

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, March 10, 1998

The Senate met at 9:00 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, Bishop David W. Preus.

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

February 6, 1998

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Armin Tesch, 5057 - 260th Ave., Waldorf, Waseca County, effective February 10, 1998, for a term expiring on the first Monday in January, 2002.

Marlene Malstrom, Rt. 5, Box 344, S. Melissa Dr., Detroit Lakes, Becker County, effective February 10, 1998, for a term expiring on the first Monday in January, 2002.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,
Arne H. Carlson, Governor

March 4, 1998

The Honorable Phil Carruthers
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 Act of the 1998 Session of the State Legislature has been received from the Office of the Governor and is 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 1998	Date Filed 1998
	2417	Res. No. 5	Approved w/o signature	March 4

Sincerely,
Joan Anderson Growe
Secretary of State

March 9, 1998

The Honorable Phil Carruthers
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 1998 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 1998	Date Filed 1998
2354		271	11:10 a.m. March 6	March 6
	3095	272	11:12 a.m. March 6	March 6

Sincerely,
Joan Anderson Growe
Secretary of State

March 9, 1998

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. No. 2477.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2669 and 2729.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1998

Mr. President:

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

S.F. No. 3353: A bill for an act relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; providing for regulation of certain activities and practices; amending Minnesota Statutes 1996, sections 3.737, subdivisions 1, 4, and by adding a subdivision; 41A.09, subdivision 1a; 84.83, subdivision 3; 84.871; 84.943, subdivision 3; 86B.415, by adding a subdivision; 97A.037, subdivision 1; 97A.245; 103C.315, subdivision 4; 103F.155, subdivision 2; 103F.161, subdivision 2; 103G.271, subdivision 6; 115B.175, subdivision 3; and 116.07, subdivision 4h; 116.49, by adding a subdivision; Minnesota Statutes 1997 Supplement, sections 17.101, subdivision 5; 41A.09, subdivision 3a; 84.8205; 84.86, subdivision 1; and 97A.485, subdivision 6; repealing Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c; Laws 1991, chapter 275, section 3.

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

Osthoff, Munger, McCollum, Peterson and Holsten.

Senate File No. 3353 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1998

Mr. President:

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

S.F. No. 2516: A bill for an act relating to employee relations; modifying provisions on experimental or research projects in the department of employee relations; amending Minnesota Statutes 1997 Supplement, section 43A.04, subdivision 9.

Senate File No. 2516 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1998

CONCURRENCE AND REPASSAGE

Mr. Stevens moved that the Senate concur in the amendments by the House to S.F. No. 2516 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2516 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 2163: A bill for an act relating to motor vehicles; regulating licensed dealers; providing an exception; amending Minnesota Statutes 1996, section 168.27, subdivision 8; Minnesota Statutes 1997 Supplement, section 168.27, subdivision 1.

