Dille	Johnson, D.H.	Lesewski	Novak	Robertson
Fischbach	Johnson, D.J.	Lessard	Olson	Robling

Runbeck  
Sams  
Samuelson

Scheevel  
Scheid  
Solon

Stevens  
Ten Eyck  
Terwilliger

Vickerman  
Wiener  
Wiger

Ziegler

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1003:** A bill for an act relating to legislature; prescribing the powers and duties of the legislative audit commission and the legislative auditor; making various technical changes; amending Minnesota Statutes 1998, sections 3.97; 3.971; 3.974; 3.975; 6.74; 10.48; 13.46, subdivision 8; 16A.27, subdivision 2; 37.06; 37.07; 85A.02, subdivision 5c; 89.05; 161.08; 192.551; 352.03, subdivision 6; 353.03, subdivision 3a; 353A.05, subdivision 1; 354.06, subdivision 2a; 360.015, subdivision 19; 574.20; and 609.456; Laws 1990, chapter 535, section 5; repealing Minnesota Statutes 1998, sections 3.973; 116.072, subdivision 12; 469.207, subdivision 1; and 574.02.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 1568:** A bill for an act relating to the state building code; transferring authority to adopt energy portions of the building code from the commissioner of public service to the commissioner of administration; providing for conformity with a code for building conservation; requiring implementation of locally adopted optional code provisions; requiring a report; amending Minnesota Statutes 1998, sections 16B.61, subdivisions 1 and 1a; 16B.62, subdivision 2; 16B.64, subdivision 4; 216C.19, subdivision 8; and 216C.195, subdivision 1; repealing Minnesota Statutes 1998, section 16B.165.

Senator Wiener moved to amend H.F. No. 1568, as amended pursuant to Rule 49, adopted by the Senate April 12, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1209.)

Page 1, line 24, before the period, insert ", including a code for building conservation"

Page 4, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 1998, section 216C.19, subdivision 8, is amended to read:

Subd. 8. [APPLICABILITY TO BUILDING CODE; RULES.] In recognition of the



compelling need for energy conservation in order to safeguard the public health, safety and welfare, it is necessary to provide building design and construction standards consistent with the most efficient use of energy. Therefore, the commissioner of administration, in consultation with the commissioner of public service, shall, pursuant to chapter 14, adopt rules governing building design and construction standards regarding heat loss control, illumination and climate control. To the maximum extent practicable, the rules providing for the energy portions of the building code shall be based on and conform to model codes generally accepted throughout the United States. The rules shall apply to all new buildings and remodeling affecting heat loss control, illumination and climate control. The rules shall be economically feasible in that the resultant savings in energy procurement shall exceed the cost of the energy conserving requirements amortized over the life of the building. The rules adopted pursuant to this subdivision, shall be part of the State Building Code. Notwithstanding the provisions of this subdivision, all applications for approval of building specifications and plans may be submitted to the state building inspector as provided in section 16B.66.

Sec. 6. Minnesota Statutes 1998, section 216C.195, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER TO ADOPT.] ~~Not later than September 1, 1992,~~ The commissioner of administration, in consultation with the commissioner of public service, shall adopt amendments to the Energy Code portion of the Minnesota Building Code to implement energy-efficient standards for new commercial buildings.

Sec. 7. [TRANSFER.]

While the energy portion of the state building code is developed by the commissioner of public service, adoption of the energy portion of the building code is transferred from the commissioner of public service to the commissioner of administration in consultation with the commissioner of public service in accordance with Minnesota Statutes, section 15.039, excluding subdivisions 6 and 7."

Page 4, delete section 7 and insert:

"Sec. 9. [ENERGY CODE.]

The effective date of the residential building energy code set out in Minnesota Rules, chapters 7672 and 7674, is February 7, 2000. Until that date, the energy code set out in Minnesota Rules, chapter 7670, remains in effect for one- and two-family residential buildings."

Page 4, line 31, delete "sections" and insert "section" and delete everything after "16B.165"

Page 4, line 32, delete everything before "repealed" and insert ", is"

Page 4, line 34, delete "8" and insert "10"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lessard moved to amend the Wiener amendment to H.F. No. 1568 as follows:

Page 2, line 15, delete "February" and insert "August"

### CALL OF THE SENATE

Senator Wiener imposed a call of the Senate for the balance of the proceedings on H.F. No. 1568. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Lessard amendment to the Wiener amendment.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Lesewski	Ourada	Scheevel
Berg	Johnson, D.E.	Lessard	Pariseau	Solon
Day	Kleis	Limmer	Robling	Stevens
Dille	Knutson	Neuville	Runbeck	Terwilliger
Fischbach	Langseth	Oliver	Sams	Vickerman
Frederickson	Larson	Olson	Samuelson	Ziegler

Those who voted in the negative were:

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

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

The question recurred on the adoption of the Wiener amendment. The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend H.F. No. 1568 as amended pursuant to Rule 49, adopted by the Senate April 12, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1209.)

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 1998, section 16B.33, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given them:

(a) "Agency" has the meaning given in section 16B.01 and also includes a municipality acting in accordance with section 471.345, subdivision 5b.

(b) "Architect" means an architect or landscape architect registered to practice under sections 326.02 to 326.15.

(c) "Board" means the state designer selection board.

(d) "Designer" means an architect or engineer, or a partnership, association, or corporation comprised primarily of architects or engineers or of both architects and engineers.

(e) "Engineer" means an engineer registered to practice under sections 326.02 to 326.15.

(f) "Person" includes an individual, corporation, partnership, association, or any other legal entity.

(g) "Primary designer" means the designer who is to have primary design responsibility for a project, and does not include designers who are merely consulted by the user agency and do not have substantial design responsibility, or designers who will or may be employed or consulted by the primary designer.

(h) "Project" means an undertaking to construct, erect, or remodel a building by or for the state or an agency.

(i) "User agency" means the agency undertaking a specific project.

Sec. 2. Minnesota Statutes 1998, section 16B.335, is amended by adding a subdivision to read:

Subd. 7. [NOTICE TO MUNICIPALITIES.] The commissioner shall give reasonable notice to municipalities of the availability of the designer selection board to review requests from municipalities for a primary designer as provided by section 471.345, subdivision 5b."

Page 4, after line 12, insert:

"Sec. 7. Minnesota Statutes 1998, section 471.345, is amended by adding a subdivision to read:

Subd. 5b. [DESIGNER SELECTION BOARD.] If a contract for construction or alteration of real property is estimated to exceed \$2,000,000, and if the state has granted or loaned to the municipality at least \$1,000,000 to cover the cost of the contract, the municipality may submit a written request for a primary designer to the state designer selection board in accordance with section 16B.33, subdivision 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1568 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Kleis	Pariseau	Scheevel	Ziegler
Junge	Limmer	Runbeck		

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

### SPECIAL ORDER

**S.F. No. 1279:** A bill for an act relating to counties; imposing certain conditions on state acquisition of lands in counties having 50 percent or more of acreage in public or nonprofit ownership.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Junge	Lessard	Olson
Belanger	Foley	Kelley, S.P.	Limmer	Ourada
Berg	Frederickson	Kiscaden	Lourey	Pappas
Berglin	Hanson	Kleis	Metzen	Pariseau
Betzold	Hottinger	Knutson	Moe, R.D.	Piper
Cohen	Johnson, D.E.	Krentz	Murphy	Pogemiller
Day	Johnson, D.H.	Langseth	Neuville	Ranum
Dille	Johnson, D.J.	Larson	Novak	Robertson
Fischbach	Johnson, J.B.	Lesewski	Oliver	Robling

Runbeck  
Sams  
Samuelson

Scheevel  
Scheid  
Solon

Spear  
Stevens  
Ten Eyck

Terwilliger  
Vickerman  
Wiener

Wiger  
Ziegler

Those who voted in the negative were:

