

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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THIRTY-THIRD DAY

St. Paul, Minnesota, Monday, April 7, 1997

The Senate met at 10:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Julie Matula.

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

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Messrs. Stumpf and Terwilliger were excused from the Session of today.

## REPORTS OF COMMITTEES

Ms. Junge moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**H.F. No. 566:** A bill for an act relating to the board of government innovation and cooperation; extending an exemption from enforcement of law granted by the board during calendar year 1996; amending Minnesota Statutes 1996, section 465.797, subdivision 5a.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**H.F. No. 108:** A bill for an act relating to employment; providing for the protection of health insurance benefits for certain Range technical college employees.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

**S.F. No. 435:** A bill for an act relating to motor vehicles; making technical changes to clarify that pickup truck with slip in camper may be registered depending upon its weight; restricting telephonic access to certain information related to vehicle registration; allowing vehicle dealers 21 days to send purchase receipt to department of public safety if vehicle not sold; providing for display of fleet vehicle license plates; providing for appointment, duties, and discontinuance of appointment of driver's license agents; requiring adoption of rules; amending Minnesota Statutes 1996, sections 168.011, subdivision 25; 168.345, subdivision 1; 168A.11, subdivision 2; 169.79; 171.06, subdivision 4; 373.33; and 373.35, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 1996, section 171.06, subdivision 4.

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

Page 9, after line 27, insert:

"Sec. 11. [APPOINTMENT BY THE COMMISSIONER.]

Notwithstanding the effective date of section 6, subdivisions 1 to 4, the commissioner shall appoint an applicant that is an individual or corporation, and may for cause discontinue the appointment of an agent, as a driver's license agent if the applicant:

(1) is a deputy registrar who is not a public official operating in Dakota county;

(2) has operated for at least nine years the office at which the applicant will carry out the functions of a driver's license agent; and

(3) procures and maintains photo identification equipment satisfactory to the commissioner.

An agent appointed under this section is subject to section 9."

Page 9, line 32, delete the third "and" and insert a comma and after "10" insert ", and 11"

Page 9, line 34, delete "11" and insert "12"

Renumber the sections in sequence

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

**Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 683:** A bill for an act relating to public employment; requiring notice before dissolution of certain self insured employee benefit plans; amending Minnesota Statutes 1996, section 471.617, subdivision 4.

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

Page 1 line 11, strike "thereof," and insert "of any of them"

Page 1, line 19, after "by" insert "a single"

Page 1, line 23, delete the first "the" and insert "each" and delete "of the largest group" and before the comma, insert "and each individual currently receiving health benefits"

Page 1, line 24, after "and" insert "also"

Page 1, line 25, before the period, insert "that represents the largest number of employees included in the plan"

Page 2, line 1, after "closure" insert a comma

Page 2, line 2, delete everything after "all"

Page 2, delete lines 3 to 5

Page 2, line 6, delete everything before the period and insert "individuals currently receiving health benefits" and after the period, insert "This paragraph does not apply to joint self-insurance trusts or pools."

(c) The assets or liabilities of a joint self-insurance trust or pool that is dissolved must be distributed to members of the joint trust or pool in accordance with the joint trust or pool agreement, if any."

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

**Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 854:** A bill for an act relating to public employment; providing rights and procedures for certain public employees of local government units who are displaced as a result of a transfer of the provision of services from one local government unit to another local government unit; proposing coding for new law in Minnesota Statutes, chapter 465.

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

Page 1, line 13, delete "covered by chapter 125" and insert "of school districts or educational cooperatives"

Page 1, line 16, after "one" insert "or more" and delete "unit" and insert "units"

Page 1, line 17, delete "or other service provider"

Page 1, delete lines 22 to 27

Page 2, delete lines 1 to 4 and insert:

"Subd. 3. [APPOINTMENT TO NEW POSITION.] If, within 12 months of the reorganization or consolidation, the new service provider finds it necessary to establish new positions to provide the newly reorganized or consolidated service, the new service provider shall offer the positions to employees displaced from the original service provider or providers. The new service provider shall appoint displaced employees in the order of their length of service with a local government unit from which the service was transferred, with those with the greatest length of service being the first appointed, provided that the displaced employees meet the qualifications for the position with the new service provider."

Page 2, line 14, delete the first "the" and insert "a"

Page 2, line 17, delete "the" and insert "a"

Page 2, line 32, delete the third "the" and insert "a"

Page 3, delete lines 3 to 6 and insert:

"Subd. 8. [ENROLLMENT IN INSURANCE PLANS.] Enrollment in insurance plans is governed by the terms and conditions of the collective bargaining agreement covering the employees of the new service provider or, if there is no collective bargaining agreement, the personnel policies of the new service provider. For purposes of this subdivision, an employee appointed under subdivision 3 is considered a new employee."

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

**Ms. Ranum from the Committee on Judiciary, to which was referred**

**H.F. No. 1075:** A bill for an act relating to health; regulating professional health services under the professional corporation act; amending Minnesota Statutes 1996, section 319A.02, by adding a subdivision.

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

Page 1, line 21, delete everything after the period

Page 1, delete lines 22 and 23

Page 1, line 25, after "profession" insert ", or furnish a professional service,"

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

**Ms. Ranum from the Committee on Judiciary, to which was referred**

**H.F. No. 156:** A bill for an act relating to state government; secretary of state; regulating filing fees and procedures; amending Minnesota Statutes 1996, sections 5.12; 5.23; 5.25, subdivision 1; 5A.03; 5A.04; 302A.821, subdivision 5; 303.14, subdivision 1; 308A.005, by adding a subdivision; 317A.821, subdivision 3; 317A.827, subdivision 1; 322A.03; 331A.02, subdivision 1; 336.9-403; 336.9-404; 336A.04, subdivision 4; and 514.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 5; repealing Minnesota Rules, part 3650.0030, subpart 8.

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

Page 12, after line 8, insert:

"Sec. 14. Minnesota Statutes 1996, section 333.035, is amended to read:

333.035 [AMENDMENT OF CERTIFICATE.]

Within 60 days after the occurrence of any event which makes any statement in the last previous statement certificate filed incorrect, an amended certificate shall be filed and the amended certificate shall be published by the person conducting the business in the same manner as provided by section 333.01. If the amendment is made only to comply with a change in the law that occurred since the previous date of filing, publication is not required.

Sec. 15. Minnesota Statutes 1996, section 336.9-203, is amended to read:

336.9-203 [ATTACHMENT AND ENFORCEABILITY OF SECURITY INTEREST; PROCEEDS; FORMAL REQUISITES.]

(1) Subject to the provisions of section 336.4-210 on the security interest of a collecting bank, sections 336.9-115 and 336.9-116 on security interests in investment property and section 336.9-113 on a security interest arising under the article on sales, a security interest is not

enforceable against the debtor or third parties with respect to the collateral and does not attach unless:

(a) the collateral is in the possession of the secured party pursuant to agreement, the collateral is investment property and the secured party has control pursuant to agreement, or the debtor has signed a security agreement which contains a description of the collateral and, in addition, when the security interest covers ~~erops growing or to be grown or~~ timber to be cut, a description of the land concerned;

(b) value has been given; and

(c) the debtor has rights in the collateral.

(2) A security interest attaches when it becomes enforceable against the debtor with respect to the collateral. Attachment occurs as soon as all of the events specified in subsection (1) have taken place unless explicit agreement postpones the time of attaching.

(3) Unless otherwise agreed a security agreement gives the secured party the rights to proceeds provided by section 336.9-306.

(4) A transaction, although subject to this article, is also subject to Minnesota Statutes, Sections 48.153 to 48.157; Chapters 52, 53, and 56; and Sections 168.66 to 168.77, 222.13 to 222.16, and 334.01 to 334.06, and in the case of conflict between the provisions of this article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

Sec. 16. Minnesota Statutes 1996, section 336.9-402, is amended to read:

336.9-402 [FORMAL REQUISITES OF FINANCING STATEMENT; AMENDMENTS; MORTGAGE AS FINANCING STATEMENT.]

(1) A financing statement is sufficient if it gives the name of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor, gives the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number of the debtor, and contains a statement indicating the types or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. ~~When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned and the name of the record owner thereof and the crop years that are covered by the financing statement.~~ When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or when the financing statement is filed as a fixture filing (section 336.9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) proceeds under section 336.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) collateral as to which the filing has lapsed within one year; or

(d) collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)); or

(e) a lien filed pursuant to chapter 514; or

(f) collateral which is subject to a filed judgment.

(2a) Except for documents filed under clauses (e) and (f), the reason for the omission of the debtor signature must be stated on the front of the financing statement.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)

.....

Address

.....

Debtor's Social Security Number or I.R.S. Tax I.D. Number

.....

Name of secured party (or assignee)

.....

Address

.....

1. This financing statement covers the following types (or items) of property:

(Describe)

.....

~~2. (If collateral is crops) The above described crops are growing or are to be grown on:~~

~~(Describe real estate and the name of the record owner thereof) .....~~

~~.....~~

~~3. (If applicable) The above goods are to become fixtures on~~

~~(Describe real estate)..... and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is .....~~

4. 3. (If products of collateral are claimed)

Products of the collateral are also covered.

Use whichever signature line is applicable.

Signature of debtor (or assignor)

.....

Signature of secured party (or assignee)

.....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the

secured party. If the sole purpose of the amendment is to change the name or address of the secured party, only the secured party need sign the amendment. A writing is sufficient if it sets forth the name and address of the debtor and secured party as those items appear on the original financing statement or the most recently filed amendment, the file number and date of filing of the financing statement. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this article, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 336.9-103, or a financing statement filed as a fixture filing (section 336.9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner. No description of the real estate or the name of the record owner thereof is required for a fixture filing where the debtor is a transmitting utility. Notwithstanding the foregoing a general description of the real estate is sufficient for a fixture filing where a railroad is the record owner of the real estate on which the fixtures are or are to be located; and for the purposes of this subsection, the requirement of a general description is satisfied if the fixture filing (1) identifies the section, township and range numbers of the county in which the land is located; (2) identifies the quarter-quarter of the section that the land is located in; (3) indicates the name of the record owner of the real estate; and (4) states the street address of the real estate if one exists.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, and (d) the mortgage is duly recorded. No fee with reference to the financing statement is required other than the regular recording and satisfaction fees with respect to the mortgage.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or the names of partners, and gives the social security number of the debtor or, in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number of the debtor. Where the debtor so changes a personal name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement, amendment, continuation, assignment, release, or termination substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading. The omission or any inaccuracy in stating the debtor's social security or federal tax identification number is not, standing alone, a seriously misleading error."

Page 18, after line 26, insert:

"Sec. 22. [EFFECTIVE DATE; APPLICABILITY.]

Section 15 applies to security agreements signed on or after August 1, 1997. Section 16 applies to original financing statements filed on or after August 1, 1997."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the third semicolon, insert "333.035; 336.9-203; 336.9-402;"

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

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 835** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
835	754				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1187** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1187	1306				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1540** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1540	967				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1540 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1540 and insert the language after the enacting clause of S.F. No. 967; further, delete the title of H.F. No. 1540 and insert the title of S.F. No. 967.

And when so amended H.F. No. 1540 will be identical to S.F. No. 967, and further recommends that H.F. No. 1540 be given its second reading and substituted for S.F. No. 967, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.



**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 241** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
241	1096				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 241 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 241 and insert the language after the enacting clause of S.F. No. 1096, the first engrossment; further, delete the title of H.F. No. 241 and insert the title of S.F. No. 1096, the first engrossment.