Senate File No. 2163 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1998

CONCURRENCE AND REPASSAGE

Mr. Knutson moved that the Senate concur in the amendments by the House to S.F. No. 2163 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2163: A bill for an act relating to motor vehicles; regulating licensed dealers; providing exceptions; providing for separate form for assignment of vehicle title; amending Minnesota Statutes 1996, sections 168.27, subdivision 8; 168A.01, by adding a subdivision; and 168A.11, subdivision 1; Minnesota Statutes 1997 Supplement, section 168.27, subdivision 1.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 3346: A bill for an act relating to human services; appropriating money; changing provisions for long-term care, health care programs and provisions, including MA and GAMC, MinnesotaCare, welfare reform, and regional treatment centers; providing for the sale of certain nursing home property; regulating compulsive gambling; imposing penalties; amending Minnesota Statutes 1996, sections 119B.24; 144.701, subdivisions 1, 2, and 4; 144.702, subdivisions 1, 2, and 8; 144A.09, subdivision 1; 144A.44, subdivision 2; 214.03; 245.462, subdivisions 4 and 8; 245.4871, subdivision 4; 245A.03, by adding a subdivision; 245A.14, subdivision 4; 256.014, subdivision 1; 256.969, subdivisions 16 and 17; 256B.03, subdivision 3; 256B.04, by adding a subdivision; 256B.055, subdivision 7, and by adding a subdivision; 256B.057, subdivision 3a, and by adding subdivisions; 256B.0625, subdivisions 7, 17, 19a, 20, 34, and by adding subdivisions; 256B.0627, subdivision 4; 256B.0911, subdivision 4; 256B.0916; 256B.41, subdivision 1; 256B.431, subdivisions 2b, 4, 11, 22, and by adding a subdivision; 256B.501, subdivision 2; 256B.69, by adding subdivisions; 256D.03, subdivision 4, and by adding subdivisions; 256D.051, by adding a subdivision; 256D.46, subdivision 2; 256I.04, subdivisions 1, 3, and by adding a subdivision; 256I.05, subdivision 2; and 609.115, subdivision 9; Minnesota Statutes 1997 Supplement, sections 60A.15, subdivision 1; 62J.685; 62J.69, subdivisions 1, 2, and by adding a subdivision; 62J.75; 103I.208, subdivision 2; 144.1494, subdivision 1; 144A.071, subdivision 4a; 171.29, subdivision 2; 214.32, subdivision 1; 245B.06, subdivision 2; 256.01, subdivision 2; 256.031, subdivision 6; 256.9657, subdivision 3; 256.9685, subdivision 1; 256.9864; 256B.04, subdivision 18; 256B.056, subdivisions 1a and 4; 256B.06, subdivision 4; 256B.062; 256B.0625, subdivision 31a; 256B.0627, subdivision 5; 256B.0645; 256B.0911, subdivisions 2 and 7; 256B.0913, subdivision 14; 256B.0915, subdivisions 1d and 3; 256B.0951, by adding a subdivision; 256B.431, subdivisions 3f and 26; 256B.433, subdivision 3a; 256B.434, subdivision 10; 256B.69, subdivisions 2 and 3a; 256B.692, subdivisions 2 and 5; 256B.77, subdivisions 3, 7a, 10, and 12; 256D.05, subdivision 8; 256J.02, subdivision 4; 256J.03; 256J.08, subdivisions 11, 26, 28, 40, 60, 68, 73, 83, and by adding subdivisions; 256J.09, subdivisions 6 and 9; 256J.11, subdivision 2, as amended; 256J.12; 256J.14; 256J.15, subdivision 2; 256J.20, subdivisions 2 and 3; 256J.21; 256J.24, subdivisions 1, 2, 3, 4, and by adding subdivisions; 256J.26, subdivisions 1, 2, 3, and 4; 256J.28, subdivisions 1, 2, and by adding a subdivision; 256J.30, subdivisions 10 and 11; 256J.31, subdivisions 5 and 10; 256J.32, subdivisions 4, 6, and by adding a subdivision; 256J.33, subdivisions 1 and 4; 256J.35; 256J.36; 256J.37, subdivisions 1, 2, 9, and by adding subdivisions; 256J.38, subdivision 1; 256J.39, subdivision 2; 256J.395; 256J.42; 256J.43; 256J.45, subdivisions 1, 2, and by adding a subdivision; 256J.46, subdivisions 1, 2, and 2a; 256J.47, subdivision 4; 256J.48, subdivisions 2, 3, and by adding a subdivision; 256J.49, subdivision 4; 256J.50, subdivision 5, and by adding a subdivision; 256J.52, subdivision 4; 256J.54, subdivisions 2, 3, 4, and 5; 256J.55, subdivision 5; 256J.56; 256J.57, subdivision 1; 256J.645, subdivision 3;

256J.74, subdivision 2, and by adding a subdivision; 256K.03, subdivision 5; 256L.01; 256L.02, subdivisions 2 and 3; 256L.03, subdivisions 1, 3, 4, 5, and by adding subdivisions; 256L.04, subdivisions 1, 2, 7, 8, 9, 10, and by adding subdivisions; 256L.05, subdivisions 2, 3, 4, and by adding subdivisions; 256L.06, subdivision 3; 256L.07; 256L.09, subdivisions 2, 4, and 6; 256L.11, subdivision 6; 256L.12, subdivision 5; 256L.15; 256L.17, by adding a subdivision; and 270A.03, subdivision 5; Laws 1994, chapter 633, article 7, section 3; Laws 1997, chapter 203, article 4, section 64; and article 9, section 21; chapter 207, section 7; chapter 225, article 2, section 64; and chapter 248, section 46, as amended; proposing coding for new law in Minnesota Statutes, chapters 144; 145; 245; 256; 256B; 256D; 256J; and 256L; repealing Minnesota Statutes 1996, sections 144.0721, subdivision 3a; 256.031, subdivisions 1, 2, 3, and 4; 256.032; 256.033, subdivisions 2, 3, 4, 5, and 6; 256.034; 256.035; 256.036; 256.0361; 256.047; 256.0475; 256.048; 256.049; and 256B.501, subdivision 3g; Minnesota Statutes 1997 Supplement, sections 62J.685; 144.0721, subdivision 3; 256.031, subdivisions 5 and 6; 256.033, subdivisions 1 and 1a; 256B.057, subdivision 1a; 256B.062; 256B.0913, subdivision 15; 256J.25; 256J.28, subdivision 4; 256J.32, subdivision 5; 256J.34, subdivision 5; 256J.76; 256L.04, subdivisions 3, 4, 5, and 6; 256L.06, subdivisions 1 and 2; 256L.08; 256L.09, subdivision 3; 256L.13; and 256L.14; Laws 1997, chapter 85, article 1, sections 61 and 71; and article 3, section 55; Minnesota Rules (Exempt), parts 9500.9100; 9500.9110; 9500.9120; 9500.9130; 9500.9140; 9500.9150; 9500.9160; 9500.9170; 9500.9180; 9500.9190; 9500.9200; 9500.9210; and 9500.9220.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 9, 1998

Mr. Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 3346, 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 the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2722 and 3644.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 9, 1998

FIRST READING OF HOUSE BILLS

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

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2756, now on the Calendar.

H.F. No. 3644: A bill for an act relating to telecommunications; modifying voting requirements for extended area service within combined school districts; amending Laws 1997, chapter 59, section 1, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3170, now on General Orders.

MOTIONS AND RESOLUTIONS

Mr. Oliver moved that the name of Mr. Marty be added as a co-author to S.F. No. 2540. The motion prevailed.

Mr. Day introduced--

Senate Resolution No. 92: A Senate resolution congratulating the Owatonna High School Boys Wrestling Team on winning the 1998 State Class AAA championship.

Referred to the Committee on Rules and Administration.

Ms. Krentz and Mr. Laidig introduced--

Senate Resolution No. 93: A Senate resolution congratulating the Stillwater High School Debate Team for their successes in the 1998 State High School Debate Meet.

Referred to the Committee on Rules and Administration.

Mr. Kelley, S.P. moved that S.F. No. 2718, No. 18 on the Calendar, be stricken and placed on General Orders. The motion prevailed.

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Kelly, R.C. in the chair.

After some time spent therein, the committee arose, and Mr. Spear reported that the committee had considered the following:

S.F. No. 2582 and H.F. No. 2315, which the committee recommends to pass.

S.F. No. 2928, which the committee recommends to pass, after the following motion:

Mr. Kleis moved to amend S.F. No. 2928 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

Minnesota Statutes 1996, section 72A.08, is repealed.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 48, as follows:

Those who voted in the affirmative were:

Day	Kiscaden	Neuville	Robertson	Scheid
Fischbach	Kleis	Ourada	Scheevel	Stevens
Kelly, R.C.	Limmer			

Those who voted in the negative were:

Anderson	Beckman	Belanger	Berg	Berglin
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Betzold	Janezich	Laidig	Oliver	Solon
Cohen	Johnson, D.E.	Langseth	Pappas	Spear
Dille	Johnson, D.H.	Larson	Piper	Ten Eyck
Flynn	Johnson, D.J.	Lesewski	Price	Terwilliger
Foley	Johnson, J.B.	Lessard	Ranum	Vickerman
Frederickson	Junge	Lourey	Robling	Wiener
Hanson	Kelley, S.P.	Marty	Runbeck	Wiger
Higgins	Knutson	Metzen	Sams	
Hottinger	Krentz	Morse	Samuelson	

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

S.F. No. 2415, which the committee recommends to pass with the following amendment offered by Mr. Frederickson:

Page 3, delete section 3

Page 5, after line 10, insert:

"(c) A response action plan is not required as a condition to receive a grant under section 116J.554, subdivision 1, paragraph (c)."

Pages 5 to 7, delete sections 7 to 9

Page 7, line 32, delete "6" and insert "5"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2550, which the committee recommends to pass with the following amendments offered by Mrs. Fischbach:

Page 2, line 24, delete everything after "of" and insert "United States Code, title 15, section 1681b(e),"

Page 2, line 25, delete everything before "must"

Page 3, line 34, delete everything after "of" and insert "United States Code, title 15, section 1681b(e),"

Page 3, line 35, delete everything before "are"

The motion prevailed. So the amendment was adopted.

Mrs. Fischbach then moved to amend S.F. No. 2550 as follows:

Page 3, line 28, before "loan" insert "solicitation for a cash"

Page 3, line 29, delete "solicitation"

The motion prevailed. So the amendment was adopted.

S.F. No. 2752, which the committee recommends to pass with the following amendments offered by Ms. Wiener:

Page 1, line 19, after "energy" insert "regulation and resource management"

Page 1, line 20, after the semicolon, insert "and"

Page 1, delete lines 21 to 25

Page 2, delete lines 1 to 19 and insert:

"(5) one member representing each of the following occupations or entities, appointed by the commissioner of administration:

- (i) a certified building official;
- (ii) a fire service representative;
- (iii) a licensed architect;
- (iv) a licensed engineer;
- (v) a building owners and managers representative;
- (vi) a licensed residential building contractor;
- (vii) a commercial building contractor;
- (viii) a heating and ventilation contractor;
- (ix) a plumbing contractor;
- (x) a representative of the construction and building trades; and
- (xi) a local unit of government representative."

Page 3, line 6, after the period, insert "If the council establishes subcommittees, it shall include in their memberships representation from entities and organizations expressing an interest in membership. The commissioner of administration shall maintain a list of interested entities and organizations."

Page 3, after line 11, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 2, 1999."

The motion prevailed. So the amendment was adopted.

Ms. Wiener then moved to amend S.F. No. 2752 as follows:

Page 3, after line 11, insert:

"Sec. 2. [RULE EFFECTIVE DATE.]

Rules adopted after February 28, 1998, under Minnesota Statutes, section 16B.165 or 216C.19, subdivision 8, may not take effect before March 1, 1999."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3070, which the committee recommends to pass with the following amendment offered by Mr. Ourada:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1996, section 216B.241, subdivision 2a, is amended to read:

Subd. 2a. [ENERGY AND CONSERVATION ACCOUNT.] The commissioner shall deposit money contributed under subdivisions 1a and 1b in the energy and conservation account in the general fund. Money in the account is appropriated to the department for programs designed to meet the energy conservation needs of low-income persons and to make energy conservation improvements in areas not adequately served under subdivision 2. Interest on money in the account accrues to the account. Using information collected under section 216C.02, subdivision 1, paragraph (b), the commissioner shall, to the extent possible, allocate enough money to programs

for low-income persons to assure that their needs are being adequately addressed. The commissioner shall request the commissioner of finance to transfer money from the account to the commissioner of ~~economic security~~ children, families, and learning for an energy conservation program for low-income persons. In establishing programs, the commissioner shall consult political subdivisions and nonprofit and community organizations, especially organizations engaged in providing energy and weatherization assistance to low-income persons. At least one program must address the need for energy conservation improvements in areas in which a high percentage of residents use fuel oil or propane to fuel their source of home heating. The commissioner may contract with a political subdivision, a nonprofit or community organization, a public utility, a municipality, or a cooperative electric association to implement its programs.

Sec. 2. Minnesota Statutes 1996, section 216B.49, subdivision 3, is amended to read:

Subd. 3. [COMMISSION APPROVAL REQUIRED.] It shall be unlawful for any public utility organized under the laws of this state to offer or sell any security or, if organized under the laws of any other state or foreign country, to subject property in this state to an encumbrance for the purpose of securing the payment of any indebtedness unless the ~~capital structure~~ security issuance of the public utility shall first be approved by the commission. Approval by the commission shall be by formal written order.

Sec. 3. Minnesota Statutes 1996, section 216B.49, subdivision 4, is amended to read:

Subd. 4. [CONSIDERATIONS FOR APPROVAL FOR PUBLIC FINANCING.] Upon the application of a public utility for approval of its ~~capital structure~~ security issuance and prior to the issuance of any security or the encumbrance of any property for the purpose of securing the payment of any indebtedness, the commission may make such inquiry or investigation, hold such hearings, and examine such witnesses, books, papers, documents, or contracts, as in its discretion it may deem necessary. Prior to approval the commission shall ascertain that the amount of securities of each class which any public utility may issue shall bear a reasonable proportion to each other and to the value of the property, due consideration being given to the nature of the business of the public utility, its credit and prospects, the possibility that the value of the property may change from time to time, the effect which the issue shall have upon the management and operation of the public utility, and other considerations which the commission as a matter of fact shall find to be relevant. If the commission shall find that the proposed ~~capital structure~~ security issuance is reasonable and proper and in the public interest and will not be detrimental to the interests of the consumers and patrons affected thereby, the commission shall by written order grant its permission for the proposed public financing."

Page 1, after line 20, insert:

Sec. 5. Minnesota Statutes 1996, section 239.785, subdivision 6, is amended to read:

Subd. 6. [LIQUEFIED PETROLEUM GAS ACCOUNT.] A liquefied petroleum gas account in the special revenue fund is established in the state treasury. Fees and penalties collected under this section must be deposited in the state treasury and credited to the liquefied petroleum gas account. Money in that account, including interest earned, is appropriated to the commissioner of ~~economic security~~ children, families, and learning for programs to improve the energy efficiency of residential liquefied petroleum gas heating equipment in low-income households, and, when necessary, to provide weatherization services to the homes.

Sec. 6. [REPEALER.]

Minnesota Statutes 1996, section 216B.49, subdivision 2, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 726, which the committee recommends to pass with the following amendments offered by Mr. Knutson and Ms. Junge:

Mr. Knutson moved to amend S.F. No. 726 as follows:

Page 8, line 12, delete everything after "Subd. 9."

Page 8, delete lines 13 to 19

Page 8, line 20, delete the paragraph coding and delete "Subd. 10."

Page 8, line 28, delete "11" and insert "10"

Page 8, line 34, delete "12" and insert "11"

Page 9, line 3, delete "13" and insert "12"

Page 9, line 6, delete "14" and insert "13"

Page 9, line 12, delete "15" and insert "14"

Page 9, line 19, delete "16" and insert "15"

The motion prevailed. So the amendment was adopted.

Mr. Knutson then moved to amend S.F. No. 726 as follows:

Page 7, line 22, after the period, insert "A best value determination must be based on the evaluation criteria detailed in the solicitation document. Unless it is determined by the commissioner that an alternative solicitation method should be used to determine best value, a request for bid must be used to solicit formal responses for all building and construction contracts. Any or all responses may be rejected. When using the request for bid process, the bid must be awarded to the lowest responsive and responsible bidder, taking into consideration conformity with the specifications, terms of delivery, the purpose for which the contract or purchase is intended, the status and capability of the vendor, and other considerations imposed in the request for bids. The commissioner may decide which is the lowest responsible bidder for all purchases and may use the principles of life cycle costing, where appropriate, in determining the lowest overall bid."

The motion prevailed. So the amendment was adopted.

Mr. Knutson then moved to amend S.F. No. 726 as follows:

Page 3, line 29, delete the new language and strike "pursuant to section 16B.09," and insert "or contracts"

Page 5, lines 6 and 7, delete "state agencies" and insert "public entities"

Page 5, line 25, before the period, insert "to which an agency is a party"

Page 6, line 7, delete "practicable or"

Page 7, delete lines 7 to 10 and insert "the commissioner may adopt rules, consistent with this chapter and chapter 16B, relating to the following topics:

(1) solicitations and responses to solicitations, bid security, vendor errors, opening of responses, award of contracts, tied bids, and award protest process;

(2) contract performance and failure to perform;

(3) authority to debar or suspend vendors, and reinstatement of vendors;

(4) contract cancellation; and

(5) procurement from rehabilitation facilities."

Page 13, lines 6 and 13, delete "services" and insert "service contracts"

The motion prevailed. So the amendment was adopted.

Mr. Knutson then moved to amend S.F. No. 726 as follows:

Page 7, line 14, delete everything before the comma and insert "requests for bids, requests for proposals, or other method provided for by law"

The motion prevailed. So the amendment was adopted.

Mr. Knutson then moved to amend S.F. No. 726 as follows:

Page 13, line 36, delete everything after "Subd. 4."

Page 14, delete lines 1 to 12

Page 14, line 13, delete the paragraph coding and delete "Subd. 5."

Page 14, line 16, delete "6" and insert "5"

Page 14, line 24, delete "7" and insert "6"

Page 14, line 28, delete "8" and insert "7"

Page 14, line 36, delete "9" and insert "8" and delete "Subdivision 8" and insert "Subdivision 7"

Page 15, line 3, delete "10" and insert "9"

The motion prevailed. So the amendment was adopted.

Ms. Junge moved to amend S.F. No. 726 as follows:

Pages 33 and 34, delete section 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2407, which the committee recommends to pass with the following amendments offered by Ms. Krentz, Messrs. Kelley, S.P.; Neuville; Janezich; Lessard; Frederickson; Ourada and Laidig:

Ms. Krentz moved to amend S.F. No. 2407 as follows:

Page 12, line 14, delete everything after "supervision" and insert a period

Page 12, delete lines 15 to 36

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 20, as follows:

Those who voted in the affirmative were:

Betzold	Janezich	Laidig	Novak	Samuelson
Day	Johnson, D.E.	Lesewski	Oliver	Solon
Dille	Johnson, D.J.	Lessard	Ourada	Stevens
Flynn	Kiscaden	Limmer	Price	Ten Eyck
Frederickson	Kleis	Lourey	Ranum	Terwilliger
Hanson	Knutson	Metzen	Robertson	Wiener
Higgins	Krentz	Neuville	Runbeck	

Those who voted in the negative were:

Anderson	Belanger	Cohen	Johnson, D.H.	Junge
Beckman	Berglin	Hottinger	Johnson, J.B.	Kelley, S.P.

Larson
Morse

Pappas
Piper

Robling
Sams

Scheevel
Spear

Vickerman
Wiger

The motion prevailed. So the amendment was adopted.

Mr. Kelley, S.P. moved to amend S.F. No. 2407 as follows:

Page 13, line 6, delete "moving violations and for violation of"

Page 13, line 10, delete "For purposes"

Page 13, delete lines 11 to 13

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2407 as follows:

Page 6, line 10, before "violation" insert "moving traffic"

The motion prevailed. So the amendment was adopted.

Mr. Janezich moved to amend S.F. No. 2407 as follows:

Page 19, line 10, delete "25" and insert "21"

Mr. Janezich then moved to amend the Janezich amendment to S.F. No. 2407 as follows:

Page 4, line 11, delete "25" and insert "21"

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

The question recurred on the adoption of the Janezich amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Lessard moved to amend S.F. No. 2407 as follows:

Page 6, line 8, delete "convictions" and insert "more than one conviction"

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend S.F. No. 2407 as follows:

Page 11, line 5, after "occupant" insert "under the age of 18"

Page 13, line 2, after "occupant" insert "under the age of 18"

The motion prevailed. So the amendment was adopted.

Mr. Ourada moved to amend S.F. No. 2407 as follows:

Page 10, after line 7, insert:

"(2) has completed the classroom phase of instruction in the driver education program;"

Page 10, line 8, delete "(2)" and insert "(3)"

Page 10, line 9, delete "(3)" and insert "(4)"

Page 10, line 11, delete "(4)" and insert "(5)"

Page 10, line 23, delete "(5)" and insert "(6)"

Page 21, after line 10, insert:

"Sec. 30. [RULE CHANGE.]

The commissioner shall amend Minnesota Rules, part 7411.0510, subpart 6, so that a person less than 18 years of age must complete the classroom phase of a driver education program before receiving an instruction permit. The amendment must be adopted pursuant to Minnesota Statutes, sections 14.22 to 14.28."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 2407 as follows:

Page 11, line 26, delete "violation" and insert "moving violation, as described in section 171.05, subdivision 2b,"

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2407 as follows:

Page 6, line 10, after "violation" insert "as described in section 171.05, subdivision 2b,"

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 22, Mr. Kleis moved that he be excused from voting on S.F. No. 2407. The motion prevailed.

The question was taken on the recommendation to pass S.F. No. 2407.

The roll was called, and there were yeas 49 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kiscaden	Neuville	Samuelson
Beckman	Higgins	Knutson	Oliver	Scheevel
Belanger	Hottinger	Krentz	Ourada	Solon
Berglin	Johnson, D.E.	Laidig	Pappas	Spear
Betzold	Johnson, D.H.	Larson	Piper	Ten Eyck
Cohen	Johnson, D.J.	Lesewski	Pogemiller	Terwilliger
Day	Johnson, J.B.	Lessard	Price	Vickerman
Dille	Junge	Marty	Ranum	Wiener
Flynn	Kelley, S.P.	Metzen	Robling	Wiger
Foley	Kelly, R.C.	Morse	Sams	

Those who voted in the negative were:

Fischbach	Janezich	Limmer	Robertson	Stumpf
Hanson	Langseth	Pariseau	Runbeck	

The motion prevailed. So S.F. No. 2407 was recommended to pass.

On motion of Ms. Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Morse moved that S.F. No. 2660, No. 13 on General Orders, be stricken and re-referred to the Committee on Governmental Operations and Veterans. The motion prevailed.

Pursuant to Rule 40, Ms. Runbeck, first author, moved that S.F. No. 3364 be withdrawn from the Committee on Taxes and referred to the Committee on Rules and Administration.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 19 and nays 39, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Frederickson	Junge	Metzen	Solon
Beckman	Hanson	Kelley, S.P.	Morse	Spear
Belanger	Higgins	Kelly, R.C.	Pappas	Stumpf
Berglin	Hottinger	Krentz	Piper	Ten Eyck
Betzold	Janezich	Laidig	Pogemiller	Vickerman
Cohen	Johnson, D.H.	Langseth	Price	Wiener
Flynn	Johnson, D.J.	Lessard	Ranum	Wiger
Foley	Johnson, J.B.	Marty	Sams	

The motion did not prevail.

MEMBERS EXCUSED

Mrs. Pariseau was excused from the Session of today from 9:00 to 9:35 and from 11:25 a.m. to 1:55 p.m. Mr. Price was excused from the Session of today from 9:00 to 9:40 a.m. Mr. Sams was excused from the Session of today from 9:00 to 9:45 a.m. Mr. Cohen was excused from the Session of today from 9:00 to 10:15 a.m. Mr. Pogemiller was excused from the Session of today from 9:00 a.m. to 2:45 p.m. Ms. Olson was excused from the Session of today at 9:55 a.m. Mr. Novak was excused from the Session of today from 10:45 a.m. to 12:30 p.m. and at 2:25 p.m. Mrs. Scheid was excused from the Session of today at 12:00 noon. Mrs. Lourey was excused from the Session of today at 2:25 p.m.

ADJOURNMENT

Ms. Junge moved that the Senate do now adjourn until 10:00 a.m., Wednesday, March 11, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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