

## ONE HUNDRED THIRD DAY

St. Paul, Minnesota, Tuesday, May 3, 1994

The Senate met at 10:30 a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Bishop David W. Preus.

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

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

April 28, 1994

The Honorable Irv Anderson  
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 1994 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 1994	Date Filed 1994
2095		516	10:00 a.m. April 28	April 28
2118.		517	10:01 a.m. April 28	April 28
	2013	518	10:16 a.m. April 28	April 28
	2882	519	10:17 a.m. April 28	April 28
	423	520	10:22 a.m. April 28	April 28
	664	521	10:07 a.m. April 28	April 28
	1901	522	10:18 a.m. April 28	April 28

Sincerely,  
Joan Anderson Growe  
Secretary of State

April 29, 1994

The Honorable Irv Anderson  
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 1994 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 1994	Date Filed 1994
2467		523	10:15 a.m. April 28	April 28
	1921	524	10:10 a.m. April 28	April 28
	3120	525	10:20 a.m. April 28	April 28
	2551	526	12:17 p.m. April 28	April 28
	3122	527	2:25 p.m. April 28	April 28
	2405	528	2:25 p.m. April 28	April 28
1930		529	2:32 p.m. April 28	April 28
	2675	530	2:27 p.m. April 28	April 28
	2054	531	2:27 p.m. April 28	April 28
	3136	533	2:29 p.m. April 28	April 28
	2143	534	2:30 p.m. April 28	April 28
	2680	535	2:20 p.m. April 28	April 28
	2508	536	2:22 p.m. April 28	April 28

Sincerely,  
Joan Anderson Growe  
Secretary of State

April 29, 1994

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. 2246 and 1898.

Warmest regards,  
Arne H. Carlson, Governor

May 2, 1994

The Honorable Irv Anderson  
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 1994 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 1994	Date Filed 1994
2246		537	2:40 p.m. April 29	April 29
1898		538	2:42 p.m. April 29	April 29
	1985	539	2:35 p.m. April 29	April 29
	2839	541	2:32 p.m. April 29	April 29
	2478	542	2:34 p.m. April 29	April 29

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

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. 1996: A bill for an act relating to employment; modifying the definition of employer for personnel records review purposes; defining special investigators for purposes of inclusion in the unclassified civil service of St. Louis county; amending Minnesota Statutes 1992, sections 181.960, subdivision 1; 181.961, by adding a subdivision; and 383C.035.

Senate File No. 1996 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1994

### CONCURRENCE AND REPASSAGE

Mr. Belanger moved that the Senate concur in the amendments by the

House to S.F. No. 1996 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1996 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Mondale	Robertson
Beckman	Finn	Kroening	Morse	Sams
Belanger	Flynn	Langseth	Neuville	Samuelson
Benson, D.D.	Frederickson	Larson	Novak	Solon
Benson, J.E.	Hanson	Lesewski	Olson	Spear
Berg	Hottinger	Lessard	Pariseau	Stevens
Berglin	Janezich	Luther	Piper	Stumpf
Betzold	Johnson, D.J.	Marty	Pogemiller	Terwilliger
Chandler	Johnson, J.B.	McGowan	Price	Vickerman
Chmielewski	Johnson	Merriam	Ranum	Wiener
Cohen	Kelly	Metzen	Reichgott Junge	
Day	Knutson	Moe, R.D.	Riveness	

So the bill, as amended, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2858: A bill for an act relating to counties; Hennepin; changing the personnel system to a human resources system; making other changes to the system; amending Minnesota Statutes 1992, sections 383B.26; 383B.27; 383B.28; 383B.29; 383B.31; 383B.32, subdivisions 2, 3, and 4; 383B.34, subdivision 2; 383B.37, subdivision 1; 383B.38, subdivision 1; 383B.39; and 383B.41; repealing Minnesota Statutes 1992, sections 383B.33, subdivision 1; 383B.38, subdivisions 2, 3, and 4; and 383B.40.

Senate File No. 2858 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1994

### CONCURRENCE AND REPASSAGE

Ms. Flynn moved that the Senate concur in the amendments by the House to S.F. No. 2858 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2858 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Knutson	Moe, R.D.	Reichgott Junge
Beckman	Finn	Krentz	Mondale	Riveness
Belanger	Flynn	Kroening	Morse	Robertson
Benson, D.D.	Frederickson	Langseth	Neuville	Sams
Benson, J.E.	Hanson	Larson	Novak	Samuelson
Berg	Hottinger	Lesewski	Oliver	Solon
Berglin	Janezich	Lessard	Olson	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnson	McGowan	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Day	Kiscaden	Metzen	Ranum	Wiener

So the bill, as amended, 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1992, section 260.141, subdivision 1; Minnesota Statutes 1993 Supplement, sections 245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9; 259.255; and 260.191, subdivision 3b.

Senate File No. 1735 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 2, 1994

### CONCURRENCE AND REPASSAGE

Mr. Betzold moved that the Senate concur in the amendments by the House to S.F. No. 1735 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1735 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 58 and nays 2, as follows:

Those who voted in the affirmative were:

Beckman	Dille	Langseth	Neuville	Robertson
Belanger	Finn	Larson	Novak	Sams
Benson, D.D.	Flynn	Lesewski	Oliver	Samuelson
Benson, J.E.	Frederickson	Lessard	Olson	Solon
Berg	Hottinger	Luther	Pappas	Spear
Berglin	Janezich	Marty	Pariseau	Stevens
Bertram	Johnson, D.J.	McGowan	Piper	Stumpf
Betzold	Johnson, J.B.	Merriam	Pogemiller	Terwilliger
Chandler	Kelly	Metzen	Price	Vickerman
Chmielewski	Knutson	Moe, R.D.	Ranum	Wiener
Cohen	Krentz	Mondale	Reichgott Junge	
Day	Kroening	Morse	Riveness	

Mses. Hanson and Johnston voted in the negative.

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2493:

H.F. No. 2493: A bill for an act relating to agriculture; changing the law on nuisance liability of agricultural operations; amending Minnesota Statutes 1992, section 561.19, subdivisions 1 and 2.

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

Bauerly, Wenzel and Nelson have been appointed as such committee on the part of the House.

House File No. 2493 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 2, 1994

Mr. Sams moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2493, 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. 3011:

H.F. No. 3011: A bill for an act relating to transportation; defining terms; making technical changes; ensuring safety is factor in standards for scenic highways and park roads; directing commissioner of transportation to accept performance-specification bids for constructing design-built bridges; prohibiting personal transportation vehicles from picking up passengers in seven-county metropolitan area; allowing horse trailer to be component of a recreational vehicle combination; increasing length limitations for recreational vehicle combinations; setting speed limit for residential roadways; providing for installation of override systems to allow operators of emergency vehicles to activate traffic signals; allowing self-propelled implement of husbandry to display flashing amber light; allowing emergency vehicles to display flashing blue lights; creating child passenger restraint and education account to assist families in financial need and for educational purposes; requiring use of mileage-recording equipment on motor vehicles after 1999; establishing youth charter carrier permit system; allowing rail carriers to participate in rail user loan guarantee program; requiring publicly owned or leased motor vehicles to

be identified; establishing advisory council on major transportation projects; authorizing donation of vacation leave for state employee; directing commissioner of transportation to erect signs, traffic signals, and noise barriers; exempting public bodies from regulations on all-terrain vehicles; allowing commissioner of transportation to transfer certain real property acquired for highway purposes to former owner through negotiated settlement; modifying highway fund apportionment to counties and changing composition of screening board; providing for bridge inspection frequency and reports; delaying required revision of state transportation plan; authorizing expenditure of rail service maintenance account money for maintenance of rail lines and right-of-way in the rail bank; providing funding sources for rail bank maintenance account; authorizing sale of certain tax-forfeited land that borders public water in New Scandia township in Washington county, and an exchange of that land for land located in Stillwater township in Washington county between the state of Minnesota and the United States Department of Interior, National Park Service; requiring studies; providing for appointments; appropriating money; amending Minnesota Statutes 1992, sections 84.928, subdivision 1; 160.085, subdivision 3; 160.262, by adding a subdivision; 160.81; 160.82, subdivision 2; 161.25; 162.07, subdivisions 1, 3, 5, and 6; 162.09, subdivision 1; 165.03; 168.1281, by adding a subdivision; 169.01, by adding a subdivision; 169.06, by adding a subdivision; 169.14, subdivision 2; 169.64, subdivision 4; 169.685, by adding a subdivision; 174.03, subdivision 1a; 221.011, by adding a subdivision; 221.121, by adding a subdivision; 221.85, subdivision 1; 222.50, subdivision 7; 222.55; 222.56, subdivisions 5, 6, and by adding subdivisions; 222.57; 222.58, subdivision 2; and 222.63, subdivision 8; Minnesota Statutes 1993 Supplement, sections 169.01, subdivision 78; 169.18, subdivision 5; 169.685, subdivision 5; 169.81, subdivision 3c; and 221.111; proposing coding for new law in Minnesota Statutes, chapters 161; 169; and 471; repealing Minnesota Statutes 1992, sections 162.07, subdivision 4; 173.14; and 222.58, subdivision 6; Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1993, chapter 323; sections 3; and 4; Minnesota Rules, part 8810.1300, subpart 6.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Osthoff, Aſch, Lieder, Long and Hugoson have been appointed as such committee on the part of the House.

House File No. 3011 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 2, 1994

Mr. Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3011, 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 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. 3211:

H.F. No. 3211: A bill for an act relating to claims against the state; providing for payment of various claims; imposing a fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Steensma, Trimble, Hasskamp, Molnau and Morrison have been appointed as such committee on the part of the House.

House File No. 3211 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 2, 1994

Mr. Kelly moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3211, 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 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. 1919, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1919 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1994

#### **CONFERENCE COMMITTEE REPORT ON H.F. NO. 1919**

A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; requiring a study; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

May 2, 1994

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 1919, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 1919 be further amended as follows:

Page 3, after line 30, insert:

“Sec. 6. [MANUFACTURED HOME PARKS; SHELTERS AND EVACUATION PLANS.]



*The commissioner of health, in cooperation with the commissioner of administration and the director of the emergency management division of the department of public safety, shall collect, review, and analyze the data on the on-site shelters and evacuation plans of licensed manufactured home parks with 50 or more sites. The commissioner shall report the results of the data inventory and analysis to the legislature by January 10, 1995."*

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a study;"

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

House Conferees: (Signed) Geri Evans, Karen Clark, Dennis Ozment

Senate Conferees: (Signed) Jane Krentz, Don Betzold, Linda Runbeck

Ms. Krentz moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1919 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. 1919 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dille	Krentz	Morse	Robertson
Anderson	Finn	Kroening	Neuville	Sams
Beckman	Flynn	Laidig	Novak	Samuelson
Belanger	Frederickson	Langseth	Oliver	Spear
Benson, D.D.	Hanson	Larson	Olson	Stevens
Benson, J.E.	Hottinger	Lesewski	Pappas	Stumpf
Berg	Janezich	Lessard	Pariseau	Terwilliger
Berglin	Johnson, D.J.	Luther	Piper	Vickerman
Bertram	Johnson, J.B.	Marty	Pogemiller	Wiener
Betzold	Johnston	McGowan	Price	
Chandler	Kelly	Merriam	Ranum	
Chmielewski	Kiscaden	Metzen	Reichgott Junge	
Cohen	Knutson	Mondale	Riveness	

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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 2365, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2365 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 1994

**CONFERENCE COMMITTEE REPORT ON H.F. NO. 2365**

A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

April 29, 1994

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

We, the undersigned conferees for H.F. No. 2365, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments and that H.F. No. 2365 be further amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1993 Supplement, section 169.122, subdivision 5, is amended to read:

Subd. 5. [EXCEPTION.] This section does not apply to the possession or consumption of alcoholic beverages by passengers in:

(1) a bus operated under a charter as defined in section 221.011, subdivision 20; or

(2) a *vehicle providing limousine service* as defined in section ~~168.011, subdivision 35~~ 221.84, subdivision 1.

Sec. 2. Minnesota Statutes 1993 Supplement, section 169.47, subdivision 1, is amended to read:

Subdivision 1. [MISDEMEANOR; EXCEPTIONS.] (a) It is unlawful and punishable as hereinafter provided for any person to drive or for the owner to cause or knowingly permit to be driven on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(b) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, or road rollers except as otherwise provided in this chapter.

(c) For purposes of this section, a specialized vehicle resembling a low-slung ~~two-wheel~~ trailer having a short bed or platform shall be deemed to be an implement of husbandry when such vehicle is used exclusively to

transport implements of husbandry, provided, however, that no such vehicle shall operate on the highway before sunrise or after sunset unless proper lighting is affixed to the implement being drawn.

Sec. 3. Minnesota Statutes 1993 Supplement, section 169.522, subdivision 1, is amended to read:

Subdivision 1. [DISPLAYING EMBLEM; RULES.] (a) All animal-drawn vehicles, motorized golf carts when operated on designated roadways pursuant to section 169.045, implements of husbandry ~~with load~~, and other machinery, including all road construction machinery, which are designed for operation at a speed of 25 miles per hour or less shall display a triangular slow-moving vehicle emblem, except (1) when being used in actual construction and maintenance work and traveling within the limits of a construction area which is marked in accordance with requirements of the manual of uniform traffic control devices, as set forth in section 169.06, or (2) for a towed implement of husbandry that is empty and that is not self-propelled, in which case it may be towed at lawful speeds greater than 25 miles per hour without removing the slow-moving vehicle emblem. The emblem shall consist of a fluorescent yellow-orange triangle with a dark red reflective border and be mounted so as to be visible from a distance of not less than 600 feet to the rear. When a primary power unit towing an implement of husbandry or other machinery displays a slow-moving vehicle emblem visible from a distance of 600 feet to the rear, it shall not be necessary to display a similar emblem on the secondary unit. After January 1, 1975, all slow-moving vehicle emblems sold in this state shall be so designed that when properly mounted they are visible from a distance of not less than 600 feet to the rear when directly in front of lawful lower beam of head lamps on a motor vehicle. The commissioner of public safety shall adopt standards and specifications for the design and position of mounting the slow-moving vehicle emblem. Such standards and specifications shall be adopted by rule in accordance with the administrative procedure act. A violation of this section shall not be admissible evidence in any civil cause of action arising prior to January 1, 1970.

(b) An alternate slow-moving vehicle emblem consisting of a dull black triangle with a white reflective border may be used after obtaining a permit from the commissioner under rules of the commissioner. A person with a permit to use an alternate slow-moving vehicle emblem must:

(1) carry in the vehicle a regular slow-moving vehicle emblem and display the emblem when operating a vehicle between sunset and sunrise, and at any other time when visibility is impaired by weather, smoke, fog, or other conditions; and

(2) permanently affix to the rear of the slow-moving vehicle at least 72 square inches of reflective tape that reflects the color red.

Sec. 4. Minnesota Statutes 1993 Supplement, section 169.56, subdivision 5, is amended to read:

Subd. 5. [EXCEPTION FOR LIGHTS OBSTRUCTED LIGHTS BY SNOW-PLOW BLADE.] (a) The auxiliary lamps permitted in ~~subdivisions~~ *subdivision* 3 and 4 may be mounted more than 42 inches high on any truck equipped with a snowplow blade that obstructs the required headlights. *The lights may not be illuminated when a snowplow blade is not mounted so as to obstruct the required headlights, the auxiliary lamps permitted in subdivisions 3 and 4 and*

mounted above 42 inches high must be removed or the lens must be covered with an opaque material on the vehicle.

(b) No other vehicle may be operated on a public highway unless the auxiliary lamps permitted in subdivisions 3 and 4 comply with the height requirements or are completely covered with an opaque material.

Sec. 5. Minnesota Statutes 1993 Supplement, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver of a passenger vehicle *or commercial motor vehicle*;
- (2) a passenger riding in the front seat of a passenger vehicle *or commercial motor vehicle*; and
- (3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than 11 years of age.

A person who is 15 years of age or older and who violates clause (1) or (2) is subject to a fine of \$25. The driver of the passenger vehicle *or commercial motor vehicle* in which the violation occurred is subject to a \$25 fine for a violation of clause (2) or (3) by a child of the driver under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The department of public safety shall not record a violation of this subdivision on a person's driving record.

Sec. 6. Minnesota Statutes 1992, section 169.743, is amended to read:

169.743 [BUG DEFLECTORS.]

Bug deflectors shall be permitted but not required on motor vehicles. No bug deflector shall be sold, offered for sale, or used which is composed of other than nonilluminated material. No person shall operate any motor vehicle equipped with a bug deflector of nontransparent material having more than one inch of material extending above the highest part of the ~~front of the~~ hood, excluding any decorative ornament, and no person shall operate any motor vehicle equipped with a bug deflector of transparent material having more than three inches of material extending above the highest part of the ~~front of the~~ hood, excluding any decorative ornament; provided that trucks and truck-tractors of 12,000 pounds gross vehicle weight or larger may be operated with a clear, uncolored bug deflector extending no more than six inches above the highest part of the ~~front of the~~ hood, excluding any decorative ornament.

Sec. 7. Minnesota Statutes 1992, section 169.851, subdivision 5, is amended to read:

Subd. 5. [EXCEPTION FOR FARM AND FOREST PRODUCTS.] The *maximum weight* provisions of this section do not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products *when the prescribed maximum weight limitation is not exceeded by more than ten percent.*

Sec. 8. Minnesota Statutes 1993 Supplement, section 221.0314, subdivision 10, is amended to read:

Subd. 10. [INSPECTION, REPAIR, AND MAINTENANCE.] Code of Federal Regulations, title 49, part 396, is incorporated by reference, except that sections 396.1, 396.9, and 396.17 to ~~396.25~~ 396.23 of that part are not incorporated."

Delete the title and insert:

"A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; 169.686, subdivision 1; and 221.0314, subdivision 10."

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

House Conferees: (Signed) Connie Morrison, Tom Osthoff, Bernard L. "Bernie" Lieder

Senate Conferees: (Signed) Keith Langseth, Terry D. Johnston, Joe Bertram, Sr.

Mr. Langseth moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2365 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. 2365 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:

Adkins	Dille	Knutson	Metzen	Ranum
Anderson	Finn	Krentz	Mondale	Reichgott Junge
Beckman	Flynn	Kroening	Morse	Riveness
Belanger	Frederickson	Laidig	Neuville	Robertson
Benson, D.D.	Hanson	Langseth	Novak	Sams
Benson, J.E.	Hottinger	Larson	Oliver	Samuelson
Berg	Janezich	Lesewski	Olson	Spear
Berglin	Johnson, D.J.	Lessard	Pappas	Stevens
Betzold	Johnson, J.B.	Luther	Pariseau	Stumpf
Chandler	Johnston	Marty	Piper	Terwilliger
Chmielewski	Kelly	McGowan	Pogemiller	Vickerman
Cohen	Kiscaden	Merriam	Price	Wiener

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 adoption by the House of the following

Senate Concurrent Resolution, herewith returned:

Senate Concurrent Resolution No. 7: A Senate concurrent resolution relating to the delivery of bills to the governor after final adjournment.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 1994

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. 2129: A bill for an act relating to adoption; regulating certain advertising and payments in connection with adoption; regulating agencies; providing for direct adoptive placement; providing for the enforceability of postadoption contact agreements; providing penalties; amending Minnesota Statutes 1992, sections 144.227, subdivision 1, and by adding a subdivision; 245A.03, subdivision 1; 245A.04, by adding a subdivision; 245A.07, by adding a subdivision; 259.21, by adding subdivisions; 259.22, subdivisions 1, 2, and by adding a subdivision; 259.27, by adding a subdivision; 259.31; and 317A.907, subdivision 6; Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 259.

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

Rest, Skoglund and Macklin.

Senate File No. 2129 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 1994

## MOTIONS AND RESOLUTIONS

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Solon moved that the following members be excused for a Conference Committee on H.F. No. 2617 at 11:00 a.m.:

Messrs. Solon, Day and Metzen. The motion prevailed.

Mr. Metzen moved that S.F. No. 2316 be taken from the table. The motion prevailed.

S.F. No. 2316: A bill for an act relating to the state board of investment; management of funds under the board's control; limiting the investment authority of various local pension plans to the pre-1994 investment authority of the state board of investment; amending Minnesota Statutes 1992, sections 11A.17, subdivisions 1, 4, 9, 10a, and 14; 11A.18, subdivision 9; 11A.24, subdivisions 3, 5, and 6; 353D.05, subdivision 2; 354B.07, subdivision 2; 356A.06, subdivision 7; and 422A.05, subdivision 2c; Minnesota Statutes

1993 Supplement, sections 11A.24, subdivisions 1 and 4; 69.77, subdivision 2g; 69.775; 352D.04, subdivision 1; 352D.09, subdivision 8; and 354B.05, subdivision 3.

### CONCURRENCE AND REPASSAGE

Mr. Metzen moved that the Senate concur in the amendments by the House to S.F. No. 2316 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2316 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 44 and nays 16, as follows:

Those who voted in the affirmative were:

Adkins	Hanson	Langseth	Oliver	Robertson
Beckman	Hottinger	Lessard	Olson	Sams
Belanger	Janezich	Luther	Pappas	Samuelson
Benson, J.E.	Johnson, D.J.	Metzen	Pariseau	Stevens
Bertram	Johnson, J.B.	Moe, R.D.	Piper	Stumpf
Betzold	Knutson	Mondale	Pogemiller	Terwilliger
Chmielewski	Krentz	Morse	Price	Vickerman
Dille	Kroening	Neuville	Reichgott Junge	Wiener
Frederickson	Laidig	Novak	Riveness	

Those who voted in the negative were:

Anderson	Chandler	Kelly	Lesewski	Ranum
Benson, D.D.	Finn	Kiscaden	Marty	Spear
Berg	Flynn	Larson	Merrian	
Berglin	Johnston			

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

### MOTIONS AND RESOLUTIONS – CONTINUED

#### CONFIRMATION

Messrs. Pogemiller and Stumpf moved that the reports from the Committee on Education, reported May 2, 1994, pertaining to appointments, be taken from the table. The motion prevailed.

Messrs. Pogemiller and Stumpf moved that the foregoing reports be now adopted. The motion prevailed.

Messrs. Pogemiller and Stumpf moved that in accordance with the reports from the Committee on Education, reported May 2, 1994, the Senate, having given its advice, do now consent to and confirm the appointment of:

#### BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION

Hope Annexstad, Rt. 3, Box 35, St. Peter, Nicollet County, effective August 18, 1993, for a term expiring on the first Monday in January, 1997.

Audrey Eickhof, R.R. 2, Box 17, Crookston, Polk County, effective May 18, 1993, for a term expiring on the first Monday in January, 1997.

Gale Mitchell, 601 Summit Ave., St. Paul, Ramsey County, effective May 18, 1993, for a term expiring on the first Monday in January, 1994.

DEPARTMENT OF EDUCATION  
COMMISSIONER

Linda Powell, 15705 - 17th Pl. N., Plymouth, Hennepin County, effective September 1, 1993, for a term expiring on the first Monday in January, 1995.

HIGHER EDUCATION BOARD

Archie D. Chelseth, 509 Chestnut St., Cloquet, Carlton County, effective July 1, 1994, for a term expiring on June 30, 2000.

David T. Erickson, 8143 - 89th St. N., Mahtomedi, Washington County, effective July 1, 1994, for a term expiring on June 30, 2000.

Christine Fritsche, Rt. 4, Box 79, Marshall, Lyon County, effective July 1, 1994, for a term expiring on June 30, 2000.

John C. Mulder, 3126 Fox Hollow Ct. S.W., Rochester, Olmsted County, effective July 1, 1994, for a term expiring on June 30, 2000.

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Ruth Ranum, 317 Birchwood Dr. N., Stillwater, Washington County, effective May 18, 1993, for a term expiring on the first Monday in January, 1999.

STATE BOARD OF EDUCATION

Robert J. Brown, 542-4 Lovell Ave., Roseville, Ramsey County, effective January 3, 1994, for a term expiring on the first Monday in January, 1998.

Erling O. Johnson, 832 Eastwood Ln., Anoka, Anoka County, effective January 3, 1994, for a term expiring on the first Monday in January, 1998.

STATE BOARD OF TECHNICAL COLLEGES

Muriel S. Abram, 2906 Branch St., Duluth, St. Louis County, effective March 4, 1992, for a term expiring on the first Monday in January, 1996.

James C. Bernstein, 5216 Ewing Ave. S., Minneapolis, Hennepin County, effective March 4, 1992, for a term expiring on the first Monday in January, 1996.

Anil Jain, 4 W. Day Ln., North Oaks, Ramsey County, effective February 24, 1993, for a term expiring on the first Monday in January, 1997.

Jody Olson, 301 Pine Ave. N., Canby, Yellow Medicine County, effective February 24, 1993, for a term expiring on the first Monday in January, 1997.

Roy Wallace, 3138B Farnum Dr., Eagan, Dakota County, effective February 24, 1993, for a term expiring on the first Monday in January, 1997.

STATE UNIVERSITY BOARD

Tom Forsythe, 6424 Maloney Ave., Edina, Hennepin County, effective March 9, 1994, for a term expiring on the first Monday in January, 1996.

Roger Knauss, 561 Othmar Ln., Rockville, Stearns County, effective March 9, 1994, for a term expiring on the first Monday in January, 1998.



Elizabeth Pegues, 27 Nord Cir., North Oaks, Ramsey County, effective March 9, 1994, for a term expiring on the first Monday in January, 1998.

The motion prevailed. So the appointments were confirmed.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### 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:

H.F. No. 3011: Messrs. Langseth, Chmielewski, Mses. Hanson, Pappas and Johnston.

H.F. No. 3211: Mr. Kelly, Ms. Johnston, Mr. Hottinger, Ms. Johnson, J.B. and Mr. Beckman.

H.F. No. 2493: Messrs. Sams, Bertram and Dille.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2951 a Special Order to be heard immediately.

#### SPECIAL ORDER

H.F. No. 2951: A bill for an act relating to health care financing; modifying provisions for enrollment in the MinnesotaCare program; establishing a health care access reserve account; transferring money; amending Minnesota Statutes 1993 Supplement, section 256.9352, subdivision 3.

#### CALL OF THE SENATE

Mr. Johnson, D.J. imposed a call of the Senate for the balance of the proceedings on H.F. No. 2951. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 2951 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 39 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Hottinger	Krentz	Metzen
Anderson	Cohen	Janezich	Kroening	Mondale
Beckman	Finn	Johnson, D.J.	Lessard	Morse
Berglin	Flynn	Johnson, J.B.	Luther	Murphy
Betzold	Hanson	Kelly	Marty	Novak

Pappas	Price	Riveness	Solon	Vickerman
Piper	Ranum	Sams	Spear	Wiener
Pogemiller	Reichgott Junge	Samuelson	Stumpf	

Those who voted in the negative were:

Belanger	Dille	Laidig	Neuville	Stevens
Benson, D.D.	Frederickson	Langseth	Oliver	Terwilliger
Benson, J.E.	Johnson, D.E.	Larson	Olson	
Berg	Johnston	Lesewski	Pariseau	
Bertram	Kiscaden	McGowan	Robertson	
Day	Knutson	Merriam	Runbeck	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS – CONTINUED

### RECONSIDERATION

Ms. Lesewski moved that the vote whereby S.F. No. 1735 was passed by the Senate on May 3, 1994, be now reconsidered. The motion prevailed.

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1992, section 260.141, subdivision 1; Minnesota Statutes 1993 Supplement, sections 245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9; 259.255; and 260.191, subdivision 3b.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended, was repassed 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.

## MOTIONS AND RESOLUTIONS – CONTINUED

Mr. Kroening moved that S.F. No. 180 be taken from the table. The motion prevailed.

S.F. No. 180: A bill for an act relating to horse racing; proposing an amendment to the Minnesota Constitution, article X, section 8; permitting the legislature to authorize pari-mutuel betting on horse racing without limitation; directing the Minnesota racing commission to prepare and submit legislation to implement televised off-site betting.

Mr. Kroening moved that the Senate do not concur in the amendments by the House to S.F. No. 180, 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.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3179:

H.F. No. 3179: A bill for an act relating to waters; preservation of wetlands; creating the wetlands wildlife legacy account; modifying easements; drainage and filling for public roads; defining terms; board action on local government plans; action on approval of replacement plans; computation of value; establishing special vehicle license plates for wetlands wildlife purposes; amending Minnesota Statutes 1992, sections 103F.516, subdivision 1; 103G.2242, subdivisions 1, 5, 6, 7, and 8; and 103G.237, subdivision 4; Minnesota Statutes 1993 Supplement, sections 103G.222; and 103G.2241; proposing coding for new law in Minnesota Statutes, chapters 84; and 168.

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

Munger, Trimble and Jaros have been appointed as such committee on the part of the House.

House File No. 3179 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 3, 1994

Mr. Moe, R.D., for Mr. Stumpf, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3179, 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.

### MEMBERS EXCUSED

Messrs. Oliver, Bertram and Ms. Anderson were excused from the Session of today from 10:30 to 11:00 a.m. Ms. Runbeck was excused from the Session of today from 10:30 to 11:30 a.m. Mr. Johnson, D.E. was excused from the

Session of today from 10:30 to 11:40 a.m. Mr. Murphy was excused from the Session of today from 10:30 a.m. to 12:00 noon. Mr. Chandler was excused from the Session of today at 11:20 a.m.

### ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:30 a.m., Wednesday, May 4, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate