

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

ONE HUNDREDTH DAY

St. Paul, Minnesota, Thursday, March 26, 1998

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Thomas J. Stillday, Jr.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

January 27, 1998

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Gary Wingrove, 1312 Lakeside Cir., Buffalo, Wright County, effective January 31, 1998, for a term expiring on the first Monday in January, 2002.

DeeWayne Rognstad, 1201 2nd St. S.E., Bemidji, Beltrami County, effective January 31, 1998, for a term expiring on the first Monday in January, 2002.

Mary Jo Swanson, 19938 Ironston St. N.W., Elk River, Sherburne County, effective January 31, 1998, for a term expiring on the first Monday in January, 2002.

(Referred to the Committee on Health and Family Security.)

March 10, 1998

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:

CHAIR, BOARD OF WATER AND SOIL RESOURCES

Kathleen M. Roer, 2232 Tamarack Dr., Long Lake, Hennepin County, effective February 2, 1998, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Environment and Natural Resources.)

Warmest regards,
Arne H. Carlson, Governor

March 25, 1998

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. 908, 2252, 154, 2550, 330 and 2493.

Warmest regards,
Arne H. Carlson, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Report 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. 2277 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.
2277 2175

CONSENT CALENDAR

H.F. No. S.F. No.

CALENDAR

H.F. No. S.F. No.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2277 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2277 and insert the language after the enacting clause of S.F. No. 2175, the first engrossment; further, delete the title of H.F. No. 2277 and insert the title of S.F. No. 2175, the first engrossment.

And when so amended H.F. No. 2277 will be identical to S.F. No. 2175, and further recommends that H.F. No. 2277 be given its second reading and substituted for S.F. No. 2175, 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.

SECOND READING OF HOUSE BILLS

H.F. No. 2277 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Johnson, D.J. moved that the name of Mr. Wiger be added as a co-author to S.F. No. 3213. The motion prevailed.

Mr. Johnson, D.H. introduced--

Senate Resolution No. 101: A Senate resolution supporting the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty.

Referred to the Committee on Rules and Administration.

S.F. No. 2119 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2119

A bill for an act relating to local government; authorizing municipalities to provide for contract bid specifications, design, and construction standards; amending Minnesota Statutes 1996, section 471.345, by adding a subdivision.

March 20, 1998

The Honorable Allan H. Spear
President of the Senate

The Honorable Phil Carruthers
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2119, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment.

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

Senate Conferees: (Signed) Janet B. Johnson, Charles W. Wiger, Dean E. Johnson

House Conferees: (Signed) Loren Jennings, Ken Wolf, Alice Hausman

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2119 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. 2119 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2730 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2730

A bill for an act relating to state government; department of administration; making technical corrections relating to information systems and technology, data practices, and certain appropriations oversight; authorizing the commissioner to apply for and receive grants; designating the department as the responsible agency for certain federal programs; changing the name of the Minnesota telecommunications network; clarifying department of administration authority over building operations and maintenance; extending the expiration date of the governor's residence council; changing certain terminology, providing for disposition of certain revenue, and clarifying certain referenda authority with respect to the state building code; amending Minnesota Statutes 1996, sections 16B.04, subdivision 2, and by adding a subdivision; 16B.24, subdivision 1; 16B.27, subdivision 3; 16B.58, subdivision 1; 16B.65, subdivisions 1 and 6; and 124C.74, subdivisions 2 and 3; Minnesota Statutes 1997 Supplement, sections 15.059, subdivision 5a; 16B.415; 16B.465; 16B.72; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.13, subdivision 3; and 221.173; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; and Laws 1997, chapter 202, article 1, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B.

March 24, 1998

The Honorable Allan H. Spear
President of the Senate

The Honorable Phil Carruthers
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2730, 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. 2730 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1997 Supplement, section 15.059, subdivision 5a, is amended to read:

Subd. 5a. [NO EXPIRATION.] Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Investment advisory council, created in section 11A.08;

Intergovernmental information systems advisory council, created in section 16B.42, expires June 30, 1999;

Feedlot and manure management advisory committee, created in section 17.136;

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

Pesticide applicator education and examination review board, created in section 18B.305;

Advisory seed potato certification task force, created in section 21.112;

Food safety advisory committee, created in section 28A.20;

Minnesota organic advisory task force, created in section 31.95;

Public programs risk adjustment work group, created in section 62Q.03, expires June 30, 1999;

Workers' compensation self-insurers' advisory committee, created in section 79A.02;

Youth corps advisory committee, created in section 84.0887;

Iron range off-highway vehicle advisory committee, created in section 85.013;

Mineral coordinating committee, created in section 93.002;

Game and fish fund citizen advisory committees, created in section 97A.055;

Wetland heritage advisory committee, created in section 103G.2242;

Wastewater treatment technical advisory committee, created in section 115.54;

Solid waste management advisory council, created in section 115A.12;

Nuclear waste council, created in section 116C.711;

Genetically engineered organism advisory committee, created in section 116C.93;

Environment and natural resources trust fund advisory committee, created in section 116P.06;

Child abuse prevention advisory council, created in section 119A.13;

Chemical abuse and violence prevention council, created in section 119A.27;

Youth neighborhood services advisory board, created in section 119A.29;

Interagency coordinating council, created in section 120.1701, expires June 30, 1999;

Desegregation/integration advisory board, created in section 121.1601;

Nonpublic education council, created in section 123.935;

Permanent school fund advisory committee, created in section 124.078;

Indian scholarship committee, created in section 124.48;

American Indian education committees, created in section 126.531;

Summer scholarship advisory committee, created in section 126.56;

Multicultural education advisory committee, created in section 126.82;

Male responsibility and fathering grants review committee, created in section 126.84;

Library for the blind and physically handicapped advisory committee, created in section 134.31;

Higher education advisory council, created in section 136A.031;

Student advisory council, created in section 136A.031;

Cancer surveillance advisory committee, created in section 144.672;

Maternal and child health task force, created in section 145.881;

State community health advisory committee, created in section 145A.10;

Mississippi River Parkway commission, created in section 161.1419;

School bus safety advisory committee, created in section 169.435;

Advisory council on workers' compensation, created in section 175.007;

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

Health professionals services program advisory committee, created in section 214.32;

Rehabilitation advisory council for the blind, created in section 248.10;

American Indian advisory council, created in section 254A.035;

Alcohol and other drug abuse advisory council, created in section 254A.04;

Medical assistance drug formulary committee, created in section 256B.0625;

Home care advisory committee, created in section 256B.071;

Preadmission screening, alternative care, and home and community-based services advisory committee, created in section 256B.0911;

Traumatic brain injury advisory committee, created in section 256B.093;

Minnesota commission serving deaf and hard-of-hearing people, created in section 256C.28;

American Indian child welfare advisory council, created in section 257.3579;

Juvenile justice advisory committee, created in section 268.29;

Northeast Minnesota economic development fund technical advisory committees, created in section 298.2213;

Iron range higher education committee, created in section 298.2214;

Northeast Minnesota economic protection trust fund technical advisory committee, created in section 298.297;

Pipeline safety advisory committee, created in section 299J.06, expires June 30, 1998;

Battered women's advisory council, created in section 611A.34.

Sec. 2. Minnesota Statutes 1996, section 16B.04, subdivision 2, is amended to read:

Subd. 2. [POWERS AND DUTIES, GENERAL.] Subject to other provisions of this chapter, the commissioner is authorized to:

- (1) supervise, control, review, and approve all state contracts and purchasing;
- (2) provide agencies with supplies and equipment and operate all central store or supply rooms serving more than one agency;
- (3) approve all computer plans and contracts, and oversee the state's data processing system;
- (4) investigate and study the management and organization of agencies, and reorganize them when necessary to ensure their effective and efficient operation;
- (5) manage and control state property, real and personal;
- (6) maintain and operate all state buildings including the state capitol building and grounds, as described in section 16B.24, subdivision 1;
- (7) supervise, control, review, and approve all capital improvements to state buildings and the capitol building and grounds;
- (8) provide central duplicating, printing, and mail facilities;
- (9) oversee publication of official documents and provide for their sale;
- (10) manage and operate parking facilities for state employees and a central motor pool for travel on state business;
- (11) establish and administer a state building code; and
- (12) provide rental space within the capitol complex for a private day care center for children of state employees. The commissioner shall contract for services as provided in this chapter. The commissioner shall report back to the legislature by October 1, 1984, with the recommendation to implement the private day care operation.

Sec. 3. [16B.053] [GRANTS.]

The commissioner may apply for, receive, and expend money made available from federal or other sources for the purposes of carrying out the duties and responsibilities of the commissioner under sections 16B.054 and 16B.055.

All moneys received by the commissioner under sections 16B.054 and 16B.055 must be deposited in the state treasury and are appropriated to the commissioner for the purpose for which the moneys are received. The money does not cancel and is available until expended.

Sec. 4. [16B.054] [DEVELOPMENTAL DISABILITIES.]

The department of administration is designated as the responsible agency to assist the Minnesota governor's council on developmental disabilities in carrying out all responsibilities under United States Code, title 42, section 6021 et seq., as well as those responsibilities relating to the program which are not delegated to the council.

Sec. 5. [16B.055] [STAR PROGRAM.]

The department of administration shall serve as the lead agency to assist the Minnesota governor's advisory council on technology for people with disabilities in carrying out all responsibilities pursuant to United States Code, title 29, section 2211 et seq., and any other responsibilities related to that program.

Sec. 6. Minnesota Statutes 1996, section 16B.24, subdivision 1, is amended to read:

Subdivision 1. [OPERATION AND MAINTENANCE OF BUILDINGS.] The commissioner is authorized to maintain and operate the state capitol building and grounds, subject to whatever standards and policies are set for its appearance and cleanliness by the capitol area architectural and planning board and the commissioner under section 15.50, subdivision 2, clause (h) (j), and ~~the state office building, the judicial center, the economic security buildings in Minneapolis and~~

~~St. Paul, the state department of health building, and the surplus property building, and their grounds all other buildings, cafeterias, and grounds in state-owned buildings in the capitol area under section 15.50, subdivision 2, clause (a), the state department of public safety, bureau of criminal apprehension building in St. Paul, the state department of health building in Minneapolis, the Duluth government services center in Duluth, 321 Grove street buildings in St. Paul, any other properties acquired by the department of administration, and, when the commissioner considers it advisable and practicable, any other building or premises owned or rented by the state for the use of a state agency. The commissioner shall assign and reassign office space in the capitol and state buildings to make an equitable division of available space among agencies. The commissioner shall regularly update the long-range strategic plan for locating agencies and shall follow the plan in assigning and reassigning space to agencies. The plan must include locational and urban design criteria, a cost-analysis method to be used in weighing state ownership against leasing of space in specific instances, and a transportation management plan. If the commissioner determines that a deviation from the plan is necessary or desirable in a specific instance, the commissioner shall provide the legislature with a timely written explanation of the reasons for the deviation. The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.~~

Sec. 7. Minnesota Statutes 1996, section 16B.27, subdivision 3, is amended to read:

Subd. 3. [COUNCIL.] The governor's residence council consists of the following 19 members: the commissioner; the spouse, or a designee of the governor; the executive director of the Minnesota state arts board; the director of the Minnesota historical society; a member of the senate appointed pursuant to the rules of the senate; a member of the house of representatives appointed pursuant to the rules of the house of representatives; 13 persons appointed by the governor including one in the field of higher education, one member of the American Society of Interior Designers, Minnesota Chapter, one member of the American Institute of Architects, Minnesota chapter, one member of the American Society of Landscape Architects, Minnesota Chapter, one member of the family that donated the governor's residence to the state, if available, and eight public members with four public members' terms being coterminous with the governor who appoints them. Members of the council serve without compensation. Membership terms, removal, and filling of vacancies for members appointed by the governor are governed by section 15.0575. The council shall elect a chair and a secretary from among its members. The council expires on June 30, 1998 2001.

Sec. 8. Minnesota Statutes 1997 Supplement, section 16B.415, is amended to read:

16B.415 [OPERATION OF INFORMATION SYSTEMS.]

The commissioner, through a division of technology management, is responsible for ongoing operations of state agency information technology activities. These include records management, activities relating to the government Data Practices Act, operation of ~~MNet~~ the state information infrastructure, and activities necessary to make state information systems year 2000 compliant.

Sec. 9. Minnesota Statutes 1997 Supplement, section 16B.465, is amended to read:

16B.465 [~~MINNESOTA NETWORK FOR TELECOMMUNICATIONS ("MNET")~~ STATE INFORMATION INFRASTRUCTURE.]

Subdivision 1. [CREATION.] ~~The Minnesota network for telecommunications, known as "MNet,"~~ state information infrastructure provides voice, data, video, and other telecommunications transmission services to state agencies; educational institutions, including public schools as defined in section 120.05, nonpublic, church or religious organization schools that provide instruction in compliance with sections 120.101 to 120.102, and private colleges; public corporations; and state political subdivisions. It is not a telephone company for purposes of chapter 237. It shall not resell or sublease any services or facilities to nonpublic entities except it may serve private schools and colleges. The commissioner has the responsibility for planning, development, and operations of ~~MNet~~ the state information infrastructure in order to provide cost-effective telecommunications transmission services to ~~MNet~~ state information infrastructure users.

~~Subd. 2. [ADVISORY COUNCIL.] MNet is managed by the commissioner. Subject to section 15.059, subdivisions 1 to 4, the commissioner shall appoint an advisory council to provide advice in implementing and operating MNet. The council shall represent the users of MNet services and shall include representatives of higher education, public and private schools, state agencies, and political subdivisions.~~

Subd. 3. [DUTIES.] The commissioner, after consultation with the office of technology, shall:

(1) provide voice, data, video, and other telecommunications transmission services to the state and to political subdivisions through an account in the intertechnologies revolving fund;

(2) manage vendor relationships, network function, and capacity planning in order to be responsive to the needs of the system state information infrastructure users;

(3) set rates and fees for services;

(4) approve contracts relating to the system;

(5) in consultation with the office of technology, develop the system plan, including plans for the phasing of its implementation and maintenance of the initial system, and the annual program and fiscal plans for the system; and

(6) in consultation with the office of technology, develop a plan for interconnection of the network with private colleges and public and private schools in the state.

Subd. 4. [PROGRAM PARTICIPATION.] (a) The commissioner may require the participation of state agencies, the state board of education, and the board of trustees of the Minnesota state colleges and universities and may request the participation of the board of regents of the University of Minnesota, in the planning and implementation of the network to provide interconnective technologies. The commissioner shall establish reimbursement rates in cooperation with the commissioner of finance to be billed to participating agencies and educational institutions sufficient to cover the operating, maintenance, and administrative costs of the system.

(b) A direct appropriation made to an educational institution for usage costs associated with MNet the state information infrastructure must only be used by the educational institution for payment of usage costs of the network as billed by the commissioner of administration.

Subd. 6. [APPROPRIATION.] Money appropriated for MNet the state information infrastructure and fees for telecommunications services must be deposited in an account in the intertechnologies fund. Money in the account is appropriated annually to the commissioner to operate telecommunications services.

Subd. 7. [EXEMPTION.] The system is exempt from the five-year limitation on contracts set by section 16B.07, subdivision 2.

Sec. 10. Minnesota Statutes 1996, section 16B.58, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES OF THE COMMISSIONER.] No person may park a motor vehicle, either privately or publicly owned, upon any parking lot or facility owned or operated by the state except as authorized by this section. The commissioner shall operate and supervise all state parking lots and facilities associated with buildings described in section 16B.24, subdivision 1, or when the commissioner considers it advisable and practicable, any other parking lots or facilities owned or rented by the state for the use of a state agency or state employees. The commissioner may also provide employee shuttle service and promote alternative transportation modes, including initiatives to increase the number of multi-occupancy vehicles. The commissioner may fix and collect rents, charges, or fees in connection with and for the use of any state parking lot or facility within the cities of St. Paul and Minneapolis except for any state lot or facility the control of which is vested by law in a state agency other than the department of administration.

Sec. 11. Minnesota Statutes 1996, section 16B.65, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENTS.] The governing body of each municipality shall, unless other means are already provided, appoint a building official to administer the code. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been appointed, the state building inspector official, with the approval of the commissioner, may appoint building officials to serve until the municipalities have made an appointment. If unable to make an appointment, the state building inspector official may use whichever state employees or state agencies are necessary to perform the duties of the building official. All costs incurred by virtue of an appointment by the state building inspector official or services rendered by state employees must be borne by the involved municipality. Receipts arising from the appointment must be paid into the state treasury and credited to the general special revenue fund.

Sec. 12. Minnesota Statutes 1996, section 16B.65, subdivision 6, is amended to read:

Subd. 6. [VACANCIES.] In the event that a certified building official vacates that position within a municipality, that municipality shall appoint a certified building official to fill the vacancy as soon as possible. If the municipality fails to appoint a certified building official within 90 days of the occurrence of the vacancy, the state building inspector official may make the appointment or provide state employees to serve that function as provided in subdivision 1.

Sec. 13. Minnesota Statutes 1997 Supplement, section 16B.72, is amended to read:

16B.72 [REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.]

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the state building code before January 1, 1977, that no part of the state building code except the building requirements for handicapped persons and the requirements for elevator safety applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

"Shall the state building code be adopted in County?"

If the majority of the votes cast on the proposition is in the negative, the state building code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality or town that ~~did~~ has not adopt ~~adopted~~ the state building code before January 1, 1977, from adopting and enforcing by ordinance or other legal means the state building code within its jurisdiction.

Sec. 14. [16B.735] [ENFORCEMENT OF REQUIREMENTS FOR HANDICAPPED PERSONS.]

A statutory or home rule charter city that is not covered by the state building code because of action taken under section 16B.72 or 16B.73 is responsible for enforcement in the city of the state building code's requirements for handicapped persons. In all other areas where the state building code does not apply because of action taken under section 16B.72 or 16B.73, the county is responsible for enforcement of those requirements.

Sec. 15. Minnesota Statutes 1997 Supplement, section 16E.03, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of sections 16E.03 to 16E.05, the following terms have the meanings given them.

(a) "Information and communications technology activity" means the development or acquisition of information and communications technology devices and systems, but does not include ~~MNet the state information infrastructure~~ or its contractors.

(b) "Data processing device or system" means equipment or computer programs, including computer hardware, firmware, software, and communication protocols, used in connection with the processing of information through electronic data processing means, and includes data communication devices used in connection with computer facilities for the transmission of data.

(c) "State agency" means an agency in the executive branch of state government and includes the Minnesota higher education services office.

Sec. 16. Minnesota Statutes 1997 Supplement, section 16E.13, subdivision 3, is amended to read:

Subd. 3. [ASSISTANCE AND FUNDING; GENERAL PRINCIPLES.] Community technical assistance and development seed funding for aggregation of demand and community IT planning provided through the IT community resource development initiative is contingent upon the following general principles:

(1) that communities and regions show evidence of, or intent to do, cooperative funding and planning between sectors including, but not limited to, private sector providers, public sector technology investments such as ~~MNet the state information infrastructure~~, library systems, health care providers, businesses, schools and other educational institutions, and the nonprofit sector; and

(2) that communities and regions agree to form local and regional IT coordination committees or modify similar, existing committees to be more inclusive of other sectors and undertake comprehensive planning across those sectors to leverage public and private IT investment to the maximum benefit of all citizens.

Sec. 17. Minnesota Statutes 1996, section 124C.74, subdivision 2, is amended to read:

Subd. 2. [SCHOOL DISTRICT TELECOMMUNICATIONS GRANT.] (a) A school district may apply for a grant under this subdivision to: (1) establish connections among school districts, and between school districts and the ~~MNet statewide telecommunications network~~ state information infrastructure administered by the department of administration under section 16B.465; or (2) if such a connection meeting minimum electronic connectivity standards is already established, enhance telecommunications capacity for a school district. The minimum standards of capacity are a 56 kilobyte data line and 768 kilobyte ITV connection, subject to change based on the recommendations by the Minnesota education telecommunications council. A district may submit a grant application for interactive television with higher capacity connections in order to maintain multiple simultaneous connections. To ensure coordination among school districts, a school district must submit its grant application to the council through an organization that coordinates the applications and connections of at least ten school districts or through an existing technology cooperative.

(b) The application must, at a minimum, contain information to document for each applicant school district the following:

(1) that the proposed connection meets the minimum standards and employs an open network architecture that will ensure interconnectivity and interoperability with other education institutions and libraries;

(2) that the proposed connection and system will be connected to ~~MNet the state information infrastructure~~ through the department of administration under section 16B.465 and that a network service and management agreement is in place;

(3) that the proposed connection and system will be connected to the higher education telecommunication network and that a governance agreement has been adopted which includes agreements between the school district system, a higher education regional council, libraries, and coordinating entities;

(4) the telecommunication vendor, ~~which may be MNet~~, selected to provide service from the district to ~~an MNet~~ a state information infrastructure hub or to a more cost-effective connection point to ~~MNet~~ the state information infrastructure; and

(5) other information, as determined by the commissioner in consultation with the education telecommunications council, to ensure that connections are coordinated, meet state standards and are cost-effective, and that service is provided in an efficient and cost-effective manner.

(c) ~~A grant applicant shall obtain a grant proposal for network services from MNet. If MNet is not selected as the vendor, the application must provide the reasons for choosing an alternative vendor.~~ A school district may include, in its grant application, telecommunications access for collaboration with nonprofit arts organizations for the purpose of educational programs, or access for a secondary media center that: (1) is a member of a multitype library system; (2) is open during periods of the year when classroom instruction is occurring; and (3) has licensed school media staff on site.

(d) The Minnesota education telecommunications council shall award grants and the funds shall be dispersed by the commissioner. The highest priority for these grants shall be to bring school districts up to the minimum connectivity standards. A grant to enhance telecommunications capacity beyond the minimum connectivity standards shall be no more than 75 percent of the maximum grant under this subdivision. Grant applications for minimum connection and enhanced telecommunications capacity grants must be submitted to the commissioner by a coordinating organization including, but not limited to, service cooperatives and education districts. For the purposes of the grant, a school district may include a charter school under section 120.064, or the Faribault academies. Based on the award made by the council, all grants under this subdivision shall be paid by the commissioner directly to a school district (unless this application requests that the funds be paid to the coordinating agency). Nonpublic schools as defined in section 237.065, subdivision 2, located within the district may access the network. The nonpublic school is responsible for actual costs for connection from the school to the access site.

(e) Money awarded under this section may be used only for the purposes explicitly stated in the grant application.

Sec. 18. Minnesota Statutes 1996, section 124C.74, subdivision 3, is amended to read:

Subd. 3. [REGIONAL LIBRARY TELECOMMUNICATION GRANT.] (a) A regional public library system may apply for a telecommunication access grant. The grant must be used to create or expand the capacity of electronic data access and connect the library system with the ~~MNet statewide telecommunications network~~ state information infrastructure administered by the department of administration under section 16B.465. Connections must meet minimum system standards of a 56 kilobyte data line and 768 kilobyte ITV connection. To be eligible for a telecommunications access grant, a regional public library system must: (1) meet the level of local support required under section 134.34; and (2) be open at least 20 hours per week.

(b) Any grant award under this subdivision may not be used to substitute for any existing local funds allocated to provide electronic access, or equipment for library staff or the public, or local funds previously dedicated to other library operations.

(c) An application for a regional public library telecommunications access grant must, at a minimum, contain information to document the following:

(1) that the connection meets the minimum standards and employs an open network architecture that will ensure interconnectivity and interoperability with other libraries and the educational system;

(2) that the connection is being established through the most cost-effective means and that the public library has explored and coordinated connections through school districts or other governmental agencies;

(3) that the proposed connection and system will be connected to ~~MNet~~ the state information infrastructure through the department of administration under section 16B.465 and that a network service and management agreement is in place;

(4) that the proposed connection and system will be connected to the higher education and to the school district telecommunication networks subject to a governance agreement with one or more school districts and a higher education regional council specifying how the system will be coordinated;

(5) the telecommunication vendor, ~~which may be MNet~~, selected to provide service from the library to ~~an MNet~~ a state information infrastructure hub or through a more cost-effective connection point to ~~MNet~~ the state information infrastructure; and

(6) other information, as determined by the commissioner, to ensure that connections are coordinated, meet state standards, are cost-effective, and that service is provided in an efficient and cost-effective manner so that libraries throughout the state are connected in as seamless a manner as technically possible.

~~(d) A grant applicant shall obtain a grant proposal for network services from MNet. If MNet is not selected as the vendor, the application must provide the reasons for choosing an alternative vendor.~~

Sec. 19. Minnesota Statutes 1997 Supplement, section 221.173, is amended to read:

221.173 [ELECTRONIC SIGNATURES.]

(a) The commissioner may accept in lieu of a required document completed on paper, an electronically transmitted document authenticated by an electronic signature.

(b) The commissioner shall consult with the ~~commissioner of administration office of technology, who~~ which shall provide advice and assistance in establishing criteria and standards for authentication of electronic signatures and establishing to a reasonable certainty the validity, security, and linkage of a specific, unaltered, electronically transmitted document, its unforged signature, and its authorized signer.

(c) The commissioner may determine the technology or system to be used, which may include a private key/public key system, an encrypted or cryptology-based system, a pen-based, on-screen signature system that captures and verifies an autograph and links it to a specific document, or other system or technology or combination of systems.

(d) To the extent consistent with this section, laws and rules pertaining to paper-based documents also pertain to electronically transmitted documents.

Sec. 20. Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended by Laws 1997, First Special Session chapter 4, article 9, section 2, is amended to read:

Subdivision 1. [STATE COUNCIL MEMBERSHIP.] The membership of the Minnesota education telecommunications council established in Laws 1993, First Special Session chapter 2, is expanded to include representatives of elementary and secondary education. The membership shall consist of three representatives from the University of Minnesota; three representatives of the board of trustees for Minnesota state colleges and universities; one representative of the higher education services offices; one representative appointed by the private college council; one representative selected by the commissioner of administration; eight representatives selected by the commissioner of children, families, and learning, at least one of which must come from each of the six higher education telecommunication regions; a representative from the ~~information policy office~~ office of technology; two members each from the senate and the house of representatives selected by the subcommittee on committees of the committee on rules and administration of the senate and the speaker of the house, one member from each body must be a member of the minority party; and three representatives of libraries, one representing regional public libraries, one representing multitype libraries, and one representing community libraries, selected by the governor. The council shall:

(1) develop a statewide vision and plans for the use of distance learning technologies and provide leadership in implementing the use of such technologies;

(2) recommend to the commissioner and the legislature by December 15, 1996, a plan for long-term governance and a proposed structure for statewide and regional telecommunications;

- (3) recommend educational policy relating to telecommunications;
- (4) determine priorities for use;
- (5) oversee coordination of networks for post-secondary campuses, K-12 education, and regional and community libraries;
- (6) review application for telecommunications access grants under Minnesota Statutes, section 124C.74 and recommend to the department grants for funding;
- (7) determine priorities for grant funding proposals; and
- (8) work with the information policy office to ensure consistency of the operation of the learning network with standards of an open system architecture.

The council shall consult with representatives of the telecommunication industry in implementing this section.

Sec. 21. Laws 1997, chapter 202, article 1, section 12, subdivision 4, is amended to read:
Subd. 4. Fiscal Agent

1,060,000	160,000
(a) Children's Museum	
160,000	160,000

This appropriation is for a grant to the Minnesota Children's Museum.

(b) Voyageur Center

\$250,000 the first year is for a grant to the city of International Falls for the predesign and design of an interpretive library and conference center. The center shall provide educational opportunities and enhance tourism by presenting information and displays that preserve and interpret the history of the voyageurs and animals involved with the voyageurs, emphasizing the importance of the fur trade to the history and development of the region and the state. The center shall include conference facilities. The center shall be located in the city of International Falls. The city may enter into a lease or management contract with a nonprofit entity for operation of the center. In developing plans for the facility, the ~~commissioner~~ city must consult with the small business development center located at Rainy River Community College.

(c) Hockey Hall of Fame

\$200,000 the first year is for a grant to the hockey hall of fame in Eveleth for capital improvements and building and grounds maintenance. Any money not spent the first year is available the second year.

(d) American Bald Eagle Center

\$450,000 the first year is for a grant to the city of

Wabasha to acquire and prepare a site for and to predesign and design the American Bald Eagle Center, to be available until June 30, 1999.

Sec. 22. [EFFECTIVE DATE.]

Sections 1, 19, 20, and 21 are effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; department of administration; making technical corrections relating to information systems and technology, data practices, and certain appropriations oversight; changing the name of the Minnesota telecommunications network; clarifying department of administration authority over building operations and maintenance; extending the expiration date of the governor's residence council; changing certain terminology, providing for disposition of certain revenue, modifying provisions relating to certain disability councils, and clarifying certain referenda authority with respect to the state building code; amending Minnesota Statutes 1996, sections 16B.04, subdivision 2; 16B.24, subdivision 1; 16B.27, subdivision 3; 16B.58, subdivision 1; 16B.65, subdivisions 1 and 6; and 124C.74, subdivisions 2 and 3; Minnesota Statutes 1997 Supplement, sections 15.059, subdivision 5a; 16B.415; 16B.465; 16B.72; 16E.03, subdivision 1; 16E.13, subdivision 3; and 221.173; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; and Laws 1997, chapter 202, article 1, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B."

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

Senate Conferees: (Signed) Martha R. Robertson, Leonard R. Price, Don Betzold

House Conferees: (Signed) Bill Hilty, Phyllis Kahn, Peg Larsen

Ms. Robertson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2730 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. 2730 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

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

Those who voted in the affirmative were:

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

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 proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Vickerman, Solon, Sams and Mrs. Lourey introduced--

S.F. No. 3408: A bill for an act relating to health occupations; creating licensure for dental assistants; amending Minnesota Statutes 1996, sections 144.054, subdivision 2; 150A.01, subdivisions 5 and 8; 150A.02, subdivision 1; 150A.03, subdivision 1; 150A.05, subdivision 2, and by adding a subdivision; 150A.06, subdivisions 2a, 2b, 5, and 6; 150A.08, subdivisions 1, 3, 4, 5, 6, and 8; 150A.081, subdivisions 1 and 2; 150A.09, subdivisions 1, 3, and 5; 150A.10, subdivision 2; and 214.18, subdivision 5.

Referred to the Committee on Health and Family Security.

Messrs. Stumpf, Langseth, Sams, Dille and Moe, R.D. introduced--

S.F. No. 3409: A bill for an act relating to agriculture; providing emergency financial relief for farm families in certain counties; establishing a temporary program of assistance for federal crop insurance premiums; appropriating money.

Referred to the Committee on State Government Finance.

MOTIONS AND RESOLUTIONS - CONTINUED**SUSPENSION OF RULES**

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2277 and that the rules of the Senate be so far suspended as to give H.F. No. 2277, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 2277: A bill for an act relating to fair campaign practices; requiring written permission of an organization before campaign material can state that the organization supports a certain candidate or ballot question; amending Minnesota Statutes 1996, section 211B.02.

Mr. Ourada moved to amend H.F. No. 2277, as amended pursuant to Rule 49, adopted by the Senate March 26, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2175.)

Page 1, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Ms. Junge imposed a call of the Senate for the balance of the proceedings on H.F. No. 2277. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 46, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Larson	Ourada	Runbeck
Berg	Knutson	Lesewski	Pariseau	Stevens
Day	Laidig	Olson	Robling	Terwilliger
Fischbach				

Those who voted in the negative were:

Anderson	Hottinger	Langseth	Piper	Spear
Beckman	Janezich	Limmer	Pogemiller	Stumpf
Berglin	Johnson, D.H.	Lourey	Price	Ten Eyck
Betzold	Johnson, J.B.	Marty	Ranum	Vickerman
Cohen	Junge	Metzen	Robertson	Wiener
Flynn	Kelley, S.P.	Moe, R.D.	Sams	Wiger
Foley	Kelly, R.C.	Morse	Samuelson	
Frederickson	Kiscaden	Murphy	Scheevel	
Hanson	Kleis	Neuville	Scheid	
Higgins	Krentz	Novak	Solon	

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

Mr. Limmer moved to amend H.F. No. 2277, as amended pursuant to Rule 49, adopted by the Senate March 26, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2175.)

Page 1, line 15, after "subsidy" insert "that involved the specific violation"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Larson	Ourada	Stevens
Berg	Kelley, S.P.	Lesewski	Pariseau	Terwilliger
Day	Kiscaden	Limmer	Robertson	
Dille	Kleis	Neuville	Robling	
Fischbach	Knutson	Oliver	Runbeck	
Frederickson	Laidig	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Higgins	Lourey	Piper	Spear
Beckman	Hottinger	Marty	Pogemiller	Stumpf
Berglin	Janezich	Metzen	Price	Ten Eyck
Betzold	Johnson, D.H.	Moe, R.D.	Ranum	Vickerman
Cohen	Johnson, J.B.	Morse	Sams	Wiener
Flynn	Junge	Murphy	Samuelson	Wiger
Foley	Krentz	Novak	Scheid	
Hanson	Langseth	Pappas	Solon	

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

H.F. No. 2277 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 55 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger
Dille

Fischbach
Kiscaden

Olson

Ourada

Pariseau

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.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MEMBERS EXCUSED

Messrs. Novak, Pogemiller and Ms. Runbeck were excused from the Session of today from 9:00 to 9:45 a.m. Mr. Oliver was excused from the Session of today from 9:00 to 10:00 a.m. Ms. Pappas was excused from the Session of today from 9:00 to 10:10 a.m. Mr. Johnson, D.J. was excused from the Session of today from 9:00 to 10:30 a.m. Mr. Lessard was excused from the Session of today from 9:30 to 9:45 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 30, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, March 26, 1998

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 6089 to 6090

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
	.	2277	6104

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
			2277	6090	6091

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
2119	6091	2277	6104
2730	6092		
3213	6091		
Sen. Res. No. 101	6091		

CONFERENCE COMMITTEE REPORTS AND THIRD READINGS

S.F. Nos.	Page	H.F. Nos.	Page
2119	6091		
2730	6092		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3408 to 3409Page 6104

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