

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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NINETIETH DAY

St. Paul, Minnesota, Thursday, March 12, 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, Rev. John C. Manz.

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

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

## 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. 2266, 2570, 2945 and 2041.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 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. 2119:** A bill for an act relating to local government; authorizing municipalities to provide for contract bid specifications, design, and construction standards; amending Minnesota Statutes 1996, section 471.345, by adding a subdivision.

Senate File No. 2119 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1998

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 2119, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3840.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 12, 1998

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 3840:** A bill for an act relating to the financing and operation of government in this state; providing property tax rebates; providing property tax reform; making changes to property tax rates, levies, notices, hearings, assessments, exemptions, aids, and credits; providing for limited market value; extending levy limits; providing bonding and levy authority, and other powers to certain political subdivisions; making changes to income, sales, excise, mortgage registry and deed, premiums, and solid waste tax provisions; authorizing the imposition of certain local sales, use, excise, and lodging taxes; authorizing a sanitary sewer district; modifying provisions relating to the budget reserve and other accounts; making changes to tax increment financing, regional development, housing, and economic development provisions; providing for the taxation of taconite and the distribution of taconite taxes; modifying provisions relating to the taxation and operation of gaming; providing for border city zones; making miscellaneous changes to state and local tax and administrative provisions; providing for calculation of rent constituting property taxes; changing the senior citizens' property tax deferral program; changing certain fiscal note requirements; establishing a tax study commission; providing for a land transfer; appropriating money; amending Minnesota Statutes 1996, sections 16A.102, subdivisions 1 and 2; 92.46, by adding a subdivision; 124.95, subdivisions 3, 4, and 5; 124A.02, subdivision 3; 240.15, subdivision 1; 273.111, subdivision 9; 273.112, subdivision 7; 273.13, subdivisions 22, 23, and 24; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1398, subdivision 2; 275.07, by adding a subdivision; 289A.08, subdivision 13; 290.06, subdivision 2c, and by adding a subdivision; 290.067, subdivisions 2 and 2a; 290.091, subdivision 2; 290.0921, subdivision 3a; 290.10; 290.21, subdivision 3; 290A.03, subdivision 3; 297A.01, subdivision 8; 297A.02, subdivisions 2 and 4; 297A.135, subdivision 4; 297A.25, by adding subdivisions; 297E.02, subdivisions 1, 4, and 6; 298.225, subdivision 1; 298.28, subdivisions 4, 6, 9, 10, and 11; 360.653; 462.396, subdivision 2; 469.091, subdivision 1; 469.101, subdivision 1; 469.169, by adding a subdivision; 469.170, by adding a subdivision; 469.171, subdivision 9; 469.174, by adding a subdivision; 469.175, subdivisions 5, 6, 6a, and by adding a subdivision; 469.176, subdivision 7; 469.177, by adding a subdivision; 469.1771, subdivision 5, and by adding a subdivision; 473.3915, subdivisions 2 and 3; 475.58, subdivision 1; 477A.0122, subdivision 6; 477A.03, subdivision 2; 477A.14; Minnesota Statutes 1997 Supplement, sections 3.986, subdivisions 2 and 4; 3.987, subdivisions 1 and 2;

3.988, subdivision 3; 3.989, subdivisions 1 and 2; 16A.152, subdivision 2; 124.239, subdivisions 5a and 5b; 124.315, subdivisions 4 and 5; 124.918, subdivision 8; 124.961; 270.67, subdivision 2; 272.02, subdivision 1; 272.115, subdivisions 4 and 5; 273.11, subdivision 1a; 273.124, subdivision 14; 273.127, subdivision 3; 273.13, subdivisions 22, 23, 24, 25, as amended, and 31; 273.1382, subdivisions 1 and 3; 275.065, subdivisions 3 and 6; 275.70, subdivision 5, and by adding a subdivision; 275.71, subdivisions 2, 3, and 4; 275.72, by adding a subdivision; 287.08; 289A.02, subdivision 7; 289A.11, subdivision 1; 289A.19, subdivision 2; 290.01, subdivisions 19, 19a, 19b, 19c, 19f, and 31; 290.0671, subdivision 1; 290.0673, subdivision 2; 290.091, subdivision 6; 290.371, subdivision 2; 290A.03, subdivisions 11, 13, and 15; 290B.03, subdivision 1; 290B.04, subdivisions 1, 3, and by adding subdivisions; 290B.05, subdivisions 1, 2, and 4; 290B.06; 290B.07; 290B.08, subdivision 2; 290B.09, subdivision 1; 291.005, subdivision 1; 297A.01, subdivisions 4 and 16; 297A.14, subdivision 4; 297A.25, subdivisions 3, 9, and 11; 297A.256, subdivision 1; 297A.48, by adding a subdivision; 297B.03; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297H.04, by adding a subdivision; 349.19, subdivision 2a; 462A.071, subdivisions 2, 4, and 8; and 477A.011, subdivision 36; Laws 1971, chapter 773, sections 1, as amended, and 2, as amended; Laws 1980, chapter 511, sections 2 and 3; Laws 1984, chapter 380, sections 1, as amended, and 2; Laws 1992, chapter 511, articles 2, section 52, as amended; and 8, section 33, subdivision 5; Laws 1994, chapter 587, article 11, by adding a section; Laws 1995, chapter 255, article 3, section 2, subdivisions 1, as amended, and 4, as amended; Laws 1997, chapter 231, articles 1, section 16, as amended; 2, sections 63, subdivision 1, and 68, subdivision 3; 3, section 9; 5, section 20; 7, section 47; and 13, section 19; and Laws 1997, Second Special Session chapter 2, section 33; proposing coding for new law in Minnesota Statutes, chapters 272; 273; 290; 365A; and 469; repealing Minnesota Statutes 1996, sections 124A.697; 124A.698; 124A.70; 124A.71; 124A.711, subdivision 1; 124A.72; 124A.73; 289A.50, subdivision 6; and 365A.09; Minnesota Statutes 1997 Supplement, sections 3.987, subdivision 3; 14.431; and 124A.711, subdivision 2; Laws 1992, chapter 499, article 7, section 31.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Moe, R.D. moved that H.F. No. 3840 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**H.F. No. 3184** 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.
3184	3207				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3184 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3184 and insert the language after the enacting clause of S.F. No. 3207, the second engrossment; further, delete the title of H.F. No. 3184 and insert the title of S.F. No. 3207, the second engrossment.

And when so amended H.F. No. 3184 will be identical to S.F. No. 3207, and further

recommends that H.F. No. 3184 be given its second reading and substituted for S.F. No. 3207, 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. 3068** 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.
3068	2520				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3068 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3068 and insert the language after the enacting clause of S.F. No. 2520, the first engrossment; further, delete the title of H.F. No. 3068 and insert the title of S.F. No. 2520, the first engrossment.

And when so amended H.F. No. 3068 will be identical to S.F. No. 2520, and further recommends that H.F. No. 3068 be given its second reading and substituted for S.F. No. 2520, 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 under Rule 35, together with the committee report thereon,**

**S.F. No. 3109:** A bill for an act relating to agriculture; certification for manure testing laboratories; adding requirements for manure storage structures; defining "animal unit"; requiring a report on manure applicator training; expanding the purposes of the value-added agricultural product loan program; modifying requirements for environmental review of proposed feedlots; establishing a voluntary rural dispute resolution procedure; modifying provisions relative to animal cruelty; providing alternatives for animal disposal; amending Minnesota Statutes 1996, sections 18C.141; 35.82, subdivision 2; 41B.046, subdivision 1; 116D.04, subdivision 2a; 343.22, subdivision 1; 343.24, subdivision 1; 343.25; 343.40, subdivision 2; 346.38, subdivisions 4 and 5; Minnesota Statutes 1997 Supplement, section 116.07, subdivision 7; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapter 583; repealing Minnesota Statutes 1996, sections 41B.046, subdivision 4a; and 343.26.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for March 4, 1998, be amended to read:

Page 6, line 14, after "a" insert "liquid"

Page 6, after line 35, insert:

"Sec. 4. Minnesota Statutes 1996, section 116.07, is amended by adding a subdivision to read:

Subd. 7b. [FEEDLOT INVENTORY NOTIFICATION AND PUBLIC MEETING REQUIREMENTS.] (a) Any state agency or local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must publicize notice of the inventory in a newspaper of general circulation in the affected area and in other media as appropriate. The notice must state the dates the inventory will be conducted, the information that will be requested in the inventory, and how the information collected will be provided to the public. The notice must also specify the date for a public meeting to provide information regarding the inventory.

(b) Any state agency or local government unit conducting an inventory or survey of livestock feedlots under its jurisdiction must hold at least one public meeting in each county included in the inventory. The public meeting must provide information concerning the dates the inventory will be conducted, the procedure the agency or local unit of government will use to request the information to be included in the inventory, and how the information collected will be provided to the public.

Sec. 5. [116.0714] [DENIAL OF PERMIT APPLICATIONS.]

(a) The commissioner may reject an application for a permit filed with the commissioner upon making a specific finding that:

(1) the applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant or any officer, director, partner, or resident general manager of the facility for which application has been made:

(i) has misrepresented a material fact in applying for a permit;

(ii) has violated environmental laws of any state or the United States which have caused significant and material environmental damage;

(iii) has had any permit revoked under the environmental laws of any state or the United States;  
or

(iv) has otherwise demonstrated through previous actions that the applicant lacks competency to reliably carry out the obligations imposed by law upon the permit holder; or

(2) the application substantially duplicates an application by the same applicant denied within the past five years, which denial has not been reversed by a court of competent jurisdiction. Nothing in this section prohibits an applicant from submitting a new application for a permit previously denied if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.

(b) All applications filed with the commissioner must include a certification, sworn to under oath and signed by the applicant, that the applicant is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification constitutes a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation, or hearing process, the commissioner finds the applicant has made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected under this section.

