

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

ONE HUNDRED FIRST DAY

St. Paul, Minnesota, Monday, March 30, 1998

The Senate met at 11:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Ms. Johnson, J.B. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

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

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

Anderson	Higgins	Laidig	Oliver	Scheevel
Beckman	Hottinger	Langseth	Olson	Scheid
Belanger	Janezich	Larson	Ourada	Solon
Berg	Johnson, D.E.	Lesewski	Pappas	Spear
Berglin	Johnson, D.H.	Lessard	Pariseau	Stevens
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
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiener
Flynn	Kiscaden	Morse	Robling	Wiger
Foley	Kleis	Murphy	Runbeck	
Frederickson	Knutson	Neuville	Sams	
Hanson	Krentz	Novak	Samuelson	

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 25, 1998

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1998 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1998	Date Filed 1998
908		331	9:30 a.m. March 25	March 25
2252		332	9:35 a.m. March 25	March 25
154		333	9:40 a.m. March 25	March 25
	2814	334	9:48 a.m. March 25	March 25
2550		335	9:45 a.m. March 25	March 25
330		336	9:45 a.m. March 25	March 25
2493		337	9:50 a.m. March 25	March 25

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3397.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1998

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2718:** A bill for an act relating to telecommunications; amending the state telephone assistance program to match federal requirements; requiring the department of human services to automatically enroll eligible persons based on information in state information systems; regulating the TAP surcharge; requiring public utilities commission to develop and implement state universal service fund by December 31, 2000; changing authorized expenditures for the telephone assistance fund; amending Minnesota Statutes 1996, sections 237.70, subdivision 6, and by adding a subdivision; and 237.701, subdivision 1; Minnesota Statutes 1997 Supplement, section 237.70, subdivisions 4a and 7; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1996, section 237.69, subdivision 9.

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

Clark, K.; Jennings and Mares.

Senate File No. 2718 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1998

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2730, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2730:** A bill for an act relating to state government; department of administration; making technical corrections relating to information systems and technology, data practices, and certain appropriations oversight; authorizing the commissioner to apply for and receive grants; designating the department as the responsible agency for certain federal programs; changing the name of the Minnesota telecommunications network; clarifying department of administration authority over building operations and maintenance; extending the expiration date of the governor's residence council; changing certain terminology, providing for disposition of certain revenue, and clarifying certain referenda authority with respect to the state building code; amending Minnesota Statutes 1996, sections 16B.04, subdivision 2, and by adding a subdivision; 16B.24, subdivision 1; 16B.27, subdivision 3; 16B.58, subdivision 1; 16B.65, subdivisions 1 and 6; and 124C.74, subdivisions 2 and 3; Minnesota Statutes 1997 Supplement, sections 15.059, subdivision 5a; 16B.415; 16B.465; 16B.72; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.13, subdivision 3; and 221.173; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; and Laws 1997, chapter 202, article 1, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B.

Senate File No. 2730 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 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. 41:** A bill for an act proposing an amendment to the Minnesota Constitution, article 1, by adding a section; affirming the right of citizens to hunt or take game and fish.

Senate File No. 41 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1998

Mr. Lessard moved that the Senate do not concur in the amendments by the House to S.F. No. 41, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

## MOTIONS AND RESOLUTIONS

**Ms. Junge introduced--**

**Senate Resolution No. 102:** A Senate resolution recognizing the "Quilts for Kids" program of the New Hope Elementary School.

Referred to the Committee on Rules and Administration.

**Mr. Moe, R.D. introduced--**

**Senate Resolution No. 103:** A Senate resolution congratulating the Norman County East High School Boys basketball team on winning the 1998 State High School Class 1A Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

**Mr. Larson introduced--**

**Senate Resolution No. 104:** A Senate resolution congratulating the Fergus Falls Community College men's basketball team on winning the 1998 NJCAA Division III championship.

Referred to the Committee on Rules and Administration.

### SPECIAL ORDERS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

H.F. Nos. 2673 and 2970.

### SPECIAL ORDER

**H.F. No. 2673:** A bill for an act relating to public employment; increasing compensation for state employees on leave to serve as certified disaster service volunteers of the American Red Cross; amending Minnesota Statutes 1996, section 43A.185, subdivision 1.

Mr. Kelly, R.C. moved to amend H.F. No. 2673, as amended pursuant to Rule 49, adopted by the Senate February 16, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 1946.)

Page 1, after line 7, insert:

"Section 1. [43A.183] [PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES ON ACTIVE DUTY.]

Each agency head shall pay to each eligible member of the reserve components of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active state employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active state employee. Payments must be made at the intervals at which the member received pay as a state employee. Back pay authorized by this section may be paid in a lump sum. Pay under this section may not extend beyond four years from the date the employee was called to active duty plus any additional time in each case that the employee may be required to serve under law.

An eligible member of the reserve components of the armed forces of the United States is a reservist or national guard member who was an employee of the state of Minnesota at the time the member was called to active duty and who was or is called to active duty after August 1, 1994, for service in Haiti relating to political unrest and a need to safeguard election processes.

For the purposes of this section, an employee of the state is an employee of the executive, judicial, or legislative branch of state government or an employee of the Minnesota state retirement system, the public employee retirement association, or the teachers retirement association.

The commissioner of employee relations and the commissioner of finance shall adopt procedures required to implement this section. The procedures are exempt from chapter 14.

This section expires June 30, 2002."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing the payment of salary differential for reserve forces on active duty in Haiti;"

Page 1, line 6, after "I" insert "; proposing coding for new law in Minnesota Statutes, chapter 43A"

Mr. Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 2673 was read the third time and placed on its final passage.

### CALL OF THE SENATE

Ms. Junge imposed a call of the Senate for the balance of the proceedings on H.F. No. 2673. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Pappas	Spear
Beckman	Janezich	Larson	Piper	Stumpf
Belanger	Johnson, D.E.	Limmer	Pogemiller	Ten Eyck
Berglin	Johnson, D.H.	Lourey	Price	Terwilliger
Betzold	Johnson, D.J.	Metzen	Robling	Vickerman
Cohen	Johnson, J.B.	Moe, R.D.	Runbeck	Wiger
Flynn	Junge	Morse	Sams	
Frederickson	Kelley, S.P.	Murphy	Samuelson	
Hanson	Krentz	Neuville	Scheid	
Higgins	Laidig	Novak	Solon	

Those who voted in the negative were:

Berg	Kiscaden	Oliver	Ranum	Wiener
Day	Kleis	Olson	Robertson	
Dille	Knutson	Ourada	Scheevel	
Foley	Lesewski	Pariseau	Stevens	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2970:** A bill for an act relating to retirement; various retirement plans; adjusting pension coverage for certain privatized public hospital employees; providing for voluntary deduction of health insurance premiums from certain annuities; providing for increased survivor benefits relating to certain public employees murdered in the line of duty; authorizing certain service credit purchases; specifying prior service credit purchase payment amount determination procedures increasing salaries of various judges; modifying other judicial salaries; modifying the judges retirement plan member and employer contribution rates; authorizing the transfer of certain prior retirement contributions from the legislators retirement plan and from the elective state officers retirement plan; creating a contribution transfer account in the general fund of the state; appropriating money; reformulating the Columbia Heights volunteer firefighters relief association plan as a defined contribution plan under the general volunteer fire law; restructuring the Columbia Heights volunteer firefighter relief association board; modifying various higher education retirement plan provisions; modifying administrative expense provisions for various public pension plans; expanding the teacher retirement plans part-time teaching positions eligible to participate in the qualified full-time service credit for part-time teaching service program; making certain Minneapolis fire department relief association survivor benefit options retroactive; providing increased disability benefit coverage for certain local government correctional facility employees; increasing local government correctional employee and employer contribution rates; providing increased survivor benefits to certain Minneapolis employee retirement fund survivors; authorizing certain Hennepin county regional park employees to change retirement plan

membership; modifying benefit increase provision for Eveleth police and firefighters; modifying the length of the actuarial services contract of the legislative commission on pensions and retirement; modifying the scope of quadrennial projection valuations; amending Minnesota Statutes 1996, sections 3A.13; 136F.45, by adding a subdivision; 136F.48; 352.96, subdivision 4; 352D.09, subdivision 7; 352D.12; 353D.05, subdivision 3; 354.445; 354.66, subdivisions 2 and 3; 354A.094, subdivisions 2 and 3; 354B.23, by adding a subdivision; 354C.12, by adding a subdivision; 383B.52; 422A.23, subdivision 2; and 490.123, subdivisions 1a and 1b; Minnesota Statutes 1997 Supplement, sections 3.85, subdivision 11; 15A.083, subdivisions 5, 6a, and 7; 354B.25, subdivisions 1a and 5; 354C.12, subdivision 4; and 356.215, subdivision 2; Laws 1995, chapter 262, article 10, section 1; and Laws 1997, Second Special Session chapter 3, section 16; proposing new law for coding in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1996, sections 11A.17, subdivisions 10a and 14; and 352D.09, subdivision 8; Minnesota Statutes 1997 Supplement, section 136F.45, subdivision 3.

Mr. Morse moved to amend H.F. No. 2970, as amended pursuant to Rule 49, adopted by the Senate March 20, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2555.)

Page 19, line 14, after the period, insert "Sections 2 and 6 do not abrogate or modify any memorandum of understanding between an exclusive representative of affected employees and the board of the Minnesota state colleges and universities entered into before the effective date of those sections."

The motion prevailed. So the amendment was adopted.

Mr. Morse then moved to amend H.F. No. 2970, as amended pursuant to Rule 49, adopted by the Senate March 20, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2555.)

Page 39, line 18, before "The" insert "(a)"

Page 39, after line 21, insert:

"(b) The increase in judicial salaries under section 6 also applies to judges who are not covered by the federal old age, survivors, disability, and health insurance program."

Page 44, after line 29, insert:

## "ARTICLE 8

### ACTUARIAL SERVICES CONTRACT-RELATED CHANGES

Section 1. Minnesota Statutes 1997 Supplement, section 3.85, subdivision 11, is amended to read:

Subd. 11. [VALUATIONS AND REPORTS TO LEGISLATURE.] (a) The commission shall contract with an established actuarial consulting firm to conduct annual actuarial valuations for the retirement plans named in paragraph (b). The contract must include provisions for performing cost analyses of proposals for changes in benefit and funding policies.

(b) The contract for actuarial valuation must include the following retirement plans:

- (1) the teachers retirement plan, teachers retirement association;
- (2) the general state employees retirement plan, Minnesota state retirement system;
- (3) the correctional employees retirement plan, Minnesota state retirement system;
- (4) the state patrol retirement plan, Minnesota state retirement system;
- (5) the judges retirement plan, Minnesota state retirement system;

- (6) the Minneapolis employees retirement plan, Minneapolis employees retirement fund;
- (7) the public employees retirement plan, public employees retirement association;
- (8) the public employees police and fire plan, public employees retirement association;
- (9) the Duluth teachers retirement plan, Duluth teachers retirement fund association;
- (10) the Minneapolis teachers retirement plan, Minneapolis teachers retirement fund association;
- (11) the St. Paul teachers retirement plan, St. Paul teachers retirement fund association;
- (12) the legislators retirement plan, Minnesota state retirement system; and
- (13) the elective state officers retirement plan, Minnesota state retirement system.

(c) The contract must specify completion of annual actuarial valuation calculations on a fiscal year basis with their contents as specified in section 356.215, and the standards for actuarial work adopted by the commission.

The contract must specify completion of annual experience data collection and processing and a quadrennial published experience study for the plans listed in paragraph (b), clauses (1), (2), and (7), as provided for in the standards for actuarial work adopted by the commission. The experience data collection, processing, and analysis must evaluate the following:

- (1) individual salary progression;
- (2) rate of return on investments based on current asset value;
- (3) payroll growth;
- (4) mortality;
- (5) retirement age;
- (6) withdrawal; and
- (7) disablement.

(d) The actuary retained by the commission shall annually prepare a report to the legislature, including the commentary on the actuarial valuation calculations for the plans named in paragraph (b) and summarizing the results of the actuarial valuation calculations. The commission-retained actuary shall include with the report the actuary's recommendations concerning the appropriateness of the support rates to achieve proper funding of the retirement funds by the required funding dates. The commission-retained actuary shall, as part of the quadrennial published experience study, include recommendations to the legislature on the appropriateness of the actuarial valuation assumptions required for evaluation in the study.

(e) If the actuarial gain and loss analysis in the actuarial valuation calculations indicates a persistent pattern of sizable gains or losses, as directed by the commission, the actuary retained by the commission shall prepare a special experience study for a plan listed in paragraph (b), clause (3), (4), (5), (6), (8), (9), (10), (11), (12), or (13), in the manner provided for in the standards for actuarial work adopted by the commission.

(f) The term of the contract between the commission and the actuary retained by the commission is ~~two four years, plus not to exceed two one-year extensions before competitive bidding.~~ The contract is subject to competitive bidding procedures as specified by the commission.

Sec. 2. Minnesota Statutes 1997 Supplement, section 356.215, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENTS.] (a) It is the policy of the legislature that it is necessary and

appropriate to determine annually the financial status of tax supported retirement and pension plans for public employees. To achieve this goal, the legislative commission on pensions and retirement shall have prepared by the actuary retained by the commission annual actuarial valuations of the retirement plans enumerated in section 3.85, subdivision 11, paragraph (b), quadrennial experience studies of the retirement plans enumerated in section 3.85, subdivision 11, paragraph (b), clauses (1), (2), and (7), and, two years after each set of quadrennial experience studies, quadrennial projection valuations of at least one of the retirement plans enumerated in section 3.85, subdivision 11, paragraph (b), ~~clauses (1), (2), and (7), and of any other retirement plan enumerated in section 3.85, subdivision 11, paragraph (b)~~, for which it determines that the analysis is may be beneficial. The governing or managing board or administrative officials of each public pension and retirement fund or plan enumerated in section 356.20, subdivision 2, clauses (9), (10), and (12), shall have prepared by an approved actuary annual actuarial valuations of their respective funds as provided in this section. This requirement also applies to any fund that is the successor to any organization enumerated in section 356.20, subdivision 2, or to the governing or managing board or administrative officials of any newly formed retirement fund or association operating under the control or supervision of any public employee group, governmental unit, or institution receiving a portion of its support through legislative appropriations, and any local police or fire fund coming within the provisions of section 356.216.

(b) ~~The A quadrennial projection valuations~~ valuation required under paragraph (a) ~~are~~ is intended to serve as an additional analytical tool with which policy makers may assess the future funding status of public plans through forecasting and testing various potential outcomes over time if certain plan assumptions or valuation methods were to be modified. In consultation with the executive director of the legislative commission on pensions and retirement, the retirement fund directors, the state economist, the state demographer, the commissioner of finance, and the commissioner of employee relations, the actuary retained by the legislative commission on pensions and retirement shall perform the quadrennial projection valuations, testing future implications for plan funding by modifying assumptions and methods currently in place. The commission-retained actuary shall provide advice to the commission as to the periods over which such projections should be made, the nature and scope of the scenarios to be analyzed, and the measures of funding status to be employed, and shall report the results of these analyses in the same manner as for quadrennial experience studies.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective on the day following final enactment."

Amend the title as follows:

Page 1, line 38, after the semicolon, insert "modifying the length of the actuarial services contract of the legislative commission on pensions and retirement; modifying the scope of quadrennial projection valuations;"

Page 2, line 1, after "sections" insert "3.85, subdivision 11;"

Page 2, line 3, delete "and" and after "4;" insert "and 356.215, subdivision 2;"

The motion prevailed. So the amendment was adopted.

