

SIXTEENTH DAY

St. Paul, Minnesota, Thursday, February 21, 1991

The Senate met at 2:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Luther 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. David P. Gerhardt.

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

Adkins	Davis	Johnson, D.J.	Metzen	Reichgott
Beckman	Day	Johnson, J.B.	Moe, R.D.	Renneke
Belanger	DeCramer	Johnston	Mondale	Riveness
Benson, D.D.	Dicklich	Kelly	Morse	Sams
Benson, J.E.	Finn	Knaak	Neuville	Spear
Berg	Flynn	Laidig	Novak	Storm
Berglin	Frank	Langseth	Olson	Stumpf
Bernhagen	Frederickson, D.J.	Larson	Pappas	Traub
Bertram	Frederickson, D.R.	Lessard	Pariseau	Vickerman
Brataas	Halberg	Luther	Piper	Waldorf
Chmielewski	Hottinger	Marty	Pogemiller	
Cohen	Hughes	McGowan	Price	
Dahl	Johnson, D.E.	Merriam	Ranum	

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. Gustafson, Kroening, Mehrkens and Samuelson were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 31, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF JOBS AND TRAINING

R. Jane Brown, 6897 Black Duck Drive, Lino Lakes, Anoka County, Minnesota, has been appointed by me, effective January 23, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Employment.)

February 1, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF ADMINISTRATION

Dana B. Badgerow, 19625 Chartwell Hill, Shorewood, Hennepin County, Minnesota, has been appointed by me, effective February 11, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Governmental Operations.)

February 1, 1991

The Honorable Jerome Hughes
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as requested by law:

COMMISSIONER OF HEALTH

John Frank McCally, 45 Nord Circle, North Oaks, Ramsey County, Minnesota, has been appointed by me, effective February 1, 1991, for a term expiring on the first Monday in January, 1995.

(Referred to the Committee on Health and Human Services.)

Warmest regards,
Arne H. Carlson, Governor

REPORTS OF COMMITTEES

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

Mr. Metzen from the Committee on Economic Development and Housing, to which was referred

S.F. No. 154: A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of

a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 327C.095, subdivision 1, is amended to read:

Subdivision 1. [CONVERSION OF USE; MINIMUM NOTICE.] At least nine months before the conversion of all or a portion of a manufactured home park to another use, or before closure of a manufactured home park or cessation of use of the land as a manufactured home park, the park owner must prepare a closure statement and provide a copy to the local planning agency and a copy to a resident of each manufactured home *where the residential use is being converted*. A resident may not be required to vacate until 60 days after the conclusion of the public hearing required under subdivision 4. If a lot is available in another section of the park that will continue to be operated as a park, the park owner must allow the resident to relocate the home to that lot unless the home, because of its size or local ordinance, is not compatible with that lot.

Sec. 2. Minnesota Statutes 1990, section 327C.095, is amended by adding a subdivision to read:

Subd. 6. [INTENT TO CONVERT USE OF PARK AT TIME OF PURCHASE.] Before the execution of an agreement to purchase a manufactured home park, the purchaser must notify the park owner, in writing, if the purchaser intends to close the manufactured home park or convert it to another use within one year of the execution of the agreement. The park owner shall provide a resident of each manufactured home with a written notice of the purchaser's intent to close the park or convert it to another use. The notice must be sent by first class mail to a resident of each manufactured home in the park. The notice period begins on the postmark date affixed to the notice and ends 45 days after it begins. All of the residents or a nonprofit organization which has the written permission of 51 percent of the residents to represent them in the acquisition of the park shall have 45 days to meet the cash price and to execute an agreement to purchase the park for the purposes of keeping the park as a manufactured housing community. The park owner must accept the offer if it meets the cash price and the same terms and conditions set forth in the purchaser's offer except that the seller is not obligated to provide owner financing. For purposes of this section, cash price means the cash price offer or equivalent cash offer as defined in section 500.24, subdivision 6, paragraph (d).

Sec. 3. Minnesota Statutes 1990, section 327C.095, is amended by adding a subdivision to read:

Subd. 7. [INTENT TO CONVERT USE OF PARK AFTER PURCHASE.] If the purchaser of a manufactured home park decides to convert the park to another use within one year after the purchase of the park, the purchaser must offer the park for purchase by the residents of the park. The purchaser must provide the residents with a written notice of the intent to close the park and all of the residents or a nonprofit organization which has the written permission of 51 percent of the residents to represent them in the acquisition of the park shall have 45 days to execute an agreement for the

purchase of the park at a price equal to the original purchase price paid by the purchaser plus any documented expenses relating to the acquisition and improvement of the park property, together with any increase in value due to appreciation of the park. The purchaser must execute the purchase agreement at the price specified in this subdivision. The notice must be sent by first class mail to a resident of each manufactured home in the park. The notice period begins on the postmark date affixed to the notice and ends 45 days after it begins. Subdivision 6 and this subdivision do not apply in the case of a taking by eminent domain.