Price

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 528:** A bill for an act relating to transportation; requiring department of transportation specifications for underground storage tanks to include certain types of fiberglass and steel tanks; 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson  
Belanger  
Berg  
Berglin  
Betzold  
Cohen  
Day  
Dille  
Fischbach  
Flynn  
Frederickson  
Hanson

Hottinger  
Johnson, D.E.  
Johnson, D.H.  
Johnson, D.J.  
Johnson, J.B.  
Junge  
Kelley, S.P.  
Kiscaden  
Kleis  
Knutson  
Krentz  
Langseth

Larson  
Lesewski  
Lessard  
Limmer  
Lourey  
Marty  
Metzen  
Moe, R.D.  
Murphy  
Neuville  
Novak  
Oliver

Olson  
Ourada  
Pappas  
Pariseau  
Piper  
Pogemiller  
Price  
Ranum  
Robertson  
Robling  
Runbeck  
Sams

Samuelson  
Scheevel  
Scheid  
Solon  
Spear  
Stevens  
Ten Eyck  
Terwilliger  
Vickerman  
Wiener  
Wiger  
Ziegler

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 270:** A bill for an act relating to insurance; prohibiting a maximum lifetime benefit limit on certain policies of the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1998, section 62E.12.

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 46 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson  
Berg  
Berglin  
Betzold  
Cohen  
Day  
Dille  
Fischbach  
Flynn  
Frederickson

Hanson  
Higgins  
Hottinger  
Johnson, D.E.  
Johnson, D.H.  
Johnson, D.J.  
Johnson, J.B.  
Junge  
Kelley, S.P.  
Krentz

Langseth  
Larson  
Lessard  
Lourey  
Metzen  
Moe, R.D.  
Murphy  
Oliver  
Olson  
Pappas

Pariseau  
Piper  
Pogemiller  
Price  
Ranum  
Robertson  
Sams  
Samuelson  
Scheid  
Solon

Spear  
Stevens  
Ten Eyck  
Vickerman  
Wiener  
Wiger

Those who voted in the negative were:

Belanger  
Kiscaden  
Kleis

Knutson  
Lesewski  
Limmer

Neuville  
Ourada  
Robling

Runbeck  
Scheevel  
Terwilliger

Ziegler

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1471:** A bill for an act relating to landlords and tenants; requiring certain limitations on tenant screening fees; proposing coding for new law in Minnesota Statutes, chapter 504.

Senator Murphy moved to amend S.F. No. 1471 as follows:

Page 1, line 15, before the period, insert ", plus any reasonable out-of-pocket expenses"

The motion prevailed. So the amendment was adopted.

S.F. No. 1471 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**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.

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

The question was taken on the passage of the resolution.

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

Those who voted in the affirmative were:

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

So the resolution passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 627:** A bill for an act relating to Washington county; changing the length of the terms of housing and redevelopment authority commissioners; amending Laws 1974, chapter 475, section 2, by adding a subdivision.

Senator Price moved that the amendment made to H.F. No. 627 by the Committee on Rules and Administration in the report adopted March 29, 1999, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 627 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1831:** A bill for an act relating to crime prevention; making miscellaneous changes to certain forfeiture provisions; amending Minnesota Statutes 1998, sections 169.1217, subdivisions 7 and 7a; and 609.5314, subdivisions 2 and 3.

Senator Kiscaden moved to amend S.F. No. 1831 as follows:

Page 1, line 25, after the period, insert "However, when the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all proceeds of the sale to the secured party and is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds if the secured party received notification of the time and place of the sale at least three days prior to the sale."

Page 2, after line 12, insert:

"(f) If a seized vehicle is voluntarily returned to an owner, claimant, or secured party by the appropriate agency in the absence of any court order to do so, the appropriate agency may collect from the owner or claimant the sum needed to cover any expenses incurred for seizure or storage of the vehicle."