Mr. Kleis moved to amend H.F. No. 2970, as amended pursuant to Rule 49, adopted by the Senate March 20, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2555.)

Page 13, after line 33, insert:

"Sec. 12. Minnesota Statutes 1996, section 356.24, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTION; EXCEPTIONS.] (a) It is unlawful for a school district or other governmental subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:



(1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;

(2) to a plan that provides solely for group health, hospital, disability, or death benefits;

(3) to the individual retirement account plan established by chapter 354B;

(4) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;

(5) for employees other than personnel employed by the state university board or the community college board and covered by the board of trustees of the Minnesota state colleges and universities supplemental retirement plan under chapter 354C, if provided for in a personnel policy of the public employer or in the collective bargaining agreement between the public employer and the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee;

(i) to the state of Minnesota deferred compensation plan under section 352.96; or

(ii) in payment of the applicable portion of the premium on a tax-sheltered annuity contract qualified under section 403(b) of the Internal Revenue Code, if purchased from a qualified insurance company, and if the employing unit has complied with any applicable pension plan provisions of the Internal Revenue Code with respect to the tax-sheltered annuity program during the preceding calendar year; or

(6) for personnel employed by the state university board or the community college board and not covered by clause (5), to the supplemental retirement plan under chapter 354C, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year for each employee.

(b) A qualified insurance company is a company that:

(1) meets the definition in section 60A.02, subdivision 4;

(2) is licensed to engage in life insurance or annuity business in the state;

(3) is determined by the commissioner of commerce to have a rating within the top two rating categories by a recognized national rating agency or organization that regularly rates insurance companies; and

(4) is determined by the state board of investment to be among the ten applicant insurance companies, four of which are Minnesota based, with competitive options and investment returns on annuity products. The state board of investment determination must be made on or before January 1, 1993, and must be reviewed periodically. The state board of investment may retain actuarial services to assist it in this determination and in its periodic review. The state board of investment may annually establish a budget for its costs in any determination and periodic review processes. The state board of investment may charge a proportional share of all costs related to the periodic review to those companies currently under contract and may charge a proportional share of all costs related to soliciting and evaluating bids in a determination process to each company selected by the state board of investment. All contracts must be approved before execution by the state board of investment. The state board of investment shall establish policies and procedures under section 11A.04, clause (2), to carry out this paragraph.

(c) A personnel policy for unrepresented employees or a collective bargaining agreement may establish limits on the number of vendors under paragraph (b), clause (5), that it will utilize and conditions under which the vendors may contact employees both during working hours and after working hours."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Mr. Morse imposed a call of the Senate for the balance of the proceedings on H.F. No. 2970. The Sergeant at Arms was instructed to bring in the absent members.

Pursuant to Rule 22, Mr. Wiger moved that he be excused from voting on the Kleis amendment to H.F. No. 2970. The motion prevailed.

Pursuant to Rule 22, Mr. Oliver moved that he be excused from voting on the Kleis amendment to H.F. No. 2970. The motion prevailed.

The question was taken on the adoption of the amendment.

Mr. Morse moved that those not voting be excused from voting. The motion prevailed.

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

Those who voted in the affirmative were:

Beckman	Frederickson	Knutson	Neuville	Samuelson
Belanger	Janezich	Laidig	Olson	Scheevel
Berg	Johnson, D.E.	Langseth	Ourada	Stevens
Cohen	Johnson, D.J.	Larson	Pappas	
Day	Kelly, R.C.	Lessard	Pariseau	
Dille	Kiscaden	Limmer	Robertson	
Fischbach	Kleis	Murphy	Robling	

Those who voted in the negative were:

Anderson	Hottinger	Lourey	Price	Ten Eyck
Berglin	Johnson, D.H.	Marty	Ranum	Terwilliger
Betzold	Johnson, J.B.	Metzen	Sams	Wiener
Flynn	Junge	Moe, R.D.	Scheid	
Foley	Kelley, S.P.	Morse	Solon	
Hanson	Krentz	Novak	Spear	
Higgins	Lesewski	Pogemiller	Stumpf	

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

H.F. No. 2970 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	Hanson	Knutson	Murphy	Sams
Beckman	Higgins	Krentz	Neuville	Samuelson
Belanger	Hottinger	Laidig	Novak	Scheevel
Berg	Janezich	Langseth	Oliver	Scheid
Berglin	Johnson, D.E.	Larson	Olson	Solon
Betzold	Johnson, D.H.	Lesewski	Ourada	Spear
Cohen	Johnson, D.J.	Lessard	Pappas	Stevens
Day	Johnson, J.B.	Limmer	Pariseau	Stumpf
Dille	Junge	Lourey	Pogemiller	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Price	Terwilliger
Flynn	Kelly, R.C.	Metzen	Ranum	Wiener
Foley	Kiscaden	Moe, R.D.	Robertson	Wiger
Frederickson	Kleis	Morse	Robling	

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 2192 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON 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.

March 25, 1998

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2192, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2192 be further amended as follows:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1997 Supplement, section 465.715, is amended by adding a subdivision to read:

Subd. 1a. [APPLICATION.] Except as provided by subdivision 2, subdivision 1 only applies to a corporation for which a certificate of incorporation is issued by the secretary of state on or after June 1, 1997. A corporation that had been issued a certificate of incorporation before June 1, 1997, may continue to operate as if it had been created in compliance with subdivision 1. This subdivision expires July 1, 1999."

Amend the title as follows:

Page 1, line 7, delete "subdivision 1" and insert "by adding a subdivision"

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

Senate Conferees: (Signed) Dennis R. Frederickson, Jim Vickerman, Steve Kelley

House Conferees: (Signed) Elaine Harder, Ann H. Rest, Ron Erhardt

Mr. Frederickson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2192 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2192 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

Hottinger	Kleis	Marty	Pappas	Scheid
Janezich	Knutson	Metzen	Pariseau	Solon
Johnson, D.E.	Krentz	Moe, R.D.	Pogemiller	Spear
Johnson, D.H.	Laidig	Morse	Price	Stevens
Johnson, D.J.	Langseth	Murphy	Ranum	Stumpf
Johnson, J.B.	Larson	Neuville	Robertson	Ten Eyck
Junge	Lesewski	Novak	Robling	Terwilliger
Kelley, S.P.	Lessard	Oliver	Sams	Wiener
Kelly, R.C.	Limmer	Olson	Samuelson	Wiger
Kiscaden	Lourey	Ourada	Scheevel	

So the bill, as amended by the Conference Committee, was repassed 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 House 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. 1480:** A bill for an act relating to evidence; fixing the conditions for the disclosure of certain information subject to the Minnesota Free Flow of Information Act; amending Minnesota Statutes 1996, sections 595.023; and 595.024, subdivision 2.

Senate File No. 1480 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1998

### CONCURRENCE AND REPASSAGE

Mr. Cohen moved that the Senate concur in the amendments by the House to S.F. No. 1480 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1480 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 2050:** A bill for an act relating to health; modifying provisions governing advance health care directives; combining laws governing living wills and durable power of attorney for health care; amending Minnesota Statutes 1996, sections 144.335, subdivision 1; 145C.01, subdivisions 2, 3, 4, 8, and by adding subdivisions; 145C.02; 145C.03; 145C.04; 145C.05, subdivisions 1 and 2; 145C.06; 145C.07; 145C.08; 145C.09; 145C.10; 145C.11; 145C.12; 145C.13, subdivision 1; 145C.15; 525.55, subdivisions 1 and 2; 525.551, subdivisions 1 and 5; 525.9212; and 609.215, subdivision 3; Minnesota Statutes 1997 Supplement, sections 149A.80, subdivision 2; 253B.04, subdivision 1a; 253B.07, subdivision 1; and 253B.092, subdivisions 2 and 6; proposing coding for new law in Minnesota Statutes, chapters 145B; and 145C.

Senate File No. 2050 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 1998

Ms. Junge moved that S.F. No. 2050 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. Cohen from the Committee on State Government Finance, to which was referred**

**H.F. No. 3830:** A bill for an act relating to claims; providing for payment of certain claims against the state; authorizing reimbursement of certain costs and fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

**Mr. Cohen from the Committee on State Government Finance, to which was referred**

**S.F. No. 3409:** A bill for an act relating to agriculture; providing emergency financial relief for farm families in certain counties; establishing a temporary program of assistance for federal crop insurance premiums; appropriating money.

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

Page 1, line 12, after "means" insert "Beltrami, Clay,"

Page 2, line 6, after "loss" insert "from the United States Department of Agriculture, Farm Service Agency, county yield average"

Page 2, line 7, delete "the yield in one or more crops" and insert "wheat or barley yield or collected an indemnity or disaster payment on wheat or barley"

Page 2, line 8, delete "1994" and insert "1993"

Page 2, line 17, delete "assistance" and insert "reimbursement"

Page 2, line 18, delete "up to 50 percent of the total" and after "premiums" insert "and administrative fees"

Page 2, line 19, delete "crops" and insert "wheat and barley"

Page 2, line 20, delete "during the 1998" and insert "for the 1997" and delete "assistance" and insert "reimbursement"

Page 2, line 23, delete "\$2,500" and insert "\$4,000"

Page 2, after line 26, insert:

"(c) The farmer must be listed as the payee, or one of the payees, on the reimbursement check."

Page 2, line 28, delete "\$15,000,000" and insert "\$8,500,000"

Page 2, after line 34, insert:

"Sec. 4. [APPROPRIATION FOR TORNADO DISASTER COSTS.]

Up to \$10,000,000 is appropriated to the commissioner of public safety from the additional money transferred to the budget reserve account under Minnesota Statutes, section 16A.152, in a bill styled as 1998 House File No. 3840, for reimbursements to local governments and individuals to pay costs related to tornado damage that occurred in Watonwan, Nicollet, LeSueur, Blue Earth, Cottonwood, and Brown counties in March 1998. This appropriation must be used for the nonfederal share of federal disaster funds for the 1998 tornado-related disaster in the area designated under a Presidential Declaration of Major Disaster, if a declaration is issued, and for other tornado-related costs."

Page 2, line 36, delete "3" and insert "4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "agriculture" and insert "natural disasters"

Page 1, line 5, after the semicolon, insert "providing for the nonfederal share of federal disaster funds for the March 1998 tornado disaster in southern Minnesota;"

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

## SECOND READING OF HOUSE BILLS

H.F. No. 3830 was read the second time.

## INTRODUCTION AND FIRST READING OF SENATE BILLS

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

**Mr. Wiger, Ms. Ranum, Mr. Kelley, S.P. and Ms. Anderson introduced--**

**S.F. No. 3410:** A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

Referred to the Committee on Judiciary.

**Messrs. Vickerman, Hottinger, Frederickson, Neuville and Beckman introduced--**

**S.F. No. 3412:** A bill for an act relating to public safety; providing for matching funds for federal disaster relief; appropriating money.

Referred to the Committee on Human Resources Finance.

**Ms. Olson, Mr. Scheevel and Mrs. Pariseau introduced--**

**S.F. No. 3412:** A bill for an act relating to courts; juries; exempting certain mothers from jury service; proposing coding for new law in Minnesota Statutes, chapter 593.

Referred to the Committee on Judiciary.

#### **MEMBERS EXCUSED**

Mrs. Fischbach was excused from the Session of today from 11:30 a.m. to 12:10 p.m. Mr. Lessard was excused from the Session of today from 11:55 a.m. to 12:10 p.m. Ms. Runbeck and Mr. Vickerman were excused from the Session of today at 12:30 p.m.

#### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, March 31, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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