

**SIXTIETH DAY**

St. Paul, Minnesota, Monday, May 15, 1995

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

**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.

Prayer was offered by the Chaplain, Rabbi Stacy Offner.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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 11, 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. Nos. 1051 and 243.

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
1051		149	9:40 a.m. May 11	May 11
	1246	158	9:45 a.m. May 11	May 11
243		159	9:42 a.m. May 11	May 11
	1256	161	9:46 a.m. May 11	May 11
	1678	162	9:48 a.m. May 11	May 11

Sincerely,  
Joan Anderson Growe  
Secretary of State

May 12, 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 Act of the 1995 Session of the State Legislature has been received from the Office of the Governor and is 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
	54	124		May 11

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 Files, herewith returned: S.F. Nos. 74, 1118 and 342.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

**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.

Without objection, the Senate reverted to the Orders of Business of Executive and Official Communications and Messages From the House.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

May 12, 1995

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

I have vetoed and I am returning Chapter 160, Senate File 1402/House File 1524, a bill that would establish a state employee suggestion program. The legislature has spent time and energy to present to me a bill that would put into Minnesota Statutes language that would mandate how an employee offers suggestions to her or his employer. This picayune bill is entirely unnecessary.

Since 1991, our administration has made it part of our mission to empower state employees. They have offered numerous insightful recommendations. For example, as a part of the CORE Commission in 1991 when we sought input on how employees - not just supervisors - could perform their duties more effectively and efficiently, we received a tremendous positive reaction. As a direct result of the over 1,000 individual responses, taxpayers have saved roughly \$18 million. This was done without legislation.

I am perfectly confident in the ability of state employees in the executive branch to continue to offer advice as to how state government can operate more efficiently and productively. It has been a policy of my administration to actively solicit employee input and involve them in the operation of their agencies. However, this legislation would require that suggestions go directly to legislative oversight committees, not the people responsible for responding and acting upon the suggestion in a timely fashion. To presume, as this bill does, that state employees are not capable of making even so much as a suggestion without following a step-by-step, inflexible formula, devised in St. Paul, is precisely the type of micro-management that is so frustrating to state employees. Even Rube Goldberg would have found this bewildering. I believe we should continue to empower employees, not restrain them further.

This bill is a solution in desperate search of a problem. Bills of this nature, mandating the exact steps as to how an employee makes a suggestion on how to improve service, are senseless. Minnesota taxpayers demand and deserve better.

Warmest regards,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 1402 and the veto message thereon be laid on the table. The motion prevailed.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on House File No. 603:

Delete the name of Rest and add the name of Orenstein.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1995

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. 1551:** A bill for an act relating to agricultural economics; providing loans and incentives for agricultural energy resources development for family farms and cooperatives; amending Minnesota Statutes 1994, sections 41B.02, subdivision 19; 41B.046, subdivision 1, and by adding a subdivision; and 216C.41, subdivisions 1, 2, 3, and 4.

Senate File No. 1551 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 1551, 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. 1204:** A bill for an act relating to insurance; no-fault auto; regulating rental vehicle coverages; determining when a vehicle is rented; modifying the right to compensation for loss of use of a damaged rented motor vehicle; providing for limits of liability for motor vehicle lessors; amending Minnesota Statutes 1994, section 65B.49, subdivision 5a.

Senate File No. 1204 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

Mr. Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 1204, 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. 910:** A bill for an act relating to telecommunications; eliminating the telecommunication access for communication-impaired persons board; creating telecommunication access duties for the departments of public service and human services; specifying the membership of regional service for deaf and hard of hearing advisory committees; amending Minnesota Statutes 1994, sections 237.50, subdivision 4; 237.51, subdivisions 1, 5, and by adding a subdivision; 237.52, subdivisions 2, 4, and 5; 237.53, subdivisions 1, 3, 5, and 7; 237.54, subdivision 2; 237.55; and 256C.24, subdivision 3; repealing Minnesota Statutes 1994, sections 237.50, subdivision 2; 237.51, subdivisions 2, 3, 4, and 6; and 237.54, subdivision 1.

Senate File No. 910 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

### CONCURRENCE AND REPASSAGE

Mr. Marty moved that the Senate concur in the amendments by the House to S.F. No. 910 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 910 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House 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. 992:** A bill for an act relating to health; reinstating certain advisory councils and a task force; amending Minnesota Statutes 1994, section 326.41.

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

Lourey, Jennings and Vickerman.

Senate File No. 992 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 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. 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.

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

Cooper, Wenzel and Kraus.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 155, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

Senate File No. 155 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

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. 1173:** A bill for an act relating to telecommunications; regulating the sale of local exchange service territory; proposing coding for new law in Minnesota Statutes, chapter 237.

Senate File No. 1173 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

### CONCURRENCE AND REPASSAGE

Mr. Chandler moved that the Senate concur in the amendments by the House to S.F. No. 1173 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1173 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 56 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kramer	Ourada	Robertson	Runbeck	Stevens
Limmer				

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. 979:** A bill for an act relating to motor carriers; regulating hazardous material transporters; requiring fingerprints of motor carrier managers for criminal background checks; making technical changes related to calculating proportional mileage under the international registration plan; specifying violations that may result in suspension or revocation of permit; making technical changes relating to hazardous waste transporter licenses; providing for disposition of fees collected for hazardous material registration, licensing, and permitting; amending Minnesota Statutes 1994, section 221.0355, subdivisions 3, 5, 6, 12, 15, and by adding a subdivision.

Senate File No. 979 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 1995

Ms. Johnston moved that S.F. No. 979 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2:

**H.F. No. 2:** A bill for an act relating to the environment; automobile emissions; providing that a vehicle need not be inspected until the year of its registration is five years more than its model year; changing the inspection fee; providing a contingent expiration date for the inspection program; amending Minnesota Statutes 1994, sections 116.61, subdivision 1, and by adding a subdivision; 116.64, subdivision 1.

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

Johnson, A.; Peterson and Molnau have been appointed as such committee on the part of the House.

House File No. 2 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 12, 1995

Mr. Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 16, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

Senate File No. 16 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1995

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 628:

**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.

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

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

House File No. 628 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 12, 1995

Ms. Kiscaden moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 628, 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.

## REPORTS OF COMMITTEES

**Mr. Novak from the Committee on Jobs, Energy and Community Development**, to which were referred the following appointments as reported in the Journal for February 16, 1995:

### DEPARTMENT OF PUBLIC SERVICE COMMISSIONER

Krista L. Sanda

### MINNESOTA HOUSING FINANCE AGENCY COMMISSIONER

Katherine G. Hadley



Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Mr. Novak from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for March 2, 1995:

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT  
COMMISSIONER

E. Peter Gillette, Jr.

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Mr. Novak from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for March 16, 1995:

PUBLIC UTILITIES COMMISSION

Joel Jacobs

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Mr. Novak from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for March 9, 1995:

DEPARTMENT OF ECONOMIC SECURITY  
COMMISSIONER

R. Jane Brown

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

## MOTIONS AND RESOLUTIONS

**Mr. Larson introduced--**

**Senate Resolution No. 70:** A Senate resolution congratulating the Fergus Falls Community College SIFE team on winning the 1995 SIFE regional championship and receiving the Kraft General Foods Success 2000 Award.

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

**Mr. Johnson, D.J. introduced--**

**S.F. No. 1700:** A bill for an act relating to retirement; alternative retirement coverage for certain state university and community college teachers; amending Minnesota Statutes 1994, section 352D.02, by adding a subdivision.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Kelly, Mses. Johnson, J.B. and Johnston introduced--**

**S.F. No. 1701:** A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

**Mr. Spear introduced--**

**S.F. No. 1702:** A bill for an act relating to civil actions; providing limits on liability of certain private corrections treatment facilities that receive patients under court or administrative order; proposing coding for new law in Minnesota Statutes, chapter 604A.

Referred to the Committee on Crime Prevention.

**Ms. Berglin introduced--**

**S.F. No. 1703:** A bill for an act relating to human services; requiring the commissioner of human services to study and make recommendations on the administration of the community alternative care program, and to study and report on the effect on medical assistance waiver programs of medically fragile children in foster care.

Referred to the Committee on Health Care.

**RECESS**

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

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

**APPOINTMENTS**

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2: Messrs. Metzen, Stumpf and Mrs. Pariseau.

H.F. No. 628: Ms. Kiscaden, Messrs. Finn and Hottinger.

S.F. No. 1204: Messrs. Betzold, Solon and Larson.

S.F. No. 1551: Ms. Johnson, J.B.; Mr. Vickerman and Ms. Lesewski.

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

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

House File No. 323 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 1995

**CONFERENCE COMMITTEE REPORT ON H.F. NO. 323**

A bill for an act relating to housing; making the landlord the bill payer and customer of record on utility accounts in single-metered multiunit residential buildings; amending Minnesota Statutes 1994, section 504.185, subdivision 1, and by adding a subdivision.

May 3, 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. 323, 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) Andy Dawkins, Loren Jennings, Tom Van Engen

Senate Conferees: (Signed) Janet B. Johnson, Ellen R. Anderson, Sheila M. Kiscaden

Ms. Johnson, J.B. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 323 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. 323 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 3, as follows:

Those who voted in the affirmative were:

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

Ms. Johnston, Mr. Limmer and Ms. Robertson voted in the negative.

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

House File No. 990 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1995

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 990

A bill for an act relating to consumer protection; providing warranties for new assistive devices; providing enforcement procedures; proposing coding for new law in Minnesota Statutes, chapter 325G.

May 9, 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. 990, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 990 be further amended as follows:

Page 1, line 12, before "used" insert "designed and"

Page 2, line 1, after the period, insert "Assistive device" does not include a transcutaneous electrical nerve stimulator, neuromuscular electrical stimulator, or dynamic range of motion splint, if the stimulator or splint is already covered by a warranty."

Page 4, line 15, before the period, insert "or replaced"

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

House Conferees: (Signed) Matt Entenza, Andy Dawkins, Steven Smith

Senate Conferees: (Signed) Ellen R. Anderson, Carol Flynn, Dave Kleis

Ms. Anderson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 990 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. 990 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

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

Mr. Knutson, Ms. Lesewski, Mr. Oliver and Ms. Runbeck 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

Ms. Johnston moved that S.F. No. 979 be taken from the table. The motion prevailed.

**S.F. No. 979:** A bill for an act relating to motor carriers; regulating hazardous material transporters; requiring fingerprints of motor carrier managers for criminal background checks; making technical changes related to calculating proportional mileage under the international registration plan; specifying violations that may result in suspension or revocation of permit; making technical changes relating to hazardous waste transporter licenses; providing for disposition of fees collected for hazardous material registration, licensing, and permitting; amending Minnesota Statutes 1994, section 221.0355, subdivisions 3, 5, 6, 12, 15, and by adding a subdivision.

Ms. Johnston moved that the Senate do not concur in the amendments by the House to S.F. No. 979, 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.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1450 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 1450:** A bill for an act relating to health; organ donations; amending the living will form to include provisions for organ donations; allowing a durable power of attorney for health care to include provisions for organ donations; amending Minnesota Statutes 1994, sections 145B.04; and 145C.05, subdivision 2.

Ms. Reichgott Junge moved to amend H.F. No. 1450 as follows:

Page 6, line 24, delete everything after "or"

Page 6, line 25, delete everything before the period and insert "an amendment to, revocation of, or refusal to make an anatomical gift"

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge then moved to amend H.F. No. 1450 as follows:

Page 5, after line 15, insert:

"I understand that, upon my death, my next of kin may be asked permission for donation. Therefore, it is in my best interests to inform my next of kin about my decision ahead of time and ask them to honor my request."

The motion prevailed. So the amendment was adopted.

Ms. Reichgott Junge then moved that H.F. No. 1450 be laid on the table. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 528 a Special Order to be heard immediately.

### **SPECIAL ORDER**

**H.F. No. 528:** A bill for an act relating to telecommunications; restricting eligibility for communication device for communication-impaired person in a residential care facility when the facility already provides or is required to provide comparable telephone service; amending Minnesota Statutes 1994, section 237.53, subdivision 2.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Marty moved that S.F. No. 57, No. 1 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

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

### **MEMBERS EXCUSED**

Mr. Kelly was excused from the Session of today.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, May 16, 1995.  
The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

