

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED ELEVENTH DAY

St. Paul, Minnesota, Tuesday, April 25, 2000

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Stacy Offner.

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

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

Senators Kelley, S.P. and Kierlin were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

April 11, 2000

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

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

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Douglas Kelley, 9024 West Bush Lake Road, Bloomington, Minnesota 55438, in the county of Hennepin, effective April 18, 2000, for a four-year term expiring on January 5, 2004.

Sidney Pauly, 17450 West 78th Street, Eden Prairie, Minnesota 55346, in the county of Hennepin, effective April 18, 2000, for a four-year term expiring on January 5, 2004.

(Referred to the Committee on Election Laws.)

Sincerely,
Jesse Ventura, Governor

April 19, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2000 Session of the State Legislature has been received and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
	2809	*310		April 19

*Chapter reconsidered and repassed by the Senate and House of Representatives after being vetoed by the Governor

Sincerely,
Mary Kiffmeyer
Secretary of State

April 20, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 425, S.F. No. 2484, a bill requiring vehicles to be driven in the right-hand lane to the extent practicable.

This bill is unenforceable and will unnecessarily confuse drivers in the metropolitan area where there are many left exits and multiple lane highways. While posting signs instructing drivers to "MOVE TO THE RIGHT AFTER PASSING" may be a useful reminder to drivers, the language "to the extent practicable" is vague and subject to interpretation that makes the law difficult to enforce. This bill also fails to exempt the metropolitan area from this requirement. Interstate highways, particularly in the metro area, have multiple lanes and many left exits and entrances. These highways are often so congested that the left lane is needed to improve the capacity of the highway.

It is not feasible to require people to drive in the right-hand lane and to do so would significantly reduce the capacity of our highways and make it more difficult and dangerous to merge from an entrance ramp on to the highway. For these reasons, I am vetoing this bill.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 2484 and the veto message thereon be laid on the table. The motion prevailed.

April 20, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3023, 2870 and 2683.

Sincerely,
Jesse Ventura, Governor

April 20, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 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 2000	Date Filed 2000
	3901	424	10:25 a.m. April 20	April 20
3023		426	10:21 a.m. April 20	April 20
2870		427	10:19 a.m. April 20	April 20
2683		428	10:20 a.m. April 20	April 20
	2671	429	10:25 a.m. April 20	April 20
	2563	430	10:20 a.m. April 20	April 20
	2830	431	10:22 a.m. April 20	April 20

Sincerely,
Mary Kiffmeyer
Secretary of State

April 24, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2456, 2785, 2946, 551, 2686, 3581, 2830 and 3139.

Sincerely,
Jesse Ventura, Governor

April 25, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 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 2000	Date Filed 2000
2456		432	1:51 p.m. April 24	April 24
2785		433	1:52 p.m. April 24	April 24
2946		434	1:53 p.m. April 24	April 24
	3692	435	1:40 p.m. April 24	April 24
	2451	436	1:54 p.m. April 24	April 24
551		437	1:45 p.m. April 24	April 24
2686		438	1:36 p.m. April 24	April 24
	3497	439	1:47 p.m. April 24	April 24
3581		440	1:48 p.m. April 24	April 24
2830		441	1:50 p.m. April 24	April 24
3139		442	1:51 p.m. April 24	April 24
	2757	443	1:55 p.m. April 24	April 24

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 3644.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

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. 2575: A bill for an act relating to economic development; regulating eligibility of farmers for the dislocated worker program; amending Minnesota Statutes 1999 Supplement, section 268.975, subdivision 3.

Senate File No. 2575 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

Senator Stempf moved that the Senate do not concur in the amendments by the House to S.F. No. 2575, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2385: A bill for an act relating to public employment; exempting certain public hospital employees from the compensation limit; amending Minnesota Statutes 1998, section 43A.17, subdivision 9.

Senate File No. 2385 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

CONCURRENCE AND REPASSAGE

Senator Ourada moved that the Senate concur in the amendments by the House to S.F. No. 2385 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2385 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 34 and nays 27, as follows:

Those who voted in the affirmative were:

Belanger	Kelly, R.C.	Lessard	Pappas	Solon
Berg	Kinkel	Limmer	Pariseau	Stevens
Day	Kleis	Metzen	Robling	Stumpf
Fischbach	Knutson	Neuville	Runbeck	Terwilliger
Frederickson	Langseth	Oliver	Sams	Vickerman
Johnson, D.E.	Larson	Olson	Scheevel	Ziegler
Johnson, D.J.	Lesewski	Ourada	Scheid	

Those who voted in the negative were:

Anderson	Foley	Junge	Piper	Spear
Berglin	Hanson	Kiscaden	Price	Wiener
Betzold	Higgins	Lourey	Ranum	Wiger
Cohen	Hottinger	Marty	Ring	
Dille	Janezich	Moe, R.D.	Robertson	
Flynn	Johnson, D.H.	Murphy	Samuelson	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce 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. 3028: A bill for an act relating to vulnerable adults; specifying rights for reconsideration and review of determinations regarding maltreatment; amending Minnesota

Statutes 1998, section 626.557, subdivisions 9c, 9d, and 12b; Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Greenfield, Boudreau and Goodno.

Senate File No. 3028 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

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. 3730: A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; increasing bonding authority for the financing of metropolitan area transit and paratransit capital expenditures; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 473.39, subdivision 1g; and 475.56; proposing coding for new law in Minnesota Statutes, chapter 373.

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

Abrams, McElroy and Rest.

Senate File No. 3730 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 2000

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2516.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 2000

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 2516: A bill for an act relating to crime; amending the definition of harassment; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, and 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3580, now on General Orders.

REPORTS OF COMMITTEES

Senator Marty from the Committee on Election Laws, to which was referred the following appointment as reported in the Journal for February 1, 2000:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Donald Roggenbauer

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

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

MOTIONS AND RESOLUTIONS

Senator Hanson moved that the names of Senators Olson and Pariseau be added as co-authors to S.F. No. 3828. The motion prevailed.

Senator Stevens introduced--

Senate Resolution No. 162: A Senate resolution congratulating Benjamin Nussbaum of Zimmerman, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Stevens introduced--

Senate Resolution No. 163: A Senate resolution congratulating Matthew Darling of Sartell, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

RECESS

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

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

APPOINTMENTS

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

S.F. No. 2575: Senators Stumpf, Janezich and Lesewski.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Sams moved that S.F. No. 3033, No. 5 on General Orders, be stricken and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Senator Langseth moved that S.F. No. 3246, No. 13 on General Orders, be stricken and re-referred to the Committee on Agriculture and Natural Resources. The motion prevailed.

Senator Murphy moved that S.F. No. 2840, No. 24 on General Orders, be stricken and returned to its author. The motion prevailed.

RECONSIDERATION

Having voted on the prevailing side, Senator Kleis moved that the vote whereby H.F. No. 3046 was passed by the Senate on April 18, 2000, be now reconsidered.

Senator Moe, R.D. raised a point of order as to whether the Kleis motion was in order.

The President ruled the point of order was well taken, so the Kleis motion was not in order.

Senator Laidig moved that H.F. No. 3046 be recalled from the House of Representatives for further consideration.

CALL OF THE SENATE

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

The question was taken on the adoption of the Laidig motion.

The roll was called, and there were yeas 16 and nays 46, as follows:

Those who voted in the affirmative were:

Belanger	Kleis	Larson	Oliver	Runbeck
Day	Knutson	Limmer	Ring	Scheid
Frederickson	Laidig	Novak	Robertson	Terwilliger
Kiscaden				

Those who voted in the negative were:

Berg	Hottinger	Lessard	Piper	Stevens
Berglin	Janezich	Lourey	Pogemiller	Stumpf
Betzold	Johnson, D.E.	Metzen	Price	Vickerman
Cohen	Johnson, D.H.	Moe, R.D.	Ranum	Wiener
Dille	Johnson, D.J.	Murphy	Robling	Wiger
Fischbach	Junge	Neuville	Sams	Ziegler
Flynn	Kinkel	Olson	Samuelson	
Foley	Krentz	Ourada	Scheevel	
Hanson	Langseth	Pappas	Solon	
Higgins	Lesewski	Pariseau	Spear	

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Wiener moved that S.F. No. 2933, No. 32 on General Orders, be stricken and re-referred to the Committee on Human Resources Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3020, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3020 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 3020

A bill for an act relating to human services; modifying provisions in long-term care; amending Minnesota Statutes 1998, sections 256B.411, subdivision 2; and 256B.431, subdivisions 1, 3a, 10, 16, 18, 21, 22, and 25; Minnesota Statutes 1999 Supplement, sections 256B.0913, subdivision 5; 256B.431, subdivisions 17 and 26; and 256B.434, subdivisions 3 and 4; repealing Minnesota Statutes 1998, sections 256B.03, subdivision 2; 256B.431, subdivisions 2, 2a, 2f, 2h, 2m, 2p, 2q, 3, 3b, 3d, 3h, 3j, 4, 5, 7, 8, 9, 9a, 12, and 24; 256B.48, subdivision 9; 256B.50, subdivision 3; and 256B.74, subdivision 3.

April 18, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 3020, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

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

House Conferees: (Signed) Fran Bradley, Bud Nornes, Lee Greenfield

Senate Conferees: (Signed) Michelle L. Fischbach, Sheila M. Kiscaden

Senator Fischbach moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3020 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3020 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Lesewski	Pariseau	Solon
Belanger	Johnson, D.E.	Lessard	Piper	Spear
Berg	Johnson, D.H.	Limmer	Pogemiller	Stevens
Betzold	Johnson, D.J.	Lourey	Price	Stumpf
Cohen	Junge	Marty	Ranum	Terwilliger
Day	Kinkel	Metzen	Ring	Vickerman
Dille	Kiscaden	Murphy	Robertson	Wiener
Fischbach	Kleis	Neuville	Robling	Wiger
Foley	Knutson	Novak	Runbeck	Ziegler
Frederickson	Krentz	Oliver	Sams	
Hanson	Laidig	Olson	Samuelson	
Higgins	Langseth	Ourada	Scheevel	
Hottinger	Larson	Pappas	Scheid	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 3047, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 3047 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 3047

A bill for an act relating to real property; title insurance; modifying mortgage release certificate language to include assignment of rents and profits; amending Minnesota Statutes 1998, sections 507.401, subdivisions 1, 3, and 6; and 559.17, by adding a subdivision; repealing Minnesota Statutes 1998, section 507.401, subdivision 7.

April 18, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 3047, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 3047 be further amended as follows:

Page 1, line 25, delete "\$1,000,000" and insert "\$1,500,000"

Page 3, line 8, delete "\$1,000,000" and insert "\$1,500,000"

Page 4, line 4, delete "\$1,000,000" and insert "\$1,500,000"

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

House Conferees: (Signed) William Kuisle, Dave Bishop, Joe Mullery

Senate Conferees: (Signed) Linda Scheid, Deanna L. Wiener, Warren Limmer

Senator Scheid moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3047 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3047 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Belanger

Berg
Berglin

Betzold
Cohen

Day
Dille

Fischbach
Flynn

Foley	Kiscaden	Marty	Pogemiller	Solon
Frederickson	Kleis	Metzen	Price	Spear
Hanson	Knutson	Murphy	Ranum	Stevens
Higgins	Krentz	Neuville	Ring	Stumpf
Hottinger	Laidig	Novak	Robertson	Terwilliger
Janezich	Langseth	Oliver	Robling	Vickerman
Johnson, D.E.	Larson	Olson	Runbeck	Wiener
Johnson, D.H.	Lesewski	Ourada	Sams	Wiger
Johnson, D.J.	Lessard	Pappas	Samuelson	Ziegler
Junge	Limmer	Pariseau	Scheevel	
Kinkel	Lourey	Piper	Scheid	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Higgins moved that S.F. No. 2983, No. 10 on General Orders, be stricken and re-referred to the Committee on Local and Metropolitan Government. The motion prevailed.

MEMBERS EXCUSED

Senator Krentz was excused from the Session of today from 1:30 to 1:45 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 27, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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