

FIFTY-SIXTH DAY

St. Paul, Minnesota, Tuesday, May 9, 1995

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, Mr. Eric O. Strom.

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

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

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 and referred to the committee indicated.

April 11, 1995

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

COMMISSIONER, DEPARTMENT OF LABOR AND INDUSTRY

Gary Bastian, 2220 Ide Ct., Maplewood, Ramsey County, effective April 12, 1995, for a term expiring on the first Monday in January, 1999.

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

Warmest regards,
Arne H. Carlson, Governor

May 5, 1995

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 1995 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 1995	Date Filed 1995
	1320	119	9:04 a.m. May 5	May 5
	383	120	9:03 a.m. May 5	May 5
	1425	121	9:02 a.m. May 5	May 5
	1626	122	9:06 a.m. May 5	May 5
	733	123	9:05 a.m. May 5	May 5
	354	125	9:05 a.m. May 5	May 5
	1194	126	9:15 a.m. May 5	May 5
	1008	127	9:12 a.m. May 5	May 5
	399	128	9:10 a.m. May 5	May 5
	32	129	9:08 a.m. May 5	May 5
	651	130	9:07 a.m. May 5	May 5
	244	131	9:06 a.m. May 5	May 5

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

S.F. No. 1199: A bill for an act relating to motor vehicles; requiring vehicle buyer to notify registrar of motor vehicles of vehicle transfer within ten days; imposing fees and penalties; appropriating money; amending Minnesota Statutes 1994, sections 168.101, subdivision 2; 168.11, subdivision 3; 168.15; 168.17; 168A.05, subdivision 5; and 168A.10, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 1994, section 168A.10, subdivision 6.

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

Erhardt, Pugh and Lieder.

Senate File No. 1199 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1995

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. 1134: A bill for an act relating to financial institutions; regulating notices, electronic financial terminals, mergers with subsidiaries, the powers and duties of the commissioner of commerce, reporting and records requirements, lending powers, the powers and duties of institutions, detached facilities, and interstate banking; making technical changes; regulating mortgage prepayments; allowing written waivers of the right to prepay without penalty under certain circumstances; clarifying definition of franchise; permitting a delinquency and collection charge; amending Minnesota Statutes 1994, sections 46.04, subdivision 1, and by adding a subdivision; 46.041, subdivision 4; 46.046, subdivision 1; 46.048, subdivision 1, and by adding subdivisions; 47.10, subdivision 3; 47.11; 47.20, subdivisions 5 and 10; 47.28, subdivision 1; 47.52; 47.56; 47.58, subdivision 2; 47.61, subdivision 3; 47.62, subdivisions 2, 3, and by adding subdivisions; 47.67; 47.69, subdivisions 3 and 5; 47.78; 48.16; 48.194; 48.24, subdivision 5; 48.475, subdivision 3; 48.48, subdivisions 1 and 2; 48.49; 48.61, subdivision 7, and by adding a subdivision; 48.65; 48.90, subdivision 1; 48.91; 48.92, subdivisions 1, 2, 6, 7, 8, 9, and by adding a subdivision; 48.93, subdivisions 1, 3, and 4; 48.96; 48.99, subdivision 1; 49.01, subdivision 3; 51A.02, subdivisions 6, 26, and 40; 51A.19, subdivision 9; 51A.50; 51A.58; 52.04, subdivision 2a; 52.05, subdivision 2; 53.015, subdivision 4; 53.04, subdivisions 3a, 3c, 4a, and 5a; 53.09, subdivisions 1, 2, and by adding a subdivision; 56.11; 56.12; 56.125, subdivisions 1, 2, and 3; 56.131, subdivisions 1, 2, 4, and 6; 56.132; 56.14; 56.155, subdivision 1; 56.17; 59A.06, subdivision 2; 61A.09, subdivision 3; 62B.04, subdivision 1; 62B.08, subdivision 2; 80C.01, subdivision 4; 300.20, subdivision 1; 327B.04, subdivision 1; 327B.09, subdivision 1; 332.23, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 45; 47; 48; 51A; 52; and 334; repealing Minnesota Statutes 1994, sections 46.03; 47.80; 47.81; 47.82; 47.83; 47.84; 47.85; 48.1585; 48.512, subdivision 6; 48.611; 48.95; 48.97; 48.98; 48.991; and 51A.385.

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

Jennings, Bertram and Abrams.

Senate File No. 1134 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1995

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

H.F. No. 1377 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.
				1377	1270

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1377 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1377 and insert the language after the enacting clause of S.F. No. 1270, the second engrossment; further, delete the title of H.F. No. 1377 and insert the title of S.F. No. 1270, the second engrossment.

And when so amended H.F. No. 1377 will be identical to S.F. No. 1270, and further recommends that H.F. No. 1377 be given its second reading and substituted for S.F. No. 1270, 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.

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. 1590: A bill for an act relating to health; insurance; providing for certain breast cancer coverage; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reports the same back with the recommendation that the report from the Committee on Commerce and Consumer Protection, shown in the Journal for April 10, 1995, 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. 1590 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1377 was read the second time.

MOTIONS AND RESOLUTIONS

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. 980:

H.F. No. 980: A bill for an act relating to crime; clarifying language relating to controlled substance and certain other crimes; making it manslaughter in the first degree to cause the death of a child by malicious punishment under certain circumstances; making it manslaughter in the second degree to cause the death of a child by endangerment under certain circumstances; providing that a motor vehicle is subject to forfeiture if it was used to flee a peace officer in violation of law; imposing a fine for the crime of terroristic threats; providing procedures for prosecuting attorneys to follow when filing complaints against owners whose buildings are alleged nuisances; authorizing the court to issue orders of abatement that close buildings for two years or more when the buildings are declared to be nuisances a second time; providing penalties; amending Minnesota Statutes 1994, sections 152.021, subdivision 3; 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025, subdivision 3; 401.02, subdivision 4; 609.10; 609.125; 609.185; 609.20; 609.205; 609.323, subdivisions 2, 3, and by adding a subdivision; 609.498, subdivision 1; 609.52, subdivision 1; 609.5312, by adding a subdivision; 609.582, subdivision 1; 609.713, subdivisions 1 and 2; 617.80, subdivisions 2, 4, 5, 8, and by adding a subdivision; 617.81, subdivisions 1, 2, and by adding a subdivision; 617.82; 617.83; 617.84; 617.85; 617.87; 626.13; proposing coding for new law in Minnesota Statutes, chapter 617; repealing Minnesota Statutes 1994, section 617.81, subdivisions 2a and 3.

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

Skoglund, Pugh and Rhodes have been appointed as such committee on the part of the House.

House File No. 980 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, 1995

Ms. Anderson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 980, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Messrs. Ourada and Moe, R.D. introduced--

Senate Resolution No. 66: A Senate resolution commending Nick Wilson of Becker, Minnesota, on receiving the Boy Scout National Meritorious Lifesaving Award.

Referred to the Committee on Rules and Administration.

Mr. Dille moved that S.F. No. 1236, No. 9 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Samuelson moved that S.F. No. 1253, No. 15 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

CALENDAR

H.F. No. 1479: A bill for an act relating to the environment; establishing an environmental improvement pilot program to promote voluntary compliance with environmental requirements; modifying provisions relating to the voluntary investigation and cleanup program; amending Minnesota Statutes 1994, sections 115B.03, by adding subdivisions; 115B.17, by adding a subdivision; 115B.175, subdivisions 2 and 3; 115B.178, subdivision 1; and 116.02.

With the unanimous consent of the Senate, Mr. Mondale moved that the amendment made to H.F. No. 1479 by the Committee on Rules and Administration in the report adopted May 8, 1995, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1479 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

Samuelson
Scheevel

Solon
Spear

Stevens
Stumpf

Terwilliger
Vickerman

Wiener

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Merriam introduced--

S.F. No. 1691: A bill for an act relating to community dispute resolution; excluding certain disputes and matters from being accepted for resolution by a community dispute resolution program; amending Minnesota Statutes 1994, section 494.03.

Referred to the Committee on Judiciary.

Messrs. Stevens, Bertram, Kramer, Ms. Runbeck and Hanson introduced--

S.F. No. 1692: A bill for an act relating to state government; providing for the funding of state mandated programs and procedures; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Governmental Operations and Veterans.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 446 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 446: A bill for an act relating to occupations and professions; establishing licensure for acupuncture practitioners by the board of medical practice; providing penalties; proposing coding for new law as Minnesota Statutes, chapter 147B.

Mr. Sams moved to amend H.F. No. 446, the unofficial engrossment, as follows:

Page 4, line 36, delete "147B.04" and insert "147B.05"

Page 5, line 13, delete "147B.05" and insert "147B.06"

Page 5, delete lines 14 to 17

Page 6, line 34, delete the second comma and insert "and"

Page 6, line 35, delete everything after "public"

Page 6, line 36, delete everything before the semicolon

Page 7, line 1, after "(2)" insert "unless licensed under subdivision 5 or 6, submit a notarized copy of a current NCCA certification;

(3)"

Page 7, line 4, delete "(3)" and insert "(4)"

Page 7, line 5, delete "(4)" and insert "(5)"

Page 7, line 27, delete "and" and insert "or"

Page 7, line 28, after "subdivision" insert "5 or"

Page 7, line 30, delete everything after "(b)"

Page 7, delete lines 31 to 36

Page 8, delete lines 1 to 29 and insert "An applicant shall submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified."

Page 9, line 20, delete "6" and insert "5"

Renumber the subdivisions in sequence

Page 9, after line 29, insert:

"Sec. 4. [147B.03] [NCCA PROFESSIONAL DEVELOPMENT ACTIVITY REQUIREMENTS.]

Subdivision 1. [NCCA REQUIREMENTS.] Unless a person is licensed under section 147B.02, subdivision 5 or 6, each licensee is required to meet the NCCA professional development activity requirements to maintain NCCA certification. These requirements may be met through a board approved continuing education program.

Subd. 2. [BOARD APPROVAL.] The board shall approve a continuing education program if the program meets the following requirements:

(1) it directly relates to the practice of acupuncture;

(2) each member of the faculty shows expertise in the subject matter by holding a degree or certificate from an educational institution, has verifiable experience in traditional Oriental medicine, or has special training in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific written objectives describing the goals of the program for the participants;
and

(5) the program sponsor maintains attendance records for four years.

Subd. 3. [CONTINUING EDUCATION TOPICS.] (a) Continuing education program topics may include, but are not limited to, Oriental medical theory and techniques including Oriental massage; Oriental nutrition; Oriental herbology and diet therapy; Oriental exercise; western sciences such as anatomy, physiology, biochemistry, microbiology, psychology, nutrition, history of medicine; and medical terminology or coding.

(b) Practice management courses are excluded under this section.

Subd. 4. [VERIFICATION.] The board shall periodically select a random sample of acupuncturists and require the acupuncturist to show evidence of having completed the NCCA professional development activities requirements. Either the acupuncturist, the state, or the national organization that maintains continuing education records may provide the board documentation of the continuing education program."

Page 9, line 30, delete "147B.03" and insert "147B.04"

Page 9, line 33, delete "147B.04" and insert "147B.05"

Page 10, line 11, delete "147B.04" and insert "147B.05"

Page 11, line 15, delete "147B.05" and insert "147B.06"

Page 12, line 5, delete "and" and insert "."

(d) The practitioner shall inquire"

Page 13, line 27, delete "147B.06" and insert "147B.07"

Page 13, line 31, delete "147B.07" and insert "147B.08"

Page 14, line 6, delete "147B.04" and insert "147B.05"

Page 14, line 12, delete "8" and insert "7"

Page 14, line 14, delete "One member" and insert "Two members"

Page 14, line 16, delete the second "two" and insert "three"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 446 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 57 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Chandler, Finn, Hottinger and Limmer voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1573 a Special Order to be heard immediately.

SPECIAL ORDER

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

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 965 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 965

A bill for an act relating to transportation; authorizing issuance of permits for 12-foot wide loads of baled straw; changing classification and endorsement requirements to operate a vehicle carrying liquid fertilizer; amending Minnesota Statutes 1994, sections 169.851, subdivision 1; 169.862; and 171.02, subdivision 2a.

April 27, 1995

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 965, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments and that S.F. No. 965 be further amended as follows:

Page 2, line 5, delete "25" and insert "35"

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

Senate Conferees: (Signed) Keith Langseth, Jim Vickerman, Steve Dille

House Conferees: (Signed) Marvin Dauner, Chuck Brown, Gene Hugoson

Mr. Langseth moved that the foregoing recommendations and Conference Committee Report on S.F. No. 965 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. 965 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

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

House File No. 536 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 8, 1995

CONFERENCE COMMITTEE REPORT ON H.F. NO. 536

A bill for an act relating to commerce; residential building contractors; regulating licensees; providing a clarification; amending Minnesota Statutes 1994, sections 326.83, subdivision 5, and by adding a subdivision; 326.84, subdivision 3; 326.91, subdivision 1; 326.95, subdivision 2; and 326.975, subdivision 1.

May 4, 1995

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

That the Senate recede from its amendment.

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

House Conferees: (Signed) Matt Entenza, John J. Sarna, Richard Pellow

Senate Conferees: (Signed) Warren Limmer, Kevin M. Chandler, Cal Larson

Mr. Limmer moved that the foregoing recommendations and Conference Committee Report on H.F. No. 536 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. 536 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1159, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1159 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1995

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1159

A bill for an act relating to real property; authorizing municipalities to establish trust or escrow accounts for proceeds from losses arising from fire or explosion of certain insured real property; authorizing municipalities to utilize escrowed funds to secure, repair, or demolish damaged or destroyed structures; proposing coding for new law in Minnesota Statutes, chapter 65A.

May 2, 1995

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. 1159, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment

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

House Conferees: (Signed) Richard H. Jefferson, Karen Clark, Jim Rostberg

Senate Conferees: (Signed) Carl W. Kroening, Carol Flynn, Roy W. Terwilliger

Mr. Kroening moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1159 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. 1159 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 628 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 628: A bill for an act relating to the family; creating a presumption of refusal or neglect of parental duties in certain termination of parental rights cases; amending Minnesota Statutes 1994, section 260.221, subdivision 1.

Ms. Kiscaden moved to amend H.F. No. 628, as amended pursuant to Rule 49, adopted by the Senate April 24, 1995, as follows:

(The text of the amended House File is identical to S.F. No. 733.)

Page 2, lines 13 to 20, delete the new language

Page 3, line 15, after the period, insert "There is a rebuttable presumption that reasonable efforts have failed under this clause upon a showing that the parent has substantially, continuously, or repeatedly failed to cooperate with the court's orders and has substantially, continuously, or repeatedly failed to make progress toward the requirements of a reasonable case plan developed by the social service agency and adopted by the court under section 260.191, subdivision 1e."

The motion prevailed. So the amendment was adopted.

H.F. No. 628 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 59 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Kleis, Kramer and Scheevel voted in the negative.

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 339 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 339: A bill for an act relating to ethics in government; making advisory opinions public data; authorizing civil penalties; clarifying certain definitions; clarifying and authorizing exceptions to the ban on gifts; appropriating money; amending Minnesota Statutes 1994, sections 10A.02, subdivision 12; 10A.071, subdivisions 1, 3, and by adding a subdivision; 10A.29; 10A.34; and 471.895, subdivisions 1 and 3.

Mr. Marty moved to amend S.F. No. 339 as follows:

Page 5, lines 12 and 13, before "city" insert "a home rule charter or statutory"

Page 6, after line 25, insert:

"Sec. 9. Minnesota Statutes 1994, section 471.895, is amended by adding a subdivision to read:

Subd. 4. [RETURN OF GIFT.] A local official who accepts a gift in a good faith belief that it is lawful and returns it or gives consideration of equal or greater value for it promptly upon learning that it was not lawful is not subject to a penalty for violating this section."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 9, delete "and 3" and insert ", 3, and by adding a subdivision"

The motion prevailed. So the amendment was adopted.

Mr. Cohen moved to amend S.F. No. 339 as follows:

Page 3, line 13, delete the second "or"

Page 3, line 19, before the period, insert "; or

(9) tickets or admission passes to an event given by the producer or sponsor of the event held at a publicly owned or operated facility, civic center, or facility of the metropolitan sports facilities commission or Minnesota amateur sports commission, to a member of the governing board, officer, or employee of the facility for the exclusive purpose of providing access to the recipient in the performance of the recipient's duties, for the purpose of assisting the facility in conducting

normal, reasonable, and necessary business activities of the facility for the benefit of the facility in advertising or enhancing attendance at the events in the facility, provided, however, that a board member, official, or employee of the facility who receives the tickets or passes may not give, or request another to give, a ticket or pass to any official as defined by this section or local official as defined by section 471.895, other than another official or employee of the facility"

Page 5, line 35, delete the second "or"

Page 6, line 5, before the period, insert "; or

(9) tickets or admission passes to an event given by the producer or sponsor of the event held at a publicly owned or operated facility, civic center, or facility of the metropolitan sports facilities commission or Minnesota amateur sports commission, to a member of the governing board, officer, staff member, or employee of the facility for the exclusive purpose of providing access to the recipient in the performance of the recipient's duties, for the purpose of assisting the facility in conducting normal, reasonable, and necessary business activities of the facility for the benefit of the facility in advertising or enhancing attendance at the events in the facility, provided, however, that a board member, official, or employee of the facility who receives the tickets or passes may not give, or request another to give, a ticket or pass to any local official as defined by this section or official as defined by section 10A.071, other than another official or employee of the facility"

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

Mr. Berg moved to amend S.F. No. 339 as follows:

Page 2, after line 16, insert:

"Sec. 2. [10A.061] [LOBBYING WITH APPROPRIATED MONEY.]

Money appropriated by law to a state agency may not be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a member of the legislature to favor or oppose, by vote or otherwise, any legislation or appropriation by the legislature, whether before or after the introduction of any bill proposing the legislation or appropriation, unless expressly authorized by law. This does not prevent an officer or employee of the state from communicating to a member of the legislature on the request of the member or to the legislature, through the proper official channels, requests for legislation or appropriations that the officer or employee deems necessary for the efficient conduct of the public business."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Mr. Kroening moved to amend S.F. No. 339 as follows:

Page 3, line 13, delete the second "or"

Page 3, after line 13, insert:

"(8) admission, food, or beverage exceeding \$3 in total cost, provided that it is given only occasionally and at an event away from the offices of the governmental entity in which the recipient official holds office and that it must be reported to the ethical practices board by the recipient official and by the gift giver, at the times and including the information required for lobbyist reports in section 10A.04, subdivisions 2 and 4, paragraph (c); or"

Page 3, line 14, delete "(8)" and insert "(9)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 57, as follows:

Those who voted in the affirmative were:

Chmielewski
Dille

Kroening

Solon

Stevens

Terwilliger

Those who voted in the negative were:

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

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

Mr. Moe, R.D. moved to amend S.F. No. 339 as follows:

Page 5, lines 13 and 14, delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 43, as follows:

Those who voted in the affirmative were:

Bertram	Johnson, D.E.	Lesewski	Oliver	Solon
Day	Kelly	Lessard	Pariseau	Stevens
Dille	Kiscaden	Metzen	Sams	Stumpf
Finn	Laidig	Moe, R.D.	Samuelson	
Hanson	Larson	Murphy	Scheevel	

Those who voted in the negative were:

Anderson	Flynn	Kramer	Neuville	Riveness
Beckman	Frederickson	Krentz	Olson	Robertson
Belanger	Hottinger	Kroening	Ourada	Runbeck
Berg	Janezich	Langseth	Pappas	Spear
Berglin	Johnson, D.J.	Limmer	Piper	Terwilliger
Betzold	Johnson, J.B.	Marty	Pogemiller	Vickerman
Chandler	Johnston	Merriam	Price	Wiener
Chmielewski	Kleis	Mondale	Ranum	
Cohen	Knutson	Morse	Reichgott Junge	

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

Mr. Moe, R.D. then moved to amend S.F. No. 339 as follows:

Page 3, line 31, delete "or"

Page 3, line 34, before the period, insert "; or

(4) by a lobbyist or principal as a contribution of a prize or money to purchase a prize to an event that is designed to benefit an organization that qualifies under section 501(c)(3) of the Internal Revenue Code of 1986"

Page 6, line 18, delete "or"

Page 6, line 21, before the period, insert "; or

(4) by a lobbyist or principal as a contribution of a prize or money to purchase a prize to an event that is designed to benefit an organization that qualifies under section 501(c)(3) of the Internal Revenue Code of 1986"

The motion prevailed. So the amendment was adopted.

Mr. Moe, R.D. then moved to amend S.F. No. 339 as follows:

Page 3, line 11, delete "\$3" and insert "\$5"

Page 5, line 33, delete "\$3" and insert "\$5"

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 339 as follows:

Page 2, after line 16, insert:

"Sec. 2. [10A.066] [SOLICITING CONTRIBUTIONS FROM LOBBYISTS.]

A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, or any committee authorized by the candidate, shall not solicit a contribution on behalf of a candidate's principal campaign committee, any other political committee with the candidate's name or title, or any committee authorized by the candidate, from a registered lobbyist at any time."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Marty questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Ms. Lesewski moved to amend S.F. No. 339 as follows:

Page 3, line 13, delete the second "or"

Page 3, line 19, before the period, insert "; or

(9) food or a beverage not to exceed \$25 in value given at a wedding, graduation, or similar family event"

Page 5, line 35, delete the second "or"

Page 6, line 5, before the period, insert "; or

(9) food or a beverage not to exceed \$25 in value given at a wedding, graduation, or similar family event"

Ms. Johnston moved to amend the Lesewski amendment to S.F. No. 339 as follows:

Page 1, lines 4 and 8, delete "\$25" and insert "\$40"

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

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

Mr. Berg moved to amend S.F. No. 339 as follows:

Page 2, after line 16, insert:

"Sec. 2. [10A.055] [STATE AGENCY REPORTS.]

Each state agency shall report to the board by January 31 each year on forms provided by the board its estimated expenditures for the previous calendar year to any staff person not registered as a lobbyist over 25 percent of whose time during the previous year's legislative session was spent on legislative matters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Olson moved to amend S.F. No. 339 as follows:

Page 4, after line 9, insert:

"Sec. 5. Minnesota Statutes 1994, section 10A.19, is amended by adding a subdivision to read:

Subd. 3. The registration of the candidate's principal campaign committee must be accompanied by a criminal background check prepared by the superintendent of the bureau of criminal apprehension. The purpose of the background check is to determine whether the candidate is the subject of any reported conviction of a background check crime. A "background check crime" is any felony or gross misdemeanor. The candidate shall request the background check by submitting to the superintendent a written request signed by the candidate and including a description of all background check crimes of which the candidate has been convicted and the particulars of the conviction. The superintendent shall respond to the request within a reasonable time, not to exceed ten working days after receiving it. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the criminal justice information system. The superintendent may exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent's response must indicate whether the candidate has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence. The superintendent shall recover the cost of the background check through a fee charged to the candidate."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 339 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 46 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Krentz	Murphy	Riveness
Beckman	Flynn	Laidig	Novak	Spear
Belanger	Hanson	Langseth	Oliver	Stumpf
Berg	Hottinger	Larson	Pappas	Terwilliger
Berglin	Janezich	Lesewski	Pariseau	Vickerman
Betzold	Johnson, D.E.	Marty	Piper	Wiener
Chandler	Johnson, D.J.	Metzen	Pogemiller	
Chmielewski	Johnson, J.B.	Moe, R.D.	Price	
Cohen	Kelly	Mondale	Ranum	
Dille	Knutson	Morse	Reichgott Junge	

Those who voted in the negative were:

Bertram	Kleis	Limmer	Ourada	Samuelson
Frederickson	Kramer	Merriam	Robertson	Scheevel
Johnston	Kroening	Neuville	Runbeck	Solon
Kiscaden	Lessard	Olson	Sams	Stevens

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1562 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1562: A bill for an act relating to government finance; limiting the time within which

authorized bonds may be issued; proposing coding for new law in Minnesota Statutes, chapter 16A.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 431 a Special Order to be heard immediately.

SPECIAL ORDER

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

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

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

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

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

Pages 1 and 2, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

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

H.F. No. 431 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill, as amended, failed to pass.

MOTIONS AND RESOLUTIONS - CONTINUED

Ms. Reichgott Junge moved that S.F. No. 1052 be taken from the table. The motion prevailed.

S.F. No. 1052: A bill for an act relating to abuse; conforming domestic abuse definitions; including persons with certain significant relationships; allowing certain minors to petition on their own behalf for orders for protection; modifying petition requirements; providing for subsequent petitions; modifying requirements for alternate service; extending time period for certain domestic abuse arrests; recodifying and clarifying portions of the assault in the fifth degree statute which concern domestic assault; amending Minnesota Statutes 1994, sections 518B.01, subdivisions 2, 4, 8, 14, and by adding a subdivision; 609.224, subdivisions 2 and 3; 611A.31, subdivision 2; 629.341, subdivision 1; and 629.72, subdivisions 1, 2, and 6; proposing coding for new law in Minnesota Statutes, chapter 609.

Ms. Reichgott Junge moved to amend S.F. No. 1052 as follows:

Page 2, line 32, after the second "or" insert "by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older"

Page 2, lines 33 and 34, delete the new language and insert "A minor age 16 or older may make

a petition on the minor's own behalf against a spouse or former spouse, a person with whom the minor has a child in common, or a person with whom the minor is or has been involved in a significant romantic or sexual relationship, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor."

Mr. Neuville requested division of the amendment as follows:

First portion:

Page 2, line 32, after the second "or" insert "by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older"

Second portion:

Page 2, lines 33 and 34, delete the new language and insert "A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, a person with whom the minor has a child in common, or a person with whom the minor is or has been involved in a significant romantic or sexual relationship, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor."

The question was taken on the adoption of the first portion of the Reichgott Junge amendment. The motion prevailed. So the first portion of the amendment was adopted.

CALL OF THE SENATE

Ms. Reichgott Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 1052. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the second portion of the Reichgott Junge amendment.

Ms. Reichgott Junge moved that those not voting be excused from voting. The motion did not prevail.

Ms. Reichgott Junge moved that those not voting be excused from voting. The motion did not prevail.

Ms. Reichgott Junge moved that those not voting be excused from voting. The motion did not prevail.

Ms. Reichgott Junge moved that those not voting be excused from voting. The motion did not prevail.

Ms. Reichgott Junge moved that the President be directed to close the roll. The motion prevailed.

The roll was called, and there were yeas 33 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Marty	Piper	Sams
Beckman	Hottinger	Merriam	Pogemiller	Solon
Berglin	Janezich	Moe, R.D.	Price	Spear
Betzold	Johnson, J.B.	Mondale	Ranum	Stumpf
Chandler	Kelly	Morse	Reichgott Junge	Wiener
Cohen	Kiscaden	Novak	Riveness	
Finn	Krentz	Pappas	Robertson	

Those who voted in the negative were:

Belanger	Dille	Johnson, D.J.	Kramer	Larson
Berg	Frederickson	Johnston	Kroening	Lesewski
Bertram	Hanson	Kleis	Laidig	Lessard
Chmielewski	Johnson, D.E.	Knutson	Langseth	Limmer

Metzen
Murphy
Neuville

Olson
Ourada
Pariseau

Runbeck
Samuelson

Scheevel
Stevens

Terwilliger
Vickerman

The motion prevailed. So the second portion of the amendment was adopted.

S.F. No. 1052 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 38 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson
Beckman
Berglin
Betzold
Chandler
Cohen
Finn
Flynn

Hottinger
Janezich
Johnson, D.J.
Johnson, J.B.
Kiscaden
Krentz
Laidig
Lesewski

Marty
Merriam
Metzen
Moe, R.D.
Mondale
Morse
Murphy
Novak

Pappas
Piper
Pogemiller
Price
Ranum
Reichgott Junge
Riveness
Robertson

Sams
Solon
Spear
Stumpf
Terwilliger
Wiener

Those who voted in the negative were:

Belanger
Berg
Bertram
Chmielewski
Dille

Frederickson
Hanson
Johnson, D.E.
Johnston
Kleis

Knutson
Kramer
Kroening
Langseth
Larson

Lessard
Limmer
Neuville
Olson
Ourada

Pariseau
Runbeck
Scheevel
Stevens
Vickerman

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 155 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 155

A bill for an act relating to wild animals; authorizing poultry farmers to trap great horned owls; amending Minnesota Statutes 1994, section 97B.705.

May 1, 1995

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 155, 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. 155 be further amended as follows:

Page 1, after line 22, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

Senate Conferees: (Signed) LeRoy A. Stumpf, Steven Morse, Dennis R. Frederickson

House Conferees: (Signed) Jim Tunheim, Edgar Olson, Jim Girard

Mr. Stumpf moved that the foregoing recommendations and Conference Committee Report on S.F. No. 155 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. 155 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 32 and nays 29, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.E.	Langseth	Murphy	Stevens
Bertram	Johnson, D.J.	Larson	Ourada	Stumpf
Chmielewski	Johnson, J.B.	Lesewski	Pogemiller	Terwilliger
Cohen	Johnston	Lessard	Robertson	Vickerman
Dille	Kiscaden	Metzen	Sams	
Frederickson	Kleis	Moe, R.D.	Scheevel	
Janezich	Kramer	Morse	Solon	

Those who voted in the negative were:

Anderson	Finn	Kroening	Neuville	Price
Beckman	Flynn	Laidig	Novak	Ranum
Belanger	Hanson	Limmer	Olson	Reichgott Junge
Berglin	Hottinger	Marty	Pappas	Spear
Betzold	Knutson	Merriam	Pariseau	Wiener
Chandler	Krentz	Mondale	Piper	

So the bill, as amended by the Conference Committee, failed to pass.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 375 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 375

A bill for an act relating to energy; adding pumped hydropower to the list of preferred alternative energy sources; providing for incentive payments to pumped hydropower facilities; amending Minnesota Statutes 1994, sections 216C.051, subdivision 7; and 216C.41, subdivision 1.

May 4, 1995

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 375, 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. 375 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1994, section 216C.051, subdivision 7, is amended to read:

Subd. 7. [GUIDELINES; PREFERRED ELECTRIC GENERATION SOURCES; DEFINITIONS.] (a) The legislative task force on electric energy shall undertake its responsibilities in light of the guidelines specified in this subdivision.

(b) The highest priority in electric energy production and consumption is conservation of electric energy and management of demand by all segments of the community.

(c) The following energy sources for generating electric power distributed in the state, listed in their descending order of preference, based on minimizing long-term negative environmental, social, and economic burdens imposed by the specific energy sources, are:

- (1) wind and solar;
- (2) biomass and low-head, closed system pumped, or refurbished hydropower;
- (3) decomposition gases produced by solid waste management facilities, natural gas-fired cogeneration, and waste materials or byproducts combined with natural gas;
- (4) natural gas, hydropower that is not low-head, closed system pumped, or refurbished hydropower, and solid waste as a direct fuel or refuse-derived fuel; and
- (5) coal and nuclear power.

(d) For the purposes of paragraph (c) within each clause, the more efficient an energy source is in generating electricity or the more efficient a technology is that utilizes an energy source, the more preferred it is for use in generating electricity for distribution and consumption in the state.

(e) For the purposes of paragraph (c), clauses (3) and (4), the use of waste materials and byproducts for generating electric power must be limited to those waste materials and byproducts that are necessarily generated or produced by efficient processes and systems. Preventing and minimizing waste and byproducts are preferred in every situation to relying on the continued generation or production of waste materials and byproducts.

(f) For the purposes of this section, "preferred" or "renewable" energy sources are those described in paragraph (c), clauses (1) to (3), and "subordinate" or "traditional" energy sources are those described in paragraph (c), clauses (4) and (5).

(g) For the purposes of this section:

(1) "biomass" means herbaceous crops, trees, agricultural waste, and aquatic plant matter, excluding mixed municipal solid waste, as defined in section 115A.03, used to generate electricity; and

(2) "low-head hydropower" means a hydropower facility that has a head of less than 66 feet.

(h) The legislative task force on electric energy is further directed to consider the appropriate placement of other energy sources in the list of preferred electric generation sources in paragraph (c), including cogeneration gasification processes other than natural gas-fired cogeneration.

Sec. 2. Minnesota Statutes 1994, section 216C.41, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For purposes of this section, a "qualified hydroelectric facility" or "facility" means a hydroelectric generating facility in this state that begins generating electricity after July 1, 1994, and:

- (1) is located at the site of a dam, if the dam was in existence as of March 31, 1994; ~~and or~~
- (2) ~~begins generating electricity after July 1, 1994~~ whose source is closed system pumped hydropower."

Delete the title and insert:

"A bill for an act relating to energy; directing the electric energy task force to consider new preferred alternative energy sources; providing for incentive payments to closed system pumped hydropower facilities; amending Minnesota Statutes 1994, sections 216C.051, subdivision 7; and 216C.41, subdivision 1."

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

Senate Conferees: (Signed) Bob Lessard, Steven G. Novak, Dennis R. Frederickson

House Conferees: (Signed) Loren A. Solberg, Sharon Marko, Barb Vickerman

Mr. Lessard moved that the foregoing recommendations and Conference Committee Report on S.F. No. 375 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. 375 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 55 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Marty, Merriam and Morse 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

Mr. Sams moved that S.F. No. 1425, No. 19 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Ms. Pappas moved that S.F. No. 433 be withdrawn from the Committee on Metropolitan and Local Government and returned to its author. The motion prevailed.

Mr. Marty moved that S.F. No. 677, No. 18 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Laidig moved that S.F. No. 1360, No. 8 on General Orders, be stricken and re-referred to the Committee on Gaming Regulation. The motion prevailed.

Mr. Ourada moved that the names of Messrs. Stevens and Kleis be added as co-authors to Senate Resolution No. 66. The motion prevailed.

Ms. Reichgott Junge moved that S.F. No. 604, No. 20 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Moe, R.D., for the Committee on Rules and Administration, introduced--

Senate Concurrent Resolution No. 10: A Senate concurrent resolution adopting Permanent Joint Rules of the Senate and House of Representatives.

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

The Permanent Joint Rules of the Senate and the House of Representatives for the 79th Legislature shall read as follows:

**JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES**

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ARTICLE I: JOINT CONVENTIONS

HOW GOVERNED

Rule 1.01. The Speaker of the House shall preside at all Conventions of the two houses of the Legislature and shall call the members to order. The Chief Clerk of the House shall be the Secretary and the Sergeant at Arms of the House shall be the Sergeant at Arms of the Convention.

PRESIDENT'S DUTIES

Rule 1.02. The President of the Convention shall preserve order and decorum. ~~He~~ The President may speak on all points of order in preference to other members and shall decide questions of order, subject to an appeal to the Convention by any member. ~~He~~ The President shall rise to put a question but may state it while seated.

PRESIDENT'S RIGHT TO VOTE

Rule 1.03. The President shall have the right to vote in all cases except appeals from ~~his~~ the President's decisions. ~~He~~ The President shall vote last on all questions.

STATING QUESTIONS

Rule 1.04. Questions shall be put to the Convention in the following form: "As many as are of the opinion that (the question) shall pass, say 'Aye.'" After an affirmative vote is expressed the nays shall be called as follows: "As many as are of the contrary opinion, say 'No.'" If the President is in doubt or a division is called, those in the affirmative shall rise first and those in the negative afterward.

ORDER OF DEBATE

Rule 1.05. When any member wishes to speak to the Convention on any matter, ~~he~~ the member shall rise and respectfully address the President, and not speak further until recognized. ~~He~~ The member shall ~~confine himself~~ speak only to the question under debate and avoid personal remarks. When two or more members rise at the same time, the President shall designate the member to speak first. No member shall speak more than twice on the same question without permission of the Convention.

CALLING MEMBER TO ORDER

Rule 1.06. If any member of the Joint Convention is called to order for offensive words in debate, the member calling ~~him~~ to order shall report the words to which exception is taken and the Secretary shall record them. No member may be called to order for any language used in debate if exception is not taken before any other member has spoken or any other business has taken place. A member called to order shall immediately sit down unless another member moves to permit ~~him~~ the member to explain. In any case, the Joint Convention, if appealed to, shall decide without debate. Only if the decision is in favor of the member called to order shall ~~he~~ the member be at liberty to proceed.

CALL OF THE CONVENTION

Rule 1.07. Five members may demand a call of the Convention at any time except after voting

has commenced. When such a call is demanded, the doors shall be closed, the roll shall be called, the absent members shall be sent for, and no member may be permitted to leave the Chamber, unless excused by the President, until the call is lifted. Proceedings under the roll call may be suspended by a majority vote of all the members of the Convention. A call of the Convention may be lifted by a majority vote of all the members of the Convention.

ELECTIONS

Rule 1.08. In all elections by the Joint Convention, members shall vote viva voce and the roll of Senate members shall be called first. Whenever there is an election of any officer in Joint Convention, the result shall be certified by the President of the Senate and the Speaker of the House and announced by them to their respective houses. The result shall be entered ~~on~~ in the Journal of each house and communicated to the Governor by the Secretary of the Convention.

NO SMOKING

Rule 1.09. No person is permitted to smoke in the Chamber or in the gallery during a Joint Convention.

PARLIAMENTARY PROCEDURE

Rule 1.10. The rules of the House shall be the Rules of the Joint Convention of both houses in all cases in which the foregoing rules are not applicable.

ARTICLE II: BILLS

FORM

Rule 2.01. The title of each bill shall clearly state its subject and briefly state its purpose. When a bill amends or repeals an existing act, the title shall refer to the chapter, section or subdivision.

Reference shall be made to Minnesota Statutes for the provisions appearing therein unless reference to previous session laws is required for some special reason.

Bills shall refer to Minnesota Statutes as follows:

"Minnesota Statutes, section"

Bills shall refer to the session laws as follows:

"Laws, chapter, section"

A bill for the amendment of a statute shall contain the full text of the section or subdivision to be amended as it appears in the latest edition of Minnesota Statutes unless it has been amended, in which event it shall contain the full text as amended.

The words and characters constituting the amending matter shall be inserted in the proper place in the text and underscored. The words and characters to be eliminated by the amendment shall be stricken by drawing a line through them. The text of a new section or subdivision shall also be underscored when a bill amends an existing chapter or section by adding a new section or subdivision. In the omnibus appropriation bills required by Joint Rule 2.02, sections making an appropriation or transfer and not amending a statute or session law need not have new material underscored. A bill that repeals a statute may include or be accompanied by an appendix containing the full text of the section or subdivision repealed. Before a committee favorably

reports upon a bill, the ~~chairman~~ chair of the committee shall see that the bill conforms to this rule. When a bill is printed in the Journal, the new matter shall be in italics or underscored and the matter to be eliminated shall be capitalized and in parentheses or stricken by drawing a line through it. A bill drafted by the Revisor of Statutes for the purposes of correcting errors in Minnesota Statutes need not comply with the provisions of this paragraph if the bill is labeled "REVISOR'S BILL" immediately below the title, and if there is attached thereto a memorandum of information explaining the reasons for the bill.

If the bill is for an original law and not for an amendment of an existing law, the sections and subdivisions shall be arranged, subdivided, and numbered in like manner as Minnesota Statutes. If such a bill assigns to the sections thereof headnotes or identification by the decimal system of numbering used in Minnesota Statutes, such headnotes and decimal identification may be submitted by standing committee ~~chairmen~~ chairs to the Revisor of Statutes for examination. Any such headnotes shall be capital letters enclosed in brackets, and shall be subject to the provisions of Minnesota Statutes, section 648.36.

All numbers in titles shall be expressed in figures. All numbers of section or chapter of law shall be in figures. In the body of a bill numbers in excess of ten shall be in figures, except for a special reason they may be written, but when written they shall not be followed by numbers or parentheses.

A bill may include or be accompanied by a table of contents.

APPROPRIATING MONEY

Rule 2.02. The same bill shall not appropriate public money or property to more than one local or private purpose.

No clause appropriating money for a local or private purpose shall be contained in a bill appropriating money for the State government or public institutions. All resolutions authorizing the issuing of abstracts by the Secretary of the Senate or the Chief Clerk of the House for the payment of money shall be upon the call of "yeas" and "nays."

In odd-numbered years, at least eighteen calendar days prior to the last day the Legislature can meet in regular session [Thursday, May 4, 1995], the Committee on Finance of the Senate and the Committee on Ways and Means of the House shall report to their respective houses, unless directed by concurrent resolution to report different appropriation bills, appropriation bills for the two succeeding fiscal years as follows:

(a) A bill appropriating money for the general administrative and judicial expenses of the State government, including salaries, office expenses and supplies and other necessary expenses connected therewith;

(b) A bill covering appropriations relating to health and human services;

(c) A bill appropriating money for the support and maintenance of State educational institutions;

(d) A bill appropriating money for aid to school districts;

(e) A bill appropriating money for the protection and improvement of the State's environment and natural resources;

(f) A bill appropriating money for the department of transportation and other agencies;

(g) A bill appropriating money for criminal justice;

(h) A bill appropriating money for community development;

(i) A bill covering all appropriations providing for the payment of claims against the State of Minnesota which may have been allowed by the Finance Committee of the Senate or the Ways and Means Committee of the House; and

(j) A bill appropriating money for the acquisition and betterment of public lands and buildings and other public improvements of a capital nature, if the committees find there are capital improvement projects that cannot be deferred until the regular capital budget in the even-numbered year.

No other appropriations shall be contained in any of said bills but all other appropriations shall be contained in separate bills.

DEADLINES

Rule 2.03. (a) Except as provided in paragraph (b), in odd-numbered years, committee reports on bills favorably acted upon by a committee in the house of origin after the ~~sixth~~ seventh Friday before the last Friday the Legislature can meet in regular session [March 31, 1995], and committee reports on bills originating in the other house favorably acted upon by a committee after the ~~fourth~~ sixth Friday before the last Friday the Legislature can meet in regular session [April 7, 1995], shall be referred in the Senate to the Committee on Rules and Administration, and in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. Referral is not required when a committee after the earlier date and by the later date set by this paragraph acts on a bill that is a companion to a bill that has met the earlier deadline in the other house. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Ways and Means and on Taxes.

(b) Committee reports on the omnibus appropriation bills ~~containing an appropriation listed in Rule 2.02 that are favorably acted upon by a the policy committee in either house that is or includes the finance division with final jurisdiction over the appropriation after the deadlines in paragraph (a) but no later than the third fourth Friday before the last Friday the Legislature can meet in regular session [April 21, 1995], shall need not be referred in the Senate to the Committee on Rules and Administration, and or in the House of Representatives to the Committee on Rules and Legislative Administration for disposition. This rule does not apply to the Senate Committees on Finance and on Taxes and Tax Laws, and the House Committees on Ways and Means and on Taxes.~~

(c) Conference committees on the major appropriation bills specified in Joint Rule 2.02 shall have their reports on the members' desks by the last Thursday on which the Legislature can meet in regular session [May 18, 1995]. After the last Friday on which the Legislature can meet in regular session [May 19, 1995], neither house shall act on bills other than those contained in:

- (1) Reports of Conference Committees;
- (2) Messages from the other house;
- (3) Reports of the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House; or
- (4) Messages from the Governor.

(d) In even-numbered years the Legislature shall establish by concurrent resolution deadlines based on the date intended to be the date of adjournment sine die.

AMENDING BILLS ORIGINATING IN OTHER HOUSE

Rule 2.04. Either house shall have the power to amend any bill, memorial, or resolution passed by the other house.

RECEDING FROM POSITION

Rule 2.05. Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house.

To recede, a majority of a house shall govern, except in cases otherwise provided in the Constitution. If the question is put and lost, it shall not be put again on the same day. A reconsideration of the question shall in all respects be regulated by the rules of that house.

CONFERENCE COMMITTEES

Rule 2.06. In all cases of disagreement between the Senate and House on amendments adopted by either house to a bill, memorial or resolution passed by the other house, a Conference Committee consisting of not less than three members nor more than five members from each house may be requested by either house. The other house shall appoint a similar committee.

The manner of procedure shall be as follows: The house of origin passes a bill and transmits it to the other body. If the other body adopts an amendment to the bill and passes it as amended, it shall return the bill with a record of its actions to the house of origin. If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.

All Conference Committees shall be open to the public. As much as practical, meetings of Conference Committees shall be as far in advance as possible and actions taken shall be agreed upon in an open meeting. At an agreed upon hour the Conference Committee shall meet. The members from each house shall state to the members from the other house, orally or in writing, the reason for their respective positions. The members shall confer thereon and. A conference committee may not meet between the hours of midnight and 7:00 a.m., unless two-thirds of the members from each house present vote to suspend this requirement. The conferees shall report to their respective houses the agreement they have reached, or, if none, the fact of a disagreement.

If an agreement is reported, the house of origin shall act first upon the report. A Conference Committee report must be limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee.

A Conference Committee report may not delegate rulemaking to a department or agency of state government or exempt a department or agency of state government from rulemaking unless the delegation or exemption was included in either the bill or the amendment that were referred to the Conference Committee.

A Conference Committee report may not create a new commission, council, task force, board, or other body to which a member of the legislature will be appointed unless the body was created in either the bill or the amendment that were referred to the Conference Committee.

If the report is adopted and repassed as amended by the Conference Committee by the house of origin, the report, the bill and a record of its action shall be transmitted to the other house.

Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years [May 18, 1995], and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, paragraph (b), to meet in regular session in even-numbered years, a written copy of a report of a Conference Committee shall be placed on the desk of each member of a house twelve hours before action on the report by that house. If the report has been reprinted in the Journal of either house for a preceding day and is available to the members, the Journal copy shall serve as the written report. The member presenting the Conference Committee report to the body shall disclose, either in writing or orally, the substantial changes from the bill or the amendment as they were last before the body.

ENROLLMENT AND SIGNATURE

Rule 2.07. After a bill or memorial or joint resolution has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House. ~~The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrolled copy of the bill or memorial and present it to the Governor for his approval.~~

~~A bill or memorial may~~ The enrollment shall be prepared for presentation to the Governor on good archival quality paper approximately 8 1/2" x 14" in size and may be produced by means of a copying machine. An enrolled bill shall be labeled "An Act" and it but otherwise shall be identical to the bill passed by the Legislature. ~~An enrolled bill which is amendatory of any existing law or constitutional provision shall indicate deletions and additions in the manner provided in Rule 2.01 for printed bills.~~ Other enrollments shall be identical to the memorial or joint resolution passed by the legislature.

The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrollment. A memorial resolution applying to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, or a joint resolution ratifying an amendment to the Constitution of the United States, proposing an amendment to the Minnesota Constitution, or prescribing the compensation of judges shall not be presented to the Governor for approval but shall be deposited by the Revisor of Statutes with the Secretary of State. All other enrollments shall be presented to the Governor for approval.

ARTICLE III: GENERAL PROVISIONS

SUSPENSION OF JOINT RULES

Rule 3.01. Either house may suspend the Joint Rules of the Senate and House by a vote of two-thirds of its members.

ODD YEAR SESSION ADJOURNMENT

Rule 3.02. Adjournment of the regular session in any odd-numbered year to a date certain in the following year shall be equivalent to daily adjournment, except that upon adjournment in any odd-numbered year to a date certain in the following year:

(a) Any bill being considered by a Conference Committee shall be returned to the house of origin, laid on the table, and the Conference Committee shall be discharged;

(b) Any bill referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House pursuant to Joint Rule 2.03 shall be returned to the standing committee to which it was last previously referred; and

(c) Any bill returned by the Governor to the house of origin with his the Governor's objections following such adjournment shall be laid on the table.

INTERIM COMMITTEE AND COMMISSION REPORTS

Rule 3.03. Except as otherwise provided by law, the report of any interim committee or commission to the Legislature shall be submitted on paper 8 1/2" x 11" in size, spiral bound, stapled, or punched on the left edge to fit a standard size three ring binder intended for that size paper. A brief summary of the recommendations of the commission or committee shall appear first and be clearly separated from its findings, discussions, and exhibits. If the report contains

legislative recommendations, a copy of any proposed legislation, particularly if extensive in character, shall if possible be attached as an exhibit at the end of the report.

EVEN YEAR AGENDA

Rule 3.04. The agenda of the regular session in even-numbered years is limited to the following:

- (1) adjustments to the budget to maintain a balanced budget;
- (2) adjustments to policy bills passed the year before;
- (3) housekeeping, technical, and local bills;
- (4) bonding bills;
- (5) constitutional amendments;
- (6) emergency bills;
- (7) bills introduced the year before but requiring further study; and
- (8) bills addressing issues of major public concern that have arisen since the regular session in the year before.

ARTICLE IV: ELECTION OF REGENTS

JOINT COMMITTEE

Rule 4.01. By May 7 of each odd-numbered year, or at a date agreed to by concurrent resolution, a joint committee shall meet to recommend nominees for regent of the University of Minnesota to be presented to a Joint Convention of the legislature. The members of the joint committee are the members of the senate and house committees on education. A majority of the members from each house is a quorum of the joint committee.

The joint committee shall determine the number of persons, and the person or persons to be recommended for each open seat.

Each person recommended by the regent candidate advisory council is considered to be nominated. Other persons may be nominated by a member of the committee at the meeting. Nominations may be made by committee members only. Nominations must be made for a specified congressional or student seat, or for any at-large seat.

The roll shall be called viva voce on the recommendation of regents. A majority vote of the members of the joint committee is required for a candidate to be recommended.

JOINT CONVENTION

Rule 4.02. At the Joint Convention of the Senate and House of Representatives called to elect regents, the joint committee shall report the name of the person or persons recommended for each seat. These persons are considered to be nominated. Any member of the legislature may submit additional nominations. If there is more than one at-large seat to be filled, all candidates for an at-large seat run for any of the at-large seats.

The roll shall be called viva voce on the election of regents. The roll must be called first on congressional district seats until they are filled, then on the student seat, and then on the at-large seats. The candidate for each seat receiving a majority of the votes cast must be declared elected. If no candidate receives a majority of the votes cast for a seat, on each succeeding ballot the

candidate with the fewest votes must be dropped from consideration and the votes cast again until a majority vote is achieved. Any candidate with fewer than 20 votes on any ballot shall also be dropped on succeeding ballots.

Mr. Moe, R.D. moved that the foregoing resolution be laid on the table and printed in the Journal. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1233 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1233: A bill for an act relating to metropolitan government; establishing housing as a metropolitan system; amending Minnesota Statutes 1994, section 473.145; proposing coding for new law in Minnesota Statutes, chapter 473.

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 44 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Mondale	Reichgott Junge
Beckman	Frederickson	Kroening	Morse	Riveness
Berg	Hanson	Langseth	Murphy	Robertson
Berglin	Hottinger	Larson	Neuville	Sams
Bertram	Janezich	Lessard	Novak	Solon
Betzold	Johnson, D.E.	Marty	Pappas	Spear
Chandler	Johnson, D.J.	Merriam	Piper	Stumpf
Chmielewski	Johnson, J.B.	Metzen	Pogemiller	Vickerman
Finn	Kiscaden	Moe, R.D.	Ranum	

Those who voted in the negative were:

Belanger	Knutson	Limmer	Runbeck	Wiener
Dille	Kramer	Olson	Scheevel	
Johnston	Laidig	Ourada	Stevens	
Kleis	Lesewski	Pariseau	Terwilliger	

So the bill 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. 1279: Messrs. Finn, Merriam and Knutson.

H.F. No. 980: Mses. Anderson, Ranum and Mr. Limmer.

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

MEMBERS EXCUSED

Mr. Novak was excused from the Session of today from 9:50 to 11:30 a.m. Ms. Johnson, J.B. was excused from the Session of today from 9:45 to 10:00 a.m. Mr. Day was excused from the Session of today at 11:30 a.m. Ms. Johnston was excused from the Session of today from 9:05 to 10:00 a.m. and from 11:45 a.m. to 12:00 noon. Ms. Berglin was excused from the Session of today from 10:30 to 11:00 a.m. Mr. Oliver was excused from the Session of today at 1:15 p.m. Ms. Runbeck was excused from the Session of today from 2:00 to 2:40 p.m. Mr. Kelly was excused from the Session of today at 2:00 p.m. Ms. Reichgott Junge was excused from the Session of today at 2:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, May 10, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate