

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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ONE HUNDRED SECOND DAY

St. Paul, Minnesota, Tuesday, March 31, 1998

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Roger D. Ezell.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Messrs. Frederickson, Lessard and Price were excused from the Session of today.

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1074 and 3084.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1998

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. 535:** A bill for an act relating to the metropolitan council; providing for service redesign and employee compensation for exceeding redesign plan goals; establishing a pilot project for greater efficiency in the provision of metropolitan council services; proposing coding for new law in Minnesota Statutes, chapter 473.

Senate File No. 535 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1998

Mr. Wiger moved that the Senate do not concur in the amendments by the House to S.F. No. 535, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce 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. 2256:** A bill for an act relating to elections; eliminating certain provisions that have been ruled unconstitutional; amending Minnesota Statutes 1996, sections 211B.04; 211B.06, subdivision 1; 253B.23, subdivision 2; and 609.165, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 201.15, subdivision 1.

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

Greiling, Skoglund and Abrams.

Senate File No. 2256 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1998

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. 2118:** A bill for an act relating to elections; authorizing experimental balloting procedures in Hennepin county; amending Minnesota Statutes 1996, section 203B.02, by adding a subdivision.

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

Jefferson, Mullery and Leppik.

Senate File No. 2118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1998

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3654.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1998

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 3654:** A bill for an act relating to utilities; requiring comprehensive study of electric industry restructuring; amending Minnesota Statutes 1997 Supplement, section 216C.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 216C.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3189, now on General Orders.

### MOTIONS AND RESOLUTIONS

#### Mr. Knutson introduced--

**Senate Resolution No. 105:** A Senate resolution congratulating the Burnsville ninth grade traveling boys basketball team on winning the 1998 Minnesota Youth Athletic Services state tournament.

Referred to the Committee on Rules and Administration.

S.F. No. 2274 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2274

A bill for an act relating to liquor; regulating beer brewers and wholesalers; providing for the obligations of successors; allowing the commissioner of public safety to issue on-sale licenses to Giants Ridge and Ironworld Discovery Center; modifying restrictions for temporary on-sale licenses; authorizing issuance of temporary on-sale licenses to state universities; regulating malt liquor sampling; authorizing certain cities to issue additional on-sale licenses; amending Minnesota Statutes 1996, sections 325B.01; 325B.14; 340A.404, subdivision 10, and by adding a subdivision; 340A.410, subdivision 10; 340A.412, subdivision 4; and 340A.510, subdivision 2; Laws 1994, chapter 611, section 32, as amended.

March 26, 1998

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. 2274, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 2274 be further amended as follows:

Page 4, after line 6, insert:

"The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities."

Page 5, after line 13, insert:

"This restriction does not apply to a municipality with a population of 5,000 or fewer people."

Page 8, line 33, delete "two" and insert "four"

Page 9, after line 12, insert:

"Sec. 14. [CITY OF PINE CITY; LIQUOR LICENSE.]

The city of Pine City may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section."

Page 9, line 13, delete "14" and insert "15"

Page 9, line 22, delete "15" and insert "16"

Page 9, line 23, delete "Section 7 is" and insert "Sections 3, 5, and 7 are"

Page 9, after line 36, insert:

"Section 14 is effective upon approval by the Pine City city council and compliance with Minnesota Statutes, section 645.021."

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

Senate Conferees: (Signed) Sam G. Solon, James P. Metzen, William V. Belanger, Jr.

House Conferees: (Signed) Jim Tunheim, Al Juhnke, Marty Seifert

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2274 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. 2274 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 52 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Hottinger	Larson	Pappas	Solon
Belanger	Janezich	Lesewski	Piper	Spear
Berg	Johnson, D.E.	Marty	Pogemiller	Stevens
Berglin	Johnson, D.H.	Metzen	Ranum	Stumpf
Betzold	Johnson, D.J.	Moe, R.D.	Robertson	Ten Eyck
Day	Johnson, J.B.	Morse	Robling	Terwilliger
Fischbach	Junge	Murphy	Runbeck	Vickerman
Flynn	Kelley, S.P.	Neuville	Sams	Wiger
Foley	Kelly, R.C.	Novak	Samuelson	
Hanson	Kleis	Oliver	Scheevel	
Higgins	Knutson	Ourada	Scheid	

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 H.F. No. 3830 a Special Order to be heard immediately.

**SPECIAL ORDER**

**H.F. No. 3830:** A bill for an act relating to claims; providing for payment of certain claims against the state; authorizing reimbursement of certain costs and fees; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mr. Belanger and Mrs. Robling voted in the negative.

So the bill passed and its title was agreed to.

**RECESS**

Mr. Moe, R.D. 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. 2407: Ms. Junge, Messrs. Scheevel and Sams.

S.F. No. 535: Messrs. Wiger, Betzold and Mrs. Pariseau.

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

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Ms. Lesewski, Messrs. Limmer, Knutson, Ms. Olson and Mr. Larson introduced--**

**S.F. No. 3413:** A bill for an act relating to education; providing for restrictions for teacher licenses and coach contracts; amending Minnesota Statutes 1996, sections 125.05, subdivision 8; 125.09, subdivision 1; and 125.191.

Referred to the Committee on Children, Families and Learning.

### **MEMBERS EXCUSED**

Mses. Anderson, Krentz, Mr. Limmer and Ms. Wiener were excused from the Session of today from 9:00 to 9:40 a.m. Mrs. Pariseau was excused from the Session of today from 9:00 to 9:50 a.m. Mr. Dille was excused from the Session of today from 9:00 to 10:00 a.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 1, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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