

**FIFTY-SEVENTH DAY**

St. Paul, Minnesota, Wednesday, May 10, 1995

The Senate met at 9:00 a.m. and was called to order by the President.

**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.

Prayer was offered by Senator Pat Piper.

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

Anderson	Frederickson	Laidig	Novak	Sams
Beckman	Hanson	Langseth	Oliver	Samuelson
Belanger	Hottinger	Larson	Olson	Scheevel
Berg	Janezich	Lesewski	Ourada	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Limmer	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	Merriam	Pogemiller	Terwilliger
Chmielewski	Kiscaden	Metzen	Price	Vickerman
Cohen	Kleis	Moe, R.D.	Ranum	Wiener
Day	Knutson	Mondale	Reichgott Junge	
Dille	Kramer	Morse	Riveness	
Finn	Krentz	Murphy	Robertson	
Flynn	Kroening	Neuville	Runbeck	

The President declared a quorum present.

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 642.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 9, 1995

**FIRST READING OF HOUSE BILLS**

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

**H.F. No. 642:** A bill for an act relating to workers' compensation; modifying provisions relating to insurance, procedures and benefits; providing penalties; appropriating money; amending Minnesota Statutes 1994, sections 13.69, subdivision 1; 13.82, subdivision 1; 79.074,

subdivision 2; 79.085; 79.211, subdivision 1; 79.251, subdivision 2, and by adding a subdivision; 79.253, by adding a subdivision; 79.34, subdivision 2; 79.35; 79.50; 79.51, subdivisions 1 and 3; 79.52, by adding subdivisions; 79.53, subdivision 1; 79.55, subdivisions 2, 5, and by adding subdivisions; 79.56, subdivisions 1 and 3; 79.60, subdivision 1; 79A.01, subdivisions 1, 4, and by adding a subdivision; 79A.02, subdivisions 1, 2, and 4; 79A.03, by adding a subdivision; 79A.04, subdivisions 2 and 9; 79A.09, subdivision 4; 79A.15; 168.012, subdivision 1; 175.16; 176.011, subdivisions 16 and 25; 176.021, subdivisions 3 and 3a; 176.061, subdivision 10; 176.081, subdivisions 1, 7, 7a, 9, and by adding a subdivision; 176.101, subdivisions 1, 2, 4, 5, 6, 8, and by adding a subdivision; 176.102, subdivisions 3a and 11; 176.103, subdivisions 2 and 3; 176.104, subdivision 1; 176.105, subdivision 4; 176.106; 176.129, subdivisions 9 and 10; 176.130, subdivision 9; 176.135, subdivision 1; 176.1351, subdivisions 1 and 5; 176.136, subdivisions 1a, 1b, and 2; 176.138; 176.139, subdivision 2; 176.178; 176.179; 176.181, subdivisions 7 and 8; 176.182; 176.183, subdivisions 1 and 2; 176.185, subdivision 5a; 176.191, subdivisions 1, 5, 8, and by adding a subdivision; 176.194, subdivision 4; 176.215, by adding a subdivision; 176.221, subdivisions 1, 3, 3a, 6a, and 7; 176.225, subdivisions 1 and 5; 176.231, subdivision 10; 176.238, subdivisions 6 and 10; 176.261; 176.2615, subdivision 7; 176.275, subdivision 1; 176.281; 176.285; 176.291; 176.305, subdivision 1a; 176.645; 176.66, subdivision 11; 176.82; 176.83, subdivision 5; 176.84, subdivision 2; and 268.08, subdivision 3; Laws 1994, chapter 625, article 5, section 7; proposing coding for new law in Minnesota Statutes, chapters 79; 79A; 175; 176; and 182; repealing Minnesota Statutes 1994, sections 79.53, subdivision 2; 79.54; 79.56, subdivision 2; 79.57; 79.58; 175.007; 176.011, subdivision 26; 176.081, subdivisions 2, 5, 7, and 8; 176.101, subdivisions 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; 176.103, subdivisions 2 and 21; 176.132; 176.133; 176.191, subdivision 2; 176.232; and 176.86; Laws 1990, chapter 521, section 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1020, now on General Orders.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Report 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. 1742** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

### GENERAL ORDERS

H.F. No.	S.F. No.
1742	1590

### CONSENT CALENDAR

H.F. No.	S.F. No.
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### CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1742 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1742 and insert the language after the enacting clause of S.F. No. 1590, the first engrossment; further, delete the title of H.F. No. 1742 and insert the title of S.F. No. 1590, the first engrossment.

And when so amended H.F. No. 1742 will be identical to S.F. No. 1590, and further recommends that H.F. No. 1742 be given its second reading and substituted for S.F. No. 1590, 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.

## SECOND READING OF HOUSE BILLS

H.F. No. 1742 was read the second time.

## MOTIONS AND RESOLUTIONS

**Messrs. Bertram, Metzen and Langseth introduced--**

**Senate Resolution No. 67:** A Senate resolution commending Bill Barbknecht, Department Commander of the American Legion, on his service to his state and country.

Referred to the Committee on Rules and Administration.

## RECONSIDERATION

Mr. Metzen moved that the vote whereby H.F. No. 1573 was passed by the Senate on May 9, 1995, be now reconsidered. The motion prevailed. So the vote was reconsidered.

**H.F. No. 1573:** A bill for an act relating to financial institutions; regulating savings banks; modifying and clarifying statutory provisions relating to the structure and functions of savings banks; making technical changes; amending Minnesota Statutes 1994, sections 9.031, subdivision 8; 46.047, subdivision 2; 47.01, subdivisions 2 and 3; 47.015, subdivision 1; 47.02; 47.10, subdivision 1; 47.12; 47.20, subdivisions 1 and 9; 47.201, subdivision 1; 47.205, subdivision 1; 47.209, subdivision 1; 47.27, subdivision 2; 47.28; 47.29, subdivisions 1 and 2; 47.30, subdivisions 1, 2, 3, and 5; 47.32; 47.62, subdivision 4; 47.64, subdivision 1; 47.65, subdivisions 1 and 2; 48.01, subdivision 2; 48.15, by adding a subdivision; 49.01, by adding a subdivision; 49.42; 50.01; 50.04; 50.05; 50.06; 50.11; 50.13; 50.14, subdivisions 1, 5, 7, and 8; 50.145; 50.146; 50.1465; 50.148; 50.155; 50.17; 50.175, subdivision 1; 50.19; 50.21; 50.22; 50.23; 50.245; 50.25; 51A.02, subdivisions 6, 26, and 40; 51A.21, by adding a subdivision; 61A.09, subdivision 3; 62B.04, subdivisions 1 and 2; and 300.20; proposing coding for new law in Minnesota Statutes, chapters 46; 47; and 50; repealing Minnesota Statutes 1994, sections 47.095; 47.30, subdivisions 4 and 6; 48.67; 50.02; 50.07; 50.08; 50.09; 50.10; 50.12; 50.15; 50.16; 50.21; and 50.22.

Mr. Metzen then moved that the amendment made to H.F. No. 1573 by the Committee on Rules and Administration in the report adopted May 5, 1995, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1573 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 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Novak	Runbeck
Beckman	Hanson	Larson	Oliver	Sams
Belanger	Hottinger	Lesewski	Olson	Samuelson
Berg	Johnson, D.E.	Lessard	Ourada	Scheevel
Berglin	Johnson, D.J.	Limmer	Pappas	Solon
Bertram	Johnson, J.B.	Marty	Pariseau	Spear
Betzold	Johnston	Merriam	Piper	Stevens
Chandler	Kleis	Metzen	Pogemiller	Stumpf
Cohen	Knutson	Moe, R.D.	Price	Terwilliger
Day	Kramer	Morse	Ranum	Vickerman
Finn	Krentz	Murphy	Riveness	Wiener
Flynn	Kroening	Neuville	Robertson	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Mr. Bertram introduced--**

**S.F. No. 1693:** A bill for an act relating to local government; requiring that local governments acquire construction easements, permits, and other rights to use property in a timely fashion; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Metropolitan and Local Government.

**Mr. Kroening introduced--**

**S.F. No. 1694:** A bill for an act relating to retirement; recodifying laws applicable to the Minneapolis fire department relief association; clarifying laws for the administration of the association; proposing coding for new law as Minnesota Statutes, chapter 423C; repealing Laws 1907, chapter 24; Laws 1913, chapters 318; and 419; Laws 1917, chapter 196; Laws 1919, chapters 515; and 523; Laws 1921, chapter 404; Laws 1923, chapter 61; Laws 1945, chapter 322; Laws 1959, chapters 213; 491; and 568; Laws 1961, chapter 109; Extra Session Laws 1961, chapter 3; Laws 1963, chapter 318; Laws 1965, chapters 519; and 578; Laws 1967, chapters 819; and 824; Laws 1969, chapters 123; and 287; Laws 1971, chapter 542; Laws 1975, chapter 57; Laws 1977, chapter 164, section 2; Laws 1980, chapter 607, article XV, sections 8, 9, and 10; Laws 1988, chapters 572, sections 4, 5, and 6; and 574, sections 3, 4, and 5; Laws 1989, chapter 319, article 19, sections 6 and 7; Laws 1990, chapter 589, article 1, sections 5 and 6; Laws 1992, chapters 429; 454, section 2; and 471, article 2; Laws 1993, chapters 125; and 192, section 32; and Laws 1994, chapters 591; and 632, article 3, section 14.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Spear introduced--**

**S.F. No. 1695:** A bill for an act relating to crime prevention; requiring screening for fetal alcohol exposure for children under the jurisdiction of juvenile court; amending Minnesota Statutes 1994, sections 260.151, by adding a subdivision; 260.185, subdivision 1; and 260.191, subdivision 1.

Referred to the Committee on Crime Prevention.

**Mr. Kroening introduced--**

**S.F. No. 1696:** A bill for an act relating to education; dissolving special school district No. 1, Minneapolis; attaching portions of the district to other school districts; repealing Minnesota Statutes 1994, sections 128D.01; 128D.02; 128D.03; 128D.04; 128D.05; 128D.06; 128D.07; 128D.08; 128D.09; 128D.10; 128D.11; 128D.12; 128D.13; 128D.14; 128D.15; 128D.16; and 128D.17.

Referred to the Committee on Education.

## 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 H.F. No. 1742 and that the rules of the Senate be so far suspended as to give H.F. No. 1742, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

**H.F. No. 1742:** A bill for an act relating to health; insurance; providing for certain breast cancer coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kroening	Novak	Robertson
Beckman	Hanson	Langseth	Oliver	Runbeck
Belanger	Hottinger	Larson	Olson	Sams
Berg	Janezich	Lesewski	Ourada	Samuelson
Berglin	Johnson, D.E.	Lessard	Pappas	Scheevel
Bertram	Johnson, D.J.	Marty	Pariseau	Solon
Betzold	Johnson, J.B.	Merriam	Piper	Spear
Chandler	Johnston	Metzen	Pogemiller	Stevens
Cohen	Kleis	Moe, R.D.	Price	Stumpf
Day	Knutson	Morse	Ranum	Terwilliger
Finn	Kramer	Murphy	Reichgott Junge	Vickerman
Flynn	Krentz	Neuville	Riveness	Wiener

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Bertram moved that the name of Mr. Larson be added as a co-author to Senate Resolution No. 67. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 699 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 699:** A bill for an act relating to property rights; establishing procedures governing entry of private property by government officials; requiring notice; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 566.

Mr. Moe, R.D. moved to amend S.F. No. 699 as follows:

Page 2, line 2, delete "AT TIME" and delete "On or before the" and insert "When"

Page 2, line 3, delete "time that"

Page 2, line 13, delete "at" and insert "on or before"

Page 2, line 18, before "In" insert:

"(c)"

Page 2, line 20, after "Notice" insert "under this paragraph"

Page 2, line 22, after "present" insert ", if the owner gave prior consent to the entry,"

Page 3, after line 19, insert:

"(6) an entry by a fire marshal or animal control warden;

(7) an entry by a government official investigating fraud in the receipt of public assistance;

(8) an entry by a government official acting under chapter 349A, if the official is entering property in which the owner has no reasonable expectation of privacy;"

Page 3, line 20, delete "(6)" and insert "(9)"

Page 3, line 23, delete "(7)" and insert "(10)"

Mr. Merriam moved to amend the Moe, R.D. amendment to S.F. No. 699 as follows:

Page 1, lines 16 and 17, delete "acting under chapter 349A"

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

The question was taken on the adoption of the Moe, R.D. amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Moe, R.D. moved that S.F. No. 699 be laid on the table. The motion prevailed.

Mr. Berg moved that S.F. No. 1044 be taken from the table. The motion prevailed.

**S.F. No. 1044:** A bill for an act relating to gambling; terminating existing tribal-state gaming compacts effective June 30, 1998.

Mr. Neuville moved to amend S.F. No. 1044 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE INTENT.]

It is the intent of the legislature that the state request negotiations to amend or replace all tribal-state gaming compacts negotiated under the Indian Gaming Regulatory Act, Public Law Number 100-497, and Minnesota Statutes, section 3.9221.

Sec. 2. [GOVERNOR ACTION; RENEGOTIATION.]

The governor shall take all steps necessary to renegotiate all compacts previously negotiated with Indian tribes under the Indian Gaming Regulatory Act, Public Law Number 100-497, and Minnesota Statutes, section 3.9221.

Sec. 3. Minnesota Statutes 1994, section 3.9221, is amended by adding a subdivision to read:

Subd. 2a. [LEGISLATIVE APPROVAL.] All compacts negotiated under this section, including amendments to previously existing compacts, must be approved by both houses of the legislature.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to gambling; providing for renegotiation and legislative approval of tribal-state gaming compacts; amending Minnesota Statutes 1994, section 3.9221, by adding a subdivision."

The motion prevailed. So the amendment was adopted.

**CALL OF THE SENATE**

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 1044. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 1044 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 41 and nays 24, as follows:

Those who voted in the affirmative were:

Beckman	Johnston	Larson	Olson	Solon
Belanger	Kiscaden	Lesewski	Ourada	Stevens
Berg	Kleis	Lessard	Pariseau	Stumpf
Bertram	Knutson	Limmer	Riveness	Terwilliger
Chandler	Kramer	Metzen	Robertson	Vickerman
Chmielewski	Krentz	Mondale	Runbeck	
Day	Kroening	Morse	Sams	
Janezich	Laidig	Neuville	Samuelson	
Johnson, D.J.	Langseth	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Flynn	Johnson, J.B.	Novak	Ranum
Berglin	Frederickson	Marty	Pappas	Reichgott Junge
Betzold	Hanson	Merriam	Piper	Spear
Cohen	Hottinger	Moe, R.D.	Pogemiller	Wiener
Finn	Johnson, D.E.	Murphy	Price	

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1406 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 1406:** A bill for an act relating to employment; establishing and modifying certain salary limits; requiring an evaluation of agency head responsibilities; amending Minnesota Statutes 1994, sections 3.855, subdivision 3; 15A.081, subdivision 8; 15A.083, subdivisions 5, 6a, and 7; 43A.17, subdivisions 1, 3, and by adding a subdivision; 43A.18, subdivision 4; 85A.02, subdivision 5a; and 298.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1994, sections 15A.081, subdivisions 1, 7, and 7b; and 43A.18, subdivision 5.

Mr. Terwilliger moved to amend S.F. No. 1406 as follows:

Page 10, delete line 36

Page 11, delete lines 1 to 6 and insert:

"(2) the average of the across-the-board increases for the fiscal year ending June 30, 1996, included in collective bargaining agreements and arbitration awards that have been ratified by the legislature in 1996. On July 1, 1996, the commissioner of employee relations shall calculate and report to the committee on finance of the senate and the ways and means committee of the house of representatives the average across-the-board increases that have been ratified by the legislature in 1996. The across-the-board increases must be weighted by the number of full-time-equivalent employees covered by the contract or arbitration award for the fiscal year ending June 30, 1996. This calculation must be used to determine the increases provided in this paragraph."

Page 11, delete lines 11 to 17 and insert:

"(2) the average of the across-the-board increases for the fiscal year ending June 30, 1996,

included in collective bargaining agreements and arbitration awards that have been ratified by the legislature in 1996. On July 1, 1996, the commissioner of employee relations shall calculate and report to the committee on finance of the senate and the ways and means committee of the house of representatives the average across-the-board increases that have been ratified by the legislature in 1996. The across-the-board increases must be weighted by the number of full-time-equivalent employees covered by the contract or arbitration award for the fiscal year ending June 30, 1996. This calculation must be used to determine the increases provided in this paragraph."

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend S.F. No. 1406 as follows:

Page 10, lines 32 and 33, delete ", judges, and legislators" and insert "and judges"

Page 11, lines 7 and 8, delete ", judges, and legislators" and insert "and judges"

Page 11, after line 20, insert:

"The salary increases recommended by the compensation council on April 1, 1995, for legislators are not adopted."

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

Ms. Johnston moved to amend S.F. No. 1406 as follows:

Page 10, after line 25, insert:

"Sec. 13. Minnesota Statutes 1994, section 375.055, subdivision 1, is amended to read:

Subdivision 1. [FIXED BY COUNTY BOARD.] (a) The county commissioners in all counties, except Hennepin and Ramsey, shall receive as compensation for services rendered by them for their respective counties, annual salaries and in addition may receive per diem payments and reimbursement for necessary expenses in performing the duties of the office as set by resolution of the county board. The salary and schedule of per diem payments shall not be effective until January 1 of the next year. The resolution shall contain a statement of the new salary on an annual basis. The board may establish a schedule of per diem payments for service by individual county commissioners on any board, committee, or commission of county government including committees of the board, or for the performance of services by individual county commissioners when required by law. In addition to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, the resolution setting the salary and schedule of per diem payments shall be published in one other newspaper of the county, if there is one located in a different municipality in the county than the official newspaper. The salary of a county commissioner or the schedule of per diem payments shall not change except in accordance with this subdivision.

(b) The annual salary of a county commissioner in any county, including Hennepin and Ramsey, may not exceed the salary of a legislator. Per diem payments in a year may not exceed one-third of a commissioner's salary. The provisions of this paragraph supersede any inconsistent provision of charter or other law."

Page 12, line 23, before the period, insert ", except that section 13 is effective January 1, 1996"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Terwilliger questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Johnston appealed the decision of the President.

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 51 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Laidig	Murphy	Samuelson
Belanger	Frederickson	Langseth	Novak	Scheevel
Berg	Hanson	Lesewski	Oliver	Solon
Bertram	Hottinger	Lessard	Ourada	Stumpf
Betzold	Janezich	Limmer	Pappas	Terwilliger
Chandler	Johnson, D.E.	Marty	Pogemiller	Vickerman
Chmielewski	Johnson, D.J.	Merriam	Price	Wiener
Cohen	Johnson, J.B.	Metzen	Ranum	
Day	Kleis	Moe, R.D.	Reichgott Junge	
Dille	Knutson	Mondale	Riveness	
Finn	Krentz	Morse	Runbeck	

Those who voted in the negative were:

Johnston	Kramer	Neuville	Pariseau	Stevens
Kiscaden	Larson	Olson	Robertson	

The decision of the President was sustained.

Ms. Flynn moved to amend S.F. No. 1406 as follows:

Page 5, delete line 5

Page 5, delete lines 17 and 18

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend S.F. No. 1406 as follows:

Page 4, after line 18, insert:

"Commissioner of iron range resources and rehabilitation board;"

Page 5, delete lines 1 and 2

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

Mr. Neuville moved to amend S.F. No. 1406 as follows:

Page 10, delete lines 32 to 36

Page 11, delete lines 1 to 17

Page 11, line 20, after "is" insert "not"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Beckman	Johnston	Limmer	Pariseau	Stevens
Berg	Kleis	Marty	Ranum	Vickerman
Bertram	Knutson	Murphy	Robertson	
Chmielewski	Kramer	Neuville	Runbeck	
Day	Larson	Olson	Sams	
Johnson, D.E.	Lesewski	Ourada	Scheevel	

Those who voted in the negative were:

Anderson	Frederickson	Kroening	Novak	Samuelson
Belanger	Hanson	Laidig	Oliver	Spear
Betzold	Hottinger	Langseth	Pappas	Stumpf
Chandler	Janezich	Lessard	Piper	Terwilliger
Cohen	Johnson, D.J.	Merriam	Pogemiller	Wiener
Dille	Johnson, J.B.	Metzen	Price	
Finn	Kiscaden	Mondale	Reichgott Junge	
Flynn	Krentz	Morse	Riveness	

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

Ms. Pappas moved to amend S.F. No. 1406 as follows:

Page 5, line 11, delete the semicolon

Page 5, line 12, delete everything before the period

The motion prevailed. So the amendment was adopted.

Mr. Terwilliger moved to amend the Terwilliger amendment to S.F. No. 1406, adopted by the Senate May 10, 1995, as follows:

Page 1, line 19, delete "1996" and insert "1997"

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

S.F. No. 1406 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 22 and nays 44, as follows:

Those who voted in the affirmative were:

Chmielewski	Kiscaden	Moe, R.D.	Pogemiller	Spear
Cohen	Knutson	Novak	Reichgott Junge	Terwilliger
Flynn	Kroening	Oliver	Riveness	
Frederickson	Laidig	Pappas	Robertson	
Janezich	Merriam	Piper	Solon	

Those who voted in the negative were:

Anderson	Dille	Kramer	Mondale	Runbeck
Beckman	Finn	Krentz	Morse	Sams
Belanger	Hanson	Langseth	Murphy	Samuelson
Berg	Hottinger	Larson	Neuville	Scheevel
Berglin	Johnson, D.E.	Lesewski	Olson	Stevens
Bertram	Johnson, D.J.	Lessard	Ourada	Stumpf
Betzold	Johnson, J.B.	Limmer	Pariseau	Vickerman
Chandler	Johnston	Marty	Price	Wiener
Day	Kleis	Metzen	Ranum	

So the bill, as amended, failed to pass.

## MOTIONS AND RESOLUTIONS - CONTINUED

### RECONSIDERATION

Ms. Hanson moved that the vote whereby H.F. No. 431 failed to pass the Senate on May 9, 1995, be now reconsidered.

**H.F. No. 431:** A bill for an act relating to property taxation; including certain homestead property value in the areawide tax base; subjecting certain homestead property value to the areawide tax rate; amending Minnesota Statutes 1994, sections 473F.02, subdivision 8, and by adding subdivisions; 473F.05; 473F.07, subdivision 1; and 473F.08, subdivisions 2, 6, 8a, and by adding a subdivision.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the proceedings on H.F. No. 431. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion of Ms. Hanson.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Murphy	Solon
Beckman	Flynn	Kroening	Novak	Spear
Berglin	Hanson	Marty	Pappas	Stumpf
Bertram	Hottinger	Merriam	Piper	Vickerman
Betzold	Janezich	Metzen	Pogemiller	
Chandler	Johnson, D.J.	Moe, R.D.	Ranum	
Chmielewski	Johnson, J.B.	Mondale	Reichgott Junge	
Cohen	Kramer	Morse	Sams	

Those who voted in the negative were:

Belanger	Johnston	Lesewski	Ourada	Scheevel
Berg	Kleis	Lessard	Pariseau	Stevens
Day	Knutson	Limmer	Price	Terwilliger
Dille	Laidig	Neuville	Riveness	Wiener
Frederickson	Langseth	Oliver	Robertson	
Johnson, D.E.	Larson	Olson	Runbeck	

The motion prevailed. So the vote was reconsidered.

Mr. Novak moved to amend H.F. No. 431, as amended pursuant to Rule 49, adopted by the Senate May 8, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 277.)

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1994, section 473F.02, subdivision 8, is amended to read:

Subd. 8. [MUNICIPALITY.] "Municipality" means a city, town, or township located in whole or part within the area, but not the cities of New Prague or Northfield. If a municipality is located partly within and partly without the area, the references in sections 473F.01 to 473F.13 to property or any portion thereof subject to taxation or taxing jurisdiction within the municipality are to such property or portion thereof as is located in that portion of the municipality within the area, except that the fiscal capacity of such a municipality shall be computed upon the basis of the valuation and population of the entire municipality.

A municipality shall be included in the area for purposes of contributing net tax capacity but excluded from the area for purposes of receiving a distribution of net tax capacity if its municipal comprehensive zoning and planning policies conscientiously exclude most commercial-industrial development, for reasons other than preserving an agricultural use. The metropolitan council and the commissioner of revenue shall jointly make this determination annually and shall notify those municipalities that are ineligible to participate in receive distributions of net capacity through the tax base sharing program provided in this chapter for the following year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved that H.F. No. 431 be re-referred to the Committee on Metropolitan and Local Government.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Belanger	Johnston	Larson	Ourada	Scheevel
Berg	Kiscaden	Lesewski	Pariseau	Stevens
Day	Kleis	Limmer	Price	Terwilliger
Dille	Knutson	Neuville	Riveness	Wiener
Frederickson	Laidig	Oliver	Robertson	
Johnson, D.E.	Langseth	Olson	Runbeck	

Those who voted in the negative were:

Anderson	Finn	Krentz	Morse	Samuelson
Beckman	Flynn	Kroening	Murphy	Solon
Berglin	Hanson	Lessard	Novak	Spear
Bertram	Hottinger	Marty	Pappas	Stumpf
Betzold	Janezich	Merriam	Piper	Vickerman
Chandler	Johnson, D.J.	Metzen	Pogemiller	
Chmielewski	Johnson, J.B.	Moe, R.D.	Ranum	
Cohen	Kramer	Mondale	Reichgott Junge	

The motion did not prevail.

Ms. Wiener moved to amend H.F. No. 431, as amended pursuant to Rule 49, adopted by the Senate May 8, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 277.)

Page 6, line 30, delete "50 percent of"

Page 7, line 2, after "city," insert "school district,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	Kleis	Limmer	Piper	Stumpf
Berg	Knutson	Mondale	Price	Terwilliger
Dille	Kramer	Neuville	Riveness	Wiener
Frederickson	Laidig	Oliver	Robertson	
Johnson, D.E.	Langseth	Olson	Runbeck	
Johnston	Larson	Ourada	Scheevel	
Kiscaden	Lesewski	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Cohen	Johnson, D.J.	Metzen	Ranum
Beckman	Day	Johnson, J.B.	Moe, R.D.	Reichgott Junge
Berglin	Finn	Krentz	Morse	Sams
Bertram	Flynn	Kroening	Murphy	Samuelson
Betzold	Hanson	Lessard	Novak	Solon
Chandler	Hottinger	Marty	Pappas	Spear
Chmielewski	Janezich	Merriam	Pogemiller	Vickerman

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

Ms. Runbeck moved to amend H.F. No. 431, as amended pursuant to Rule 49, adopted by the Senate May 8, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 277.)

Page 3, line 6, before "On" insert "Subdivision 1. [COMMERCIAL-INDUSTRIAL PROPERTY.]"

Page 3, after line 12, insert:

"Subd. 2. [EXCESS HOMESTEAD PROPERTY.] On or before August 5 of each year, the assessors within each county in the state shall determine and certify to the county auditor the net tax capacity in that year of excess homestead net tax capacity subject to taxation within each municipality in the county."

Page 3, line 14, delete "subdivision 1,"

Page 3, after line 14, insert:

"473F.07 [COMPUTATION OF AREAWIDE TAX BASE.]"

Page 3, line 21, before "contribution" insert "commercial-industrial"

Page 3, after line 23, insert:

"The administrative auditor shall determine the sum of the excess homestead net tax capacities for all municipalities in the state. The resulting amount shall be known as the "statewide net tax capacity for ..... (year)."

Subd. 2. [CERTIFICATION BY COMMISSIONER.] The commissioner of revenue shall certify to the administrative auditor, on or before August 10 of each year, the population of each municipality for the preceding year, the proportion of that population which resides within the area, the average fiscal capacity of all municipalities in the area for the preceding year, and the fiscal capacity of each municipality in the area for the preceding year.

The commissioner of revenue shall also certify to the administrative auditor, on or before August 10 of each year, the population of each municipality in the state for the preceding year, the average fiscal capacity of all municipalities in the state for the preceding year, and the fiscal capacity of each municipality in the state for the preceding year.

Subd. 3. [AREAWIDE TAX BASE DISTRIBUTION INDEX.] The administrative auditor shall determine, for each municipality in the area, the product of (a) its population, and (b) the proportion which the average fiscal capacity of municipalities in the area for the preceding year bears to the fiscal capacity of that municipality for the preceding year. The product shall be the areawide tax base distribution index for that municipality. If a municipality is located partly within and partly without the area its index shall be that which is otherwise determined hereunder, multiplied by the proportion which its population residing within the area bears to its total population as of the preceding year.

Subd. 3a. [STATEWIDE TAX BASE DISTRIBUTION INDEX.] The administrative auditor shall determine, for each municipality in the state, the product of (a) its population, and (b) the proportion which the average fiscal capacity of municipalities in the state for the preceding year bears to the fiscal capacity of that municipality for the preceding year. The product shall be the statewide tax base distribution index for that municipality.

Subd. 4. [AREAWIDE DISTRIBUTION NET TAX CAPACITY.] The administrative auditor shall determine the proportion which the index of each municipality in the area bears to the sum of the indices of all municipalities in the area and shall then multiply this proportion in the case of each municipality, by the areawide net tax capacity, provided that if the distribution net tax capacity for a municipality is less than 95 percent of the municipality's previous year distribution net tax capacity, and more than ten percent of the municipality's fiscal capacity consists of manufactured home property, the municipality's distribution net tax capacity will be increased to 95 percent of the previous year net tax capacity and the distribution net tax capacity of other municipalities in the area will be proportionately reduced.

Subd. 4a. [STATEWIDE DISTRIBUTION NET TAX CAPACITY.] The administrative auditor shall determine the proportion which the index of each municipality in the state bears to the sum of the indices of all municipalities in the state and shall then multiply this proportion in the case of each municipality, by the statewide net tax capacity.

Subd. 5. [CERTIFICATION TO COUNTY AUDITOR.] The result of the procedure prescribed by subdivision 4 shall be known as the "areawide net tax capacity for .....(year) attributable to .....(municipality)." The administrative auditor shall certify such product to the auditor of the county in which the municipality is located on or before August 15.

Subd. 5a. [CERTIFICATION TO COUNTY AUDITOR.] The result of the procedure prescribed by subdivision 4a shall be known as the "statewide net tax capacity for ..... (year) attributable to ..... (municipality)." The administrative auditor shall certify such product to the auditor of the county in which the municipality is located on or before August 15."

Page 3, line 33, after "municipality" insert "within the area"

Page 4, line 7, after "municipality" insert "within the area"

Page 4, after line 17, insert:

"(c) There shall be added to its net tax capacity, in each municipality in which the governmental unit exercises ad valorem taxing jurisdiction, an amount which bears the same proportion to the statewide net tax capacity for the year attributable to that municipality as the total preceding year's net tax capacity of residential property which is subject to the taxing jurisdiction of the governmental unit within the municipality bears to the total preceding year's net tax capacity of residential property of the municipality.

Sec. 9. Minnesota Statutes 1994, section 473F.08, subdivision 3, is amended to read:

Subd. 3. [APPORTIONMENT OF LEVY.] The county auditor shall apportion the levy of each governmental unit in the auditor's county in the manner prescribed by this subdivision. The auditor shall:

(a) by August 20, determine the areawide portion of the levy for each governmental unit in the area by multiplying the local tax rate of the governmental unit for the preceding levy year times the distribution value set forth in subdivision 2, clause (b); and

(b) by August 20, determine the statewide portion of the levy for each governmental unit by multiplying the local tax rate of the governmental unit for the preceding levy year times the distribution value set forth in subdivision 2, paragraph (c); and

(c) by September 5, determine the local portion of the current year's levy by subtracting the resulting ~~amount~~ amounts from ~~clause~~ clauses (a) and (b) from the governmental unit's current year's levy."

Page 6, delete section 14

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 32 and nays 34, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.E.	Langseth	Olson	Stevens
Belanger	Johnston	Larson	Ourada	Terwilliger
Berg	Kiscaden	Lesewski	Pariseau	Vickerman
Chmielewski	Kleis	Lessard	Riveness	Wiener
Day	Knutson	Limmer	Robertson	
Dille	Kramer	Neuville	Runbeck	
Frederickson	Laidig	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Flynn	Kroening	Murphy	Reichgott Junge
Berglin	Hanson	Marty	Novak	Sams
Bertram	Hottinger	Merriam	Pappas	Samuelson
Betzold	Janezich	Metzen	Piper	Solon
Chandler	Johnson, D.J.	Moe, R.D.	Pogemiller	Spear
Cohen	Johnson, J.B.	Mondale	Price	Stumpf
Finn	Krentz	Morse	Ranum	

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

H.F. No. 431 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 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Kroening	Novak	Solon
Beckman	Flynn	Marty	Pappas	Spear
Berglin	Hanson	Merriam	Piper	Stumpf
Bertram	Hottinger	Metzen	Pogemiller	Vickerman
Betzold	Janezich	Moe, R.D.	Ranum	
Chandler	Johnson, D.J.	Mondale	Reichgott Junge	
Chmielewski	Johnson, J.B.	Morse	Sams	
Cohen	Kramer	Murphy	Samuelson	

Those who voted in the negative were:

Belanger	Johnston	Langseth	Oliver	Robertson
Berg	Kiscaden	Larson	Olson	Runbeck
Day	Kleis	Lesewski	Ourada	Scheevel
Dille	Knutson	Lessard	Pariseau	Stevens
Frederickson	Krentz	Limmer	Price	Terwilliger
Johnson, D.E.	Laidig	Neuville	Riveness	Wiener

So the bill, as amended, was 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 Order of Business of the Calendar.

### CALENDAR

**H.F. No. 1377:** A bill for an act relating to agriculture; clarifying certain procedures for agricultural chemical response reimbursement; amending Minnesota Statutes 1994, sections 18E.02, by adding a subdivision; and 18E.04, subdivisions 2 and 4.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kroening	Murphy	Riveness
Beckman	Hanson	Laidig	Neuville	Robertson
Belanger	Hottinger	Langseth	Novak	Runbeck
Berglin	Janezich	Larson	Oliver	Sams
Bertram	Johnson, D.E.	Lesewski	Olson	Samuelson
Betzold	Johnson, D.J.	Lessard	Ourada	Scheevel
Chandler	Johnson, J.B.	Limmer	Pappas	Solon
Chmielewski	Johnston	Marty	Pariseau	Spear
Cohen	Kiscaden	Merriam	Piper	Stevens
Day	Kleis	Metzen	Pogemiller	Stumpf
Dille	Knutson	Moe, R.D.	Price	Terwilliger
Finn	Kramer	Mondale	Ranum	Vickerman
Flynn	Krentz	Morse	Reichgott Junge	Wiener

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Ourada moved that S.F. No. 1112 be taken from the table. The motion prevailed.

**S.F. No. 1112:** A bill for an act relating to local government; authorizing Sherburne county to convey certain county ditches to the city of Elk River under certain conditions.

### CONCURRENCE AND REPASSAGE

Mr. Ourada moved that the Senate concur in the amendments by the House to S.F. No. 1112 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1112 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kroening	Novak	Sams
Beckman	Hanson	Laidig	Oliver	Samuelson
Belanger	Hottinger	Larson	Olson	Scheevel
Berglin	Janezich	Lesewski	Ourada	Solon
Bertram	Johnson, D.E.	Limmer	Pariseau	Spear
Betzold	Johnson, D.J.	Marty	Piper	Stevens
Chandler	Johnson, J.B.	Merriam	Pogemiller	Stumpf
Chmielewski	Johnston	Metzen	Price	Terwilliger
Cohen	Kiscaden	Moe, R.D.	Ranum	Vickerman
Day	Kleis	Mondale	Reichgott Junge	Wiener
Dille	Knutson	Morse	Riveness	
Finn	Kramer	Murphy	Robertson	
Flynn	Krentz	Neuville	Runbeck	

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

### MEMBERS EXCUSED

Mr. Kelly was excused from the Session of today. Ms. Kiscaden was excused from the Session of today from 9:00 to 9:15 a.m. Mr. Mondale was excused from the Session of today from 9:00 to 10:30 a.m. Mr. Dille was excused from the Session of today from 9:00 to 10:15 a.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 11, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate