

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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FIFTY-SIXTH DAY

St. Paul, Minnesota, Friday, May 9, 1997

The Senate met at 10:00 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 the Chaplain, Rev. Patrick L. Hall.

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

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

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

Mr. Stumpf was excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 8, 1997

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. 329, 525, 813, 333, 1179, 683, 399, 1165, 741, 156 and 536.

Warmest regards,  
Arne H. Carlson, Governor

May 9, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1997 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 1997	Date Filed 1997
	664	109	10:50 a.m. May 8	May 8
329		110	10:52 a.m. May 8	May 8
525		111	11:08 a.m. May 8	May 8
813		112	11:13 a.m. May 8	May 8
333		113	11:14 a.m. May 8	May 8
1179		114	11:18 a.m. May 8	May 8
683		117	11:18 a.m. May 8	May 8
399		118	11:20 a.m. May 8	May 8
1165		119	11:25 a.m. May 8	May 8
741		120	11:30 a.m. May 8	May 8
156		121	11:34 a.m. May 8	May 8
536		122	11:38 a.m. May 8	May 8

Sincerely,  
Joan Anderson Growe  
Secretary of State

### 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 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 254:** A bill for an act relating to natural resources; modifying certain fish habitat and propagation provisions; authorizing the commissioner to establish special hunts for youth; permitting youth residents to hunt deer without a license tag; authorizing rules to restrict airboats; modifying provisions relating to taking minnows; authorizing the commissioner to sell merchandise; providing purposes for the game and fish fund; modifying stamp provisions; modifying the procedure for vacating or modifying a state game refuge; defining terms; prohibiting airboats on certain lakes; permitting persons 65 years of age or older to take certain game with a crossbow; establishing shooting hours for migratory game birds; modifying license provisions; modifying personal watercraft provisions; requiring personal watercraft safety certificate; requiring snowmobile state trail permit; requiring snowmobile safety certificate; modifying recreational motor vehicle provisions; modifying special license plate provisions;

establishing firearms safety pilot program; requiring reports; providing criminal penalties; appropriating money; amending Minnesota Statutes 1996, sections 17.4982, by adding subdivisions; 17.4983, by adding a subdivision; 17.4998; 84.0855; 84.82, subdivisions 2 and 3; 84.87, subdivision 2; 84.872, by adding a subdivision; 84.873; 86B.313, subdivisions 1, 3, 4, and by adding a subdivision; 97A.015, subdivisions 49, 53, and by adding a subdivision; 97A.045, subdivision 7; 97A.055, subdivision 1; 97A.075, subdivision 3; 97A.085, subdivision 8; 97A.101, by adding a subdivision; 97A.411, subdivisions 1 and 3; 97A.421, subdivision 1; 97A.465, subdivision 4; 97A.485, subdivision 9, and by adding a subdivision; 97B.035, subdivision 1; 97B.075; 97B.106; 97B.301, subdivision 6; 97B.655, subdivision 1; 97B.805, subdivision 2; 97C.035, subdivision 1; 97C.211, subdivision 1, and by adding a subdivision; 97C.505, by adding a subdivision; 168.1291; 168.1296, subdivision 1; 296.16, subdivision 1; and 609.487, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 84; and 97B; repealing Minnesota Statutes 1996, section 97A.111.

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

Milbert, Osthoff, Peterson, Holsten and Bakk.

Senate File No. 254 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1997

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 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 960:** A bill for an act relating to health care; prohibiting contracts that restrict communication between providers and their patients; requiring certain disclosures; requiring health plan companies to provide continuity of care and access to specialty care for certain enrollees; prohibiting certain exclusive arrangements; modifying dispute resolution provisions; requiring identification of health care providers; requiring emergency services coverage; establishing a consumer advisory board; amending Minnesota Statutes 1996, sections 62Q.105, subdivision 1; 62Q.30; 181.932, subdivision 1; and 214.16, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; and 144.

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

Wejcman, Dorn, Huntley, Abrams and Tingelstad.

Senate File No. 960 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1997

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. 1316:** A bill for an act relating to state agencies; multimember agencies; changing certain publication dates and requirements; modifying registration requirements; changing the expiration date for certain multimember agencies; extending expiration dates for certain health-related advisory councils; extending certain advisory committees; exempting certain advisory councils and committees from expiration; setting expiration dates for certain advisory committees and commissions; adding a member to the food safety advisory committee; making technical changes; extending life of Mississippi river parkway commission to June 30, 2001; amending Minnesota Statutes 1996, sections 15.059, subdivision 5, and by adding a subdivision;

15.0597, subdivisions 2 and 3; 15.0599, subdivisions 1, 4, 5, and by adding a subdivision; 17.136; 17.49, subdivision 1; 18B.305, subdivision 3; 21.112, subdivision 2; 28A.20, subdivision 2, and by adding a subdivision; 31.95, subdivision 3a; 145.881, subdivision 1; 148.622, subdivision 3; 161.1419, subdivision 8; 214.32, subdivision 1; 245.697, subdivision 1; 254A.035, subdivision 2; and 254A.04; proposing coding for new law in Minnesota Statutes, chapters 15; and 147A.

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

Greiling, Luther and Larsen.

Senate File No. 1316 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1997

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. 78:** A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, sections 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 2; 203B.11, by adding a subdivision; and 203B.12, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

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

Osthoff, McCollum and Vickerman.

Senate File No. 78 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1997

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. 566:** A bill for an act relating to lawful gambling; authorizing certain groupings of paddleticket cards; increasing percentage of lawful gambling gross profits that may be spent for expenses; restricting authority of gambling control board to impose sanctions against lawful gambling premises permits for illegal gambling; increasing maximum bingo prices; amending Minnesota Statutes 1996, sections 297E.04, subdivision 3; 349.12, subdivision 26a; 349.15, subdivision 1; 349.155, by adding a subdivision; 349.16, by adding a subdivision; 349.163, subdivision 8; 349.211, subdivisions 1 and 2; and 609.761, by adding a subdivision.

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

Delmont, Jennings and Wolf.

Senate File No. 566 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1997

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. 637:** A bill for an act relating to retirement; increasing pension benefit accrual rates; adjusting financing for pension plans; adding supplemental financial conditions information for pension funds; reducing appropriations; modifying or establishing various pension aids; appropriating money; amending Minnesota Statutes 1996, sections 3.85, subdivisions 11 and 12; 3A.02, subdivisions 1 and 4; 3A.03, subdivision 1; 3A.07; 11A.18, subdivision 9; 69.011, subdivisions 1, 2, and by adding a subdivision; 69.021, subdivisions 7a and 10; 69.031, subdivision 5; 352.01, subdivision 25; 352.04, subdivisions 2 and 3; 352.115, subdivision 3; 352.72, subdivision 2; 352.92, subdivisions 1 and 2; 352.93, subdivisions 2, 3, and by adding a subdivision; 352.95, subdivisions 1 and 5; 352B.02, subdivisions 1a and 1c; 352B.08, subdivisions 2 and 2a; 352B.10, subdivision 1; 352B.30, by adding a subdivision; 352C.031, subdivision 4; 352C.033; 352D.02, subdivisions 1 and 2; 352D.04, subdivisions 1 and 2; 353.01, subdivision 37; 353.27, subdivisions 2 and 3a; 353.29, subdivision 3; 353.651, subdivision 3; 353.656, subdivision 1; 353.71, subdivision 2; 353A.08, subdivisions 1 and 2; 353A.083, by adding a subdivision; 354.05, subdivision 38; 354.42, subdivisions 2, 3, and 5; 354.44, subdivision 6, and by adding a subdivision; 354.53, subdivision 1; 354.55, subdivision 11; 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a, 3a, and 3c; 354A.31, subdivisions 4 and 4a; 356.20, subdivision 2; 356.215, subdivisions 2, 4d, and 4g; 356.217; 356.30, subdivisions 1 and 3; 356.32, subdivision 2; 422A.06, subdivision 8; 422A.151; 423B.01, subdivision 9, and by adding a subdivision; 423B.06, by adding a subdivision; 423B.07; 423B.09, subdivision 1, and by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivisions 2, 3, 6, and by adding a subdivision; 490.123, subdivisions 1a and 1b; and 490.124, subdivisions 1 and 5; Laws 1965, chapter 519, section 1, as amended; Laws 1979, chapter 109, section 1, as amended; Laws 1989, chapter 319, article 19, section 7, subdivisions 1, as amended, 3, 4, as amended, and 7; and Laws 1993, chapter 125, article 1, section 1; proposing coding for new law in Minnesota Statutes, chapters 124; 273; 352; 352C; 354A; 355; and 356; repealing Minnesota Statutes 1996, sections 124.195, subdivision 12; 124.2139; 353C.01; 353C.02; 353C.03; 353C.04; 353C.05; 353C.06; 353C.07; 353C.08; 353C.09; 353C.10; 354A.12, subdivision 2b; 356.70; and 356.88, subdivision 2; and Laws 1985, chapter 259, section 3; and Laws 1993, chapter 336, article 3, section 1.

Senate File No. 637 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1997

Mr. Moe, R.D., for Mr. Morse, moved that the Senate do not concur in the amendments by the House to S.F. No. 637, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1370:

**H.F. No. 1370:** A bill for an act relating to excavation notification; requiring notice of underground facilities in drawings for bid specifications or plans; amending Minnesota Statutes 1996, section 216D.04, by adding a subdivision.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Anderson, I.; Kubly and Wolf have been appointed as such committee on the part of the House.

House File No. 1370 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 8, 1997

Mr. Novak moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1370, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 241:

**H.F. No. 241:** A bill for an act relating to motor carriers; allowing personnel of departments of transportation and public safety to conduct joint or combined audits of motor carrier records; requiring commissioner of public safety to provide commissioner of transportation information on traffic accidents involving commercial motor vehicles; providing for enforcement authority of personnel of departments of transportation and public safety relating to motor carriers; conforming state statutes to federal motor carrier safety regulations; providing for the reauthorization of the uniform hazardous materials registration and permit program for an additional year; authorizing commissioner of transportation to accept electronic signatures for electronically transmitted motor carrier documents; amending Minnesota Statutes 1996, sections 168.187, subdivision 20; 169.09, subdivision 13; 169.85; 169.871, subdivisions 1 and 1a; 221.0314, subdivisions 2, 6, 7, 9, 10, and 11; 221.0355, subdivisions 5 and 15; 221.221, subdivisions 2 and 4; 296.17, subdivision 18; 296.171, subdivision 4; and 299D.06; Laws 1994, chapter 589, section 8, as amended; proposing coding for new law in Minnesota Statutes, chapter 221.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Mullery, Wagenius and Rhodes have been appointed as such committee on the part of the House.

House File No. 241 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 8, 1997

Mr. Sams moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 241, 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 appointed on the part of the House. The motion prevailed.

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. 282, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 282 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 8, 1997

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 282

A bill for an act relating to the metropolitan council; providing for appointment, discharge, and discipline of metropolitan transit police peace officers; amending Minnesota Statutes 1996, sections 473.125; 473.407, subdivision 4; and 626.84, subdivision 1.

May 1, 1997

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 282, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 282 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 473.125, is amended to read:

473.125 [REGIONAL ADMINISTRATOR.]

The metropolitan council shall appoint a regional administrator to serve at the council's pleasure as the principal administrative officer for the metropolitan council. The regional administrator shall organize the work of the council staff. The regional administrator shall appoint on the basis of merit and fitness, and discipline and discharge all employees in accordance with the council's personnel policy, except (1) the performance and budget analysts provided for in section 473.123, subdivision 7, (2) the general counsel, as provided in section 473.123, subdivision 8, (3) employees of the offices of wastewater services and transit operations, who are appointed, disciplined, and discharged in accordance with council personnel policies by their respective operations managers, and (4) ~~as provided in Laws 1994, chapter 628, articles 2, sections 3 and 4 metropolitan transit police officers.~~ The regional administrator must ensure that all policy decisions of the council are carried out. The regional administrator shall attend meetings of the council and may take part in discussions but may not vote. The regional administrator shall recommend to the council for adoption measures deemed necessary for efficient administration of the council, keep the council fully apprised of the financial condition of the council, and prepare and submit an annual budget to the council for approval. The regional administrator shall prepare and submit for approval by the council an administrative code organizing and codifying the policies of the council, and perform other duties as prescribed by the council. The regional administrator may be chosen from among the citizens of the nation at large, and shall be selected on the basis of training and experience in public administration.

Sec. 2. Minnesota Statutes 1996, section 473.407, subdivision 4, is amended to read:

Subd. 4. [CHIEF LAW ENFORCEMENT OFFICER.] ~~The council regional administrator shall appoint a peace officer employed full time to be the chief law enforcement officer and to be responsible for the management of the law enforcement agency metropolitan transit police. The person chief law enforcement officer shall possess the necessary police and management experience and have the title of chief of metropolitan transit police services to manage a law enforcement agency. The chief law enforcement officer may appoint, discipline, and discharge all transit police personnel. All other police management managerial and supervisory personnel must be employed full-time by the council employees of the metropolitan transit police. Supervisory personnel must be on duty and available any time transit police are on duty. The council chief law enforcement officer may not hire part-time peace officers as defined in section 626.84, subdivision 1, paragraph (f), except that the council chief may appoint peace officers to work on a part-time basis not to exceed 30 full-time equivalents. A part-time officer must maintain an active peace officer license with the officer's full-time law enforcement employer.~~

Sec. 3. Minnesota Statutes 1996, section 473.407, is amended by adding a subdivision to read:

Subd. 4a. [EXCEPTION.] ~~Subdivision 4 does not apply to part-time officers employed by the metropolitan council transit police prior to January 1, 1998, who were full-time employees of another police department upon the date the officer was hired by the metropolitan council transit~~

police and who subsequently voluntarily separated from the full-time position before January 1, 1998.

Sec. 4. Minnesota Statutes 1996, section 626.84, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of sections 626.84 to 626.863, the following terms have the meanings given them:

(a) "Board" means the board of peace officer standards and training.

(b) "Director" means the executive director of the board.

(c) "Peace officer" means an employee or an elected or appointed official of a political subdivision or law enforcement agency who is licensed by the board, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol, agents of the division of gambling enforcement, ~~and state conservation officers,~~ and metropolitan transit police officers.

(d) "Constable" has the meaning assigned to it in section 367.40.

(e) "Deputy constable" has the meaning assigned to it in section 367.40.

(f) "Part-time peace officer" means an individual licensed by the board whose services are utilized by law enforcement agencies no more than an average of 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency. The limitation on the average number of hours in which the services of a part-time peace officer may be utilized shall not apply to a part-time peace officer who has formally notified the board pursuant to rules adopted by the board of the part-time peace officer's intention to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to sections 626.843, subdivision 1, clause (g), and 626.845, subdivision 1, clause (g).

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency to provide supplementary assistance at special events, traffic or crowd control, and administrative or clerical assistance. A reserve officer's duties do not include enforcement of the general criminal laws of the state, and the officer does not have full powers of arrest or authorization to carry a firearm on duty.

(h) "Law enforcement agency" means a unit of state or local government that is authorized by law to grant full powers of arrest and to charge a person with the duties of preventing and detecting crime and enforcing the general criminal laws of the state.

(i) "Professional peace officer education" means a post-secondary degree program, or a nondegree program for persons who already have a college degree, that is offered by a college or university in Minnesota, designed for persons seeking licensure as a peace officer, and approved by the board.

Sec. 5. [APPLICATION.]

Sections 1 to 4 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 6. [EFFECTIVE DATES.]

Sections 1, 2, 4, and 5 are effective the day after their final enactment. Section 3 is effective January 1, 1998."

Delete the title and insert:

"A bill for an act relating to the metropolitan council; providing for appointment, discharge,



and discipline of metropolitan transit police peace officers; providing an exception; amending Minnesota Statutes 1996, sections 473.125; 473.407, subdivision 4, and by adding a subdivision; and 626.84, subdivision 1."

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

House Conferees: (Signed) Rich Stanek, Mark P. Mahon, Wesley J. "Wes" Skoglund

Senate Conferees: (Signed) Charles W. Wiger, Dave Johnson, Martha R. Robertson

Mr. Wiger moved that the foregoing recommendations and Conference Committee Report on H.F. No. 282 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. 282 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 the passage by the House of the following House File, herewith transmitted: H.F. No. 892.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 8, 1997

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 892:** A bill for an act relating to wages; raising the minimum wage; amending Minnesota Statutes 1996, section 177.24, subdivision 1.

Mr. Moe, R.D. moved that H.F. No. 892 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 423** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
423	175				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 423 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 423 and insert the language after the enacting clause of S.F. No. 175, the first engrossment; further, delete the title of H.F. No. 423 and insert the title of S.F. No. 175, the first engrossment.

And when so amended H.F. No. 423 will be identical to S.F. No. 175, and further recommends that H.F. No. 423 be given its second reading and substituted for S.F. No. 175, 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.

**Ms. Ranum from the Committee on Judiciary**, to which was referred the following appointment as reported in the Journal for March 13, 1997:

DEPARTMENT OF HUMAN RIGHTS  
COMMISSIONER

Dolores Fridge

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

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

**Ms. Ranum from the Committee on Judiciary**, to which were referred the following appointments as reported in the Journal for January 9, 1997:

BOARD ON JUDICIAL STANDARDS

Jon O. Haaven  
Peter H. Watson

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

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

**Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 1820:** A bill for an act relating to utilities; reorganizing and renaming the legislative electric energy task force as the legislative commission on utility competition; establishing a

process for the review of electric industry restructuring; making technical change; amending Minnesota Statutes 1996, section 216B.2424, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216C; repealing Minnesota Statutes 1996, section 216C.051.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 14, 1997, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. No. 1820 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 423 was read the second time.

### **MOTIONS AND RESOLUTIONS**

#### **Mr. Betzold and Ms. Krentz introduced--**

**Senate Resolution No. 52:** A Senate resolution commending Dr. Chris Huber for 20 years of service as Spring Lake Park School Superintendent.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D., for Mr. Stumpf, moved that S.F. No. 1944 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes. The motion prevailed.

#### **Messrs. Moe, R.D. and Johnson, D.E. introduced--**

**Senate Concurrent Resolution No. 10:** A Senate concurrent resolution relating to adjournment of the Senate and House of Representatives until 1998.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments, the Senate may set its next day of meeting for Tuesday, January 20, 1998, at 12:00 noon and the House of Representatives may set its next day of meeting for Tuesday, January 20, 1998, at 12:00 noon.

2. By the adoption of this resolution, each house consents to adjournment of the other house for more than three days.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

#### **Messrs. Moe, R.D. and Johnson, D.E. introduced--**

**Senate Resolution No. 53:** A Senate resolution relating to conduct of Senate business during the interim between Sessions.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The powers, duties and procedures set forth in this resolution apply during the interim between the adjournment of the 80th Legislature, 1997 session and the convening of the 80th Legislature, 1998 session.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in commissions and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Secretary of the Senate shall classify as "permanent" for purposes of Minnesota Statutes, sections 3.095 and 43A.24 the Senate employees certified as "permanent" by the Committee on Rules and Administration.

The Secretary of the Senate may employ after the close of the session the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 1997 regular session. The Secretary of the Senate may employ the necessary employees to prepare for the 1998 session at the salaries in effect at that time.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies, and may reimburse each member for long distance telephone calls and answering service upon proper verification of the expenses incurred, and for such other expenses authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 1997 session. The Secretary of the Senate may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees established by statute, standing committees, official communications and other matters of record received on or after May 19, 1997.

The Secretary of the Senate may pay election and litigation costs as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for remodeling and improvement of Senate office space, and shall purchase all supplies, equipment, and other goods and services necessary to carry out the work of the Senate. Contracts in excess of \$5,000 must be signed by the Chair of the Committee on Rules and Administration and another member designated by the Chair.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts referred to in this resolution.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate, are reserved for use by the Senate and its standing committees only and must not be released or used for any other purpose except upon the authorization of the Secretary of the Senate with the approval of the Committee on Rules and Administration or its Chair.

The Custodian of the Capitol shall continue to provide parking space for members and staff of the Legislature under Senate Concurrent Resolution No. 2.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 755 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 755

A bill for an act relating to meetings of governmental bodies; authorizing meetings by interactive television if certain criteria are met; amending Minnesota Statutes 1996, sections 3.055, by adding a subdivision; and 471.705, subdivision 1.

May 7, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 755, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 755 be further amended as follows:

Page 1, line 24, before the period, insert "and participating in all proceedings"

Page 3, line 5, delete the second "and"

Page 3, line 7, before the period, insert "; and

(4) each location at which a member of the body is present is open and accessible to the public"

Page 3, line 10, before the period, insert "and participating in all proceedings"

Page 3, after line 22, insert:

"Sec. 3. [RURAL FINANCE AUTHORITY.]

(a) Notwithstanding Minnesota Statutes, section 471.705, subdivision 1, the rural finance authority may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the authority participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the authority can hear all discussion and testimony and all votes of members of the authority;

(3) at least one member of the authority is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the authority participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, the authority, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The authority may require the person making such a connection to pay for documented marginal costs that the authority incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the authority shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by Minnesota Statutes, section 471.705, subdivision 1c.

#### Sec. 4. [HOUSING FINANCE AGENCY.]

(a) Notwithstanding Minnesota Statutes, section 471.705, subdivision 1, the housing finance agency may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the agency participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the agency can hear all discussion and testimony and all votes of members of the agency;

(3) at least one member of the agency, the commissioner, the deputy commissioner, or an attorney for the agency is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the agency participating in a meeting by electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(c) If telephone or another electronic means is used to conduct a meeting, the agency to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The agency may require the person making such a connection to pay for documented marginal costs that the agency incurs as a result of the additional connection.

(d) If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the agency shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of paragraph (c). The timing and method of providing notice is governed by Minnesota Statutes, section 471.705, subdivision 1c.

#### Sec. 5. [EXPIRATION DATE.]

Sections 3 and 4 expire June 30, 1998.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment."

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

Senate Conferees: (Signed) Carol Flynn, Don Betzold, Linda Runbeck

House Conferees: (Signed) Loren A. Solberg, Mary Murphy, Harry Mares

Ms. Flynn moved that the foregoing recommendations and Conference Committee Report on S.F. No. 755 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 755 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 612 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 612**

A bill for an act relating to Washington county; permitting the appointment of the recorder and auditor/treasurer.

May 8, 1997

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 612, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) Charles W. Wiger, Randy C. Kelly, Arlene J. Lesewski

House Conferees: (Signed) Sharon Marko, Steve Trimble, Michael Paymar

Mr. Wiger moved that the foregoing recommendations and Conference Committee Report on S.F. No. 612 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 612 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 58 and nays 3, as follows:

Those who voted in the affirmative were:

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

Mr. Dille, Ms. Higgins and Mr. Scheevel voted in the negative.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1181 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 1181:** A bill for an act relating to agriculture; classifying industrial hemp as an agricultural product subject to regulation and registration by the commissioner of agriculture; requiring growers of industrial hemp to register with the commissioner; proposing coding for new law in Minnesota Statutes, chapter 18.

Mr. Moe, R.D. moved to amend S.F. No. 1181 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [INDUSTRIAL HEMP STUDY.]

The director of the agricultural experiment station at the University of Minnesota, in cooperation with the commissioner of agriculture, may study the feasibility of industrial hemp production in Minnesota, including field demonstration projects. The study may include an analysis of required soils, growing conditions, herbicide and pesticide use, seed availability, harvest methods, market economics, and environmental benefits. Notwithstanding Minnesota Statutes, sections 18.75 to 18.87, and chapter 152, the commissioner of agriculture shall authorize field demonstration projects using experimental plots as part of the study to develop optimal agricultural practices for growing industrial hemp in Minnesota. The director and the



commissioner may cooperate with nongovernmental entities in conducting the field demonstration projects. The director shall report to the senate agriculture and rural development committee and the house agriculture committee on the study by January 15, 1999."

Delete the title and insert:

"A bill for an act relating to agriculture; providing for an industrial hemp study."

The motion prevailed. So the amendment was adopted.

S.F. No. 1181 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### RECESS

Mr. 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

Mr. 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. 637: Messrs. Morse, Betzold, Terwilliger, Stevens and Pogemiller.

H.F. No. 1370: Messrs. Novak, Betzold and Ms. Runbeck.

H.F. No. 241: Mr. Sams, Ms. Johnson, J.B. and Mr. Day.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Messrs. Betzold and Novak introduced--**

**S.F. No. 1950:** A bill for an act relating to capital improvements; authorizing the issuance of bonds to refurbish the Fridley historical museum; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

**Messrs. Hottinger, Cohen, Oliver, Spear and Neuville introduced--**

**S.F. No. 1951:** A bill for an act relating to commerce; regulating information licenses; proposing coding for new law as Minnesota Statutes, chapter 336.2B.

Referred to the Committee on Judiciary.

**Messrs. Solon and Johnson, D.J. introduced--**

**S.F. No. 1952:** A bill for an act relating to capital improvements; appropriating money for a project at the University of Minnesota for Glensheen Mansion.

Referred to the Committee on Children, Families and Learning.

**Messrs. Novak and Johnson, D.H. introduced--**

**S.F. No. 1953:** A bill for an act relating to utilities; restructuring regulation of the generation, transmission, and distribution of electricity; providing for transition to competitive industry; allowing cooperative electric associations to opt out; requiring restructuring plans; requiring unbundling of services; providing for recovery of stranded costs; requiring access to facilities; requiring registration of suppliers; abolishing personal property tax on generation; abolishing certificate of need and resources planning processes; establishing legislative oversight committee; proposing coding for new law as Minnesota Statutes, chapter 216E.

Referred to the Committee on Jobs, Energy and Community Development.

**MEMBERS EXCUSED**

Mr. Kelly, R.C. was excused from the Session of today.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, May 12, 1997. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

# INDEX TO DAILY JOURNAL

Friday, May 9, 1997

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 2865 to 2866

## CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws	
		Chapter No.	Page
	664 .....	109 .....	2866
329		110 .....	2866
525		111 .....	2866
813		112 .....	2866
333		113 .....	2866
1179		114 .....	2866
683		117 .....	2866
399		118 .....	2866
1165		119 .....	2866
741		120 .....	2866
156		121 .....	2866
536		122 .....	2866

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
78 .....	2868	241 .....	2870	
254 .....	2866	282 .....	2870	
566 .....	2868	892 .....	2873	2873
637 .....	2869	1370 .....	2869	
960 .....	2867			
1316 .....	2867			

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1820 .....	2874	2875	423 .....	2874	2875

## MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
612 .....	2879		
755 .....	2877		
1944 .....	2875		
Sen. Con.			

Res. No. 10 .....2875  
 Sen . Res.  
 No . 52 .....2875  
 Sen . Res.  
 No . 53 .....2875

**APPOINTMENTS TO CONFERENCE COMMITTEES**

S.F. Nos.	Page	H.F. Nos.	Page
637	.....2881	241	..... 2881
		1370	..... 2881

**SPECIAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
1181	.....2880		

**CONFERENCE COMMITTEE REPORTS AND THIRD READINGS**

S.F. Nos.	Page	H.F. Nos.	Page
612	.....2879	282	..... 2871
755	.....2877		

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F. Nos. 1950 to 1953 ..... Pages 2881 to 2882