

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

FIFTY-THIRD DAY

St. Paul, Minnesota, Wednesday, April 28, 1999

The Senate met at 10:00 a.m. 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, Rabbi Stacy Offner.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

April 1, 1999

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

TAX COURT

George W. Perez, 111 East Kellogg Boulevard, #1407, Saint Paul, Minnesota 55101, in the county of Ramsey, effective April 1, 1999, for a six-year term expiring on Monday, January 3, 2005.

(Referred to the Committee on Taxes.)

April 16, 1999

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

PUBLIC UTILITIES COMMISSION

Gregory G. Scott, 1120 Oakview Lane North, Plymouth, Minnesota 55441, in the county of Hennepin, effective April 5, 1999, for a six-year term expiring on Monday, January 3, 2005.

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

Sincerely,
Jesse Ventura, Governor

April 26, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1182, 1527 and 1273.

Sincerely,
Jesse Ventura, Governor

April 27, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 832, 1017, 451, 1218, 436, 983 and 1041.

Sincerely,
Jesse Ventura, Governor

April 27, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1999	Date Filed 1999
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	1178	97	1:10 p.m. April 26	April 26
	142	98	4:15 p.m. April 26	April 26
	1003	99	1:12 p.m. April 26	April 26
1182		100	1:15 p.m. April 26	April 26
1527		101	1:18 p.m. April 26	April 26
1273		102	1:20 p.m. April 26	April 26
832		103	11:21 a.m. April 27	April 27
1017		104	11:26 a.m. April 27	April 27
451		105	11:23 a.m. April 27	April 27
1218		107	11:18 a.m. April 27	April 27
436		108	11:27 a.m. April 27	April 27
983		109	11:20 a.m. April 27	April 27
1041		110	11:25 a.m. April 27	April 27
	1125	111	11:28 a.m. April 27	April 27

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 2226: A bill for an act relating to state government; appropriating money for environmental, natural resource, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 1998, sections 14.386; 16A.531, by adding a subdivision; 16B.171, as amended; 17.038; 17.102, subdivision 4; 17.109, subdivisions 1 and 3; 17.115, subdivision 3; 17.116, subdivision 3; 17.117, subdivision 3; 17.457, subdivision 10; 17.59, subdivision 5; 17.85; 17.982, subdivision 1; 17.983, subdivision 1; 17A.11; 17B.15, subdivision 1; 18B.05, subdivision 1; 18B.26, subdivision 5; 18C.131; 18E.02, subdivision 5; 18E.03, subdivision 1; 21.115; 21.116; 21.90, subdivision 3; 21.92; 25.39, subdivision 4; 27.07, subdivision 6; 28A.08, subdivision 3; 29.22, subdivision 5; 31.94; 31.95, subdivision 3a; 31B.06; 32.21, subdivision 4; 32.394, subdivision 9; 41B.044, subdivision 2; 84.027, subdivision 15; 84.0855, subdivision 2, and by adding a subdivision; 84.81, by adding a subdivision; 84.8205, by adding a subdivision; 84.83, subdivisions 3 and 4; 84.86, subdivision 1; 84.862, subdivisions 1 and 2; 84.872, subdivision 1; 84.91, subdivision 1; 84.98, subdivision 6; 84A.55, subdivision 5; 85.015, subdivision 4, and by adding a subdivision; 85.019, subdivision 2, and by adding subdivisions; 85.40, subdivision 5; 85.41, subdivisions 1, 4, and 5; 85.42; 85.44; 85.45, subdivision 1; 88.067; 89A.01, by adding a subdivision; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07, subdivisions 3 and 5; 89A.10; 92.45; 92.46, subdivision 1; 97A.075, subdivision 1; 97B.020; 103G.271, subdivision 6; 115.55, subdivision 5a; 115A.908, subdivision 2; 115A.9651, subdivision 6; 115B.175, subdivision 2; 115B.39, subdivision 2; 115B.40, subdivisions 2, 3, 4, 5, 6, 7, and 8; 115B.405, subdivision 1; 115B.412, subdivision 3; 115B.42; 115B.43, subdivision 1; 115B.442, by adding a subdivision; 115B.445; 115B.48, subdivision 8; 116.072, subdivision 1; 116.073, subdivisions 1 and 2; 116O.09, subdivision 5; 169.121, subdivision 3; 169.1217, subdivisions 7a and 9; 169.123, subdivision 1; 171.07, subdivisions 12 and 13; 216C.41, subdivision 2; 223.17, subdivision 3; 231.16; 232.22, subdivision 3; 233.08; 236.02, subdivision 4; 290.431; 290.432; 446A.072, subdivision 4; 574.263; and 574.264, subdivision 1; Laws 1994, chapter 643, section 27, subdivision 2, as amended; Laws 1995, chapter 220, section 142, as amended; and Laws 1998, chapter 401, section 53; proposing coding for new

law in Minnesota Statutes, chapters 18; 28A; 31B; 41B; 84; 85; 97C; 103G; 115B; and 116; repealing Minnesota Statutes 1998, sections 115A.981; 297H.13, subdivisions 3 and 6; and 473.845, subdivision 2.

Senate File No. 2226 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1999

Senator Krentz moved that the Senate do not concur in the amendments by the House to S.F. No. 2226, and that a Conference Committee of 5 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 adopted the recommendation and report of the Conference Committee on Senate File No. 778, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 778: A bill for an act relating to motor vehicles; requiring release of a security interest in a vehicle to be acted on within seven days if satisfied by a dealer; amending Minnesota Statutes 1998, section 168A.20.

Senate File No. 778 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1999

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1568, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1568 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 27, 1999

CONFERENCE COMMITTEE REPORT ON 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.

April 22, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1568, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 1568 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 16B.61, subdivision 1, is amended to read:

Subdivision 1. [ADOPTION OF CODE.] Subject to sections 16B.59 to 16B.75, the commissioner shall by rule establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 16B.59 to 16B.75, the commissioner shall administer and enforce the provisions of those sections.

Sec. 2. Minnesota Statutes 1998, section 16B.61, subdivision 1a, is amended to read:

Subd. 1a. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer and enforce the state building code as a municipality with respect to public buildings and state licensed facilities in the state. The commissioner shall establish appropriate permit, plan review, and inspection fees for public buildings and state licensed facilities. Fees and surcharges for public buildings and state licensed facilities must be remitted to the commissioner, who shall deposit them in the state treasury for credit to the special revenue fund.

Municipalities other than the state having a contractual agreement with the commissioner for code administration and enforcement service for public buildings and state licensed facilities shall charge their customary fees, including surcharge, to be paid directly to the contractual jurisdiction by the applicant seeking authorization to construct a public building or a state licensed facility. The commissioner shall contract with a municipality other than the state for plan review, code administration, and code enforcement service for public buildings and state licensed facilities in the contractual jurisdiction if the building officials of the municipality meet the requirements of section 16B.65 and wish to provide those services and if the commissioner determines that the municipality has enough adequately trained and qualified building inspectors to provide those services for the construction project.

Administration and enforcement in a municipality under this section must apply any optional provisions of the state building code adopted by the municipality. A municipality adopting any optional code provision shall notify the state building official within 30 days of its adoption.

The commissioner shall administer and enforce the provisions of the code relating to elevators statewide, except as provided for under section 16B.747, subdivision 3.

Sec. 3. Minnesota Statutes 1998, section 16B.62, subdivision 2, is amended to read:

Subd. 2. [ENFORCEMENT BY STATE BUILDING OFFICIAL.] If the commissioner determines that a municipality is not properly administering and enforcing the State Building Code as provided in section 16B.71, the commissioner may have the administration and enforcement in the involved municipality undertaken by the state building official. The commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the Administrative Procedure Act. In municipalities not properly administering and enforcing the State Building Code, and in municipalities who determine not to administer and

enforce the State Building Code, the commissioner shall have administration and enforcement undertaken by the state building official or by another inspector certified by the state. In carrying out administration and enforcement under this subdivision, the commissioner shall apply any optional provision of the state building code adopted by the municipality. A municipality adopting any optional code provision shall notify the state building official within 30 days of its adoption. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the State Building Code shall be borne by the subject municipality.

Sec. 4. Minnesota Statutes 1998, section 16B.64, subdivision 4, is amended to read:

Subd. 4. [HEARINGS.] ~~The commissioner, except in the case of energy conservation standards promulgated or amended pursuant to section 216C.19, subdivision 8, shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another state agency proposes to adopt or amend rules which are incorporated by reference into the code or whenever the commissioner proposes to incorporate those rules into the State Building Code. In no event shall~~ may a state agency subsequently authorized to adopt rules involving State Building Code subject matter proceed to adopt the rules without prior consultation with the commissioner.

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.

Sec. 8. [REVIEW.]

The construction codes advisory council established by Minnesota Statutes, section 16B.76, shall review the program evaluation report on the state building code issued by the office of the legislative auditor in January 1999 and shall report to the legislature by January 15, 2000, with recommendations on which proposals in the report, if any, should be implemented.

Sec. 9. [ENERGY CODE.]

The effective date of the residential building energy code set out in Minnesota Rules, chapters 7672 and 7674, is April 15, 2000. Until that date, the energy code set out in Minnesota Rules, chapter 7670, remains in effect for residential buildings.

Sec. 10. [REPEALER.]

Minnesota Statutes 1998, section 16B.165, is repealed.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective July 1, 1999."

Delete the title and insert:

"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; setting an effective date for the energy code; 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."

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

House Conferees: (Signed) Lynda Boudreau, Jim Tunheim, Mark Olson

Senate Conferees: (Signed) Deanna L. Wiener, Janet B. Johnson, Martha R. Robertson

Senator Wiener moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1568 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1568 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 15:

H.F. No. 15: A bill for an act relating to education; amending the state graduation standards; providing for districts to adopt rigorous academic standards; providing for statewide accountability; amending Minnesota Statutes 1998, sections 120B.02; 120B.30, subdivision 1; 120B.31, subdivisions 1, 3, and 4; and 136A.233, subdivision 4; repealing Minnesota Statutes 1998, sections 120B.03; and 120B.04; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0360; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; and 3501.0469.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Mares; Pelowski; Olson; Seifert, M. and Erickson have been appointed as such committee on the part of the House.

House File No. 15 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 27, 1999

Senator Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 15, and that a Conference Committee of 5 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. 2380:

H.F. No. 2380: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; modifying certain conditions for the Minnesota state colleges and universities; clarifying requirements for student conduct policy; modifying programs that promote college affordability; modifying provisions relating to regent selection and recruitment; authorizing board of regents to establish a branch campus in Rochester; clarifying and changing requirements for private career schools; providing for rulemaking; amending Minnesota Statutes 1998, sections 16B.465, subdivision 4; 135A.155; 136A.031, subdivision 3; 136A.121, subdivisions 5 and 6; 136A.125, subdivision 4; 136F.02, subdivision 2; 136F.04, subdivision 1; 136F.22, subdivision 1; 136F.32, subdivision 2, and by adding a subdivision; 137.0245, subdivision 4; 141.21, subdivisions 3, 5, 6, and by adding subdivisions; 141.22; 141.25, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12; 141.26, subdivision 2; 141.271, subdivisions 1, 2, 3, 4, 5, 6, and 12; 141.28, subdivisions 3 and 5; 141.29, subdivision 1; 141.31; 141.32; 141.35; and 471.59, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 137; and 141; repealing Minnesota Statutes 1998, sections 136A.1359; 136A.136; 141.25, subdivisions 9a, 9b, and 11; and 141.36.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Leppik; Tuma; Dehler; Seifert, M. and Carlson have been appointed as such committee on the part of the House.

House File No. 2380 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 27, 1999

Senator Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2380, and that a Conference Committee of 5 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.

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 27, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 106, Senate File Number 303, a bill to partially repeal the seat belt gag rule.

It is not the place of the legislature or the executive branch to determine what evidence is, or is not, admissible in a court of law. By partially repealing the seat belt gag rule, an unfair advantage will be given to one party in the courtroom. Juries should hear all of the arguments and facts in a case before rendering a decision.

Additionally, the enactment date of this bill is immediate and would affect pending litigation. I believe that it is wrong to enact legislation that favors one party over another and that will affect the outcome of pending litigation.

After two vetoes of the same partial repeal, I expect the legislature to introduce a bill to repeal the entire seat belt gag rule. Only a full repeal will ensure citizens the right to introduce evidence at trial that is germane to their cases and allow the other party to refute the evidence on the same terms. Given the obvious interest in this issue, I look forward to signing into law a full repeal of the seat belt gag rule next year.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 303 and the veto message thereon be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator Moe, R.D. moved that the name of Senator Beckman be stricken as chief author and the name of Senator Ziegler be added as chief author to S.F. No. 783. The motion prevailed.

Senator Dille moved that the name of Senator Wiener be added as a co-author to S.F. No. 884. The motion prevailed.

Senator Larson introduced--

Senate Resolution No. 79: A Senate resolution congratulating Randy Hansen of Alexandria, Minnesota, for receiving the Eagle Award.

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. 516, 233, H.F. No. 1359, S.F. No. 84, H.F. No. 726 and S.F. No. 2052.

SPECIAL ORDER

S.F. No. 516: A bill for an act relating to elections and ethics; clarifying definitions; giving the board of campaign finance and public disclosure jurisdiction over the ban on gifts to local officials; facilitating reports of last-minute contributions; clarifying campaign finance requirements; increasing certain campaign contribution and spending limits; requiring return of public subsidies under certain conditions; making advisory opinions public data; clarifying certain definitions and prohibitions; clarifying and authorizing exceptions to the ban on gifts; providing civil penalties; providing for updated voter records; amending Minnesota Statutes 1998, sections 10A.01, subdivisions 7, 11, and 18; 10A.02, subdivisions 11, 12, and 13; 10A.03, subdivision 3; 10A.04, subdivisions 5 and 7; 10A.065, subdivisions 1, 3, and by adding a subdivision; 10A.071; 10A.08; 10A.09, subdivision 7; 10A.14, subdivision 4; 10A.15, subdivisions 3, 5, and by adding subdivisions; 10A.20, subdivisions 2, 3, 5, 6b, 12, and by adding a subdivision; 10A.23; 10A.25, subdivisions 2, 10, and by adding a subdivision; 10A.255, subdivision 1; 10A.27, subdivision 10; 10A.29; 10A.31, subdivisions 7 and 10; 10A.315; 10A.322, subdivisions 1 and 4; 10A.324, subdivision 1; 10A.34; 200.02, by adding a subdivision; 201.13, by adding a subdivision; 211A.02, subdivision 2; 211A.12; 290.06, subdivision 23; and 471.895; proposing coding for new law in Minnesota Statutes, chapter 211A; repealing Minnesota Statutes 1998, section 10A.09, subdivision 3.

Senator Junge moved to amend S.F. No. 516 as follows:

Page 11, line 22, strike "to make" and insert "and makes"

Page 22, line 16, delete "\$186,400" and insert "\$176,600"

Page 27, lines 25 and 26, delete "match" and insert "contributions"

Page 29, line 32, delete "matching"

Page 36, line 15, after "plaque" insert ", framed certificate,"

Page 36, line 16, strike "in a field of specialty or to a charitable cause"

Page 36, line 28, strike "to make" and insert "and makes"

The motion prevailed. So the amendment was adopted.

Senator Junge then moved to amend S.F. No. 516 as follows:

Page 15, delete section 20

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 56 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson
Belanger

Berg
Berglin

Betzold
Cohen

Day
Dille

Fischbach
Flynn

Frederickson	Kelley, S.P.	Lourey	Price	Spear
Hanson	Kierlin	Metzen	Ranum	Stumpf
Higgins	Kiscaden	Moe, R.D.	Robertson	Ten Eyck
Hottinger	Knutson	Murphy	Robling	Terwilliger
Janezich	Laidig	Novak	Runbeck	Vickerman
Johnson, D.E.	Langseth	Oliver	Sams	Wiener
Johnson, D.H.	Larson	Ourada	Samuelson	
Johnson, D.J.	Lesewski	Pappas	Scheevel	
Johnson, J.B.	Lessard	Piper	Scheid	
Junge	Limmer	Pogemiller	Solon	

Those who voted in the negative were:

Foley	Kleis	Neuville	Wiger	Ziegler
Kelly, R.C.	Marty	Olson		

The motion prevailed. So the amendment was adopted.

Senator Johnson, D.H. moved to amend S.F. No. 516 as follows:

Page 14, lines 27 and 28, strike "60" and insert "90"

The motion prevailed. So the amendment was adopted.

Senator Junge moved to amend S.F. No. 516 as follows:

Page 24, delete section 30

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Neuville	Solon
Belanger	Janezich	Larson	Novak	Spear
Berglin	Johnson, D.J.	Lessard	Pappas	Stumpf
Dille	Johnson, J.B.	Limmer	Piper	Terwilliger
Fischbach	Junge	Lourey	Runbeck	Vickerman
Flynn	Kelley, S.P.	Metzen	Sams	Wiener
Hanson	Kelly, R.C.	Moe, R.D.	Samuelson	
Higgins	Kierlin	Murphy	Scheid	

Those who voted in the negative were:

Berg	Johnson, D.E.	Lesewski	Pogemiller	Ten Eyck
Betzold	Johnson, D.H.	Marty	Price	Wiger
Cohen	Kiscaden	Oliver	Ranum	Ziegler
Day	Kleis	Olson	Robertson	
Foley	Knutson	Ourada	Robling	
Frederickson	Laidig	Pariseau	Scheevel	

The motion prevailed. So the amendment was adopted.

Senator Ourada moved to amend S.F. No. 516 as follows:

Page 11, line 15, after "\$5" insert "per occasion"

Page 36, line 21, after "\$5" insert "per occasion"

The motion prevailed. So the amendment was adopted.

Senator Oliver moved to amend S.F. No. 516 as follows:

Page 11, line 14, reinstate the stricken language

Page 11, lines 15 to 18, delete the new language

Page 11, line 19, delete everything before "food"

Page 36, line 20, reinstate the stricken language

Page 36, lines 21 to 24, delete the new language

Page 36, line 25, delete everything before "food"

CALL OF THE SENATE

Senator Flynn imposed a call of the Senate for the balance of the proceedings on the Oliver amendment to S.F. No. 516. 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 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.H.	Lourey	Ranum	Ten Eyck
Berglin	Johnson, D.J.	Marty	Robling	Wiener
Betzold	Kleis	Neuville	Sams	Wiger
Cohen	Knutson	Oliver	Samuelson	Ziegler
Day	Krentz	Olson	Scheevel	
Fischbach	Limmer	Pariseau	Scheid	

Those who voted in the negative were:

Belanger	Hottinger	Kiscaden	Murphy	Runbeck
Berg	Janezich	Laidig	Novak	Solon
Dille	Johnson, D.E.	Langseth	Ourada	Spear
Flynn	Johnson, J.B.	Larson	Pappas	Stumpf
Foley	Junge	Lesewski	Piper	Terwilliger
Frederickson	Kelley, S.P.	Lessard	Pogemiller	Vickerman
Hanson	Kelly, R.C.	Metzen	Price	
Higgins	Kierlin	Moe, R.D.	Robertson	

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

Senator Oliver moved to amend S.F. No. 516 as follows:

Page 33, delete section 46

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 516 as follows:

Page 8, after line 12, insert:

"Sec. 8. Minnesota Statutes 1998, section 10A.04, subdivision 4, is amended to read:

Subd. 4. [INFORMATION REQUIRED.] (a) The report shall include such information as the board may require from the registration form and the information required by this subdivision for the reporting period.

(b) Each lobbyist shall report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including

but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

(c) Each lobbyist shall report the amount and nature of each honorarium, gift, loan, item or benefit, ~~excluding contributions~~ or contribution to a candidate, equal in value to \$5 or more, given or paid to any ~~public or local~~ official, as defined in section 10A.071, subdivision 1, by the lobbyist or any employer or any employee at the direction of the lobbyist. The list shall include the name and address of each ~~public or local~~ official to whom the honorarium, gift, loan, item or benefit, or contribution was given or paid and the date it was given or paid. A lobbyist need report only the aggregate amount and nature of food or beverages given or made available to all members of the legislature or a house of the legislature or to all members of a local legislative body, along with the name of the legislative body and the date it was given or made available.

(d) Each lobbyist shall report each original source of funds in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, each such source of funds used to influence administrative action, and each such source of funds used to influence the official action of metropolitan governmental units. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

(e) Each lobbyist shall report the amount and date of each contribution given by the lobbyist to a party organization within a house of the legislature."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 52, as follows:

Those who voted in the affirmative were:

Betzold	Hottinger	Krentz	Piper	Ten Eyck
Cohen	Johnson, J.B.	Marty	Ranum	Wiger
Foley	Kleis	Neuville	Scheid	

Those who voted in the negative were:

Anderson	Janezich	Langseth	Olson	Scheevel
Belanger	Johnson, D.E.	Larson	Ourada	Solon
Berg	Johnson, D.H.	Lesewski	Pappas	Spear
Berglin	Johnson, D.J.	Lessard	Pariseau	Stumpf
Day	Junge	Limmer	Pogemiller	Terwilliger
Dille	Kelley, S.P.	Lourey	Price	Vickerman
Fischbach	Kelly, R.C.	Metzen	Robertson	Wiener
Flynn	Kierlin	Moe, R.D.	Robling	Ziegler
Frederickson	Kiscaden	Murphy	Runbeck	
Hanson	Knutson	Novak	Sams	
Higgins	Laidig	Oliver	Samuelson	

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

Senator Runbeck moved to amend S.F. No. 516 as follows:

Page 11, line 32, delete everything after "officials"

Page 11, line 33, delete everything before the second "to"

Page 37, line 3, delete everything after "officials"

Page 37, line 4, delete everything before the second "to"

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

Senator Marty moved to amend S.F. No. 516 as follows:

Page 13, after line 13, insert:

"Sec. 15. Minnesota Statutes 1998, section 10A.09, subdivision 3, is amended to read:

Subd. 3. ~~[NOTICE OF FILING PUBLICATION.]~~ The board shall ~~notify the secretary of state or the appropriate county auditor and, when necessary in the case of appointive office, the presiding officer of the house that will approve or disapprove the nomination, of the name of the individual who has filed a~~ publish the statement of economic interest with the board, a copy of the statement, and the date on which the statement was filed on its web site."

Page 38, delete section 49

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 516 as follows:

Pages 19 and 20, delete section 24

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Langseth	Ourada	Ten Eyck
Berg	Johnson, D.J.	Larson	Robertson	Terwilliger
Berglin	Johnson, J.B.	Lesewski	Robling	Vickerman
Day	Kelly, R.C.	Lessard	Runbeck	Wiger
Dille	Kierlin	Limmer	Sams	Ziegler
Fischbach	Kiscaden	Murphy	Samuelson	
Foley	Kleis	Neuville	Scheevel	
Frederickson	Knutson	Oliver	Spear	
Hanson	Laidig	Olson	Stumpf	

Those who voted in the negative were:

Anderson	Hottinger	Krentz	Pappas	Scheid
Betzold	Janezich	Lourey	Piper	Wiener
Cohen	Johnson, D.H.	Marty	Pogemiller	
Flynn	Junge	Moe, R.D.	Price	
Higgins	Kelley, S.P.	Novak	Ranum	

The motion prevailed. So the amendment was adopted.

Senator Knutson moved to amend S.F. No. 516 as follows:

Page 12, line 13, delete "or"

Page 12, line 15, before the period, insert "; or

(7) on the occasion of a wedding, illness, or funeral"

Page 37, line 20, delete "or"

Page 37, line 22, before the period, insert "; or

(7) on the occasion of a wedding, illness, or funeral"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 516. The Sergeant at Arms was instructed to bring in the absent members.

Senator Oliver moved to amend S.F. No. 516 as follows:

Page 11, lines 15 to 18, delete the new language and insert "a nonalcoholic beverage, pastry, or fruit; or"

Page 36, lines 21 to 24, delete the new language and insert "a nonalcoholic beverage, pastry, or fruit; or"

Senator Pappas moved to amend the Oliver amendment to S.F. No. 516 as follows:

Page 1, lines 3 and 5, after "pastry," insert "veggies,"

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

The question was taken on the adoption of the Oliver amendment.

The roll was called, and there were yeas 7 and nays 54, as follows:

Those who voted in the affirmative were:

Anderson	Krentz	Oliver	Robling	Wiger
Knutson	Lourey			

Those who voted in the negative were:

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

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

Senator Runbeck moved to amend S.F. No. 516 as follows:

Page 31, delete section 42

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Belanger	Kierlin	Larson	Olson	Runbeck
Day	Kiscaden	Lesewski	Ourada	Scheevel
Dille	Kleis	Limmer	Pariseau	Terwilliger
Fischbach	Knutson	Neuville	Robertson	Ziegler
Johnson, D.E.	Laidig	Oliver	Robling	

Those who voted in the negative were:

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

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

Senator Neuville moved to amend S.F. No. 516 as follows:

Page 16, line 11, before "independent" insert "a contribution to a candidate who has filed for office in a special election or"

Page 16, line 12, after the first "the" insert "contribution or"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 516 as follows:

Page 12, line 2, after the semicolon, insert "or"

Page 12, delete lines 3 to 6

Page 12, line 7, delete "(4)" and insert "(3)"

Page 12, line 9, delete the semicolon and reinstate the stricken period

Page 12, delete lines 10 to 25

Page 12, line 26, delete "(d)" and insert "(c)"

Page 37, line 9, after the semicolon, insert "or"

Page 37, delete lines 10 to 13

Page 37, line 14, delete "(4)" and insert "(3)"

Page 37, line 16, delete the semicolon and reinstate the stricken period

Page 37, delete lines 17 to 32

Page 37, line 33, delete "(d)" and insert "(c)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 46, as follows:

Those who voted in the affirmative were:

Johnson, J.B.	Marty	Ranum	Scheid	Wiger
Kleis	Pogemiller	Runbeck	Ten Eyck	

Those who voted in the negative were:

Anderson	Frederickson	Kierlin	Neuville	Samuelson
Belanger	Hanson	Kiscaden	Novak	Scheevel
Berg	Higgins	Knutson	Oliver	Stumpf
Berglin	Hottinger	Krentz	Olson	Terwilliger
Betzold	Janezich	Larson	Ourada	Vickerman
Cohen	Johnson, D.E.	Lesewski	Pappas	Wiener
Dille	Johnson, D.H.	Lessard	Pariseau	
Fischbach	Junge	Limmer	Price	
Flynn	Kelley, S.P.	Lourey	Robertson	
Foley	Kelly, R.C.	Moe, R.D.	Robling	

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

S.F. No. 516 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 42 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kiscaden	Novak	Robertson
Belanger	Higgins	Knutson	Oliver	Scheevel
Berg	Hottinger	Laidig	Olson	Spear
Betzold	Janezich	Larson	Ourada	Stumpf
Cohen	Johnson, D.E.	Lessard	Pappas	Vickerman
Dille	Junge	Lourey	Pariseau	Wiener
Flynn	Kelley, S.P.	Moe, R.D.	Piper	
Foley	Kelly, R.C.	Murphy	Pogemiller	
Frederickson	Kierlin	Neuville	Price	

Those who voted in the negative were:

Berglin	Johnson, D.J.	Lesewski	Robling	Scheid
Day	Johnson, J.B.	Limmer	Runbeck	Ten Eyck
Fischbach	Kleis	Marty	Sams	Ziegler
Johnson, D.H.	Krentz	Ranum	Samuelson	

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

SPECIAL ORDER

S.F. No. 233: A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; amending Minnesota Statutes 1998, section 300.045.

Senator Betzold moved to amend S.F. No. 233 as follows:

Page 3, after line 7, insert:

"Sec. 2. Minnesota Statutes 1998, section 582.30, subdivision 1, is amended to read:

Subdivision 1. [DEFICIENCY ALLOWED.] (a) Except as provided in this section, a person holding a mortgage may obtain a deficiency judgment against the mortgagor if the amount a person holding a mortgage receives from a foreclosure sale is less than:

(1) the amount remaining unpaid on the mortgage under chapter 580; or

(2) the amount of the judgment entered under chapter 581.

(b) Except as provided in subdivisions 3 and 5, the may not be for more than the difference between the amount received from the foreclosure sale less expenses and costs and:

(1) for a foreclosure by advertisement, the total amount attaches to the sale proceeds under chapter 580; or

(2) for a foreclosure by action, the amount of the judgment entered under chapter 581.

(c) Subdivisions 3 to 9 do not apply to mortgages entered or amended on or after the day following final enactment, if the mortgaged property is used in agricultural production only by a tenant who is not the mortgagor."

Page 3, line 9, delete "and" and insert ". Section 1"

Page 3, line 11, delete "this act" and insert "section 1"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor;"

Page 1, line 6, delete "section 300.045" and insert "sections 300.045; and 582.30, subdivision 1"

The motion prevailed. So the amendment was adopted.

S.F. No. 233 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 1359: A bill for an act relating to crime victims; clarifying the procedure for the deposit of unclaimed restitution funds; expanding coverage for crime victims reparations to include moving expense for victims of crime; extending the time limit for filing of claims to three years and allowing an exception to the time limit for all child abuse cases; amending Minnesota Statutes 1998, sections 611A.04, by adding a subdivision; 611A.52, subdivision 8; 611A.53, subdivision 2; and 611A.612.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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 civil remedies; proposing coding for new law in Minnesota Statutes, chapter 514.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 726: A bill for an act relating to capital improvements; providing standards for state assistance to capital improvement projects of political subdivisions; proposing coding for new law in Minnesota Statutes, chapter 16A.

Senator Pappas moved to amend H.F. No. 726, the unofficial engrossment, as follows:

Page 2, after line 27, insert:

"Sec. 2. 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. 3. 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.

Sec. 4. 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. 726 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 5, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Foley	Johnson, D.H.	Kleis
Belanger	Day	Frederickson	Kelley, S.P.	Krentz
Berg	Dille	Higgins	Kelly, R.C.	Laidig
Berglin	Fischbach	Hottinger	Kierlin	Langseth
Betzold	Flynn	Johnson, D.E.	Kiscaden	Larson

Lesewski	Murphy	Piper	Scheevel	Vickerman
Lessard	Neuville	Pogemiller	Scheid	Wiener
Limmer	Novak	Price	Solon	Wiger
Lourey	Oliver	Ranum	Spear	Ziegler
Marty	Olson	Robertson	Stumpf	
Metzen	Pappas	Robling	Ten Eyck	
Moe, R.D.	Pariseau	Runbeck	Terwilliger	

Those who voted in the negative were:

Janezich	Johnson, D.J.	Johnson, J.B.	Sams	Samuelson
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2052: A bill for an act relating to claims against the state; providing for payment of various claims; clarifying certain language concerning claims; authorizing determination of a lake control elevation; appropriating money; amending Minnesota Statutes 1998, sections 3.738, subdivision 2; and 3.739, 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	Hottinger	Larson	Pappas	Solon
Belanger	Johnson, D.E.	Lesewski	Pariseau	Spear
Berg	Johnson, D.J.	Lessard	Piper	Stumpf
Berglin	Johnson, J.B.	Limmer	Pogemiller	Ten Eyck
Betzold	Junge	Lourey	Price	Terwilliger
Cohen	Kelley, S.P.	Marty	Ranum	Vickerman
Day	Kelly, R.C.	Metzen	Robertson	Wiener
Dille	Kierlin	Moe, R.D.	Robling	Wiger
Fischbach	Kiscaden	Murphy	Runbeck	Ziegler
Flynn	Kleis	Neuville	Sams	
Foley	Krentz	Novak	Samuelson	
Frederickson	Laidig	Oliver	Scheevel	
Higgins	Langseth	Ourada	Scheid	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that S.F. No. 303 and the veto message thereon be taken from the table. The motion prevailed.

S.F. No. 303: A bill for an act relating to civil actions; clarifying admissibility of evidence regarding seat belts and child passenger restraint systems in certain actions; amending Minnesota Statutes 1998, section 169.685, subdivision 4.

Senator Foley moved that S.F. No. 303 be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lessard

The motion prevailed. So the bill was repassed and its title was agreed to, the objections of the Governor to the contrary notwithstanding.

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 - 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. 2234: A bill for an act relating to public administration; making deficiency appropriations for state government operations; transferring money; appropriating money.

Senate File No. 2234 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 27, 1999

Senator Cohen moved that the Senate do not concur in the amendments by the House to S.F. No. 2234, 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.

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. 2380: Senators Stumpf, Larson, Wiener, Solon and Kelley, S.P.

S.F. No. 2234: Senators Cohen, Langseth and Frederickson.

S.F. No. 2223: Senators Price, Metzen, Cohen, Frederickson and Stevens.

S.F. No. 2226: Senators Krentz, Laidig, Lessard, Anderson and Sams.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.J. moved that S.F. No. 1276 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Senator Kiscaden moved that the vote whereby H.F. No. 1426 was passed by the Senate on April 27, 1999, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Kiscaden moved that H.F. No. 1426 be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Larson, Ziegler, Vickerman, Stumpf and Lesewski introduced--

S.F. No. 2239: A bill for an act relating to retirement; teachers retirement association; permitting certain retiring teachers to elect the improved money purchase benefit plan in lieu of the formula benefit plan; amending Minnesota Statutes 1998, section 354.55, subdivision 17.

Referred to the Committee on Governmental Operations and Veterans.

Senators Metzen and Solon introduced--

S.F. No. 2240: A bill for an act relating to financial institutions; changing requirements for relocation of a main office; amending Minnesota Statutes 1998, section 47.101, by adding a subdivision.

Referred to the Committee on Commerce.

Senators Johnson, D.J.; Pogemiller; Stumpf; Robertson and Moe, R.D. introduced--

S.F. No. 2241: A bill for an act relating to public property; providing for consolidation of state and federal landholdings through land exchange; establishing a state forest; specifying powers and duties of state officers and employees; proposing coding for new law in Minnesota Statutes, chapters 1; and 89.

Referred to the Committee on Environment and Natural Resources.

MEMBERS EXCUSED

Senator Stevens was excused from the Session of today. Senator Johnson, D.J. was excused

from the Session of today from 10:00 to 10:35 a.m. Senator Krentz was excused from the Session of today from 10:30 to 10:55 a.m. Senator Solon was excused from the Session of today from 12:00 noon to 1:20 p.m. Senator Metzen was excused from the Session of today from 12:15 to 1:20 p.m. Senator Wiger was excused from the Session of today from 1:15 to 1:20 p.m. Senator Junge was excused from the Session of today from 1:25 to 1:55 p.m. Senator Knutson was excused from the Session of today at 1:30 p.m. Senator Olson was excused from the Session of today from 1:45 to 2:00 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 29, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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