Senator Ranum requested division of the Kiscaden amendment as follows:

First portion:

Page 1, line 25, after the period, insert "However, when the proceeds of the sale of a seized vehicle do not equal or exceed the outstanding loan balance, the appropriate agency shall remit all

proceeds of the sale to the secured party and is not liable to the secured party for any amount owed on the loan in excess of the sale proceeds if the secured party received notification of the time and place of the sale at least three days prior to the sale."

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

Second portion:

Page 2, after line 12, insert:

"(f) If a seized vehicle is voluntarily returned to an owner, claimant, or secured party by the appropriate agency in the absence of any court order to do so, the appropriate agency may collect from the owner or claimant the sum needed to cover any expenses incurred for seizure or storage of the vehicle."

The question was taken on the adoption of the second portion of the Kiscaden amendment. The motion did not prevail. So the second portion of the Kiscaden amendment was not adopted.

S.F. No. 1831 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

### CALL OF THE SENATE

Senator Moe, R.D. 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 Reports of Committees.

### REPORTS OF COMMITTEES

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 234:** A bill for an act relating to the metropolitan radio board; modifying certain provisions and extending the sunset date for the board; amending Minnesota Statutes 1998,

sections 473.893, subdivision 2; 473.897, subdivision 1; and 473.901, subdivision 2; Laws 1995, chapter 195, article 1, section 18.

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

Page 5, delete line 10 and insert "1999 2002. Effective July 1, 1999 2002, the board's duties and"

Page 5, after line 16, insert:

"Sec. 5. [REPORT TO LEGISLATURE.]

By March 1, 2000, the metropolitan radio board shall report to the appropriate policy committees of the house and senate on the progress made on the 800-MHz system, including, but not limited to, projected costs of the system; which taxpayers or groups of persons paying fees are paying for or expected to pay for each portion of the project; the number of radios actually purchased by each government entity involved in the project; and the number and names of manufacturers that are either under direct contract with or who have entered an agreement or agreements with or who have or are expected to respond to requests for proposals to deliver radios to the state or any governmental entity involved in the 800-MHz project."

Page 5, line 18, delete "and" and after "4" insert ", and 5"

Page 5, line 21, delete "5" and insert "6"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a report;"

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.

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**S.F. No. 851:** A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

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

Page 3, delete subdivision 3

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

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.



**MOTIONS AND RESOLUTIONS - CONTINUED****RECESS**

Senator 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**

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

H.F. No. 60: Senators Betzold, Berglin and Kiscaden.

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Higgins moved that S.F. No. 1441, No. 44 on General Orders, be stricken 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 Flynn introduced--**

**S.F. No. 2213:** A bill for an act relating to transportation; changing passenger automobile registration tax; establishing mobility fund for public transit; dedicating five percent of sales tax on motor vehicles to mobility fund; requiring land use standards for metropolitan transitways; defining eligibility for certain public transit funding; appropriating money; amending Minnesota Statutes 1998, sections 168.013, subdivision 1a; 297B.09, subdivision 1; and 473.25; proposing coding for new law in Minnesota Statutes, chapters 174; and 473.

Referred to the Committee on Transportation.

**Senator Johnson, J.B. introduced--**

**S.F. No. 2214:** A bill for an act relating to taxation; extending the time for Chisago county to file approval of an aggregate removal tax.

Referred to the Committee on Taxes.

**MEMBERS EXCUSED**

Senators Anderson and Piper were excused from the Session of today from 8:00 to 8:50 a.m. Senator Novak was excused from the Session of today from 8:00 to 9:00 a.m. Senator Oliver was excused from the Session of today from 8:00 to 10:00 a.m. Senator Laidig was excused from the Session of today from 8:00 to 11:40 a.m. Senator Kelly, R.C. was excused from the Session of

today from 8:00 to 11:50 a.m. Senator Janezich was excused from the Session of today from 10:30 to 11:30 a.m. Senator Foley was excused from the Session of today from 10:55 to 11:30 a.m. Senator Marty was excused from the Session of today from 11:00 to 11:30 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Wednesday, April 14, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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