(c) Rejection of an application under this section constitutes final agency action upon that application and may be appealed to a district court as provided for in statute."

Page 10, after line 2, insert:

"Sec. 8. [FEEDLOT RULES.]

By November 1, 1998, the commissioner must submit a copy of updated feedlot permit rules as prescribed in Minnesota Statutes, section 116.07, subdivision 7, paragraph (i). The updated rules must become effective no later than February 28, 1999."

Pages 11 to 13, delete sections 1 to 7 and insert:

"Section 1. Minnesota Statutes 1996, section 343.24, is amended to read:

343.24 [CRUELTY IN TRANSPORTATION.]

Subdivision 1. [PENALTY.] Any person who does any of the following is guilty of a misdemeanor: (a) Carries or causes to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which the animals can both stand and lie down during transportation and while awaiting slaughter; (b) Except as provided in subdivision 2, paragraph (a), carries or causes to be carried, upon a vehicle or otherwise, any live animal having

feet or legs tied together, or in any other cruel or ~~inhuman~~ inhumane manner; (c) Transports or detains livestock in cars or compartments for more than 28 consecutive hours without unloading the livestock in a humane manner into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, unless requested to do so as provided in subdivision 2, paragraph (b), or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight; or (d) Permits livestock to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other.

Subd. 2. ~~[EXCEPTION EXCEPTIONS.]~~ (a) A person may carry or cause to be carried, upon a vehicle or otherwise, a cloven-hoofed animal having legs tied together, if:

(1) the person transporting the animal is the animal's owner, or an employee or agent of the owner;

(2) the animal weighs 150 pounds or less;

(3) the animal is transported only on the owner's property or over a public way from one point on the owner's property to another point on the owner's property;

(4) the tying is done in a humane manner and is necessary for the animal's safe transport; and

(5) the animal's legs are tied for no longer than one hour.

(b) A person or corporation engaged in transporting livestock may confine livestock for 36 consecutive hours if the owner or person with custody of that particular shipment of livestock requests in writing that an extension be allowed. That written request shall be separate from any printed bill of lading or other railroad form.

Sec. 2. Minnesota Statutes 1996, section 343.40, subdivision 2, is amended to read:

Subd. 2. ~~[BUILDING SPECIFICATIONS.]~~ The shelter shall include a moistureproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground ~~and with the entrance covered by a flexible windproof material or a self-closing swinging door.~~ Between November 1 and March 31 the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

Sec. 3. Minnesota Statutes 1996, section 346.38, subdivision 4, is amended to read:

Subd. 4. ~~[SHELTER.]~~ Equines must be provided a minimum of free choice protection ~~or~~ of constructed shelter from ~~direct rays of the sun when temperatures exceed 95 degrees Fahrenheit, from wind, and from freezing precipitation~~ adverse weather conditions, including direct rays of the sun in extreme heat or cold, wind, or precipitation. Natural or constructed shelters must be of sufficient size to provide the necessary protection. Constructed shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated. Outside exercise paddocks for equines do not require separate constructed shelter where a shelter is accessible to the equine on adjacent or other accessible areas of the property."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "providing for denial of permits by the pollution control agency; requiring notification and public meetings before conducting feedlot inventories; requiring an update to feedlot rules;"

Page 1, line 13, after the first semicolon, insert "116.07, by adding a subdivision;"

Page 1, delete lines 14 and 15 and insert "343.24; 343.40, subdivision 2; 346.38, subdivision 4;"

Page 1, line 19, delete "chapter" and insert "chapters 116; and"

Page 1, line 20, delete "sections" and insert "section"

Page 1, line 21, delete "; and 343.26"

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

### SECOND READING OF SENATE BILLS

S.F. No. 3109 was read the second time.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 3184 and 3068 were read the second time.

### MOTIONS AND RESOLUTIONS

#### Mr. Larson introduced--

**Senate Resolution No. 94:** A Senate resolution congratulating Jacob Volkmann, a junior at the Battle Lake, Underwood, Henning High School, on his State High School Wrestling Championships and on his academic achievements.

Referred to the Committee on Rules and Administration.

#### Messrs. Johnson, D.J.; Solon; Janezich and Lessard introduced--

**Senate Resolution No. 95:** A Senate resolution congratulating the Duluth East High School boys hockey team on winning the 1998 State High School Class AA Boys Hockey championship.

Referred to the Committee on Rules and Administration.

#### Messrs. Janezich; Johnson, D.J.; Solon and Lessard introduced--

**Senate Resolution No. 96:** A Senate resolution congratulating the Eveleth-Gilbert High School boys hockey team on winning the 1998 State High School Class A Boys Hockey championship.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that H.F. No. 3840 be taken from the table. The motion prevailed.

**H.F. No. 3840:** A bill for an act relating to the financing and operation of government in this state; providing property tax rebates; providing property tax reform; making changes to property tax rates, levies, notices, hearings, assessments, exemptions, aids, and credits; providing for limited market value; extending levy limits; providing bonding and levy authority, and other powers to certain political subdivisions; making changes to income, sales, excise, mortgage registry and deed, premiums, and solid waste tax provisions; authorizing the imposition of certain local sales, use, excise, and lodging taxes; authorizing a sanitary sewer district; modifying provisions relating to the budget reserve and other accounts; making changes to tax increment financing, regional development, housing, and economic development provisions; providing for the taxation of taconite and the distribution of taconite taxes; modifying provisions relating to the taxation and operation of gaming; providing for border city zones; making miscellaneous changes to state and local tax and administrative provisions; providing for calculation of rent constituting property taxes; changing the senior citizens' property tax deferral program; changing certain fiscal note requirements; establishing a tax study commission; providing for a land transfer; appropriating money; amending Minnesota Statutes 1996, sections 16A.102, subdivisions 1 and 2; 92.46, by adding a subdivision; 124.95, subdivisions 3, 4, and 5; 124A.02, subdivision 3; 240.15,

subdivision 1; 273.111, subdivision 9; 273.112, subdivision 7; 273.13, subdivisions 22, 23, and 24; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1398, subdivision 2; 275.07, by adding a subdivision; 289A.08, subdivision 13; 290.06, subdivision 2c, and by adding a subdivision; 290.067, subdivisions 2 and 2a; 290.091, subdivision 2; 290.0921, subdivision 3a; 290.10; 290.21, subdivision 3; 290A.03, subdivision 3; 297A.01, subdivision 8; 297A.02, subdivisions 2 and 4; 297A.135, subdivision 4; 297A.25, by adding subdivisions; 297E.02, subdivisions 1, 4, and 6; 298.225, subdivision 1; 298.28, subdivisions 4, 6, 9, 10, and 11; 360.653; 462.396, subdivision 2; 469.091, subdivision 1; 469.101, subdivision 1; 469.169, by adding a subdivision; 469.170, by adding a subdivision; 469.171, subdivision 9; 469.174, by adding a subdivision; 469.175, subdivisions 5, 6, 6a, and by adding a subdivision; 469.176, subdivision 7; 469.177, by adding a subdivision; 469.1771, subdivision 5, and by adding a subdivision; 473.3915, subdivisions 2 and 3; 475.58, subdivision 1; 477A.0122, subdivision 6; 477A.03, subdivision 2; 477A.14; Minnesota Statutes 1997 Supplement, sections 3.986, subdivisions 2 and 4; 3.987, subdivisions 1 and 2; 3.988, subdivision 3; 3.989, subdivisions 1 and 2; 16A.152, subdivision 2; 124.239, subdivisions 5a and 5b; 124.315, subdivisions 4 and 5; 124.918, subdivision 8; 124.961; 270.67, subdivision 2; 272.02, subdivision 1; 272.115, subdivisions 4 and 5; 273.11, subdivision 1a; 273.124, subdivision 14; 273.127, subdivision 3; 273.13, subdivisions 22, 23, 24, 25, as amended, and 31; 273.1382, subdivisions 1 and 3; 275.065, subdivisions 3 and 6; 275.70, subdivision 5, and by adding a subdivision; 275.71, subdivisions 2, 3, and 4; 275.72, by adding a subdivision; 287.08; 289A.02, subdivision 7; 289A.11, subdivision 1; 289A.19, subdivision 2; 290.01, subdivisions 19, 19a, 19b, 19c, 19f, and 31; 290.0671, subdivision 1; 290.0673, subdivision 2; 290.091, subdivision 6; 290.371, subdivision 2; 290A.03, subdivisions 11, 13, and 15; 290B.03, subdivision 1; 290B.04, subdivisions 1, 3, and by adding subdivisions; 290B.05, subdivisions 1, 2, and 4; 290B.06; 290B.07; 290B.08, subdivision 2; 290B.09, subdivision 1; 291.005, subdivision 1; 297A.01, subdivisions 4 and 16; 297A.14, subdivision 4; 297A.25, subdivisions 3, 9, and 11; 297A.256, subdivision 1; 297A.48, by adding a subdivision; 297B.03; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297H.04, by adding a subdivision; 349.19, subdivision 2a; 462A.071, subdivisions 2, 4, and 8; and 477A.011, subdivision 36; Laws 1971, chapter 773, sections 1, as amended, and 2, as amended; Laws 1980, chapter 511, sections 2 and 3; Laws 1984, chapter 380, sections 1, as amended, and 2; Laws 1992, chapter 511, articles 2, section 52, as amended; and 8, section 33, subdivision 5; Laws 1994, chapter 587, article 11, by adding a section; Laws 1995, chapter 255, article 3, section 2, subdivisions 1, as amended, and 4, as amended; Laws 1997, chapter 231, articles 1, section 16, as amended; 2, sections 63, subdivision 1, and 68, subdivision 3; 3, section 9; 5, section 20; 7, section 47; and 13, section 19; and Laws 1997, Second Special Session chapter 2, section 33; proposing coding for new law in Minnesota Statutes, chapters 272; 273; 290; 365A; and 469; repealing Minnesota Statutes 1996, sections 124A.697; 124A.698; 124A.70; 124A.71; 124A.711, subdivision 1; 124A.72; 124A.73; 289A.50, subdivision 6; and 365A.09; Minnesota Statutes 1997 Supplement, sections 3.987, subdivision 3; 14.431; and 124A.711, subdivision 2; Laws 1992, chapter 499, article 7, section 31.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3840 that the rules of the Senate be so far suspended as to give H.F. No. 3840 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3840 was read the second time.

Mr. Johnson, D.J. moved to amend H.F. No. 3840 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 3840, and insert the language after the enacting clause, and the title, of S.F. No. 2985, the second engrossment.

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend H.F. No. 3840, as amended by the Senate March 12, 1998, as follows:



(The text of the amended House File is identical to S.F. No. 2985.)

Page 81, delete lines 16 to 18 and insert:

- "(1) On the first ~~\$19,910,~~ \$40,000, 5.5 percent;
- (2) On all over ~~\$19,910~~ \$40,000, but not over ~~\$79,120,~~ \$98,000, 7 percent;
- (3) On all over ~~\$79,120~~ \$98,000, 8.5 percent."

Page 81, delete lines 26 to 28 and insert:

- "(1) On the first ~~\$13,620,~~ \$27,370, 5.5 percent;
- (2) On all over ~~\$13,620~~ \$27,370, but not over ~~\$44,750,~~ \$55,430, 7 percent;
- (3) On all over ~~\$44,750~~ \$55,430, 8.5 percent."

Page 81, delete lines 33 to 35 and insert:

- "(1) On the first ~~\$16,770,~~ \$33,632, 5.5 percent;
- (2) On all over ~~\$16,770~~ \$33,632, but not over ~~\$67,390,~~ \$83,470, 7 percent;
- (3) On all over ~~\$67,390~~ \$83,470, 8.5 percent."

Page 82, after line 33, insert:

"Sec. 7. Minnesota Statutes 1996, section 290.06, subdivision 2d, is amended to read:

Subd. 2d. [INFLATION ADJUSTMENT OF BRACKETS.] (a) For taxable years beginning after December 31, ~~1994~~ 1998, the minimum and maximum dollar amounts for each rate bracket for which a tax is imposed in subdivision 2c shall be adjusted for inflation by the percentage determined under paragraph (b). For the purpose of making the adjustment as provided in this subdivision all of the rate brackets provided in subdivision 2c shall be the rate brackets as they existed for taxable years beginning after December 31, ~~1990~~ 1997, and before January 1, ~~1992~~ 1999. The rate applicable to any rate bracket must not be changed. The dollar amounts setting forth the tax shall be adjusted to reflect the changes in the rate brackets. The rate brackets as adjusted must be rounded to the nearest \$10 amount. If the rate bracket ends in \$5, it must be rounded up to the nearest \$10 amount.

(b) The commissioner shall adjust the rate brackets and by the percentage determined pursuant to the provisions of section 1(f) of the Internal Revenue Code, except that in section 1(f)(3)(B) the word "~~1990~~ 1997" shall be substituted for the word "~~1987~~ 1992." For ~~1994~~ 1998, the commissioner shall then determine the percent change from the 12 months ending on August 31, ~~1990~~ 1997, to the 12 months ending on August 31, ~~1994~~ 1998, and in each subsequent year, from the 12 months ending on August 31, ~~1990~~ 1997, to the 12 months ending on August 31 of the year preceding the taxable year. The determination of the commissioner pursuant to this subdivision shall not be considered a "rule" and shall not be subject to the administrative procedure act contained in chapter 14.

No later than December 15 of each year, the commissioner shall announce the specific percentage that will be used to adjust the tax rate brackets."

Page 105, after line 16, insert:

"Sec. 28. [WITHHOLDING AND DECLARATION FOR 1998 TAX YEAR; APPROPRIATION.]

(a) Notwithstanding Minnesota Statutes, section 290.92, subdivision 2a, in taxable years beginning after December 31, 1997, but before January 1, 1999, the commissioner of revenue shall adjust the withholding tables so that the entire amount of the tax reduction for the taxable year is withheld and remitted by employers after June 30, 1998.

(b) For the same period, the commissioner shall require that declarations by individuals, estates, and trusts include the entire amount of the tax reduction for the taxable year for declarations filed after June 30, 1998.

(c) \$..... is appropriated from the general fund to the commissioner of revenue to pay the cost of preparing and distributing the tables and instructions. It is available until expended."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Betzold moved that H.F. No. 3840 be laid on the table.

Mr. Neuville questioned whether the Betzold motion was in order.

The President ruled that the motion was in order.

Mr. Neuville appealed the decision of the President.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on H.F. No. 3840. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 43 and nays 18, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Kiscaden	Lesewski	Olson	Runbeck
Dille	Kleis	Limmer	Pariseau	Scheevel
Fischbach	Knutson	Neuville	Robertson	
Frederickson	Larson	Oliver	Robling	

The decision of the President was sustained.

The question recurred on the adoption of the Betzold motion. The motion prevailed. So H.F. No. 3840 was laid on the table.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3109 and that the rules of the Senate be so far suspended as to give S.F. No. 3109, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

**S.F. No. 3109:** A bill for an act relating to agriculture; certification for manure testing

laboratories; adding requirements for manure storage structures; defining "animal unit"; requiring a report on manure applicator training; expanding the purposes of the value-added agricultural product loan program; modifying requirements for environmental review of proposed feedlots; providing for denial of permits by the pollution control agency; requiring notification and public meetings before conducting feedlot inventories; requiring an update to feedlot rules; establishing a voluntary rural dispute resolution procedure; modifying provisions relative to animal cruelty; providing alternatives for animal disposal; amending Minnesota Statutes 1996, sections 18C.141; 35.82, subdivision 2; 41B.046, subdivision 1; 116.07, by adding a subdivision; 116D.04, subdivision 2a; 343.24; 343.40, subdivision 2; 346.38, subdivision 4; Minnesota Statutes 1997 Supplement, section 116.07, subdivision 7; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 116; and 583; repealing Minnesota Statutes 1996, section 41B.046, subdivision 4a.

Mr. Sams moved to amend S.F. No. 3109 as follows:

Page 10, line 5, after "within" insert ": (1)" and after "facility" insert "; or (2) the same watershed, as defined in section 103G.005, subdivision 17a, as the proposed facility"

The motion prevailed. So the amendment was adopted.

Mr. Sams then moved to amend S.F. No. 3109 as follows:

Page 7, line 31, after "has" insert "willfully"

Page 7, line 32, delete "which have" and insert "in a manner that has"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.E. moved to amend S.F. No. 3109 as follows:

Page 11, after line 34, insert:

"Sec. 9. [PERMIT REQUIREMENTS.]

Until June 30, 2000, neither the pollution control agency nor a county board may issue a permit to construct or expand a feedlot if the feedlot would operate with a clay, earthen, or flexible membrane lined animal waste lagoon."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Johnson, D.E. then moved to amend the Johnson, D.E. amendment to S.F. No. 3109 as follows:

Page 1, line 5, after the third "a" insert "swine"

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

Mr. Johnson, D.E. then moved to amend the first Johnson, D.E. amendment to S.F. No. 3109 as follows:

Page 1, line 5, delete "or expand"

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

Mr. Johnson, D.E. withdrew his first amendment.

Mr. Beckman moved to amend S.F. No. 3109 as follows:

Page 11, after line 34, insert:

"Sec. 9. [SWINE FEEDLOT MORATORIUM.]

Subdivision 1. [DURATION.] The pollution control agency and the counties exercising authority to permit animal feedlots shall not grant permits for the construction or expansion of an open-air manure storage structure for swine manure until after July 1, 2000, and until the provisions of subdivisions 2 and 3 have been accomplished.

Subd. 2. [ACTIONS BY THE POLLUTION CONTROL AGENCY.] The moratorium on granting permits under subdivision 1 does not expire until after the pollution control agency has adopted:

(1) revisions to the state feedlot rules;

(2) a program for the issuance of individual "national pollutant discharge elimination system" permits for "confined animal feeding operations" having a capacity of 750 animal units or more. Permits must include any requirements to ensure compliance with federal and state environmental standards and a plan for monitoring compliance; and

(3) a program for the inspection, monitoring, and enforcement of feedlot violations of air and water quality standards. The program must include plans for timely on-site response to citizen complaints and the maintenance of a publicly accessible database of complaints.

Subd. 3. [ACTIONS BY THE ENVIRONMENTAL QUALITY BOARD.] The moratorium on granting permits under subdivision 1 does not expire until after the environmental quality board has completed and delivered to the legislature a report addressing the timeline and cost for completing a generic environmental impact study on the environmental and socioeconomic impacts of the expansion of large-scale livestock production in Minnesota.

Subd. 4. [EXCEPTIONS TO THE MORATORIUM.] The moratorium on granting permits under subdivision 1 does not prohibit:

(1) construction activities to repair or replace a component of an existing open-air manure storage structure for swine manure if the repair or replacement does not result in an increase in the animal unit design capacity of the swine feedlot;

(2) construction or expansion of an open-air manure storage structure for swine manure if the person undertaking the construction or expansion had been issued all necessary permits for the construction or expansion prior to the effective date of the moratorium; or

(3) the construction of basins that are intended to control runoff from existing swine feedlots provided that it does not result in an increase in the animal unit design capacity of the swine feedlot.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Beckman then moved to amend the Beckman amendment to S.F. No. 3109 as follows:

Page 1, delete lines 14 to 19

Page 1, line 20, delete "(3)" and insert "(2)"

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

### CALL OF THE SENATE

Ms. Krentz imposed a call of the Senate for the balance of the proceedings on S.F. No. 3109. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Beckman moved to amend the first Beckman amendment to S.F. No. 3109 as follows:

Page 1, line 3, delete "MORATORIUM" and insert "OPEN-AIR MANURE STORAGE PROHIBITION"

Page 1, lines 11 and 26, delete "moratorium" and insert "open-air manure storage prohibition"

Page 1, line 32, delete "MORATORIUM" and insert "OPEN-AIR MANURE STORAGE PROHIBITION" and delete "moratorium" and insert "open-air manure storage prohibition"

Page 2, line 7, delete "moratorium" and insert "open-air manure storage prohibition"

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

The question recurred on the first Beckman amendment, as amended.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Krentz	Piper	Wiener
Beckman	Higgins	Lourey	Pogemiller	Wiger
Berglin	Hottinger	Marty	Price	
Betzold	Johnson, D.H.	Morse	Ranum	
Cohen	Johnson, J.B.	Novak	Samuelson	
Flynn	Kelley, S.P.	Pappas	Spear	

Those who voted in the negative were:

Belanger	Johnson, D.E.	Langseth	Neuville	Sams
Berg	Johnson, D.J.	Larson	Oliver	Scheevel
Dille	Kelly, R.C.	Lesewski	Olson	Scheid
Fischbach	Kiscaden	Lessard	Pariseau	Stumpf
Frederickson	Kleis	Limmer	Robertson	Ten Eyck
Hanson	Knutson	Moe, R.D.	Robling	Terwilliger
Janezich	Laidig	Murphy	Runbeck	Vickerman

The motion did not prevail. So the first Beckman amendment, as amended, was not adopted.

Mr. Johnson, D.E. moved to amend S.F. No. 3109 as follows:

Page 11, after line 34, insert:

"Sec. 9. [PERMIT REQUIREMENTS.]

Until June 30, 2000, neither the pollution control agency nor a county board may issue a permit for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon. This section does not apply to repair of an existing lagoon."

Page 12, after line 5, insert:

"Sec. 11. [EFFECTIVE DATE.]

Section 9 is effective the day following final enactment and applies to new applications submitted after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 42 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Betzold	Flynn	Hanson
Beckman	Berglin	Cohen	Foley	Higgins

Hottinger	Kelly, R.C.	Marty	Piper	Spear
Janezich	Kiscaden	Moe, R.D.	Pogemiller	Ten Eyck
Johnson, D.E.	Knutson	Morse	Price	Wiener
Johnson, D.H.	Krentz	Novak	Robling	Wiger
Johnson, D.J.	Langseth	Oliver	Sams	
Johnson, J.B.	Lessard	Pappas	Scheevel	
Kelley, S.P.	Lourey	Pariseau	Scheid	

Those who voted in the negative were:

Berg	Frederickson	Lesewski	Robertson	Terwilliger
Day	Kleis	Limmer	Runbeck	Vickerman
Dille	Laidig	Murphy	Samuelson	
Fischbach	Larson	Olson	Stumpf	

The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend S.F. No. 3109 as follows:

Page 4, after line 11, insert:

"Sec. 3. Minnesota Statutes 1996, section 116.02, subdivision 1, is amended to read:

Subdivision 1. A pollution control agency, designated as the Minnesota pollution control agency, is hereby created. The agency shall consist of the commissioner and eight members appointed by the governor, by and with the advice and consent of the senate. One of such members shall be a person knowledgeable in the field of agriculture, one shall be representative of environmental advocacy organizations, and one shall be representative of organized labor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mrs. Pariseau questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Morse moved to amend S.F. No. 3109 as follows:

Page 10, line 2, delete "A"

Page 10, delete lines 3 to 5

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Berglin	Higgins	Kelley, S.P.	Morse	Ranum
Betzold	Hottinger	Kelly, R.C.	Pappas	Spear
Cohen	Johnson, D.J.	Krentz	Piper	Wiener
Flynn	Johnson, J.B.	Lourey	Pogemiller	Wiger
Foley	Junge	Marty	Price	

Those who voted in the negative were:

Beckman	Janezich	Larson	Pariseau	Stumpf
Belanger	Johnson, D.E.	Lesewski	Robertson	Ten Eyck
Berg	Johnson, D.H.	Lessard	Robling	Terwilliger
Day	Kiscaden	Limmer	Runbeck	Vickerman
Dille	Kleis	Moe, R.D.	Sams	
Fischbach	Knutson	Murphy	Samuelson	
Frederickson	Laidig	Neuville	Scheevel	
Hanson	Langseth	Olson	Scheid	

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

Ms. Krentz moved to amend S.F. No. 3109 as follows:

Page 16, lines 22 to 26, delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 39 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kiscaden	Neuville	Sams
Beckman	Hottinger	Kleis	Oliver	Scheid
Berglin	Janezich	Knutson	Pappas	Spear
Betzold	Johnson, D.E.	Krentz	Piper	Stumpf
Cohen	Johnson, D.J.	Lourey	Price	Ten Eyck
Flynn	Johnson, J.B.	Marty	Ranum	Wiener
Foley	Junge	Moe, R.D.	Robling	Wiger
Hanson	Kelley, S.P.	Morse	Runbeck	

Those who voted in the negative were:

Belanger	Frederickson	Langseth	Olson	Scheevel
Berg	Johnson, D.H.	Lesewski	Pariseau	Terwilliger
Day	Laidig	Murphy	Robertson	Vickerman
Dille				

The motion prevailed. So the amendment was adopted.

Mrs. Lourey moved to amend S.F. No. 3109 as follows:

Page 6, delete lines 19 to 36

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Krentz	Pappas	Spear
Beckman	Higgins	Lourey	Piper	Wiener
Berglin	Johnson, J.B.	Marty	Pogemiller	Wiger
Betzold	Junge	Moe, R.D.	Price	
Cohen	Kelley, S.P.	Morse	Ranum	
Flynn	Kleis	Neuville	Robling	

Those who voted in the negative were:

Belanger	Janezich	Langseth	Olson	Solon
Berg	Johnson, D.E.	Larson	Pariseau	Stumpf
Day	Johnson, D.H.	Lesewski	Robertson	Ten Eyck
Dille	Johnson, D.J.	Limmer	Sams	Terwilliger
Frederickson	Kiscaden	Metzen	Samuelson	Vickerman
Hanson	Knutson	Murphy	Scheevel	
Hottinger	Laidig	Oliver	Scheid	

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

S.F. No. 3109 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 47 and nays 17, as follows:

Those who voted in the affirmative were:

Beckman	Hottinger	Kleis	Metzen	Piper
Belanger	Janezich	Knutson	Moe, R.D.	Pogemiller
Berg	Johnson, D.E.	Laidig	Murphy	Robertson
Day	Johnson, D.H.	Langseth	Neuville	Robling
Dille	Johnson, D.J.	Larson	Novak	Runbeck
Frederickson	Junge	Lesewski	Oliver	Sams
Hanson	Kelly, R.C.	Lessard	Olson	Samuelson
Higgins	Kiscaden	Limmer	Pariseau	Scheevel

Scheid  
SolonStumpf  
Ten Eyck

Terwilliger

Vickerman

Wiener

Those who voted in the negative were:

Anderson  
Berglin  
Betzold  
CohenFlynn  
Foley  
Johnson, J.B.  
Kelley, S.P.Krentz  
Lourey  
Marty  
MorsePappas  
Price  
Ranum  
Spear

Wiger

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2099 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 2099:** A bill for an act relating to crimes; lowering alcohol concentration limit for operating a motor vehicle or hunting from 0.10 to 0.08; amending Minnesota Statutes 1996, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169.123, subdivisions 2 and 5a; 192A.555; and 609.21, subdivisions 1, 2, 2a, 2b, 3, and 4; Minnesota Statutes 1997 Supplement, sections 169.121, subdivision 1; and 169.123, subdivisions 4 and 6.

Mr. Foley moved to amend S.F. No. 2099 as follows:

Page 6, line 18, strike "0.10" and insert "0.08"

Page 7, line 12, delete "5" and insert "6"

### CALL OF THE SENATE

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on S.F. No. 2099. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Foley amendment. The motion prevailed. So the amendment, was adopted.

Mr. Novak moved to amend S.F. No. 2099 as follows:

Page 1, line 19, strike "and" and insert a comma and after "(2)" insert ", and (7)"

Page 1, line 20, reinstate the stricken language and delete the new language

Page 1, line 23, reinstate the stricken language and delete the new language and strike the second "or"

Page 1, line 24, after "(6)" insert "when the person's alcohol concentration is 0.08 or more at the time of taking or as measured within two hours of the time of taking, if the person commits the violation any time after a prior violation of this subdivision or a prior civil liability under section 97B.066; or

(7)"

Page 2, line 30, strike "or"

Page 2, line 32, reinstate the stricken language and delete the new language and after "more" insert "; or

(5) the screening test was administered and indicated an alcohol concentration of 0.08 or more,



if the person has ever been convicted of violating section 97B.065, subdivision 1, or has a prior civil liability under this section"

Page 3, lines 9 and 13, reinstate the stricken language and delete the new language

Page 3, line 22, strike the second "or"

Page 3, line 25, before the period, insert "; or

(i) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more but less than 0.20, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation"

Page 3, after line 25, insert:

"Sec. 4. Minnesota Statutes 1997 Supplement, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] (a) Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the presence or amount of alcohol, controlled substances, or hazardous substances in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision, evidence that there was at the time an alcohol concentration of 0.04 or more is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

(d) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, ~~clause paragraph~~ (e) ~~or~~, (f), or (i), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or being in physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed the level specified in the applicable clause. Evidence that the defendant consumed alcohol after the time of actual driving, operating, or being in physical control of a motor vehicle may not be admitted in defense to any alleged violation of this section unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

(e) If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (h), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

(f) The preceding provisions do not limit the introduction of any other competent evidence bearing upon the question of whether the person violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Sec. 5. Minnesota Statutes 1997 Supplement, section 169.121, subdivision 3, is amended to read:

Subd. 3. [CRIMINAL PENALTIES.] (a) As used in this section:

(1) "Prior impaired driving conviction" means a prior conviction under:

(i) this section; Minnesota Statutes 1996, section 84.91, subdivision 1, paragraph (a), or 86B.331, subdivision 1, paragraph (a); section 169.1211; section 169.129; or section 360.0752;

(ii) section 609.21, subdivision 1, clauses (2) to ~~(6)~~ (7); subdivision 2, clauses (2) to ~~(6)~~ (7); subdivision 2a, clauses (2) to ~~(6)~~ (7); subdivision 2b, clauses (2) to ~~(6)~~ (7); subdivision 3, clauses (2) to ~~(6)~~ (7); or subdivision 4, clauses (2) to ~~(6)~~ (7); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in item (i) or (ii).

A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(2) "Prior license revocation" means a driver's license suspension, revocation, cancellation, denial, or disqualification under:

(i) this section or section 169.1211, 169.123, 171.04, 171.14, 171.16, 171.165, 171.17, or 171.18 because of an alcohol-related incident;

(ii) section 609.21, subdivision 1, clauses (2) to ~~(6)~~ (7); subdivision 2, clauses (2) to ~~(6)~~ (7); subdivision 2a, clauses (2) to ~~(6)~~ (7); subdivision 2b, clauses (2) to ~~(6)~~ (7); subdivision 3, clauses (2) to ~~(6)~~ (7); or subdivision 4, clauses (2) to ~~(6)~~ (7); or

(iii) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in item (i) or (ii).

"Prior license revocation" also means the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.911, or motorboat operating privileges under section 86B.335, for violations that occurred on or after August 1, 1995.

(b) A person who violates subdivision 1, clause paragraph (a), (b), (c), (d), (e), (g), ~~or~~ (h), or (i), or subdivision 1a, or an ordinance in conformity with any of them, is guilty of a misdemeanor.

(c) A person is guilty of a gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause paragraph (f);

(2) the person violates subdivision 1, clause paragraph (a), (b), (c), (d), (e), (g), ~~or~~ (h), or (i), or subdivision 1a, within five years of a prior impaired driving conviction or a prior license revocation;

(3) the person violates section 169.26 while in violation of subdivision 1; or

(4) the person violates subdivision 1 or 1a while a child under the age of 16 is in the vehicle, if the child is more than 36 months younger than the violator.

A person convicted of a gross misdemeanor under this paragraph is subject to the mandatory penalties provided in subdivision 3d.

(d) A person is guilty of an enhanced gross misdemeanor under any of the following circumstances:

(1) the person violates subdivision 1, clause paragraph (f), or commits a violation described in paragraph (c), clause (3) or (4), within ten years of one or more prior impaired driving convictions or prior license revocations;

(2) the person violates subdivision 1, clause paragraph (a), (b), (c), (d), (e), (g), ~~or~~ (h), or (i), or subdivision 1a, within ten years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or any combination of two or more prior impaired driving convictions and prior license revocations, based on separate incidents.

A person convicted of an enhanced gross misdemeanor under this paragraph may be sentenced to imprisonment in a local correctional facility for not more than two years or to payment of a fine of not more than \$3,000, or both. Additionally, the person is subject to the applicable mandatory penalties provided in subdivision 3e.

(e) The court shall notify a person convicted of violating subdivision 1 or 1a that the registration plates of the person's motor vehicle may be impounded under section 168.042 and the vehicle may be subject to forfeiture under section 169.1217 upon a subsequent conviction for violating this section, section 169.129, or section 171.24, or a subsequent license revocation under section 169.123. The notice must describe the conduct and the time periods within which the conduct must occur in order to result in plate impoundment or forfeiture. The failure of the court to provide this information does not affect the applicability of the plate impoundment or the forfeiture provision to that person.

(f) The attorney in the jurisdiction in which the violation occurred who is responsible for prosecution of misdemeanor violations of this section shall also be responsible for prosecution of gross misdemeanor and enhanced gross misdemeanor violations of this section.

(g) The court must impose consecutive sentences when it sentences a person for a violation of this section or section 169.129 arising out of separate behavioral incidents. The court also must impose a consecutive sentence when it sentences a person for a violation of this section or section 169.129 and the person, at the time of sentencing, is on probation for, or serving, an executed sentence for a violation of this section or section 169.129 and the prior sentence involved a separate behavioral incident. The court also may order that the sentence imposed for a violation of this section or section 169.129 shall run consecutively to a previously imposed misdemeanor, gross misdemeanor or felony sentence for a violation other than this section or section 169.129.

(h) When the court stays the sentence of a person convicted under this section, the length of the stay is governed by section 609.135, subdivision 2.

(i) The court may impose consecutive sentences for offenses arising out of a single course of conduct as permitted in section 609.035, subdivision 2.

(j) When an attorney responsible for prosecuting gross misdemeanors or enhanced gross misdemeanors under this section requests criminal history information relating to prior impaired driving convictions from a court, the court must furnish the information without charge.

(k) A violation of subdivision 1a may be prosecuted either in the jurisdiction where the arresting officer observed the defendant driving, operating, or in control of the motor vehicle or in the jurisdiction where the refusal occurred.

Sec. 6. Minnesota Statutes 1997 Supplement, section 169.121, subdivision 3b, is amended to read:

Subd. 3b. [CHEMICAL USE ASSESSMENT.] The court must order a person to submit to the level of care recommended in the chemical use assessment if the person has been convicted of violating:

(1) subdivision 1, ~~clause paragraph~~ (f); or

(2) subdivision 1, ~~clause paragraph~~ (a), (b), (c), (d), (e), (g), ~~or~~ (h), or (i), subdivision 1a, section 169.129, an ordinance in conformity with any of them, or a statute or ordinance from another state in conformity with any of them:

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within ten years of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents.

Sec. 7. Minnesota Statutes 1997 Supplement, section 169.1217, subdivision 1, is amended to read:

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

(a) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169.123.

(b) "Designated license revocation" includes a license revocation under section 169.123:

(1) within five years of two prior impaired driving convictions, two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(2) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more prior impaired driving convictions and prior license revocations, based on separate incidents.

(c) "Designated offense" includes:

(1) a violation of section 169.121, subdivision 1, ~~clause paragraph~~ (a), (b), (c), (d), (e), (g), ~~or~~ (h), ~~or~~ (i), subdivision 1a, an ordinance in conformity with any of them, or section 169.129:

(i) within five years of two prior impaired driving convictions, or two prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(ii) within 15 years of the first of three or more prior impaired driving convictions, three or more prior license revocations, or any combination of three or more impaired driving convictions and prior license revocations, based on separate incidents;

(2) a violation of section 169.121, subdivision 1, ~~clause paragraph~~ (f), or a violation of section 169.121, subdivision 3, paragraph (c), clause (4):

(i) within five years of a prior impaired driving conviction or a prior license revocation; or

(ii) within 15 years of the first of two or more prior impaired driving convictions, two or more prior license revocations, or a prior impaired driving conviction and a prior license revocation, based on separate incidents; or

(3) a violation of section 169.121, an ordinance in conformity with it, or section 169.129:

(i) by a person whose driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (9); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(d) "Motor vehicle" and "vehicle" have the meaning given "motor vehicle" in section 169.121, subdivision 11. The terms do not include a vehicle which is stolen or taken in violation of the law.

(e) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a lessee of a motor vehicle if the lease agreement has a term of 180 days or more.

(f) "Prior impaired driving conviction" has the meaning given it in section 169.121, subdivision 3. A prior impaired driving conviction also includes a prior juvenile adjudication that would have been a prior impaired driving conviction if committed by an adult.

(g) "Prior license revocation" has the meaning given it in section 169.121, subdivision 3.

(h) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense.

Sec. 8. Minnesota Statutes 1997 Supplement, section 169.123, subdivision 1, is amended to read:

Subdivision 1. [~~PEACE OFFICER DEFINED~~ DEFINITIONS.] (a) For purposes of this section, section 169.121, and section 169.1211, the term peace officer means (1) a state patrol officer, (2) University of Minnesota peace officer, (3) a constable as defined in section 367.40, subdivision 3, (4) police officer of any municipality, including towns having powers under section

368.01, or county, and (5) for purposes of violations of those sections in or on an off-road recreational vehicle or motorboat, a state conservation officer.

(b) As used in this section, "prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.

(c) As used in this section, "prior license revocation" has the meaning given in section 169.121, subdivision 3."

Page 4, line 12, strike "or"

Page 4, line 14, reinstate the stricken language and delete the new language and after "more" insert "; or

(5) the screening test was administered and indicated an alcohol concentration of 0.08 or more, if the person has ever had a prior impaired driving conviction or a prior license revocation"

Page 5, line 25, reinstate the stricken language and delete the new language

Page 5, line 26, after "(2)" insert "an alcohol concentration of 0.08 or more, if the person has ever had a prior impaired driving conviction or a prior license revocation;

(3)"

Page 5, line 29, strike "(3)" and insert "(4)"

Page 6, line 18, after "more" insert "; or an alcohol concentration of 0.08 or more, if the person has ever had a prior impaired driving conviction or a prior license revocation;"

Page 7, strike lines 9 to 11

Page 7, delete line 20 and insert "alcohol concentration of :

(1) 0.10 or more; or

(2) 0.08 or more, if the person has ever had a prior impaired driving conviction or a prior license revocation."

Page 8, delete line 33 and insert "indicate an alcohol concentration of:

(i) 0.10 or more; or

(ii) 0.08 or more, if the person has ever had a prior impaired driving conviction or a prior license revocation?"

Page 9, line 6, reinstate the stricken language and delete the new language and strike the second "or"

Page 9, line 7, after "(ii)" insert "an alcohol concentration of 0.08 or more, if the person has ever had a prior impaired driving conviction or a prior license revocation; or

(iii)"

Page 9, line 34, before "Any" insert "Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "alcohol concentration" has the meaning given in section 169.01, subdivision 61;

(2) "prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3; and

(3) "prior license revocation" has the meaning given in section 169.121, subdivision 3.

Subd. 2. [CONDUCT PROHIBITED.]"

Page 9, line 35, after "aircraft" insert "under the following circumstances shall be punished as a court-martial may direct:

(1)"

Page 10, line 1, strike "or" and after the stricken "0.10" insert ";

(2)"

Page 10, line 2, delete "0.08" and insert "0.10"

Page 10, line 3, strike "or who operates said vehicle or aircraft" and insert ";

(3) when the person's alcohol concentration is 0.08 percent or more, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation; or

(4)"

Page 10, line 4, strike everything after "manner"

Page 10, delete line 5 and insert "~~may direct.~~

Chemical and other tests for intoxication shall be"

Page 10, lines 6 to 8, delete the new language

Page 10, line 14, strike the second comma and insert a semicolon

Page 10, lines 22 and 24, reinstate the stricken language and delete the new language

Page 10, line 26, after "(5)" insert "while having an alcohol concentration of 0.08 or more at the time of driving or as measured within two hours of the time of driving, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation;

(6)"

Page 10, line 28, strike "(6)" and insert "(7)"

Page 10, line 31, strike "(7)" and insert "(8)"

Page 11, lines 12 and 14, reinstate the stricken language and delete the new language

Page 11, line 16, after "(5)" insert "while having an alcohol concentration of 0.08 or more at the time of driving or as measured within two hours of the time of driving, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation;

(6)"

Page 11, line 18, strike "(6)" and insert "(7)"

Page 11, line 21, strike "(7)" and insert "(8)"

Page 12, lines 1 and 3, reinstate the stricken language and delete the new language

Page 12, lines 5 and 30, after "(5)" insert "while having an alcohol concentration of 0.08 or more at the time of driving or as measured within two hours of the time of driving, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation;

(6)"

Page 12, lines 7 and 32, strike "(6)" and insert "(7)"

Page 12, lines 10 and 35, strike "(7)" and insert "(8)"

Page 12, lines 26 and 28, reinstate the stricken language and delete the new language

Page 13, lines 15 and 17, reinstate the stricken language and delete the new language

Page 13, line 19, after "(5)" insert "while having an alcohol concentration of 0.08 or more at the time of driving or as measured within two hours of the time of driving, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation;

(6)"

Page 13, line 21, strike "(6)" and insert "(7)"

Page 13, line 24, strike "(7)" and insert "(8)"

Page 14, lines 9 and 11, reinstate the stricken language and delete the new language

Page 14, line 13, after "(5)" insert "while having an alcohol concentration of 0.08 or more at the time of driving or as measured within two hours of the time of driving, if the person commits the violation any time after a prior impaired driving conviction or a prior license revocation;

(6)"

Page 14, line 15, strike "(6)" and insert "(7)"

Page 14, line 18, strike "(7)" and insert "(8)"

Page 14, after line 24, insert:

"Sec. 20. Minnesota Statutes 1996, section 609.21, subdivision 4a, is amended to read:

Subd. 4a. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge under subdivision 1, clause ~~(6)~~ (7); 2, clause ~~(6)~~ (7); 2a, clause ~~(6)~~ (7); 2b, clause ~~(6)~~ (7); 3, clause ~~(6)~~ (7); or 4, clause ~~(6)~~ (7), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Sec. 21. Minnesota Statutes 1996, section 609.21, subdivision 5, is amended to read:

Subd. 5. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1.

(b) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.

(d) "Prior impaired driving conviction" has the meaning given in section 169.121, subdivision 3.

(e) "Prior license revocation" has the meaning given in section 169.121, subdivision 3."

Page 14, line 26, delete "14" and insert "21"

Page 14, line 31, after "determining" insert "the applicable alcohol concentration standard,"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after "for" insert "repeat DWI offenders"

Page 1, line 7, delete "and" and after "4" insert ", 4a, and 5"

Page 1, delete line 9 and insert "subdivisions 1, 2, 3, and 3b; 169.1217, subdivision 1; and 169.123, subdivisions 1, 4, and 6."

Mr. Johnson, D.E. moved to amend the Novak amendment to S.F. No. 2099 as follows:

Page 13, after line 7, insert:

"Sec. 22. [ALCOHOL CONCENTRATION STANDARD LOWERED IF FEDERAL LAW ENACTED.]

Subdivision 1. [EFFECT OF ENACTMENT OF FEDERAL LAW.] If a federal law is enacted providing that a state will lose federal highway funding if the state does not have a 0.08 alcohol concentration standard for its driving while impaired statutes, the alcohol concentration standard in this state shall be 0.08.

Subd. 2. [APPLICABILITY.] If the alcohol concentration standard is required to be lowered to 0.08, the change becomes effective July 1 in the year following the enactment of the federal law and applies to crimes committed on or after that date.

Subd. 3. [REVISOR INSTRUCTION.] If the alcohol concentration standard is lowered to 0.08 under this section, the Revisor of Statutes shall change the provisions of the state's laws referring to the per se level of alcohol concentration accordingly. These changes must appear in the next edition of Minnesota Statutes published following the enactment of the federal law."

Page 13, after line 10, insert:

"Page 14, line 34, after the period, insert "Section 22 is effective the day after final enactment."

Page 13, after line 14, insert:

"Page 1, line 4, after the semicolon, insert "providing for an alcohol concentration limit of 0.08 for all offenders if a federal law is enacted requiring the 0.08 limit;"

The question was taken on the adoption of the Johnson, D.E. amendment to the Novak amendment.

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

Those who voted in the affirmative were:

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

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

The question recurred on the Novak amendment, as amended.

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.H.	Lesewski	Olson	Scheevel
Day	Kelly, R.C.	Lessard	Pariseau	Solon
Frederickson	Kiscaden	Metzen	Pogemiller	Spear
Hanson	Kleis	Moe, R.D.	Robertson	Stumpf
Higgins	Laidig	Murphy	Runbeck	Vickerman
Janezich	Langseth	Novak	Sams	
Johnson, D.E.	Larson	Oliver	Samuelson	



Those who voted in the negative were:

Anderson	Flynn	Knutson	Pappas	Terwilliger
Beckman	Foley	Krentz	Piper	Wiener
Belanger	Hottinger	Limmer	Price	Wiger
Berglin	Johnson, D.J.	Lourey	Ranum	
Betzold	Johnson, J.B.	Marty	Robling	
Cohen	Junge	Morse	Scheid	
Dille	Kelley, S.P.	Neuville	Ten Eyck	

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

S.F. No. 2099 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 3840 be taken from the table. The motion prevailed.

**H.F. No. 3840:** A bill for an act relating to the financing and operation of government in this state; providing property tax rebates; providing property tax reform; making changes to property tax rates, levies, notices, hearings, assessments, exemptions, aids, and credits; providing for limited market value; extending levy limits; providing bonding and levy authority, and other powers to certain political subdivisions; making changes to income, sales, excise, mortgage registry and deed, premiums, and solid waste tax provisions; authorizing the imposition of certain local sales, use, excise, and lodging taxes; authorizing a sanitary sewer district; modifying provisions relating to the budget reserve and other accounts; making changes to tax increment financing, regional development, housing, and economic development provisions; providing for the taxation of taconite and the distribution of taconite taxes; modifying provisions relating to the taxation and operation of gaming; providing for border city zones; making miscellaneous changes to state and local tax and administrative provisions; providing for calculation of rent constituting property taxes; changing the senior citizens' property tax deferral program; changing certain fiscal note requirements; establishing a tax study commission; providing for a land transfer; appropriating money; amending Minnesota Statutes 1996, sections 16A.102, subdivisions 1 and 2; 92.46, by adding a subdivision; 124.95, subdivisions 3, 4, and 5; 124A.02, subdivision 3; 240.15, subdivision 1; 273.111, subdivision 9; 273.112, subdivision 7; 273.13, subdivisions 22, 23, and 24; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1398, subdivision 2; 275.07, by adding a subdivision; 289A.08, subdivision 13; 290.06, subdivision 2c, and by adding a subdivision; 290.067, subdivisions 2 and 2a; 290.091, subdivision 2; 290.0921, subdivision 3a; 290.10; 290.21, subdivision 3; 290A.03, subdivision 3; 297A.01, subdivision 8; 297A.02, subdivisions 2 and 4; 297A.135, subdivision 4; 297A.25, by adding subdivisions; 297E.02, subdivisions 1, 4, and 6; 298.225, subdivision 1; 298.28, subdivisions 4, 6, 9, 10, and 11; 360.653; 462.396, subdivision 2; 469.091, subdivision 1; 469.101, subdivision 1; 469.169, by adding a subdivision; 469.170, by

adding a subdivision; 469.171, subdivision 9; 469.174, by adding a subdivision; 469.175, subdivisions 5, 6, 6a, and by adding a subdivision; 469.176, subdivision 7; 469.177, by adding a subdivision; 469.1771, subdivision 5, and by adding a subdivision; 473.3915, subdivisions 2 and 3; 475.58, subdivision 1; 477A.0122, subdivision 6; 477A.03, subdivision 2; 477A.14; Minnesota Statutes 1997 Supplement, sections 3.986, subdivisions 2 and 4; 3.987, subdivisions 1 and 2; 3.988, subdivision 3; 3.989, subdivisions 1 and 2; 16A.152, subdivision 2; 124.239, subdivisions 5a and 5b; 124.315, subdivisions 4 and 5; 124.918, subdivision 8; 124.961; 270.67, subdivision 2; 272.02, subdivision 1; 272.115, subdivisions 4 and 5; 273.11, subdivision 1a; 273.124, subdivision 14; 273.127, subdivision 3; 273.13, subdivisions 22, 23, 24, 25, as amended, and 31; 273.1382, subdivisions 1 and 3; 275.065, subdivisions 3 and 6; 275.70, subdivision 5, and by adding a subdivision; 275.71, subdivisions 2, 3, and 4; 275.72, by adding a subdivision; 287.08; 289A.02, subdivision 7; 289A.11, subdivision 1; 289A.19, subdivision 2; 290.01, subdivisions 19, 19a, 19b, 19c, 19f, and 31; 290.0671, subdivision 1; 290.0673, subdivision 2; 290.091, subdivision 6; 290.371, subdivision 2; 290A.03, subdivisions 11, 13, and 15; 290B.03, subdivision 1; 290B.04, subdivisions 1, 3, and by adding subdivisions; 290B.05, subdivisions 1, 2, and 4; 290B.06; 290B.07; 290B.08, subdivision 2; 290B.09, subdivision 1; 291.005, subdivision 1; 297A.01, subdivisions 4 and 16; 297A.14, subdivision 4; 297A.25, subdivisions 3, 9, and 11; 297A.256, subdivision 1; 297A.48, by adding a subdivision; 297B.03; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297H.04, by adding a subdivision; 349.19, subdivision 2a; 462A.071, subdivisions 2, 4, and 8; and 477A.011, subdivision 36; Laws 1971, chapter 773, sections 1, as amended, and 2, as amended; Laws 1980, chapter 511, sections 2 and 3; Laws 1984, chapter 380, sections 1, as amended, and 2; Laws 1992, chapter 511, articles 2, section 52, as amended; and 8, section 33, subdivision 5; Laws 1994, chapter 587, article 11, by adding a section; Laws 1995, chapter 255, article 3, section 2, subdivisions 1, as amended, and 4, as amended; Laws 1997, chapter 231, articles 1, section 16, as amended; 2, sections 63, subdivision 1, and 68, subdivision 3; 3, section 9; 5, section 20; 7, section 47; and 13, section 19; and Laws 1997, Second Special Session chapter 2, section 33; proposing coding for new law in Minnesota Statutes, chapters 272; 273; 290; 365A; and 469; repealing Minnesota Statutes 1996, sections 124A.697; 124A.698; 124A.70; 124A.71; 124A.711, subdivision 1; 124A.72; 124A.73; 289A.50, subdivision 6; and 365A.09; Minnesota Statutes 1997 Supplement, sections 3.987, subdivision 3; 14.431; and 124A.711, subdivision 2; Laws 1992, chapter 499, article 7, section 31.

The question recurred on the adoption of the Runbeck amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H.F. No. 3840 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 48 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Morse	Scheid
Beckman	Hottinger	Krentz	Murphy	Solon
Belanger	Janezich	Laidig	Novak	Spear
Berg	Johnson, D.E.	Langseth	Pappas	Stumpf
Berglin	Johnson, D.H.	Larson	Piper	Ten Eyck
Betzold	Johnson, D.J.	Lesewski	Pogemiller	Vickerman
Cohen	Johnson, J.B.	Lessard	Price	Wiener
Flynn	Junge	Lourey	Ranum	Wiger
Foley	Kelley, S.P.	Metzen	Sams	
Hanson	Kelly, R.C.	Moe, R.D.	Samuelson	

Those who voted in the negative were:

Day	Kleis	Neuville	Pariseau	Runbeck
Dille	Limmer	Oliver	Robertson	Scheevel
Frederickson	Marty	Olson	Robling	Terwilliger
Kiscaden				

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar. The motion prevailed.

### CALENDAR

**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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Ms. Anderson and Mr. Marty voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 2415:** A bill for an act relating to economic development; providing that the office of tourism may purchase items for resale without complying with competitive bidding requirements; increasing the loan maximum for challenge grants; clarifying application requirements for contaminated cleanup grants; authorizing compensation for members of the job skills partnership board; modifying assistance provisions under the wastewater infrastructure funding program; amending Minnesota Statutes 1996, sections 16B.06, subdivision 2; 16B.08, subdivision 7; 116J.415, subdivision 5; 116J.553, subdivision 2; and 116L.03, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2582:** A bill for an act relating to telecommunications; requiring competitors of small telephone companies to offer telecommunications service to contiguous exchange areas in certain situations; amending Minnesota Statutes 1996, section 237.16, by adding a subdivision.

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 34 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Morse	Sams
Beckman	Hottinger	Larson	Murphy	Samuelson
Berg	Janezich	Lesewski	Neuville	Scheevel
Day	Johnson, D.E.	Lessard	Novak	Stumpf
Dille	Johnson, D.H.	Lourey	Piper	Ten Eyck
Foley	Johnson, J.B.	Marty	Price	Vickerman
Frederickson	Kiscaden	Moe, R.D.	Robling	

Those who voted in the negative were:

Belanger	Junge	Laidig	Pariseau	Solon
Betzold	Kelley, S.P.	Limmer	Pogemiller	Spear
Cohen	Kelly, R.C.	Metzen	Ranum	Terwilliger
Flynn	Kleis	Oliver	Robertson	Wiener
Hanson	Knutson	Olson	Runbeck	Wiger
Johnson, D.J.	Krentz	Pappas	Scheid	

So the bill passed and its title was agreed to.

**S.F. No. 2752:** A bill for an act relating to the state building code; establishing a construction code advisory council; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Betzold	Flynn	Higgins	Johnson, D.H.
Beckman	Cohen	Foley	Hottinger	Johnson, D.J.
Belanger	Day	Frederickson	Janezich	Johnson, J.B.
Berg	Dille	Hanson	Johnson, D.E.	Junge

Kelley, S.P.	Lessard	Novak	Robertson	Stumpf
Kelly, R.C.	Limmer	Oliver	Robling	Ten Eyck
Kleis	Lourey	Olson	Runbeck	Terwilliger
Knutson	Marty	Pappas	Sams	Vickerman
Krentz	Metzen	Pariseau	Samuelson	Wiener
Laidig	Moe, R.D.	Piper	Scheevel	Wiger
Langseth	Morse	Pogemiller	Scheid	
Larson	Murphy	Price	Solon	
Lesewski	Neuville	Ranum	Spear	

So the bill passed and its title was agreed to.

**S.F. No. 726:** A bill for an act relating to state government; modifying the state procurement process; authorizing rulemaking; making various conforming amendments; appropriating money; amending Minnesota Statutes 1996, sections 3.225, subdivision 2; 3.732, subdivision 6; 3.922, subdivision 5; 3C.10, subdivision 3; 4A.04; 6.551; 11A.24, subdivision 4; 12.221, subdivision 5; 15.054; 15.061; 16A.101; 16A.85, subdivision 1; 16B.181; 17.1015; 41A.023; 43A.23, subdivision 1; 44A.01, subdivision 1; 45.0291; 84.025, subdivision 7; 84.026; 84.0845; 85A.02, subdivisions 3, 16, and 18; 103F.515, subdivision 3; 116.03, subdivision 2; 116J.035, subdivision 1; 116J.402; 116J.58, subdivision 2; 116J.68, subdivision 2; 116J.966, subdivision 1; 124.14, subdivision 1; 126.151, subdivision 2; 129C.10, subdivision 7; 136A.06; 136A.16, subdivision 1; 136A.29, subdivision 6; 136F.23; 136F.56, subdivision 5; 136F.581, subdivision 3; 136F.66; 136F.72, subdivision 3; 136F.96; 137.35, subdivisions 1, 2, and 3; 144.0742; 144.95, subdivision 5; 161.315, subdivision 4; 161.321, subdivisions 1, 2, 5, 6, and 7; 161.41, subdivision 2; 179A.23; 198.35, subdivision 1; 216C.02, subdivision 1; 237.51, subdivision 5a; 241.0221, subdivision 6; 241.27, subdivision 2; 246.36; 246.57, subdivisions 1 and 6; 256B.031, subdivision 1; 256B.04, subdivisions 14 and 15; 298.2211, subdivision 4; 349A.06, subdivision 1; 349A.07, subdivision 6; 352.03, subdivisions 6 and 16; 354.06, subdivision 2a; 354.07, subdivision 7; 356A.06, subdivision 7; 446A.12, subdivision 5; 462A.18, subdivision 2; 471.345, subdivision 8; 473.142; 473.556, subdivision 14; 480.09, subdivision 1; and 626.90, subdivision 2; Minnesota Statutes 1997 Supplement, sections 3.225, subdivision 1; 16A.15, subdivision 3; 16B.465, subdivision 7; 16E.07, subdivision 9; 17.03, subdivision 12; 41D.03, subdivision 7; 61B.21, subdivision 1; 85A.02, subdivision 5b; 121.1113, subdivision 2; 136A.40; 138.35, subdivision 1b; 179A.03, subdivision 14; 216D.03, subdivision 2; 241.277, subdivision 2; 256B.19, subdivision 2a; 256D.03, subdivision 6; 353.03, subdivision 3a; and 626.91, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16C; and 174; repealing Minnesota Statutes 1996, sections 16B.06; 16B.07; 16B.08; 16B.09; 16B.101; 16B.102; 16B.103; 16B.123; 16B.13; 16B.14; 16B.15; 16B.16; 16B.167; 16B.17; 16B.175; 16B.18, subdivisions 1, 2, and 4; 16B.185; 16B.19; 16B.20, subdivisions 1 and 3; 16B.21; 16B.22; 16B.226; 16B.227; 16B.23; 16B.28; 16B.29; and 16B.89; Minnesota Statutes 1997 Supplement, sections 16B.18, subdivision 3; 16B.20, subdivision 2; and 16B.482.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Limmer and Morse voted in the negative.

So the bill passed and its title was agreed to.

**S.F. No. 2928:** A bill for an act relating to insurance; prohibiting affiliates of insurance companies from engaging in rebating that is illegal for insurance companies; amending Minnesota Statutes 1996, section 72A.08, subdivisions 1, 2, and 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**H.F. No. 2315:** A bill for an act relating to commerce; regulating trademarks and service marks; defining terms; providing remedies; amending Minnesota Statutes 1996, sections 333.18; 333.19, subdivision 1; 333.20, subdivisions 1 and 2; 333.21, subdivision 2; 333.23; 333.24; 333.25; 333.26; and 333.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 333; repealing Minnesota Statutes 1996, section 325D.165.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2407:** A bill for an act relating to drivers' licenses; establishing youth-oriented driver improvement clinics; establishing a graduated licensing system with provisional license phase; restricting driving privileges for holders of instruction permits and provisional licenses and requiring violation-free period before advancement to next license stage; making technical changes; appropriating money; amending Minnesota Statutes 1996, sections 120.73, subdivision 1; 169.89, subdivision 5; 169.971, subdivision 1, and by adding a subdivision; 169.972; 169.973, subdivision 1; 171.01, subdivision 14; 171.04, subdivision 1; 171.05, subdivision 2, and by adding

subdivisions; 171.06, subdivision 1; 171.10, subdivision 1; 171.12, subdivision 3; 171.16, subdivision 5; 171.17, subdivisions 2 and 3; 171.172; 171.173; 171.174; 171.20, subdivision 3; 171.27; and 171.39; Minnesota Statutes 1997 Supplement, sections 171.041; 171.06, subdivisions 2 and 4; and 171.171; proposing coding for new law in Minnesota Statutes, chapter 171.

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

S.F. No. 2407 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 43 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kiscaden	Neuville	Scheevel
Beckman	Higgins	Knutson	Novak	Scheid
Belanger	Hottinger	Krentz	Oliver	Spear
Betzold	Johnson, D.E.	Laidig	Pappas	Ten Eyck
Cohen	Johnson, D.H.	Langseth	Piper	Terwilliger
Dille	Johnson, J.B.	Larson	Price	Wiener
Flynn	Junge	Lourey	Ranum	Wiger
Foley	Kelley, S.P.	Marty	Robling	
Frederickson	Kelly, R.C.	Morse	Sams	

Those who voted in the negative were:

Berg	Lesewski	Moe, R.D.	Pogemiller	Solon
Day	Lessard	Murphy	Robertson	Stumpf
Janezich	Limmer	Olson	Runbeck	Vickerman
Johnson, D.J.	Metzen	Pariseau	Samuelson	

So the bill 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 Messages From the House, Reports of Committees and Second Reading of Senate Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 2445:** A bill for an act relating to public safety; regulating excavation notice system; authorizing commissioner of public safety to appoint pipeline safety committee; increasing civil penalty; amending Minnesota Statutes 1996, sections 216D.04, subdivisions 1, 3, and by adding a subdivision; 216D.05; and 216D.08, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 299J; repealing Minnesota Statutes 1996, section 299J.06.

Senate File No. 2445 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1998

Mr. Novak moved that the Senate do not concur in the amendments by the House to S.F. No. 2445, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 2775:** A bill for an act relating to children; proposing an amendment to the Minnesota Constitution by adding a new article XV, and by renumbering certain sections; establishing the children's endowment fund; requiring a work group to propose a governance structure for the endowment; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 119C.

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

Pages 1 to 3, delete sections 1 to 3 and insert:

"Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a new article XV shall be added to consist of the following renumbered and amended sections and a new section to read:

### ARTICLE XV

#### EDUCATION

Section 1. [Article XIII, section 1, renumbered]

Sec. 2. [Article XIII, section 2, renumbered]

Sec. 3. [Article XIII, section 3, renumbered]

Sec. 4. The endowment fund for Minnesota's children is established in the state treasury. The assets of the fund must be appropriated by law for purposes that will enhance children's physical, emotional, and intellectual development through the age of six years. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium.

Sec. 5. [Article XI, section 8, renumbered and amended] The permanent school fund of the state consists of (a) the proceeds of lands granted by the United States for the use of schools within each township, (b) the proceeds derived from swamp lands granted to the state, (c) all cash and investments credited to the permanent school fund and to the swamp land fund, and (d) all cash and investments credited to the internal improvement land fund and the lands therein. No portion of these lands shall be sold otherwise than at public sale, and in the manner provided by law. All funds arising from the sale or other disposition of the lands, or income accruing in any way before the sale or disposition thereof, shall be credited to the permanent school fund. Within limitations prescribed by law, the fund shall be invested to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The principal of the permanent school fund shall be perpetual and inviolate forever, except as otherwise provided in this section. This does not prevent the sale of investments at less than the cost to the fund; however, all losses not offset by gains shall be repaid to the fund from the interest and dividends earned thereafter. ~~The net interest and dividends arising from~~ assets of the fund shall be distributed to the different school districts of the state in a manner prescribed by law. The amount distributed each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. The amount distributed must be determined by law and is not limited to the net earnings of the fund.



A board of investment consisting of the governor, the state auditor, the state treasurer, the secretary of state, and the attorney general is hereby constituted for the purpose of administering and directing the investment of all state funds. The board shall not permit state funds to be used for the underwriting or direct purchase of municipal securities from the issuer or the issuer's agent.

Sec. 6. [Article XI, section 9, renumbered]

Sec. 2. [SCHEDULE AND QUESTION.]

The amendment shall be submitted to the people at the 1998 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to create a permanent endowment fund to enhance the development of young children through the age of six and to maximize the long-term total return to the permanent school fund?"

Yes.....  
No....." "

Page 3, lines 20 and 33, delete "XI, section 15" and insert "XV, section 4"

Page 3, delete line 22 and insert "through the age of six years."

Page 4, line 5, delete "10" and insert "9"

Page 4, delete section 7

Page 5, line 1, after "spent" insert "as appropriated by law"

Page 5, line 16, after the semicolon, insert "and"

Page 5, delete lines 17 to 36

Page 6, delete lines 1 to 10

Page 6, line 11, delete "(14)" and insert "(5)"

Page 6, line 12, delete "deposits to" and insert "assets of"

Page 6, delete lines 14 and 15

Page 6, delete section 10 and insert:

"Sec. 8. [GOVERNANCE.]

The governor, the subcommittee on committees of the committee on rules and administration of the senate, and the speaker of the house of representatives shall jointly appoint a work group of legislators and community and foundation representatives to develop a proposal for governance of the endowment for Minnesota's children. The work group shall prepare a report and submit recommendations to the legislature by January 15, 1999, which include the governance structure, composition of the governing body, authority and responsibility for managing funds, and how to best focus the children's endowment funds to improve outcomes for children through the age of six years.

Sec. 9. [APPROPRIATION.]

\$50,000,000 is appropriated from the general fund to the commissioner of finance for transfer to the children's endowment fund. This appropriation is available only if a bill is enacted at a 1998 regular or special session of the legislature that defeases the revenue bonds issued under Minnesota Statutes, section 16A.67. Notwithstanding the provisions of that bill, the defeasance must be postponed until the appropriation in this section has been transferred to the children's endowment fund and the defeasance can be accomplished without creating a deficit in the general fund."

Page 6, line 32, delete "10" and insert "9"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "maximizing the long-term total return to the permanent school fund;"

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

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

**S.F. No. 161:** A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article V, sections 1, 3, and 4; article VIII, section 2; article XI, sections 7 and 8; abolishing the office of state treasurer; transferring or repealing the powers, responsibilities, and duties of the state treasurer; amending Minnesota Statutes 1996, sections 9.011, subdivision 1; and 11A.03.

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

Page 4, lines 13 and 17, delete "2001" and insert "2003"

Page 5, line 9, delete "2001" and insert "2003"

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

## SECOND READING OF SENATE BILLS

S.F. No. 161 was read the second time.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Frederickson moved that S.F. No. 2192 be taken from the table. The motion prevailed.

**S.F. No. 2192:** A bill for an act relating to corporations; clarifying the application of certain statutory requirements for corporations created by political subdivisions; authorizing the ratification of a nonprofit corporation by Brown county; amending Minnesota Statutes 1997 Supplement, section 465.715, subdivision 1.

Mr. Frederickson moved that the Senate do not concur in the amendments by the House to S.F. No. 2192, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

## RECESS

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:

S.F. No. 2119: Ms. Johnson, J.B.; Messrs. Wiger and Johnson, D.E.

S.F. No. 2445: Messrs. Novak, Ourada and Johnson, D.H.

S.F. No. 2192: Messrs. Frederickson, Vickerman and Kelley, S.P.

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

**NOTICE OF RECONSIDERATION**

Mr. Foley gave notice of his intention to move for reconsideration of the vote whereby S.F. No. 2099 was passed on Thursday, March 12, 1998.

**MEMBERS EXCUSED**

Ms. Ranum was excused from the Session of today from 9:00 to 11:00 a.m. and from 12:30 to 12:45 p.m. Ms. Anderson was excused from the Session of today from 10:00 to 10:30 a.m. Mr. Sams was excused from the Session of today from 10:15 to 10:30 a.m. Ms. Junge was excused from the Session of today from 12:15 to 1:15 p.m. Messrs. Metzen and Solon were excused from the Session of today from 12:15 to 1:30 p.m. Mrs. Fischbach was excused from the Session of today at 1:15 p.m. Mr. Kelley, S.P. was excused from the Session of today from 2:00 to 3:00 p.m. Ms. Berglin was excused from the Session of today at 4:00 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, March 13, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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