And when so amended H.F. No. 241 will be identical to S.F. No. 1096, and further recommends that H.F. No. 241 be given its second reading and substituted for S.F. No. 1096, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1861** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1861	1663				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1861 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1861 and insert the language after the enacting clause of S.F. No. 1663, the first engrossment; further, delete the title of H.F. No. 1861 and insert the title of S.F. No. 1663, the first engrossment.

And when so amended H.F. No. 1861 will be identical to S.F. No. 1663, and further recommends that H.F. No. 1861 be given its second reading and substituted for S.F. No. 1663, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 435, 683 and 854 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 566, 108, 1075, 156, 835, 1187, 1540, 241 and 1861 were read the second time.

### MOTIONS AND RESOLUTIONS

Ms. Runbeck moved that her name be stricken as a co-author to S.F. No. 1217. The motion prevailed.

Mr. Wiger moved that the name of Mr. Kelly, R.C. be added as a co-author to S.F. No. 1855. The motion prevailed.

Mr. Vickerman moved that S.F. No. 1397, No. 173 on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

#### Mr. Laidig and Ms. Krentz introduced--

**Senate Resolution No. 34:** A Senate resolution congratulating the Stillwater High School boys basketball team as the 1997 State High School Class AAAA boys basketball runners-up.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Ms. Junge moved that the Senate take up the Consent Calendar. The motion prevailed.

### CONSENT CALENDAR

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

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 1684:** A bill for an act relating to education; authorizing Minneapolis school board elections to be held at the same time as state elections; amending Minnesota Statutes 1996, section 128D.08, subdivision 1; repealing Minnesota Statutes 1996, section 128D.08, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Betzold	Day	Fischbach
Belanger	Berglin	Cohen	Dille	Flynn

Foley	Kelley, S.P.	Lourey	Pariseau	Scheid
Frederickson	Kiscaden	Marty	Piper	Solon
Hanson	Kleis	Metzen	Pogemiller	Spear
Higgins	Knutson	Morse	Price	Stevens
Hottinger	Krentz	Murphy	Ranum	Ten Eyck
Janezich	Laidig	Neuville	Robertson	Vickerman
Johnson, D.E.	Larson	Oliver	Robling	Wiener
Johnson, D.J.	Lesewski	Olson	Runbeck	Wiger
Johnson, J.B.	Lessard	Ourada	Sams	
Junge	Limmer	Pappas	Scheevel	

So the bill passed and its title was agreed to.

**H.F. No. 265:** A bill for an act relating to agriculture; clarifying the employment status of certain farm crisis assistance personnel; amending Minnesota Statutes 1996, section 17.03, subdivision 9.

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 456 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 456:** A bill for an act relating to taxation; making policy changes to property taxes; amending Minnesota Statutes 1996, sections 275.075; 287.08; 287.28; 287.37; 290A.04, subdivision 2h; 477A.05, subdivisions 1, 2, and 5; and 515B.1-105; Laws 1996, chapter 471, article 3, section 49.

Mr. Belanger moved to amend S.F. No. 456 as follows:

Page 8, line 34, delete "The county"

Page 8, delete lines 35 and 36

Page 9, delete lines 1 to 4

Page 9, line 5, strike "(d)"

Page 9, after line 9, insert:

"Sec. 10. Minnesota Statutes 1996, section 515B.1-116, is amended to read:

515B.1-116 [RECORDING.]

(a) A declaration, bylaws, any amendment to a declaration or bylaws, and any other instrument affecting a common interest community shall be entitled to be recorded. In those counties which have a tract index, the county recorder shall enter the declaration in the tract index for each unit affected. The registrar of titles shall file the declaration on the certificate of title for each unit affected.

(b) The recording officer shall upon request promptly assign a number (CIC number) to a common interest community to be formed or to a common interest community resulting from the merger of two or more common interest communities.

(c) Documents recorded pursuant to this chapter shall in the case of registered land be filed, and references to the recording of documents shall mean filed in the case of registered land.

(d) Subject to any specific requirements of this chapter, if any document to be recorded pursuant to this chapter requires approval by a certain vote or agreement of the unit owners or secured parties, an affidavit of the secretary of the association stating that the required vote or agreement has occurred shall be attached to the document and shall constitute prima facie evidence of the representations contained therein.

(e) If a common interest community is located on registered land, the recording fee for any document affecting two or more units shall be the then-current fee for registering the document on the certificates of title for the first ten affected certificates and one-third of the then-current fee for each additional affected certificate. This provision shall not apply to recording fees for deeds of conveyance, with the exception of deeds given pursuant to sections 515B.2-119 and 515B.3-112.

(f) Except as permitted under this subsection, a recording officer shall not file or record a declaration creating a new common interest community, unless the county treasurer has certified that the property taxes payable in the current year for the real estate included in the proposed common interest community have been paid. This certification is in addition to the certification for delinquent taxes required by section 272.12. In the case of preexisting common interest communities, the recording officer shall accept, file, and record the following instruments, without requiring a certification as to the current or delinquent taxes on any of the units in the common interest community: (i) a declaration subjecting the common interest community to this chapter; (ii) a declaration changing the form of a common interest community pursuant to section 515B.2-123; or (iii) an amendment to or restatement of a the declaration or, bylaws, or an amended CIC plat, approved by the required vote of unit owners of an association may be recorded without the necessity of paying the current or delinquent taxes on any of the units in the common interest community. In order for the instruments to be accepted and recorded under the preceding sentence, the assessor must certify or otherwise inform the recording officer that, for taxes payable in the current year, the assessor has allocated taxable values to each unit or has separately assessed each unit.

(g) The registrar of titles shall not require the filing on certificates of title previously issued for units in a flexible common interest community of an amendment to a declaration pursuant to section 515B.2-111 made solely to add additional real estate."

Page 9, line 26, delete "10" and insert "11"

Page 9, line 27, delete "9" and insert "10"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 5, delete the second "and"

Page 1, line 6, after the semicolon, insert "and 515B.1-116;"

The motion prevailed. So the amendment was adopted.

S.F. No. 456 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	Hanson	Knutson	Novak	Sams
Beckman	Higgins	Krentz	Oliver	Samuelson
Belanger	Hottinger	Laidig	Olson	Scheevel
Berg	Janezich	Larson	Ourada	Scheid
Berglin	Johnson, D.E.	Lesewski	Pappas	Solon
Betzold	Johnson, D.H.	Lessard	Pariseau	Spear
Cohen	Johnson, D.J.	Limmer	Piper	Stevens
Day	Johnson, J.B.	Lourey	Pogemiller	Ten Eyck
Dille	Junge	Marty	Price	Vickerman
Fischbach	Kelley, S.P.	Metzen	Ranum	Wiener
Flynn	Kelly, R.C.	Morse	Robertson	Wiger
Foley	Kiscaden	Murphy	Robling	
Frederickson	Kleis	Neuville	Runbeck	

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

Pursuant to Rule 10, Ms. Junge, designee of the Chair of the Committee on Rules and Administration, designated H.F. No. 117 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 117:** A bill for an act relating to commerce; requiring local units of government to license the retail sale of tobacco; providing for mandatory penalties against license holders for sales to minors; amending Minnesota Statutes 1996, section 461.12; proposing coding for new law in Minnesota Statutes, chapter 461.

Mr. Oliver moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 4, delete section 4 and insert:

"Sec. 4. [461.17] [SELF-SERVICE SALES RESTRICTED.]

No retail establishment shall sell tobacco products from self-service displays, vending machines, or any other format that allows customers access to the product without the face-to-face intervention of an employee of the establishment. This section does not apply to facilities that cannot be entered at any time by persons younger than 18 years of age."

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

Mr. Hottinger moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 4, delete section 3 and insert:

"Sec. 3. [461.16] [CERTAIN PAYMENTS PROHIBITED.]

No manufacturer or distributor of tobacco, as defined in section 609.685, subdivision 1, may give a retail establishment any direct or indirect payment for placing tobacco products in any prescribed location."

Amend the title accordingly

### CALL OF THE SENATE

Ms. Junge imposed a call of the Senate for the balance of the proceedings on H.F. No. 117. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Laidig moved to amend the Hottinger amendment to H.F. No. 117 as follows:

Page 1, line 8, delete "prescribed" and after "location" insert "accessible to the public without the intervention of a store employee"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Hottinger amendment, as amended.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Day voted in the negative.

The motion prevailed. So the Hottinger amendment, as amended, was adopted.

Mr. Vickerman moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 4, delete section 4 and insert:

"Sec. 4. [FEDERAL REGULATIONS.]

Code of Federal Regulations, title 21, part 897.16(c), is incorporated by reference."

Page 5, after line 8, insert:

"Sec. 7. [EFFECTIVE DATE.]

Section 4 is effective upon implementation of Code of Federal Regulations, title 21, part 897.16(c)."

The question was taken on the adoption of the amendment.

Ms. Junge moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 33 and nays 32, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.H.	Lessard	Ourada	Scheid
Berg	Johnson, D.J.	Limmer	Pariseau	Solon
Day	Kelly, R.C.	Metzen	Robertson	Stevens
Fischbach	Kleis	Murphy	Runbeck	Ten Eyck
Hanson	Laidig	Neuville	Sams	Vickerman
Higgins	Langseth	Novak	Samuelson	
Janezich	Lesewski	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Foley	Kiscaden	Morse	Robling
Belanger	Frederickson	Knutson	Oliver	Spear
Berglin	Hottinger	Krentz	Pappas	Wiener
Betzold	Johnson, D.E.	Larson	Piper	Wiger
Cohen	Johnson, J.B.	Lourey	Pogemiller	
Dille	Junge	Marty	Price	
Flynn	Kelley, S.P.	Moe, R.D.	Ranum	

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 3, line 2, delete "charged an administrative"

Page 3, line 3, delete everything before the period and insert "issued a warning citation with an explanation of penalties that must be imposed for second and subsequent violations"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 49, as follows:

Those who voted in the affirmative were:

Beckman	Laidig	Limmer	Pariseau	Solon
Berg	Lesewski	Metzen	Robertson	Stevens
Day	Lessard	Olson	Samuelson	Vickerman
Dille				

Those who voted in the negative were:

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

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

## RECONSIDERATION

Having voted on the prevailing side, Ms. Higgins moved that the vote whereby the Vickerman amendment to H.F. No. 117 was adopted on April 7, 1997, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 33 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kelly, R.C.	Morse	Robling
Belanger	Frederickson	Krentz	Oliver	Spear
Berglin	Higgins	Langseth	Pappas	Ten Eyck
Betzold	Hottinger	Larson	Piper	Wiener
Cohen	Johnson, J.B.	Lourey	Pogemiller	Wiger
Dille	Junge	Marty	Price	
Flynn	Kelley, S.P.	Moe, R.D.	Ranum	

Those who voted in the negative were:

Beckman	Day	Hanson	Johnson, D.E.	Johnson, D.J.
Berg	Fischbach	Janezich	Johnson, D.H.	Kiscaden

Kleis	Limmer	Olson	Sams	Stevens
Knutson	Metzen	Ourada	Samuelson	Vickerman
Laidig	Murphy	Pariseau	Scheevel	
Lesewski	Neuville	Robertson	Scheid	
Lessard	Novak	Runbeck	Solon	

The motion prevailed. So the vote was reconsidered.

The question recurred on the adoption of the Vickerman amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.J.	Limmer	Pariseau	Stevens
Berg	Kelly, R.C.	Metzen	Robertson	Vickerman
Day	Kleis	Murphy	Runbeck	Wiger
Fischbach	Laidig	Neuville	Sams	
Hanson	Langseth	Novak	Samuelson	
Janezich	Lesewski	Olson	Scheevel	
Johnson, D.H.	Lessard	Ourada	Solon	

Those who voted in the negative were:

Anderson	Foley	Kelley, S.P.	Moe, R.D.	Ranum
Belanger	Frederickson	Kiscaden	Morse	Robling
Berglin	Higgins	Knutson	Oliver	Scheid
Betzold	Hottinger	Krentz	Pappas	Spear
Cohen	Johnson, D.E.	Larson	Piper	Ten Eyck
Dille	Johnson, J.B.	Lourey	Pogemiller	Wiener
Flynn	Junge	Marty	Price	

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

Mr. Betzold moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 4, delete lines 34 to 36

Page 5, delete lines 1 to 6

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kelly, R.C.	Neuville	Sams
Belanger	Hottinger	Kiscaden	Ourada	Spear
Berglin	Janezich	Krentz	Pappas	Wiener
Betzold	Johnson, D.J.	Lourey	Piper	
Cohen	Johnson, J.B.	Marty	Price	
Flynn	Junge	Morse	Ranum	
Foley	Kelley, S.P.	Murphy	Runbeck	

Those who voted in the negative were:

Beckman	Johnson, D.E.	Lesewski	Olson	Scheid
Berg	Johnson, D.H.	Lessard	Pariseau	Solon
Day	Kleis	Limmer	Pogemiller	Stevens
Dille	Knutson	Metzen	Robertson	Ten Eyck
Fischbach	Laidig	Moe, R.D.	Robling	Vickerman
Frederickson	Langseth	Novak	Samuelson	Wiger
Hanson	Larson	Oliver	Scheevel	

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

Mr. Marty moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 4, after line 19, insert:



"Sec. 4. [461.17] [MANUFACTURERS TO REPORT CERTAIN HAZARDOUS SUBSTANCES TO ASSIST IN ENFORCEMENT OF LOCAL ORDINANCES.]

Subdivision 1. [ANNUAL REPORT REQUIRED.] Each manufacturer of tobacco products sold in Minnesota shall provide the commissioner of health with an annual report, in a form and at a time specified by the commissioner, identifying, for each brand of such product, any hazardous substances present in detectable levels in the product in its burned and unburned state. "Hazardous substance," for the purposes of this section, has the meaning given in section 182.651, subdivision 14. If a manufacturer believes that any such substance is safe when chewed or inhaled at typical rates of consumption, the manufacturer shall provide any scientific, peer-reviewed evidence that supports its belief with the report. Reports under this section are public data, and shall identify the analytical method used and level of detection.

Subd. 2. [ASSISTANCE TO CITIES.] Upon request, the commissioner shall provide a local government with a copy of reports filed under this section, to assist in the enforcement of local ordinances."

Page 4, line 20, delete "461.17" and insert "461.18"

Page 4, line 31, delete "461.18" and insert "461.19"

Page 4, line 32, delete "461.17" and insert "461.18"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.H. moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 5, after line 6, insert:

"Sec. 6. Minnesota Statutes 1996, section 609.685, subdivision 3, is amended to read:

Subd. 3. [PETTY MISDEMEANOR.] Whoever possesses, smokes, chews, or otherwise ingests, purchases, or attempts to purchase tobacco or tobacco related devices and is under the age of 18 years is guilty of a petty misdemeanor. This subdivision does not apply to a person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco related devices while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes. A minimum fine of \$100 must be imposed for violation of this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Neuville moved to amend the Johnson, D.H. amendment to H.F. No. 117 as follows:

Page 1, line 14, delete "\$100" and insert "\$75"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Johnson, D.H. amendment, as amended.

The roll was called, and there were yeas 54 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Janezich	Kelly, R.C.	Langseth
Belanger	Flynn	Johnson, D.E.	Kiscaden	Larson
Berg	Foley	Johnson, D.H.	Kleis	Lesewski
Betzold	Frederickson	Johnson, J.B.	Knutson	Lessard
Day	Hanson	Junge	Krentz	Limmer
Dille	Higgins	Kelley, S.P.	Laidig	Lourey

Marty	Olson	Ranum	Samuelson	Stevens
Morse	Ourada	Robertson	Scheevel	Ten Eyck
Neuville	Pariseau	Robling	Scheid	Wiener
Novak	Piper	Runbeck	Solon	Wiger
Oliver	Price	Sams	Spear	

Those who voted in the negative were:

Beckman	Cohen	Johnson, D.J.	Murphy	Pogemiller
Berglin	Hottinger	Moe, R.D.	Pappas	Vickerman

The motion prevailed. So the Johnson, D.H. amendment, as amended, was adopted.

Mr. Larson moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 2, line 4, delete "or"

Page 2, line 9, before the period, insert "; or

(5) is under the age of 18 years and is disciplined for the use of tobacco on school property"

The motion prevailed. So the amendment was adopted.

Mr. Murphy moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 4, delete lines 21 to 26 and insert:

"Subdivision 1. [SELF-SERVICE SALES RESTRICTED.] A retail establishment may sell tobacco products by means of self-service displays, but only if the displays are located within the line of sight of an employee so that the displays can be monitored during regular business hours. This section does not apply in areas that cannot be entered at any time by persons under 18 years of age. This subdivision expires when subdivision 2 becomes effective.

Subd. 2. [FEDERAL REGULATIONS.] Code of Federal Regulations, title 21, part 897.16(c), is incorporated by reference."

Page 4, line 27, delete "2" and insert "3"

Page 5, after line 8, insert:

"Sec. 7. [EFFECTIVE DATE.]

Section 4, subdivision 2, is effective upon implementation of Code of Federal Regulations, title 21, part 897.16(c)."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 40, as follows:

Those who voted in the affirmative were:

Beckman	Janezich	Larson	Moe, R.D.	Pariseau
Berg	Johnson, D.H.	Lesewski	Murphy	Robertson
Day	Kleis	Lessard	Neuville	Samuelson
Fischbach	Knutson	Limmer	Novak	Solon
Hanson	Laidig	Metzen	Olson	Vickerman

Those who voted in the negative were:

Anderson	Frederickson	Kelly, R.C.	Ourada	Sams
Belanger	Higgins	Kiscaden	Pappas	Scheevel
Berglin	Hottinger	Krentz	Piper	Scheid
Betzold	Johnson, D.E.	Langseth	Pogemiller	Spear
Cohen	Johnson, D.J.	Lourey	Price	Stevens
Dille	Johnson, J.B.	Marty	Ranum	Ten Eyck
Flynn	Junge	Morse	Robling	Wiener
Foley	Kelley, S.P.	Oliver	Runbeck	Wiger

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

Mr. Neuville moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 1, before line 11, insert:

"Section 1. [127.50] [STUDENT USE OF TOBACCO PRODUCTS; PENALTY.]

A teacher, administrator, or other school personnel may issue a written citation to any student observed to be using or possessing tobacco products. The citation must be given if the violation occurs on school property. Any citation must be issued within eight hours of the student's violation and should be promptly delivered to the local law enforcement agency for filing with the court and the citation must describe the nature of the violation. Any student receiving a citation is required to pay a minimum mandatory fine of \$25. Any fines collected shall be paid to the county treasury for the benefit of the school district in which the offense is committed."

Pages 2 to 5, delete sections 2 to 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Neuville then moved to amend the Neuville amendment to H.F. No. 117 as follows:

Page 1, line 13, delete everything after the period

Page 1, line 14, delete everything before "Any"

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Spear requested division of the Neuville amendment, as amended.

First portion:

Page 1, before line 11, insert:

"Section 1. [127.50] [STUDENT USE OF TOBACCO PRODUCTS; PENALTY.]

A teacher, administrator, or other school personnel may issue a written citation to any student observed to be using or possessing tobacco products. The citation must be given if the violation occurs on school property. Any citation must be issued within eight hours of the student's violation and should be promptly delivered to the local law enforcement agency for filing with the court and the citation must describe the nature of the violation. Any fines collected shall be paid to the county treasury for the benefit of the school district in which the offense is committed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Second portion:

Pages 2 to 5, delete sections 2 to 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the second portion of the Neuville amendment, as amended.

The roll was called, and there were yeas 7 and nays 55, as follows:

Those who voted in the affirmative were:

Berg  
Laidig

Lesewski  
Limmer

Neuville

Pariseau

Stevens

Those who voted in the negative were:

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

The motion did not prevail. So the second portion of the Neuville amendment, as amended, was not adopted.

The question was taken on the first portion of the Neuville amendment, as amended.

The roll was called, and there were yeas 30 and nays 33, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.J.	Larson	Oliver	Runbeck
Day	Kelly, R.C.	Lesewski	Olson	Samuelson
Dille	Kiscaden	Lessard	Ourada	Scheevel
Fischbach	Kleis	Limmer	Pariseau	Solon
Johnson, D.E.	Knutson	Morse	Price	Stevens
Johnson, D.H.	Laidig	Neuville	Robling	Wiger

Those who voted in the negative were:

Anderson	Foley	Junge	Murphy	Scheid
Beckman	Frederickson	Kelley, S.P.	Novak	Spear
Belanger	Hanson	Krentz	Pappas	Ten Eyck
Berglin	Higgins	Lourey	Piper	Vickerman
Betzold	Hottinger	Marty	Pogemiller	Wiener
Cohen	Janezich	Metzen	Ranum	
Flynn	Johnson, J.B.	Moe, R.D.	Sams	

The motion did not prevail. So the second portion of the Neuville amendment, as amended, was not adopted.

Ms. Kiscaden moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 3, delete lines 29 to 35

Page 3, line 36, delete "5" and insert "4"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 40, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.E.	Lessard	Olson	Solon
Berg	Kelly, R.C.	Limmer	Ourada	Stevens
Day	Kiscaden	Metzen	Pariseau	Vickerman
Hanson	Laidig	Moe, R.D.	Runbeck	
Janezich	Lesewski	Neuville	Samuelson	

Those who voted in the negative were:

Anderson	Dille	Higgins	Junge	Langseth
Belanger	Fischbach	Hottinger	Kelley, S.P.	Larson
Berglin	Flynn	Johnson, D.H.	Kleis	Lourey
Betzold	Foley	Johnson, D.J.	Knutson	Marty
Cohen	Frederickson	Johnson, J.B.	Krentz	Morse

Murphy	Piper	Ranum	Scheevel	Ten Eyck
Oliver	Pogemiller	Robling	Scheid	Wiener
Pappas	Price	Sams	Spear	Wiger

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

Ms. Runbeck moved to amend H.F. No. 117, the unofficial engrossment, as follows:

Page 3, after line 35, insert:

"The board of government innovation and cooperation may grant a waiver from the requirements of this subdivision to a licensing authority which demonstrates that it has implemented an alternative effective compliance check system."

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

H.F. No. 117 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 55 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Lesewski	Limmer	Neuville	Pariseau
Day				

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1135 and the report pertaining to appointments. The motion prevailed.

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

**H.F. No. 10:** A bill for an act relating to consumer protection; requiring child protective devices in shopping carts; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 1, after line 20, insert:

"Subd. 3. [NO CRIMINAL PENALTY.] A violation of this section is not a crime."

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

**Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**H.F. No. 211:** A bill for an act relating to telecommunications; authorizing the installation of extended area service within combined school districts.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1135:** A bill for an act relating to government operations; providing for a uniform business identifier to assist businesses in their dealings with the state; providing for electronic filing and information retrieval pertaining to business licenses; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [UNIFORM BUSINESS IDENTIFIER; ELECTRONIC LICENSURE FILING AND RETRIEVAL.]

Subdivision 1. [PHASE I - SYSTEM CREATION; OFFICE OF TECHNOLOGY.] The Minnesota office of technology shall coordinate the design and implementation of a uniform business identifier system to provide a business with a single account number for its dealings with all state agencies. The system must be designed and maintained so that the electronic filing and retrieval system required by subdivisions 2 and 3 may be operated within that design.

Subd. 2. [PHASE II - ELECTRONICALLY ACCESSIBLE INFORMATION.] By December 31, 1999, the office shall coordinate the design, establishment, implementation, and maintenance of an electronic system to allow the public to retrieve via computer information prepared by the department of trade and economic development bureau of business licenses on licenses and their requirements. The office shall establish the format and standards for retrieval consistent with state information and data interchange policies and subject to chapter 13. The office will work in collaboration with the department of trade and economic development bureau of business licenses. The bureau is responsible for creating and operating the system.

Subd. 3. [PHASE III - ELECTRONIC FILING OF LICENSE APPLICATIONS.] By December 31, 2000, the office shall coordinate the design, establishment, implementation, and maintenance of an electronic system to allow the public to file via computer electronic applications for business licenses and permits as defined in Minnesota Statutes, sections 116C.24, subdivision 5, and 116J.70, subdivision 2, and for the occupational and other licenses, registrations, certifications, and permits described in Minnesota Statutes, section 116J.70, subdivision 2a, clauses (1) and (3). The office shall, consistent with Minnesota Statutes, section 116J.83, and in consultation with each agency having jurisdiction to approve or deny a license, identify the licenses which can be electronically applied for, and shall establish the standards and formats for such applications consistent with state information and data interchange policies.

Subd. 4. [CONTRACTS TO PERFORM DUTIES.] The office may enter into contracts with public and private entities to carry out its duties under this section. The office will integrate this project with the state's north star initiative.

Subd. 5. [INTERGOVERNMENTAL COOPERATION.] In order to create and operate the system described in subdivision 1, the departments of revenue and economic security and the office of the secretary of state must provide staff to work with the office of technology, each other, and other affected agencies. In order to create and operate the systems described in subdivisions 2

and 3, the department of trade and economic development bureau of business licenses and other affected agencies must provide staff to work with the office of technology and each other. Funds for the staff may be provided from the project appropriation through interagency agreements with the office of technology.

Subd. 6. [DATA SHARING.] All agencies of state government may share information among each other to operate the systems described in subdivisions 1 to 3.

Sec. 2. [APPROPRIATION.]

\$...... is appropriated from the general fund to the Minnesota office of technology for the purposes of phase I, described in section 1, subdivision 1, for the biennium ending June 30, 1999. The office will seek project efficiencies that may be used to fund work in subsequent phases. The office will report by June 30, 1998, on project progress and additional funding and legislation requirements for completion of phases II and III, described in section 1, subdivisions 2 and 3."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans.

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

**Ms. Flynn from the Committee on Transportation, to which was referred**

**H.F. No. 179:** A bill for an act relating to drivers' licenses; providing for designation of advance health care directives on drivers' licenses and Minnesota identification cards; amending Minnesota Statutes 1996, sections 171.06, subdivision 3; and 171.07, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Mr. Langseth from the Committee on Education Finance, to which was referred**

**S.F. No. 1858:** A bill for an act relating to family and early childhood education; providing for community and prevention programs; promoting self-sufficiency; providing for child care; establishing grant programs; appropriating money; amending Minnesota Statutes 1996, sections 15.53, subdivision 2; 119A.13, subdivisions 2, 3, and 4; 119A.14; 119A.15, subdivisions 2 and 5; 119A.16; 119A.31, subdivision 1; 119B.01, subdivisions 8, 9, 12, 16, 17, and by adding subdivisions; 119B.02; 119B.03, subdivisions 3, 4, 5, 6, 7, 8, and by adding a subdivision; 119B.04; 119B.05, subdivisions 1, 5, 6, and by adding a subdivision; 119B.07; 119B.08, subdivisions 1 and 3; 119B.09, subdivisions 1, 2, and by adding subdivisions; 119B.10, subdivision 1; 119B.11, subdivisions 1, 3, and by adding a subdivision; 119B.13, subdivision 1; 119B.15; 119B.16, subdivision 1; 119B.18, by adding a subdivision; 119B.20, subdivisions 7, 9, and 10; 119B.21, subdivisions 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11; 121.11, by adding a subdivision; 121.8355, subdivision 1; 124.17, subdivision 2e; 124.2615, subdivisions 1 and 2; 124.2711, subdivision 1; 268.913, subdivisions 2 and 4; 268.914, subdivision 1; and 517.08, subdivision 1c; repealing Minnesota Statutes 1996, sections 119B.03, subdivision 7; 119B.05, subdivisions 2 and 3; 119B.11, subdivision 2; 119B.19, subdivision 2; 119B.21, subdivision 7; 121.8355, subdivision 1a; and 268.913, subdivision 5.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1693:** A bill for an act relating to labor relations; requiring employers to recognize a representative of employees; amending Minnesota Statutes 1996, sections 179.16, by adding a subdivision; and 179A.12, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 179A.03, subdivision 15, is amended to read:

Subd. 15. [PUBLIC EMPLOYER.] "Public employer" or "employer" means:

(a) the state of Minnesota for employees of the state not otherwise provided for in this subdivision or section 179A.10 for executive branch employees;

(b) the board of regents of the University of Minnesota for its employees; and

(c) notwithstanding any other law to the contrary, the governing body of a political subdivision or its agency or instrumentality which has final budgetary approval authority for its employees. However, the views of elected appointing authorities who have standing to initiate interest arbitration, and who are responsible for the selection, direction, discipline, and discharge of individual employees shall be considered by the employer in the course of the discharge of rights and duties under sections 179A.01 to 179A.25; and

(d) a private employer who is successful in winning a competitive bidding process let by the state of Minnesota.

When two or more units of government subject to sections 179A.01 to 179A.25 undertake a project or form a new agency under law authorizing common or joint action, the employer is the governing person or board of the created agency. The governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency according to sections 179A.01 to 179A.25.

"Public employer" or "employer" does not include a "charitable hospital" as defined in section 179.35, subdivision 2.

Nothing in this subdivision diminishes the authority granted pursuant to law to an appointing authority with respect to the selection, direction, discipline, or discharge of an individual employee if this action is consistent with general procedures and standards relating to selection, direction, discipline, or discharge which are the subject of an agreement entered into under sections 179A.01 to 179A.25.

Sec. 2. Minnesota Statutes 1996, section 179A.12, is amended by adding a subdivision to read:

Subd. 2a. [RECOGNITION OF EMPLOYEE ORGANIZATION BY EMPLOYER.] An employer shall recognize and the commissioner shall certify an employee organization as an exclusive representative in an appropriate unit if the employee organization represents 60 percent of employees in the appropriate unit. In determining the percent of employees represented by an employee organization for purposes of this subdivision, the commissioner shall require dated representation authorization signatures of affected employees as verification of the statement of support by the representative of employees. The authorization signatures are privileged confidential information available only to the commissioner. This subdivision does not reduce the time period or nullify any bar to the certification of the employee organization.

Delete the title and insert:

"A bill for an act relating to labor relations; requiring employers to recognize certain employee organizations; defining public employer for the purposes of the public employment labor relations act; amending Minnesota Statutes 1996, sections 179A.03, subdivision 15; and 179A.12, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans. Amendments adopted. Report adopted.

**Mr. Vickerman from the Committee on Local and Metropolitan Government**, to which were referred the following appointments as reported in the Journal for January 9, 1997:



**GAMBLING CONTROL BOARD**

Mary McLeod  
James W. Richter

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

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

**SECOND READING OF SENATE BILLS**

S.F. No. 1858 was read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 10, 211 and 179 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Morse moved that his name be stricken as chief author, shown as a co-author and the name of Mr. Vickerman be shown as chief author to S.F. No. 738. The motion prevailed.

Mr. Laidig moved that his name be stricken as a co-author to S.F. No. 738. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Hottinger be added as a co-author to S.F. No. 738. The motion prevailed.

Mr. Price moved that his name be stricken as a co-author to S.F. No. 1169. The motion prevailed.

Ms. Johnson, J.B. moved that her name be stricken as chief author and the name of Mr. Stumpf be added as chief author to S.F. No. 1169. The motion prevailed.

Mr. Larson moved that S.F. No. 1032 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Taxes. The motion prevailed.

**RECESS**

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

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

**APPOINTMENTS**

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

H.F. No. 473: Mr. Wiger, Mrs. Robling and Ms. Higgins.

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Mr. Terwilliger introduced--**

**S.F. No. 1860:** A bill for an act relating to taxation; providing for property tax reform; changing class rates; providing education funding; providing truth in budgeting; providing levy constraints; appropriating money; amending Minnesota Statutes 1996, sections 273.13, subdivisions 22, 23, 24, 25, and 31; 273.1393; 275.065, subdivisions 1, 3, 5a, 6, 8, and by adding subdivisions; 275.07, subdivision 1, and by adding a subdivision; 276.04, subdivision 2; 477A.013, subdivision 9; and 477A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 273; and 275; repealing Minnesota Statutes 1996, sections 273.13, subdivision 32; 473.3915; and 477A.011, subdivision 37.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Johnson, D.H. introduced--**

**S.F. No. 1861:** A bill for an act relating to corrections; requiring persons convicted of additional offenses to register under the predatory offender registration law; amending Minnesota Statutes 1996, section 243.166, subdivisions 1, 2, 3, and 4.

Referred to the Committee on Crime Prevention.

**Mr. Cohen introduced--**

**S.F. No. 1862:** A bill for an act relating to public finance; clarifying a duty relating to expenditure forecasts; amending Minnesota Statutes 1996, section 16A.103, subdivision 1.

Referred to the Committee on State Government Finance.

**Mr. Laidig introduced--**

**S.F. No. 1863:** A bill for an act relating to corrections; appropriating money for equipment for sex offender notification meetings in several counties.

Referred to the Committee on Crime Prevention.

**Mr. Betzold introduced--**

**S.F. No. 1864:** A bill for an act relating to taxation; sales and use; exempting certain electronic surveillance services; amending Minnesota Statutes 1996, section 297A.01, subdivision 3.

Referred to the Committee on Taxes.

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

**S.F. No. 1865:** A bill for an act relating to crime; witness tampering; increasing criminal penalties for certain witness tampering crimes that involve great bodily harm or death, or clear, credible, and unequivocal threats of great bodily harm or death; amending Minnesota Statutes 1996, section 609.498, by adding a subdivision.

Referred to the Committee on Crime Prevention.

**Ms. Olson introduced--**

**S.F. No. 1866:** A bill for an act relating to education; appropriating money for a grant to independent school district No. 277, Westonka, for tuition costs for resident children with a disability enrolled in a nonresident district under the enrollment options program.

Referred to the Committee on Children, Families and Learning.

**Messrs. Stevens, Lessard, Berg, Janezich and Murphy introduced--**

**S.F. No. 1867:** A resolution memorializing the United States Environmental Protection Agency to exempt the State of Minnesota from its scheduled State Implementation calls on regional transport of ozone.

Referred to the Committee on Environment and Natural Resources.

**Mr. Oliver introduced--**

**S.F. No. 1868:** A bill for an act relating to property taxation; establishing a uniform class rate for residential homestead property; amending Minnesota Statutes 1996, sections 273.13, subdivision 22; and 273.1398, subdivision 1a.

Referred to the Committee on Local and Metropolitan Government.

**MEMBERS EXCUSED**

Mr. Novak was excused from the Session of today from 10:00 to 10:30 a.m. Mr. Moe, R.D. was excused from the Session of today from 10:00 to 11:30 a.m. Mr. Langseth was excused from the Session of today from 10:00 to 11:45 a.m. Ms. Robertson was excused from the Session of today at 1:30 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 8, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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