

FIFTY-NINTH DAY

St. Paul, Minnesota, Friday, May 12, 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, Rev. Douglas P. Foreman.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 10, 1995

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and I am returning Chapter 157, Senate File 308/House File 416, a bill relating to special motor vehicle license plates.

This bill is clearly an unfunded mandate to the Department of Public Safety. Currently, if the DWI violator were not the owner of the car being driven at the time of incident, plates would be returned with the costs paid by the State of Minnesota. This bill would have allowed non-driving owners to get their plates back only if they did not know the person was driving their car. This could be shown by reporting the car as missing to a law enforcement agency. If no report were made, the owner would have to apply and pay for special license plates. By forcing the owners to

be more responsible and accountable for the use of their automobile, the bill would hope to lessen the number of DWI drivers on our highways.

However, this bill does not grant Public Safety the appropriation necessary to implement these laudable goals.

The department estimates that an additional three employees would be needed to process the 10,000 special license plates that would have to be issued annually. The department calculates their cost would be \$124,000 per year. If the department were given the funds to carry out the program, they would be able to supply the General Fund with approximately \$250,000 per year in receipts.

It is unfortunate that good policy, one that would have brought additional money into the general fund while keeping drunk drivers off the road, could not have been appropriately funded.

Warmest regards,
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 308 and the veto message thereon be laid on the table. The motion prevailed.

May 10, 1995

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. No. 752.

Warmest regards,
Arne H. Carlson, Governor

May 11, 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
	617	141	10:17 a.m. May 10	May 10
	927	142	10:18 a.m. May 10	May 10
	1048	143	10:20 a.m. May 10	May 10
	1052	144	10:22 a.m. May 10	May 10
	1402	145	10:45 a.m. May 10	May 10
	1003	146	10:41 a.m. May 10	May 10
	1018	147	10:40 a.m. May 10	May 10
	1371	148	10:36 a.m. May 10	May 10
	1082	150	10:24 a.m. May 10	May 10
	217	151	10:32 a.m. May 10	May 10

	751	152	10:15 a.m.	May 10	May 10
	1709	153	10:30 a.m.	May 10	May 10
	1437	154	10:28 a.m.	May 10	May 10
	1174	155	10:28 a.m.	May 10	May 10
752		156	10:16 a.m.	May 10	May 10

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 526: A bill for an act relating to local government; modifying the local approval requirements for the Nashwauk area ambulance district law; amending Laws 1994, chapter 587, article 9, section 10, subdivision 6.

Senate File No. 526 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1995

Mr. Lessard moved that S.F. No. 526 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 507: A bill for an act relating to petroleum tank release cleanup program; providing for payment for a site assessment prior to tank removal; modifying reimbursement provisions; adding requirements for tank monitoring; establishing registration requirements; modifying program and liability provisions; amending Minnesota Statutes 1994, sections 88.171, subdivision 2; 115C.02, subdivision 11, and by adding a subdivision; 115C.03, subdivision 10; 115C.09, subdivisions 1, 2, 3, 3b, and 3c; 115C.11, subdivision 1; 115C.12; 115C.13; 115E.01, by adding subdivisions; 115E.04, subdivision 2; 115E.06; and 115E.061; proposing coding for new law in Minnesota Statutes, chapters 115C; and 116.

Senate File No. 507 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1995

Mr. Novak moved that the Senate do not concur in the amendments by the House to S.F. No. 507, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 273: A bill for an act relating to water; providing for the classification of water supply

systems and wastewater treatment facilities and certification of operators by the department of health and the pollution control agency; appropriating money; amending Minnesota Statutes 1994, sections 115.71, subdivisions 1, 4, 8, 10, and by adding subdivisions; 115.72; 115.73; 115.75; 115.76; 115.77; and 144.99, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115; repealing Minnesota Statutes 1994, sections 115.71, subdivisions 2, 3, and 3a; 115.74; 115.78; 115.79; 115.80; and 115.82.

Senate File No. 273 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1995

CONCURRENCE AND REPASSAGE

Mr. Price moved that the Senate concur in the amendments by the House to S.F. No. 273 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 273 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. Lessard moved that S.F. No. 526 be taken from the table. The motion prevailed.

S.F. No. 526: A bill for an act relating to local government; modifying the local approval requirements for the Nashwauk area ambulance district law; amending Laws 1994, chapter 587, article 9, section 10, subdivision 6.

CONCURRENCE AND REPASSAGE

Mr. Lessard moved that the Senate concur in the amendments by the House to S.F. No. 526 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 526 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Bertram	Chmielewski	Day
Beckman	Berglin	Betzold	Cohen	Finn

Flynn	Kiscaden	Limmer	Pappas	Sams
Frederickson	Kleis	Metzen	Pariseau	Samuelson
Hanson	Knutson	Moe, R.D.	Piper	Scheevel
Hottinger	Kramer	Mondale	Pogemiller	Solon
Janezich	Krentz	Morse	Price	Spear
Johnson, D.E.	Kroening	Murphy	Ranum	Stevens
Johnson, D.J.	Langseth	Novak	Reichgott Junge	Stumpf
Johnson, J.B.	Larson	Oliver	Riveness	Terwilliger
Johnston	Lesewski	Olson	Robertson	Vickerman
Kelly	Lessard	Ourada	Runbeck	Wiener

Mr. Merriam voted in the negative.

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 579: A bill for an act relating to commerce; regulating charitable organizations; regulating filing statement; appropriating money; amending Minnesota Statutes 1994, sections 309.501, subdivision 1; 309.52, subdivisions 2 and 7; 309.53, subdivisions 1, 2, 3, and 8; 309.531, subdivisions 1 and 4; 309.54, subdivision 1; 309.556, subdivision 1; 501B.36; 501B.37, subdivision 2, and by adding a subdivision; and 501B.38; repealing Minnesota Statutes 1994, sections 309.53, subdivision 1a.

Senate File No. 579 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1995

Mr. Moe, R.D. moved that S.F. No. 579 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 440: A bill for an act relating to insurance; regulating coverages, notice provisions, enforcement provisions, and licensees; the comprehensive health association; increasing the lifetime benefit limit; making technical changes; providing for certain breast cancer coverage; prohibiting certain rate differentials within the same town or city; amending Minnesota Statutes 1994, sections 60A.06, subdivision 3; 60A.085; 60A.111, subdivision 2; 60A.124; 60A.23, subdivision 8; 60A.26; 60A.951, subdivisions 2 and 5; 60A.954, subdivision 1; 60K.03, subdivision 7; 60K.14, subdivision 1; 61A.03, subdivision 1; 61A.071; 61A.092, subdivisions 3 and 6; 61B.28, subdivisions 8 and 9; 62A.042; 62A.135; 62A.136; 62A.14; 62A.141; 62A.31, subdivisions 1h and 1i; 62A.46, subdivision 2, and by adding a subdivision; 62A.48, subdivisions 1 and 2; 62A.50, subdivision 3; 62C.14, subdivisions 5 and 14; 62E.02, subdivision 7; 62E.12; 62F.02, subdivision 2; 62I.09, subdivision 2; 62L.02, subdivision 16; 62L.03, subdivision 5; 65A.01, by adding a subdivision; 65B.06, subdivision 3; 65B.08, subdivision 1; 65B.09, subdivision 1; 65B.10, subdivision 3; 65B.61, subdivision 1; 72A.20, subdivisions 13, 23, and by adding a subdivision; 72B.05; 79.251, subdivision 5, and by adding a subdivision; 79.34, subdivision 2; 79.35; 79A.01, by adding a subdivision; 79A.02, subdivision 4; 79A.03, by adding a subdivision; 176.181, subdivision 2; 299F.053, subdivision 2; and 515A.3-112; proposing coding for new law in Minnesota Statutes, chapters 60A; and 62A; repealing Minnesota Statutes 1994, sections 61A.072, subdivision 3; and 65B.07, subdivision 5.

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

Tomassoni, McCollum and Lynch.

Senate File No. 440 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 1995

MOTIONS AND RESOLUTIONS

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

Senate Resolution No. 69: A Senate resolution commending Elton R. Redalen, Commissioner of the Department of Agriculture, for his years of dedicated service to the people of Minnesota.

Referred to the Committee on Rules and Administration.

Without objection, 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 bill was read the first time and referred to the committee indicated.

Messrs. Berg, Merriam, Lessard, Mrs. Pariseau and Mr. Laidig introduced--

S.F. No. 1699: A bill for an act relating to natural resources; prohibiting the obstruction or impedance of hunters, trappers, or anglers; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 97A; repealing Minnesota Statutes 1994, section 97A.037.

Referred to the Committee on Environment and Natural Resources.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 16 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 16

A bill for an act relating to health; modifying provisions relating to the administration and prescription of neuroleptic medications; changing the name of a court in certain circumstances; amending Minnesota Statutes 1994, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.05, subdivisions 2 and 3; 253B.12, subdivision 1; and 253B.17, subdivision 1.

May 11, 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. 16, 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. 16 be further amended as follows:

Page 5, line 32, delete everything after "(k)"

Page 5, delete lines 33 to 35

Page 5, line 36, delete everything before "The"

Page 10, lines 9 to 12, reinstate the stricken language

Page 10, line 13, reinstate everything before the stricken "A"

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

Senate Conferees: (Signed) Don Betzold, Sheila M. Kiscaden, Harold R. "Skip" Finn

House Conferees: (Signed) Andy Dawkins, Linda Wejcman, Bill Macklin

Mr. Betzold moved that the foregoing recommendations and Conference Committee Report on S.F. No. 16 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. 16 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

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. 507: Messrs. Novak, Samuelson and Dille.

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 188 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 188

A bill for an act relating to appropriations; permitting use of appropriation to relocate athletic fields and facilities at Brainerd Technical College; authorizing additional design and construction of space at certain community college campuses; requiring plans to provide for joint use of space with certain technical colleges and state universities; authorizing additional construction using nonstate resources; amending Laws 1992, chapter 558, section 2, subdivision 3; and Laws 1994, chapter 643, section 11, subdivisions 6, 8, 10, and 11.

May 5, 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. 188, 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. 188 be further amended as follows:

Page 2, delete sections 3 and 4 and insert:

"Sec. 3. Laws 1994, chapter 643, section 11, subdivision 10, is amended to read:

Subd. 10. North Hennepin Community College

6,000,000

This appropriation is to ~~plan~~ predesign, design, ~~remodel~~, and construct ~~space for classrooms,~~ labs classroom, student services, learning resource center, the campus center, and administrative, and related space, and to predesign and design through design development the reuse of vacated space including addition to and remodeling of the learning resource center, labs, and portions of the campus center. This appropriation may be used to predesign and design this reuse and addition even if its construction would require an additional appropriation."

Page 3, after line 38, insert:

"Sec. 5. [BRAINERD AND WILLMAR ADOLESCENT PROGRAMS.]

The appropriation in Laws 1990, chapter 610, article 1, section 12, subdivision 8, may be used to remodel the facilities at Brainerd and Willmar for up to 20 additional beds at each facility for the current adolescent programs."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 11, delete "8,"

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

Senate Conferees: (Signed) Don Samuelson, LeRoy A. Stumpf, Gary W. Laidig

House Conferees: (Signed) Kris Hasskamp, Barbara Sykora, Anthony G. "Tony" Kinkel

Mr. Samuelson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 188 be now adopted, and that the bill be repassed as amended by the Conference Committee.

CALL OF THE SENATE

Mr. Merriam imposed a call of the Senate for the balance of the proceedings on S.F. No. 188. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Merriam moved that the recommendations and Conference Committee Report on S.F. No. 188 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

The question was taken on the adoption of the motion of Mr. Merriam.

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Krentz	Oliver	Riveness
Belanger	Johnson, J.B.	Laidig	Olson	Robertson
Berglin	Johnston	Limmer	Ourada	Runbeck
Betzold	Kelly	Merriam	Pappas	Scheevel
Cohen	Kiscaden	Moe, R.D.	Pariseau	Spear
Dille	Kleis	Mondale	Piper	Terwilliger
Flynn	Knutson	Morse	Price	Wiener
Frederickson	Kramer	Neuville	Ranum	

Those who voted in the negative were:

Beckman	Hanson	Langseth	Novak	Solon
Bertram	Janezich	Larson	Pogemiller	Stevens
Chmielewski	Johnson, D.E.	Lesewski	Reichgott Junge	Stumpf
Day	Johnson, D.J.	Metzen	Sams	Vickerman
Finn	Kroening	Murphy	Samuelson	

The motion prevailed.

MEMBERS EXCUSED

Messrs. Berg, Chandler and Marty were excused from the Session of today. Mr. Lessard was excused from the Session of today at 10:25 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Monday, May 15, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