Sec. 4. Minnesota Statutes 1990, section 327C.095, is amended by adding a subdivision to read:

Subd. 8. [EFFECT OF NONCOMPLIANCE.] If a manufactured home park is sold or converted to another use in violation of subdivision 6 or 7, the residents do not have any continuing right to purchase the park as a result of that sale or conversion. Any violation of subdivision 6 or 7 shall be subject to section 8.31, subdivision 1, except that relief shall be limited so that questions of marketability of title shall not be affected.

Sec. 5. [327C.096] [NOTICE OF SALE.]

When a park owner offers to sell a manufactured home park to the public through advertising in a newspaper or by listing the park with a realtor licensed by the department of commerce, the owner must provide concurrent written notice to a resident of each manufactured home in the park that the park is being offered for sale. The notice provided by the park owner to a resident of each manufactured home does not grant any property rights in the park. This section does not apply in the case of a taking by eminent domain, a transfer by a corporation to an affiliate, a transfer by a partnership to one of its partners, or a sale or transfer to a person who would be an heir of the owner if the owner were to die intestate. If at any time a manufactured home park owner receives an unsolicited bona fide offer to purchase the park that the owner intends to consider or make counter offer to, the owner is under no obligation to notify the residents as required under this section."

Delete the title and insert:

"A bill for an act relating to manufactured home parks; providing for notice and right to purchase for conversion or the closing of a park under certain circumstances; amending Minnesota Statutes 1990, section 327C.095, subdivision 1, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C."

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 255: A bill for an act relating to horse racing; increasing per diem rate for members of the racing commission; requiring that pari-mutuel clerks at county fairs be licensed; specifying apportionment and uses of the Minnesota breeders' fund; specifying person who may supervise administration of certain medications; reducing state tax withholding on pari-mutuel winnings; amending Minnesota Statutes 1990, sections 240.02, subdivision

3; 240.09, subdivision 2; 240.18; 240.24, subdivision 2; and 290.92, subdivision 27.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 118: A bill for an act relating to animals; tightening laws prohibiting cruel treatment of certain animals, including equines; increasing certain penalties; amending Minnesota Statutes 1990, sections 343.21, subdivisions 9 and 10; 346.43; and 346.44; proposing coding for new law in Minnesota Statutes, chapter 343.

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

Page 1, line 20, reinstate the stricken "pet or companion" and reinstate the stricken ", as defined in"

Page 1, line 21, reinstate the stricken language and before "that" insert "*or an equine, as defined in section 346.38, subdivision 1,*"

Page 2, line 4, reinstate the stricken language

Page 2, line 5, reinstate the stricken language and after the comma, insert "*or an equine,*"

Page 2, line 8, reinstate the stricken language and delete "an"

Page 2, line 9, after "animal" insert ", *or an equine*"

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

Mr. Bertram from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 151: A bill for an act relating to public safety; creating the Minnesota advisory council on fire protection systems; requiring licensing and certifying of the fire protection industry; providing for rules and an exemption; creating fire protection systems account; providing for fees; imposing a penalty; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299M.

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

Page 2, line 7, before the period, insert "*connected to a potable water source*"

Page 3, line 11, delete "*its parts, or related equipment,*"

Page 3, line 13, after the period, insert "*No license is required under this section for a person licensed as a professional engineer under section 326.03 who is competent in fire protection system design or a person licensed as an alarm and communication contractor under section 326.2421 for performing activities authorized by that license.*"

Page 4, line 11, delete "and" and insert "for" and delete "system" and insert "*systems.*"

Page 4, delete line 12

Page 4, line 16, after the first comma, insert "*certification, registration,*"

Page 4, line 35, delete "CONTRACT WITH LABOR AND INDUSTRY" and insert "AUTHORITY TO CONTRACT"

Page 4, line 36, delete "*the*" and insert "*local units of government.*"

Page 5, delete line 1

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

MOTIONS AND RESOLUTIONS

Mr. Morse moved that his name be stricken as a co-author to S.F. No. 74. The motion prevailed.

Mr. Sams moved that the name of Mr. Luther be added as a co-author to S.F. No. 74. The motion prevailed.

Mr. Marty moved that the name of Mr. Finn be added as a co-author to S.F. No. 130. The motion prevailed.

Ms. Johnson, J.B. moved that the name of Mr. Riveness be added as a co-author to S.F. No. 132. The motion prevailed.

Mr. Luther moved that the name of Mr. Finn be added as a co-author to S.F. No. 354. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Solon, Metzen and Lessard be added as co-authors to S.F. No. 373. The motion prevailed.

Ms. Berglin moved that the name of Ms. Pappas be added as a co-author to S.F. No. 374. The motion prevailed.

Mr. Frank moved that the name of Ms. Pappas be added as a co-author to S.F. No. 384. The motion prevailed.

Mr. Metzen moved that the name of Mr. Price be added as a co-author to S.F. No. 387. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Sams be added as a co-author to S.F. No. 388. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Metzen, Lessard and Vickerman be added as co-authors to S.F. No. 389. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Metzen, Lessard and Vickerman be added as co-authors to S.F. No. 390. The motion prevailed.

Mr. Solon moved that the name of Ms. Johnston be added as a co-author to S.F. No. 398. The motion prevailed.

Mr. Knaak moved that S.F. No. 118 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

CONSENT CALENDAR

S.F. No. 79: A bill for an act relating to the city of Mora; extending the deadline for negotiating certain contracts; amending Laws 1989, chapter 33, section 1.

SUSPENSION OF RULES

Mr. Davis moved that the rules of the Senate be so far suspended as to waive the lie-over requirement as to S.F. No. 79. The motion prevailed.

S.F. No. 79 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	McGowan	Ranum
Beckman	Davis	Johnson, D.J.	Metzen	Reichgott
Belanger	Day	Johnson, J.B.	Moe, R.D.	Renneke
Benson, D.D.	DeCramer	Johnston	Mondale	Riveness
Benson, J.E.	Dicklich	Kelly	Morse	Sams
Berg	Finn	Knaak	Neuville	Spear
Berglin	Flynn	Laidig	Novak	Stumpf
Bernhagen	Frank	Langseth	Olson	Traub
Bertram	Frederickson, D.J.	Larson	Pappas	Vickerman
Brataas	Frederickson, D.R.	Lessard	Pariseau	Waldorf
Chmielewski	Hottinger	Luther	Pogemiller	
Cohen	Hughes	Marty	Price	

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

After some time spent therein, the committee arose, and Mr. Hughes reported that no bills were recommended to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Knaak, Hughes, Ms. Johnson, J.B.; Messrs. Frank and Novak introduced—

S.F. No. 399: A bill for an act relating to education; authorizing certain school districts to become members of Northeast Metropolitan Intermediate School District No. 916; amending Minnesota Statutes 1990, sections 136D.72, subdivision 1; and 136D.76, subdivision 2.

Referred to the Committee on Education.

Messrs. Kelly, Knaak, McGowan, Merriam and Spear introduced—

S.F. No. 400: A bill for an act relating to peace officers; requiring law enforcement agencies to adopt written policies governing the use of deadly force; requiring initial and continuing peace officer training on deadly force and the use of firearms; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S.F. No. 401: A bill for an act relating to education; requiring the resident district of a nonhandicapped pupil temporarily placed in a residential program to pay tuition including summer school tuition; amending Minnesota Statutes 1990, section 120.181.

Referred to the Committee on Education.

Messrs. Dahl, Beckman, Metzen and Larson introduced—

S.F. No. 402: A bill for an act relating to international trade; establishing regional international trade service centers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

Messrs. Finn, Luther, Knaak, Ms. Reichgott and Mr. Metzen introduced—

S.F. No. 403: A bill for an act relating to the Uniform Commercial Code; enacting conforming amendments proposed by the Uniform Laws Conference; proposing changes to articles relating to leases and bulk sales; amending Minnesota Statutes 1990, sections 336.1-105; 336.2-403; 336.2A-103; 336.2A-209; 336.2A-303; 336.2A-304; 336.2A-307; 336.2A-309; 336.2A-407; 336.2A-501; 336.2A-503; 336.2A-508; 336.2A-516; 336.2A-517; 336.2A-518; 336.2A-519; 336.2A-523; 336.2A-525; 336.2A-527; 336.2A-528; 336.2A-529; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.6-101 to 336.6-111; and 336.9-111.

Referred to the Committee on Judiciary.

Messrs. Kelly, Spear and Cohen introduced—

S.F. No. 404: A bill for an act relating to peace officers; requiring the community college system, technical college system, state university system, and private colleges offering professional peace officer education to integrate components of professional peace officer education into a degree program by January 1, 1992; requiring the state university system to develop a school of law enforcement; amending Minnesota Statutes 1990, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

Referred to the Committee on Judiciary.

Mr. Price introduced—

S.F. No. 405: A bill for an act relating to taxation; property; reducing the class rate applied to certain homesteads; amending Minnesota Statutes 1990, section 273.13, subdivision 22.

Referred to the Committee on Taxes and Tax Laws.

Mr. Marty, Ms. Piper, Messrs. Sams, Finn and Dicklich introduced—

S.F. No. 406: A bill for an act relating to energy; generation of electrical energy; prohibiting the issuance of certificates of need for new nuclear generating plants until the public utilities commission is satisfied that a

safe method is available for the permanent disposal of nuclear waste; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Energy and Public Utilities.

Mr. Waldorf, Ms. Ranum and Mr. Merriam introduced—

S.F. No. 407: A bill for an act relating to occupations and professions; amending the definition of high pressure piping; amending Minnesota Statutes 1990, section 326.461, subdivision 2.

Referred to the Committee on Employment.

Messrs. Merriam, Knaak and Neuville introduced—

S.F. No. 408: A bill for an act relating to privacy; recognizing a cause of action for public disclosure of private facts; proposing coding for new law as Minnesota Statutes, chapter 554.

Referred to the Committee on Judiciary.

Mr. Samuelson introduced—

S.F. No. 409: A bill for an act relating to education; changing a definition for purposes of sparsity revenue; amending Minnesota Statutes 1990, section 124A.22, subdivision 5.

Referred to the Committee on Education.

Mr. Pogemiller introduced—

S.F. No. 410: A bill for an act relating to retirement; allowing payment of certain premiums on tax sheltered annuities; as an exception to the prohibition on supplemental pension plans; amending Minnesota Statutes 1990, section 356.24.

Referred to the Committee on Governmental Operations.

Mr. Pogemiller introduced—

S.F. No. 411: A bill for an act relating to education; appropriating money for matching grants for "male responsibility" pilot programs.

Referred to the Committee on Education.

Ms. Berglin introduced—

S.F. No. 412: A bill for an act relating to health; creating an interagency long-term care planning board; changing requirements for the preadmission screening and alternative care grants programs; appropriating money; amending Minnesota Statutes 1990, section 256B.091, subdivisions 2, 3, 6, 8, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 256B; proposing coding for new law as Minnesota Statutes, chapter 144B; repealing Minnesota Statutes 1990, sections 144A.31, subdivisions 1 and 5; and 256B.091, sections 1, 4, and 7.

Referred to the Committee on Health and Human Services.

Messrs. Vickerman, Samuelson, Ms. Piper, Messrs. Renneke and Solon introduced—

S.F. No. 413: A bill for an act relating to health; requiring the commissioner of health to apply for a grant to establish an office of rural health; assigning duties to the office; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Mses. Berglin, Piper, Mr. Finn, Ms. Johnson, J.B. and Mr. Sams introduced—

S.F. No. 414: A bill for an act relating to alcohol and drug abuse; establishing statewide and local prevention programs; establishing family resource center pilot projects; requiring plans and studies; requiring children to attend school through age 17; establishing school prevention programs; providing for research and evaluation; expanding the definition of drug free zones to include post-secondary and technical colleges and public housing property; requiring the sentencing guidelines commission to develop a model set of local correctional guidelines; authorizing special levies for local correctional services that do not involve incarceration; changing the name and duties of the drug abuse prevention resource council; providing incentives for judicial districts to adopt local correctional guidelines; requiring reporting of felony convictions; requiring chemical use assessments of persons convicted of felonies; requiring studies; appropriating money; amending Minnesota Statutes 1990, sections 120.101, subdivisions 5 and 9; 120.105; 123.35, subdivision 8; 124.26, subdivision 1b; 126.031, subdivision 1; 145.924; 152.01, subdivision 14a, and by adding a subdivision; 152.022, subdivision 1; 152.023, subdivision 2; 244.095, subdivisions 1 and 2; 254A.16, by adding subdivisions; 254A.17, subdivision 1, and by adding a subdivision; 260.015, subdivision 19; 275.50, subdivision 5; 275.51, subdivision 3f; 299A.30; 299A.31, subdivision 1; 299A.32; 401.14, by adding a subdivision; 485.16; and 609.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144, 244, and 245; repealing Minnesota Statutes 1990, sections 244.095, subdivision 3; 299A.29; and 299A.30.

Referred to the Committee on Health and Human Services.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, February 25, 1991. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate