

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

ONE HUNDRED FOURTH DAY

St. Paul, Minnesota, Friday, March 22, 1996

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

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 21, 1996

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter 350, Senate File 2418, a bill that unreasonably and substantially expands the scope and power of the Legislative Auditor's office.

This is an unjustifiable attempt to inflate the Legislative Auditor's power through a piece of legislation that was sold as a technical housekeeping bill. This is a deliberate attempt to shift power and responsibilities away from the judicial and executive branches to the legislature while passing it off as noncontroversial.

This would-be-expansion of the reach of the Legislative Auditor's office is both unwarranted and unwise. The Legislative Auditor's office operates under the directives of legislative leaders. Currently, the Legislative Audit Commission consists of nine DFL legislators and six IR legislators. In spite of this partisan imbalance, the legislature expects me to support a bill that attempts to give the Legislative Auditor new power to conduct program evaluations of the courts, constitutional officers and the University of Minnesota.

A programmatic audit is far different than doing a financial audit, a power the Legislative Auditor currently has.

The proposed specific authority to do programmatic evaluation would allow an unelected legislative employee to intervene in and interfere with the legitimate policies and programs of elected constitutional officers.

This is a dangerous threat to the distribution of powers outlined in Article III of our Minnesota Constitution. It would also allow the legislature to sidestep the Constitutional provision in Article V, Section 4, that requires that the duties of the executive officers be prescribed by law.

Chapter 350 also unreasonably extends the power of the Legislative Auditor over individuals and private businesses. The loose language in this bill would allow an audit of the financial records of any corporation or organization that is merely related to the receipt of funds subject to audit by the Legislative Auditor. Under this language, a small business owner who deals with another organization that received public dollars would be subject to audit by the Legislative Auditor. This unacceptably vague language contains a great potential for abuse.

Finally, I find it surprising that the legislature would try to enact such loose and expansive language designed to give itself greater power while refusing the reforms that I submitted for consideration, namely: that the Legislative Audit Commission reflect equal political balance and that the legislature and the Legislative Auditor be audited annually by the office of State Auditor.

Warmest regards,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 2418 and the veto message thereon be laid on the table. The motion prevailed.

### MESSAGES FROM THE HOUSE

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. 1915:** A bill for an act relating to commerce; changing the enforcement authority to the commissioner; providing continuing education and reporting requirements for certain licenses; regulating inspections of cosmetology salons and schools; regulating disclosures of information and data; regulating securities registrations and exemptions; regulating franchise registrations and definitions; modifying the definition of an aggrieved person for purposes of the real estate recovery fund; regulating cancellations of membership camping contracts; modifying the bond or insurance requirements for abstractors; regulating residential building contractors; regulating unclaimed properties and notaries public; requiring a study; removing a certain licensing exception; repealing an obsolete provision; regulating the repair of certain consumer goods; modifying agency disclosure requirements in real estate transactions; modifying licensing requirements; amending Minnesota Statutes 1994, sections 45.011, subdivision 1; 45.027, subdivision 7, and by adding subdivisions; 53A.081, subdivision 1; 60K.19, subdivisions 7, 8, and 10; 80A.05, subdivision 1; 80A.06, subdivision 3; 80A.09, by adding a subdivision; 80A.10, subdivision 4; 80A.11, by adding a subdivision; 80A.14, by adding subdivisions; 80A.15, subdivisions 2 and 3; 80C.01, by adding a subdivision; 80C.05, by adding a subdivision; 82.19,