

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

NINETY-FIFTH DAY

St. Paul, Minnesota, Thursday, March 19, 1998

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

CALL OF THE SENATE

Mr. Foley 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. Roger W. Lynn.

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 communication was received.

March 18, 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. 2163, 2516, 2230, 2574, 2608, 3068, 2945, 2266, 2570, 1076, 2384, 1583 and 2041.

Warmest regards,
Arne H. Carlson, Governor

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. 154: A bill for an act relating to civil actions; limiting liability for injury related to certain food donations to the state and political subdivisions; amending Minnesota Statutes 1996, section 604A.10, subdivision 2.

Senate File No. 154 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1998

CONCURRENCE AND REPASSAGE

Mr. Frederickson moved that the Senate concur in the amendments by the House to S.F. No. 154 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 154 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 House Files, herewith transmitted: H.F. Nos. 3042 and 2970.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 18, 1998

FIRST READING OF HOUSE BILLS

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

H.F. No. 3042: A bill for an act relating to regulated industries; modifying certain provisions of power purchase contracts and biomass fuel exemptions; lengthening exemption period for large

telephone company to change rates; modifying provisions for public utilities commission to assess costs of certain proceedings; providing additional antislammings and disclosure requirements on long-distance service providers; clarifying requirements relating to notification of price increases; requiring provision of international toll blocking; amending Minnesota Statutes 1996, sections 216B.2424, subdivision 3; 237.295; 237.66, subdivisions 1a, 3, and by adding subdivisions; 237.74, subdivision 6, and by adding a subdivision; and 325F.692, subdivision 1; Minnesota Statutes 1997 Supplement, sections 216B.1645; 237.072; and 237.163, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1996, section 325F.692, subdivision 8; Minnesota Statutes 1997 Supplement, section 237.66, subdivision 1b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2797, now on General Orders.

H.F. No. 2970: A bill for an act relating to retirement; various retirement plans; adjusting pension coverage for certain privatized public hospital employees; providing for voluntary deduction of health insurance premiums from certain annuities; providing for increased survivor benefits relating to certain public employees murdered in the line of duty; authorizing certain service credit purchases; specifying prior service credit purchase payment amount determination procedures increasing salaries of various judges; modifying other judicial salaries; modifying the judges retirement plan member and employer contribution rates; authorizing the transfer of certain prior retirement contributions from the legislators retirement plan and from the elective state officers retirement plan; creating a contribution transfer account in the general fund of the state; appropriating money; reformulating the Columbia Heights volunteer firefighters relief association plan as a defined contribution plan under the general volunteer fire law; restructuring the Columbia Heights volunteer firefighter relief association board; modifying various higher education retirement plan provisions; modifying administrative expense provisions for various public pension plans; expanding the teacher retirement plans part-time teaching positions eligible to participate in the qualified full-time service credit for part-time teaching service program; making certain Minneapolis fire department relief association survivor benefit options retroactive; providing increased disability benefit coverage for certain local government correctional facility employees; increasing local government correctional employee and employer contribution rates; providing increased survivor benefits to certain Minneapolis employee retirement fund survivors; authorizing certain Hennepin county regional park employees to change retirement plan membership; modifying benefit increase provision for Eveleth police and firefighters; modifying the length of the actuarial services contract of the legislative commission on pensions and retirement; modifying the scope of quadrennial projection valuations; amending Minnesota Statutes 1996, sections 3A.13; 136F.45, by adding a subdivision; 136F.48; 352.96, subdivision 4; 352D.09, subdivision 7; 352D.12; 353D.05, subdivision 3; 354.445; 354.66, subdivisions 2 and 3; 354A.094, subdivisions 2 and 3; 354B.23, by adding a subdivision; 354C.12, by adding a subdivision; 383B.52; 422A.23, subdivision 2; and 490.123, subdivisions 1a and 1b; Minnesota Statutes 1997 Supplement, sections 3.85, subdivision 11; 15A.083, subdivisions 5, 6a, and 7; 354B.25, subdivisions 1a and 5; 354C.12, subdivision 4; and 356.215, subdivision 2; Laws 1995, chapter 262, article 10, section 1; and Laws 1997, Second Special Session chapter 3, section 16; proposing new law for coding in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1996, sections 11A.17, subdivisions 10a and 14; and 352D.09, subdivision 8; Minnesota Statutes 1997 Supplement, section 136F.45, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2555, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

Ms. Ranum from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for January 20, 1998:

BOARD ON JUDICIAL STANDARDS

Cyndy Brucato

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.

Ms. Piper, Messrs. Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which were referred the following appointments as reported in the Journal for January 20, 1998:

BOARD OF TRUSTEES OF THE
MINNESOTA STATE COLLEGES AND UNIVERSITIES

Daniel G. Coborn
James Wafler
Charles "Chuck" Williams

Report 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.

Ms. Piper, Messrs. Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which were referred the following appointments as reported in the Journal for February 20, 1998:

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Jack Amundson
Christopher A. Nelson

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

H.F. No. 113: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 14; extending until the year 2020 the period during which at least 40 percent of the net proceeds from the state lottery must be credited to the environment and natural resources trust fund; modifying authority for appropriations from the fund.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

An amendment to the Minnesota Constitution, article XI, section 14, is proposed to the people. If the amendment is adopted, the section will read as follows:

Sec. 14. A permanent Minnesota environment and natural resources trust fund is established in the state treasury. ~~The principal of the environment and natural resources trust fund must be perpetual and inviolate forever, except appropriations may be made from up to 25 percent of the annual revenues deposited in the fund until fiscal year 1997 and Loans may be made of up to five percent of the principal of the fund for water system improvements as provided by law. This restriction does not prevent the sale of investments at less than the cost to the fund, however, all~~

~~losses not offset by gains shall be repaid to the fund from the earnings of the fund. The net earnings from assets of the fund shall be appropriated in a manner prescribed by law for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. The amount appropriated each year of a biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, may be up to 5-1/2 percent of the market value of the fund on June 30 one year before the start of the biennium. Not less than 40 percent of the net proceeds from any state-operated lottery must be credited to the fund until the year 2001 2050.~~

Sec. 2. [SUBMISSION TO PEOPLE.]

The proposed amendment shall be submitted to the people at the 1998 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to extend to the year 2050 the dedication of lottery proceeds to the environment and natural resources trust fund and to maximize the long-term total return to the fund?

Yes.....
No....." "

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 14; extending to the year 2050 the dedication of lottery proceeds to the environment and natural resources trust fund and maximizing the long-term total return to the fund."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 3397: A bill for an act relating to commerce; eliminating retroactive exemption from the franchise law of agreements between air carriers; amending Laws 1997, chapter 222, section 61.

Reports the same back with the recommendation that the report from the Committee on Commerce, shown in the Journal for March 18, 1998, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

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

S.F. No. 41: A bill for an act proposing an amendment to the Minnesota Constitution, article 1, by adding a section; affirming the right of citizens to hunt or take game and fish.

Reports the same back with the recommendation that the bill do pass. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 3397 and 41 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 113 was read the second time.

MOTIONS AND RESOLUTIONS

SPECIAL ORDERS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

S.F. Nos. 2718, 2737, H.F. Nos. 3297 and 2308.

SPECIAL ORDER

S.F. No. 2718: A bill for an act relating to telecommunications; amending the state telephone assistance program to match federal requirements; requiring the department of human services to automatically enroll eligible persons based on information in state information systems; increasing the TAP surcharge; requiring public utilities commission to develop and implement state universal service fund by December 31, 2000; changing authorized expenditures for the telephone assistance fund; amending Minnesota Statutes 1996, sections 237.70, by adding a subdivision; and 237.701, subdivision 1; Minnesota Statutes 1997 Supplement, section 237.70, subdivisions 4a and 7; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1996, section 237.69, subdivision 9.

Mr. Kelley, S.P. moved to amend S.F. No. 2718 as follows:

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1996, section 237.70, subdivision 6, is amended to read:

Subd. 6. [FUNDING.] (a) The commission shall provide for the funding of the telephone assistance plan by assessing a uniform recurring monthly surcharge, ~~not to exceed ten cents per access line~~, applicable to all classes and grades of access lines provided by each telephone company in the state.

(b) The amount of the uniform recurring monthly surcharge shall not exceed:

(1) ten cents per access line between July 1, 1998, and June 30, 1999;

(2) 12 cents per access line between July 1, 1999, and June 30, 2001; and

(3) 16 cents per access line after June 30, 2001.

(c) The commission shall discontinue assessing this surcharge the month following the adoption of the universal service fund required under section 237.16, subdivision 9, that continues the goals, purposes, and funding for the telephone assistance plan; the implementation of funding for the universal service fund; and the issuance of a formal determination by the commission that the funding for the universal service fund is sufficient to provide ongoing telephone assistance to eligible individuals."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Ms. Robertson imposed a call of the Senate for the balance of the proceedings on S.F. No. 2718. 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 36 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kelly, R.C.	Pappas	Stumpf
Beckman	Hottinger	Krentz	Piper	Ten Eyck
Berglin	Janezich	Lourey	Pogemiller	Vickerman
Betzold	Johnson, D.H.	Marty	Price	Wiener
Cohen	Johnson, D.J.	Metzen	Ranum	
Flynn	Johnson, J.B.	Moe, R.D.	Sams	
Foley	Junge	Morse	Solon	
Frederickson	Kelley, S.P.	Novak	Spear	

Those who voted in the negative were:

Belanger	Kiscaden	Lesewski	Olson	Samuelson
Berg	Kleis	Lessard	Ourada	Scheevel
Day	Knutson	Limmer	Pariseau	Scheid
Fischbach	Laidig	Murphy	Robertson	Stevens
Hanson	Langseth	Neuville	Robling	Terwilliger
Johnson, D.E.	Larson	Oliver	Runbeck	Wiger

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 2718 as follows:

Pages 6 and 7, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Beckman	Kiscaden	Lesewski	Ourada	Scheevel
Belanger	Kleis	Limmer	Pariseau	Scheid
Berg	Knutson	Murphy	Robertson	Stevens
Day	Krentz	Neuville	Robling	Terwilliger
Fischbach	Laidig	Oliver	Runbeck	
Johnson, D.E.	Larson	Olson	Samuelson	

Those who voted in the negative were:

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

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

Ms. Kiscaden then moved to amend S.F. No. 2718 as follows:

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1996, section 237.70, subdivision 6, is amended to read:

Subd. 6. [FUNDING.] The commission shall provide for the funding of the telephone assistance plan by assessing a uniform recurring monthly surcharge, not to exceed ten cents per access line, applicable to all classes and grades of access lines provided by each telephone company in the state. Notwithstanding section 237.49, the surcharge must appear as a specific and separate charge on the customer's bill."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2718 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Kiscaden	Lessard	Pariseau	Scheid
Berg	Kleis	Limmer	Robertson	Stevens
Day	Knutson	Neuville	Robling	Terwilliger
Fischbach	Laidig	Oliver	Runbeck	
Hanson	Larson	Olson	Samuelson	
Johnson, D.E.	Lesewski	Ourada	Scheevel	

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

SPECIAL ORDER

S.F. No. 2737: A bill for an act relating to domestic abuse; clarifying provisions for recognition of orders for protection from other jurisdictions; clarifying service provisions; providing that certain mutual orders are not entitled to full faith and credit; amending Minnesota Statutes 1996, section 518B.01, subdivisions 3a, 5, 6, and by adding a subdivision; Minnesota Statutes 1997 Supplement, section 518B.01, subdivision 14.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3297: A bill for an act relating to the environment; clarifying time for filing an action under MERLA; requiring public notice of proposed response actions; amending Minnesota Statutes 1996, sections 115B.02, by adding a subdivision; 115B.11; and 115B.17, by adding a subdivision.

Mr. Morse moved to amend H.F. No. 3297, as amended pursuant to Rule 49, adopted by the Senate March 17, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2296.)

Page 1, delete section 1

Page 2, line 8, delete "has approved" and insert "approves"

Page 2, line 21, delete everything before "with" and insert "complies"

Page 2, line 23, after the period, insert "The contractor must obtain approval from the commissioner for the contingency plan or other conditions:

(1) for a site with a known release or threatened release, before the contractor commences the development actions; or

(2) for a site with a release or threatened release discovered during the contractor's performance of the development actions, before the contractor performs further development actions at the site after discovery of the release or threatened release."

Page 2, line 31, after the first period, insert "[CONSTRUCTION.] For the purposes of this section, "construction" means actions taken after the selection of remedial action such as excavation, building of structures, installation of equipment or fixtures, and other physical actions to respond to a release or threatened release.

Subd. 2."

Page 2, line 36, delete "completion of" and insert "initiation of physical on-site" and after "action" insert a period

Page 3, delete lines 1 to 12 and insert:

"(b) A party prevailing in an action commenced within the time required under paragraph (a) shall be entitled to a declaratory judgment of liability for all future reasonable and necessary costs incurred by that party to respond to the release or threatened release, including costs and expenses under section 115B.17, subdivision 6."

Page 3, line 13, delete "2" and insert "3"

Page 3, after line 25, insert:

"Sec. 3. Minnesota Statutes 1996, section 115B.17, is amended by adding a subdivision to read:

Subd. 2b. [PUBLIC NOTICE OF PROPOSED RESPONSE ACTIONS.] Before selecting a remedial action to respond to a release or threatened release listed pursuant to subdivision 13, the commissioner shall give written notice of the proposed remedial action to the public by publication of a notice in a newspaper of general circulation in the affected area, and provide an opportunity for submission of comments on the proposed remedial action. The notice shall also be given by certified mail to all persons known to the commissioner at the time of the notice who the commissioner has reason to believe are responsible for the release or threatened release, including all persons who have previously received a request for response action under subdivision 1 with respect to the release or threatened release."

Page 3, line 28, delete "2b" and insert "2c" and delete "COMPLETION OF RESPONSE ACTION; CONSTRUCTION AND"

Page 3, line 29, delete "FINAL CERTIFICATES" and insert "CERTIFICATE OF INITIATION OF PHYSICAL ON-SITE CONSTRUCTION OF A RESPONSE ACTION" and delete "(a)"

Page 3, line 30, before "construction" insert "physical on-site"

Page 3, line 31, delete "completed and" and insert "initiated"

Page 3, line 32, delete everything before the comma

Page 3, line 33, after "of" insert "initiation of physical on-site" and delete "completion"

Page 3, delete lines 35 and 36

Page 4, delete lines 1 to 3

Page 4, line 6, delete "2" and insert "1"

Page 4, line 7, delete "3" and insert "2"

Page 4, line 8, delete "civil"

Page 4, line 9, after the period, insert "Response costs incurred before the effective date of section 2 are recoverable in an action commenced on or after the effective date of section 2 only if physical on-site construction of the response action was initiated not more than six years before the cost recovery action is commenced. Notwithstanding any provision in this act to the contrary, the running of the statute of limitations imposed by section 2 with respect to cost recovery actions is suspended until July 1, 1999."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "requiring public notice of proposed response actions;"

Page 1, line 7, delete "completion for" and insert "initiation of" and delete "and for" and insert "of"

Page 1, line 9, delete "115B.02, by adding a subdivision;"

Page 1, line 11, delete "a subdivision" and insert "subdivisions"

CALL OF THE SENATE

Mr. Lessard imposed a call of the Senate for the balance of the proceedings on H.F. No. 3297. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Morse amendment. The motion prevailed. So the amendment was adopted.

Mr. Morse moved to amend H.F. No. 3297, as amended pursuant to Rule 49, adopted by the Senate March 17, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2296.)

Page 4, after line 3, insert:

"Sec. 5. [STUDY REGARDING EFFECT OF CHANGES TO STATUTE OF LIMITATIONS.]

The commissioner of the pollution control agency, in consultation with other parties who may have cost recovery claims, or their representatives, shall study the implications of the amendments

to the statute of limitations in section 3 on both the state and any other parties. By January 1, 1999, the commissioner shall report to the legislature regarding the following:

- (1) the number of sites where the state has incurred response costs;
- (2) the number of potential and commenced cost recovery actions brought by the state or other parties; and
- (3) estimated fiscal impact of the legislative change on the state and other parties."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Betzold moved to amend the second Morse amendment to H.F. No. 3297 as follows:

Page 1, line 12, delete "1" and insert "15"

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

The question recurred on the second Morse amendment, as amended.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Oliver	Spear
Berglin	Hottinger	Laidig	Pappas	Terwilliger
Betzold	Johnson, D.E.	Larson	Piper	Wiener
Cohen	Johnson, J.B.	Lourey	Pogemiller	
Flynn	Kelley, S.P.	Marty	Price	
Foley	Kelly, R.C.	Moe, R.D.	Ranum	
Frederickson	Kleis	Morse	Scheid	

Those who voted in the negative were:

Beckman	Janezich	Lessard	Pariseau	Solon
Belanger	Johnson, D.H.	Limmer	Robertson	Stevens
Berg	Johnson, D.J.	Metzen	Robling	Stumpf
Day	Kiscaden	Murphy	Runbeck	Ten Eyck
Dille	Knutson	Neuville	Sams	Vickerman
Fischbach	Langseth	Olson	Samuelson	Wiger
Higgins	Lesewski	Ourada	Scheevel	

The motion did not prevail. So the second Morse amendment, as amended, was not adopted.

Mr. Johnson, D.H. moved to amend H.F. No. 3297, as amended pursuant to Rule 49, adopted by the Senate March 17, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2296.)

Page 4, after line 3, insert:

"Sec. 5. [STUDY REGARDING IMPACT OF STATUTE OF LIMITATIONS CHANGES.]

The commissioner of the pollution control agency, with private parties, shall study the implications of the amendments to the statute of limitations in section 3 on both the state and any other parties. By January 15, 1999, the commissioner shall report to the legislature with findings and recommendations regarding the following:

- (1) the number of sites where the state has incurred response costs;
- (2) the number of pending and commenced cost recovery actions brought by the state or private parties; and
- (3) the estimated fiscal impact of the legislative change on the state and private parties."

Page 4, line 5, delete "to" and insert ", 2, and"

Page 4, line 7, after "3" insert "is effective July 1, 1999, and"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "requiring the commissioner of the pollution control agency to study the impact of certain amendments to the statute of limitations for MERLA;"

Mr. Morse requested division as follows:

First portion:

Page 4, after line 3, insert:

"Sec. 5. [STUDY REGARDING IMPACT OF STATUTE OF LIMITATIONS CHANGES.]

The commissioner of the pollution control agency, with private parties, shall study the implications of the amendments to the statute of limitations in section 3 on both the state and any other parties. By January 15, 1999, the commissioner shall report to the legislature with findings and recommendations regarding the following:

(1) the number of sites where the state has incurred response costs;

(2) the number of pending and commenced cost recovery actions brought by the state or private parties; and

(3) the estimated fiscal impact of the legislative change on the state and private parties."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "requiring the commissioner of the pollution control agency to study the impact of certain amendments to the statute of limitations for MERLA;"

Second portion:

Page 4, line 5, delete "to" and insert ", 2, and"

Page 4, line 7, after "3" insert "is effective July 1, 1999, and"

Pursuant to Rule 15, Mr. Morse questioned whether the first portion of the Johnson, D.H. amendment was in order.

The President ruled that the first portion of the Johnson, D.H. amendment was not in order.

Ms. Runbeck moved that H.F. No. 3297 be laid on the table.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 7 and nays 59, as follows:

Those who voted in the affirmative were:

Fischbach	Limmer	Pariseau	Robling	Runbeck
Lesewski	Oliver			

Those who voted in the negative were:

Anderson	Betzold	Foley	Janezich	Junge
Beckman	Cohen	Frederickson	Johnson, D.E.	Kelley, S.P.
Belanger	Day	Hanson	Johnson, D.H.	Kelly, R.C.
Berg	Dille	Higgins	Johnson, D.J.	Kiscaden
Berglin	Flynn	Hottinger	Johnson, J.B.	Kleis

Knutson	Marty	Ourada	Sams	Stumpf
Krentz	Metzen	Pappas	Samuelson	Ten Eyck
Laidig	Moe, R.D.	Piper	Scheevel	Terwilliger
Langseth	Morse	Pogemiller	Scheid	Vickerman
Larson	Murphy	Price	Solon	Wiener
Lessard	Neuville	Ranum	Spear	Wiger
Lourey	Olson	Robertson	Stevens	

The motion did not prevail.

The question recurred on the adoption of the second portion of the Johnson, D.H. amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Metzen	Samuelson	Terwilliger
Berg	Johnson, D.H.	Murphy	Scheevel	Vickerman
Day	Kleis	Ourada	Solon	
Dille	Langseth	Pariseau	Stevens	
Fischbach	Lesewski	Robling	Stumpf	
Hanson	Lessard	Sams	Ten Eyck	

Those who voted in the negative were:

Anderson	Higgins	Knutson	Morse	Ranum
Beckman	Hottinger	Krentz	Neuville	Robertson
Berglin	Johnson, D.E.	Laidig	Oliver	Runbeck
Betzold	Johnson, J.B.	Larson	Olson	Scheid
Cohen	Junge	Limmer	Pappas	Spear
Flynn	Kelley, S.P.	Lourey	Piper	Wiener
Foley	Kelly, R.C.	Marty	Pogemiller	Wiger
Frederickson	Kiscaden	Moe, R.D.	Price	

The motion did not prevail. So the second portion of the Johnson, D.H. amendment was not adopted.

Mr. Hottinger moved to amend H.F. No. 3297, as amended pursuant to Rule 49, adopted by the Senate March 17, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2296.)

Page 4, line 9, after the period, insert "Section 3 shall not apply to any litigation pending in court on the date of enactment if the statute of limitations under Minnesota Statutes, chapter 115B, has been contested in the litigation. Section 3 shall not be offered by any party as evidence of the intent, meaning, or application of the statute of limitations under Minnesota Statutes, chapter 115B."

The motion prevailed. So the amendment was adopted.

Mr. Stevens moved to amend H.F. No. 3297, as amended pursuant to Rule 49, adopted by the Senate March 17, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2296.)

Pages 3 and 4, delete section 4

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Ms. Higgins moved that the vote whereby the second Morse amendment, as amended, to H.F. No. 3297 was not adopted on March 19, 1998, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 38 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kleis	Morse	Runbeck
Berglin	Hottinger	Knutson	Murphy	Scheid
Betzold	Johnson, D.E.	Krentz	Oliver	Spear
Cohen	Johnson, J.B.	Laidig	Olson	Terwilliger
Dille	Junge	Larson	Pappas	Wiener
Flynn	Kelley, S.P.	Lourey	Piper	Wiger
Foley	Kelly, R.C.	Marty	Pogemiller	
Frederickson	Kiscaden	Moe, R.D.	Price	

Those who voted in the negative were:

Beckman	Janezich	Limmer	Robling	Stumpf
Belanger	Johnson, D.H.	Metzen	Sams	Ten Eyck
Berg	Johnson, D.J.	Neuville	Samuelson	Vickerman
Day	Langseth	Ourada	Scheevel	
Fischbach	Lesewski	Pariseau	Solon	
Hanson	Lessard	Robertson	Stevens	

The motion prevailed. So the vote was reconsidered.

The question was taken on the second Morse amendment, as amended.

The roll was called, and there were yeas 40 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kiscaden	Moe, R.D.	Ranum
Berglin	Higgins	Kleis	Morse	Robling
Betzold	Hottinger	Knutson	Oliver	Runbeck
Cohen	Johnson, D.E.	Krentz	Olson	Scheid
Dille	Johnson, J.B.	Laidig	Pappas	Spear
Flynn	Junge	Larson	Piper	Terwilliger
Foley	Kelley, S.P.	Lourey	Pogemiller	Wiener
Frederickson	Kelly, R.C.	Marty	Price	Wiger

Those who voted in the negative were:

Beckman	Johnson, D.H.	Metzen	Sams	Ten Eyck
Belanger	Johnson, D.J.	Murphy	Samuelson	Vickerman
Berg	Langseth	Neuville	Scheevel	
Day	Lesewski	Ourada	Solon	
Fischbach	Lessard	Pariseau	Stevens	
Janezich	Limmer	Robertson	Stumpf	

The motion prevailed. So the second Morse amendment, as amended, was adopted.

H.F. No. 3297 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Oliver	Samuelson
Beckman	Hottinger	Krentz	Olson	Scheid
Berglin	Janezich	Laidig	Pappas	Solon
Betzold	Johnson, D.E.	Larson	Piper	Spear
Cohen	Johnson, D.J.	Lourey	Pogemiller	Terwilliger
Dille	Johnson, J.B.	Marty	Price	Wiener
Fischbach	Junge	Moe, R.D.	Ranum	Wiger
Flynn	Kelley, S.P.	Morse	Robling	
Foley	Kelly, R.C.	Murphy	Runbeck	
Frederickson	Kiscaden	Neuville	Sams	

Those who voted in the negative were:

Belanger
Berg
Day
Hanson

Johnson, D.H.
Kleis
Langseth
Lesewski

Lessard
Limmer
Metzen
Ourada

Pariseau
Robertson
Scheevel
Stevens

Stumpf
Ten Eyck
Vickerman

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

SPECIAL ORDER

H.F. No. 2308: A bill for an act relating to accountants; modifying licensing provisions; providing for firm licensure; authorizing rulemaking; amending Minnesota Statutes 1996, sections 326.165; 326.17; 326.18; 326.19; 326.20; 326.211; 326.212, subdivisions 1, 4, 5, and by adding a subdivision; 326.22, subdivision 2; 326.223; 326.228; and 326.229, subdivisions 3, 4, 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1996, sections 326.191; 326.21; and 326.225.

Ms. Olson moved to amend H.F. No. 2308, the unofficial engrossment, as follows:

Page 2, line 34, after "means" insert "an entity of CPAs or LPAs organized as"

Page 3, line 2, delete "326.20, subdivision 2" and insert "326.192, subdivision 4"

Page 13, line 36, after "a" insert "firm defined under section 326.165, subdivision 6,"

Page 14, lines 1 and 2, delete the new language and strike the old language

Page 14, line 3, delete everything before "to"

Page 14, line 5, delete "corporation," and strike "partnership" and delete ", or limited" and insert "or firm defined under section 326.165, subdivision 6,"

Page 14, line 6, delete everything before "is"

The motion prevailed. So the amendment was adopted.

Ms. Olson then moved to amend H.F. No. 2308, the unofficial engrossment, as follows:

Page 11, line 20, after the period, insert "Previously licensed individuals who do not actively engage in the practice of public accounting in any manner or who do not hold out as CPAs or LPAs in any manner are not required to obtain a license nor may the board require those individuals to surrender their certificates. The board must provide for the relicensing of those individuals if they wish to return to the practice of public accounting."

Page 11, line 21, after the second comma, insert "and" and delete the third comma

Page 11, line 22, delete "retired, or disabled"

Page 12, line 2, delete everything after "(e)"

Page 12, delete lines 3 and 4

Page 12, line 5, delete everything before "The"

Page 12, line 7, delete everything after "expiration"

Page 12, delete lines 8 and 9

Page 12, line 10, delete "combination,"

Page 12, line 22, after the period, insert "This paragraph shall not apply to previously licensed individuals who have notified the board that they will not hold out as CPAs or LPAs in any manner or practice public accounting in any manner."

Page 21, line 22, delete the colon and insert "maintain an active license."

Page 21, delete lines 23 to 25

The motion prevailed. So the amendment was adopted.

H.F. No. 2308 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce 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. 330: 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.

Senate File No. 330 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1998

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S.F. No. 330 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 330 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2493: A bill for an act relating to civil actions; limiting liability of financial institutions providing data for the criminal alert network; amending Minnesota Statutes 1996, section 299A.61, by adding a subdivision.

Senate File No. 2493 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 18, 1998

CONCURRENCE AND REPASSAGE

Ms. Junge moved that the Senate concur in the amendments by the House to S.F. No. 2493 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2493 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MEMBERS EXCUSED

Ms. Anderson was excused from the Session of today from 9:00 to 9:30 a.m. Mrs. Pariseau was excused from the Session of today from 9:00 to 9:35 a.m. Mr. Oliver was excused from the Session of today from 9:00 to 9:50 a.m. Ms. Wiener was excused from the Session of today from 9:00 to 10:00 a.m. Mr. Dille was excused from the Session of today from 9:00 to 11:30 a.m. Mr. Kelly, R.C. was excused from the Session of today from 9:30 to 10:00 a.m. Mrs. Fischbach was excused from the Session of today from 10:40 to 11:00 a.m. Ms. Berglin was excused from the Session of today from 10:45 to 11:30 a.m. Mr. Novak was excused from the Session of today at 10:50 a.m. Ms. Junge was excused from the Session of today from 11:00 a.m. to 12:00 noon. Mr. Frederickson was excused from the Session of today at 1:20 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Friday, March 20, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, March 19, 1998

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Page 6029

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
154	6030	2970	6030	6031
330	6044	3042	6030	6030
2493	6045			

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
154	6030		
330	6044		
2493	6045		

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
41	6033	6033	113	6032	6033
3397	6033	6033			

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
2718	6034	2308	6043
2737	6036	3297	6037

