

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

NINETY-SEVENTH DAY

St. Paul, Minnesota, Monday, March 23, 1998

The Senate met at 11:00 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, Dr. Nadean Bishop.

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     | 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 23, 1998

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter 311, Senate File Number 1654, a bill which modifies the county real estate document filing fee structure.

While this bill would standardize fees across the state and increase consistency, substantial

portions of this legislation relate to fee increases associated with the filing of property documents. I have consistently been opposed to such increases during my terms as Governor. My position has not changed. Minnesotans already pay a substantial portion of their income to provide for local, state and federal services. With no demonstrated need for these fee increases, I cannot sanction this bill.

Warmest regards,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 1654 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 passage by the House of the following Senate File, herewith returned: S.F. No. 2040.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1998

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. 2966:** A bill for an act relating to mortgages; enacting the Minnesota Residential Mortgage Originator and Servicer Licensing Act; establishing licensing and enforcement mechanisms; amending Minnesota Statutes 1996, sections 47.206, subdivision 1; 82.17, subdivision 4; 82.18; and 82.27, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 58; repealing Minnesota Statutes 1996, section 82.175.

Senate File No. 2966 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1998

### CONCURRENCE AND REPASSAGE

Mrs. Scheid moved that the Senate concur in the amendments by the House to S.F. No. 2966 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2966 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:

|          |               |               |           |            |
|----------|---------------|---------------|-----------|------------|
| Anderson | Fischbach     | Johnson, J.B. | Lessard   | Neuville   |
| Beckman  | Flynn         | Junge         | Limmer    | Novak      |
| Belanger | Foley         | Kelley, S.P.  | Lourey    | Oliver     |
| Berg     | Frederickson  | Kiscaden      | Marty     | Olson      |
| Berglin  | Higgins       | Kleis         | Metzen    | Ourada     |
| Betzold  | Hottinger     | Knutson       | Moe, R.D. | Pogemiller |
| Day      | Johnson, D.E. | Krentz        | Morse     | Price      |
| Dille    | Johnson, D.J. | Larson        | Murphy    | Ranum      |

Robertson  
Robling  
Runbeck

Samuelson  
Scheid  
Solon

Spear  
Stevens  
Stumpf

Ten Eyck  
Terwilliger  
Vickerman

Wiener  
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. 2489:** A bill for an act relating to commerce; regulating residential mortgage loans; establishing table funding requirements; proposing coding for new law in Minnesota Statutes, chapter 82.

Senate File No. 2489 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1998

### CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S.F. No. 2489 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2489 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  
Beckman  
Belanger  
Berg  
Berglin  
Betzold  
Cohen  
Day  
Dille  
Fischbach  
Flynn  
Frederickson

Hanson  
Higgins  
Hottinger  
Janezich  
Johnson, D.E.  
Johnson, D.J.  
Johnson, J.B.  
Junge  
Kelley, S.P.  
Kiscaden  
Kleis  
Knutson

Krentz  
Larson  
Lessard  
Limmer  
Lourey  
Marty  
Metzen  
Moe, R.D.  
Morse  
Murphy  
Neuville  
Novak

Oliver  
Olson  
Ourada  
Pappas  
Pogemiller  
Price  
Ranum  
Robertson  
Robling  
Runbeck  
Sams  
Samuelson

Scheid  
Solon  
Spear  
Stevens  
Stumpf  
Ten Eyck  
Terwilliger  
Vickerman  
Wiener  
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 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. 2274:** A bill for an act relating to liquor; regulating beer brewers and wholesalers; providing for the obligations of successors; allowing the commissioner of public safety to issue on-sale licenses to Giants Ridge and Ironworld Discovery Center; modifying restrictions for

temporary on-sale licenses; authorizing issuance of temporary on-sale licenses to state universities; regulating malt liquor sampling; authorizing certain cities to issue additional on-sale licenses; amending Minnesota Statutes 1996, sections 325B.01; 325B.14; 340A.404, subdivision 10, and by adding a subdivision; 340A.410, subdivision 10; 340A.412, subdivision 4; and 340A.510, subdivision 2; Laws 1994, chapter 611, section 32, as amended.

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

Tunheim, Juhnke and Seifert.

Senate File No. 2274 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 20, 1998

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3094 and 3613.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 20, 1998

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 3094:** A bill for an act relating to education; allowing the consolidated Red Rock school district to accelerate the schedule for reducing the number of school board members.

Referred to the Committee on Children, Families and Learning.

**H.F. No. 3613:** A resolution memorializing Congress to support the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3166.

### 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.

H.F. No. 3042, S.F. No. 3397, H.F. No. 3068 and S.F. No. 2050.

#### SPECIAL ORDER

**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.

Mr. Novak moved that the amendment made to H.F. No. 3042 by the Committee on Rules and Administration in the report adopted March 20, 1998, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Kelley, S.P. moved to amend H.F. No. 3042 as follows:

Page 16, after line 19, insert:

"Sec. 16. [MOORHEAD MAJORITY VOTE FOR CITY TELEPHONE EXCHANGE.]

Notwithstanding Minnesota Statutes, section 237.19, or other law, the city of Moorhead may construct a new telephone exchange in any case including where an exchange already exists if authorized by a majority of the electors voting on the proposition at a general election or a special election called for that purpose.

Sec. 17. [LOCAL APPROVAL AND STATE FILING REQUIRED.]

Section 16 is effective the day after the chief clerical officer of the city of Moorhead complies with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Ourada questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the adoption of the Kelley, S.P. amendment. The motion did not prevail. So the amendment was not adopted.

H.F. No. 3042 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |               |           |            |             |
|--------------|---------------|-----------|------------|-------------|
| 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  |             |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 3397:** A bill for an act relating to commerce; eliminating retroactive application of air carrier franchise exemption to pending litigation; amending Laws 1997, chapter 222, section 61.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |               |           |            |             |
|--------------|---------------|-----------|------------|-------------|
| 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  |             |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3068:** A bill for an act relating to state employment; modifying salary provisions for certain officials; setting conditions for advancing employees within a compensation plan or to exceed the salary of an agency head; providing an early retirement incentive for certain employees of the bureau of criminal apprehension; ratifying certain labor agreements; ratifying certain plans and proposals; amending Minnesota Statutes 1997 Supplement, sections 15A.0815, subdivision 3; 43A.17, subdivision 3; and 298.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A.

Ms. Flynn moved to amend H.F. No. 3068, as amended pursuant to Rule 49, adopted by the Senate March 12, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2520.)

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1997 Supplement, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. [GROUP II SALARY LIMITS.] The salaries for positions in this subdivision may not exceed 75 percent of the salary of the governor:

Ombudsman for corrections;

Executive director of gambling control board;

Commissioner, iron range resources and rehabilitation board;

Commissioner, bureau of mediation services;

Ombudsman for mental health and retardation;

Chair, metropolitan council;

Executive director of pari-mutuel racing;

Executive director, public employees retirement association;

Commissioner, public utilities commission;

Executive director, state retirement system; and

Executive director, teachers retirement association."

Page 3, delete lines 7 to 20 and insert:

"Subd. 2. [INCENTIVE.] For an employee who meets the requirements of subdivision 1, the employer shall pay the full employer contribution, as specified in the collective bargaining agreement with the bargaining unit in section 179A.10, subdivision 2, clause (1), for health and dental insurance for the employee and, if the employee had dependent coverage immediately before retirement, for the employee's dependents. Notwithstanding section 179A.20, subdivision 2a, the employer contributions under this subdivision must continue until the employee reaches age 65. The postretirement health and dental insurance coverage provided under this section is that coverage the employee was receiving as of the date of retirement, subject to any changes in coverage specified in the collective bargaining agreement with the bargaining unit in section 179A.10, subdivision 2, clause (1)."

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

Page 4, after line 2, insert:

"Sec. 4. Minnesota Statutes 1997 Supplement, section 298.22, subdivision 1, is amended to read:

Subdivision 1. (1) The governor shall appoint the commissioner of iron range resources and rehabilitation under section 15.06.

(2) The commissioner may hold other positions or appointments that are not incompatible with duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner. All expenses of the commissioner, including the payment of such assistance as may be necessary, must be paid out of the amounts appropriated by section 298.28. ~~The salary of the commissioner must be set by the legislative coordinating commission and may not exceed 75 percent of the salary of the governor.~~

(3) When the commissioner determines that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited use of natural resources in the future and any resulting decrease in employment, the commissioner may use whatever amounts of the appropriation made to the commissioner of revenue in section 298.28 that are determined to be necessary and proper in the development of the remaining resources of the county and in the vocational training and rehabilitation of its residents, except that the amount needed to cover cost overruns awarded to a contractor by an arbitrator in relation to a contract awarded by the commissioner or in effect after July 1, 1985, is appropriated from the general fund. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism."

Page 5, line 28, delete "2 and 3" and insert "3 and 5"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying salary provisions for certain officials;"

Page 1, line 9, delete "section 43A.17, subdivision 3" and insert "sections 15A.0815, subdivision 3; 43A.17, subdivision 3; and 298.22, subdivision 1"

The motion prevailed. So the amendment was adopted.

Ms. Flynn then moved to amend H.F. No. 3068, as amended pursuant to Rule 49, adopted by the Senate March 12, 1998, as follows:

(The text of the amended House File is identical to S.F. No. 2520.)

Page 5, line 20, delete everything after "office" and insert "is \$79,000, effective after July 1, 1997, and upon approval by the higher education services council."

Page 5, delete lines 21 and 22

The motion prevailed. So the amendment was adopted.

H.F. No. 3068 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

|           |          |        |          |          |
|-----------|----------|--------|----------|----------|
| Dille     | Janezich | Kleis  | Neuville | Scheevel |
| Fischbach | Kiscaden | Limmer |          |          |

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

### SPECIAL ORDER

**S.F. No. 2050:** A bill for an act relating to health; modifying provisions governing advance health care directives; combining laws governing living wills and durable power of attorney for health care; amending Minnesota Statutes 1996, sections 144.335, subdivision 1; 145C.01, subdivisions 2, 3, 4, 8, and by adding subdivisions; 145C.02; 145C.03; 145C.04; 145C.05, subdivisions 1 and 2; 145C.06; 145C.07; 145C.08; 145C.09; 145C.10; 145C.11; 145C.12; 145C.13, subdivision 1; 145C.15; 525.55, subdivisions 1 and 2; 525.551, subdivisions 1 and 5; 525.9212; and 609.215, subdivision 3; Minnesota Statutes 1997 Supplement, sections 149A.80, subdivision 2; 253B.04, subdivision 1a; 253B.07, subdivision 1; and 253B.092, subdivisions 2 and 6; proposing coding for new law in Minnesota Statutes, chapters 145B; and 145C.

Mrs. Fischbach moved to amend S.F. No. 2050 as follows:

Page 14, after line 36, insert:

"(g) When a patient who lacks decision-making capacity is pregnant, and in reasonable medical judgment there is a real possibility that if health care to sustain her life and the life of the fetus is provided the fetus could survive to the point of live birth, it is presumed that such health care should be provided, even if the withholding or withdrawal of such health care would be authorized were she not pregnant. This presumption is negated by health care directive provisions described in section 145C.05, subdivision 2, paragraph (a), clause (10), that are to the contrary, or, in the absence of such provisions, by clear and convincing evidence that the patient's wishes, while competent, were to the contrary."

Ms. Junge moved to amend the Fischbach amendment to S.F. No. 2050 as follows:

Page 1, line 4, after "pregnant" insert "in the third trimester"



**CALL OF THE SENATE**

Ms. Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 2050. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Junge amendment to the Fischbach amendment.

The roll was called, and there were yeas 35 and nays 32, as follows:

Those who voted in the affirmative were:

|          |               |           |            |           |
|----------|---------------|-----------|------------|-----------|
| Anderson | Hottinger     | Kiscaden  | Novak      | Robertson |
| Berglin  | Janezich      | Krentz    | Oliver     | Scheid    |
| Betzold  | Johnson, D.H. | Lourey    | Pappas     | Solon     |
| Cohen    | Johnson, J.B. | Marty     | Piper      | Spear     |
| Flynn    | Junge         | Moe, R.D. | Pogemiller | Ten Eyck  |
| Foley    | Kelley, S.P.  | Morse     | Price      | Wiener    |
| Higgins  | Kelly, R.C.   | Murphy    | Ranum      | Wiger     |

Those who voted in the negative were:

|              |               |          |           |             |
|--------------|---------------|----------|-----------|-------------|
| Beckman      | Hanson        | Larson   | Ourada    | Stevens     |
| Belanger     | Johnson, D.E. | Lesewski | Pariseau  | Stumpf      |
| Berg         | Johnson, D.J. | Lessard  | Robling   | Terwilliger |
| Day          | Kleis         | Limmer   | Runbeck   | Vickerman   |
| Dille        | Knutson       | Metzen   | Sams      |             |
| Fischbach    | Laidig        | Neuville | Samuelson |             |
| Frederickson | Langseth      | Olson    | Scheevel  |             |

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

Ms. Kiscaden questioned whether the Fischbach amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the Fischbach amendment, as amended.

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

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

|              |               |          |          |           |
|--------------|---------------|----------|----------|-----------|
| Beckman      | Hanson        | Langseth | Neuville | Samuelson |
| Belanger     | Johnson, D.E. | Larson   | Olson    | Scheevel  |
| Berg         | Johnson, D.J. | Lesewski | Ourada   | Stevens   |
| Day          | Kelly, R.C.   | Lessard  | Pariseau | Stumpf    |
| Dille        | Kleis         | Limmer   | Robling  | Vickerman |
| Fischbach    | Knutson       | Metzen   | Runbeck  | Wiger     |
| Frederickson | Laidig        | Morse    | Sams     |           |

Those who voted in the negative were:

|          |               |           |            |             |
|----------|---------------|-----------|------------|-------------|
| Anderson | Hottinger     | Krentz    | Pappas     | Solon       |
| Berglin  | Janezich      | Lourey    | Piper      | Spear       |
| Betzold  | Johnson, D.H. | Marty     | Pogemiller | Ten Eyck    |
| Cohen    | Johnson, J.B. | Moe, R.D. | Price      | Terwilliger |
| Flynn    | Junge         | Murphy    | Ranum      | Wiener      |
| Foley    | Kelley, S.P.  | Novak     | Robertson  |             |
| Higgins  | Kiscaden      | Oliver    | Scheid     |             |

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

Ms. Junge moved to amend the Fischbach amendment to S.F. No. 2050, adopted by the Senate March 23, 1998, as follows:

Page 1, line 3, after "who" insert "has a health care directive" and after "capacity" insert "and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 32, as follows:

Those who voted in the affirmative were:

|          |               |           |            |             |
|----------|---------------|-----------|------------|-------------|
| Anderson | Hottinger     | Kiscaden  | Novak      | Robertson   |
| Berglin  | Janezich      | Krentz    | Oliver     | Scheid      |
| Betzold  | Johnson, D.H. | Lourey    | Pappas     | Solon       |
| Cohen    | Johnson, J.B. | Marty     | Piper      | Ten Eyck    |
| Flynn    | Junge         | Moe, R.D. | Pogemiller | Terwilliger |
| Foley    | Kelley, S.P.  | Morse     | Price      | Wiener      |
| Higgins  | Kelly, R.C.   | Murphy    | Ranum      | Wiger       |

Those who voted in the negative were:

|              |               |          |           |           |
|--------------|---------------|----------|-----------|-----------|
| Beckman      | Hanson        | Larson   | Ourada    | Spear     |
| Belanger     | Johnson, D.E. | Lesewski | Pariseau  | Stevens   |
| Berg         | Johnson, D.J. | Lessard  | Robling   | Stumpf    |
| Day          | Kleis         | Limmer   | Runbeck   | Vickerman |
| Dille        | Knutson       | Metzen   | Sams      |           |
| Fischbach    | Laidig        | Neuville | Samuelson |           |
| Frederickson | Langseth      | Olson    | Scheevel  |           |

The motion prevailed. So the amendment was adopted.

Mr. Kelley, S.P. moved to amend S.F. No. 2050 as follows:

Page 15, line 22, before "A" insert "With respect to health care provided to a patient with a health care directive and in accordance with applicable standards of care,"

The motion prevailed. So the amendment was adopted.

S.F. No. 2050 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.

Ms. Junge moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 37 and nays 29, as follows:

Those who voted in the affirmative were:

|           |               |           |            |             |
|-----------|---------------|-----------|------------|-------------|
| Berglin   | Johnson, D.H. | Langseth  | Pappas     | Spear       |
| Betzold   | Johnson, J.B. | Lourey    | Piper      | Ten Eyck    |
| Cohen     | Junge         | Marty     | Pogemiller | Terwilliger |
| Flynn     | Kelley, S.P.  | Moe, R.D. | Price      | Wiener      |
| Foley     | Kelly, R.C.   | Morse     | Ranum      | Wiger       |
| Higgins   | Kiscaden      | Murphy    | Robertson  |             |
| Hottinger | Krentz        | Novak     | Scheid     |             |
| Janezich  | Laidig        | Oliver    | Solon      |             |

Those who voted in the negative were:

|           |               |          |          |           |
|-----------|---------------|----------|----------|-----------|
| Beckman   | Frederickson  | Larson   | Olson    | Samuelson |
| Belanger  | Hanson        | Lesewski | Ourada   | Scheevel  |
| Berg      | Johnson, D.E. | Lessard  | Pariseau | Stevens   |
| Day       | Johnson, D.J. | Limmer   | Robling  | Stumpf    |
| Dille     | Kleis         | Metzen   | Runbeck  | Vickerman |
| Fischbach | Knutson       | Neuville | Sams     |           |

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 2445

A bill for an act relating to public safety; regulating excavation notice system; authorizing

commissioner of public safety to appoint pipeline safety committee; increasing civil penalty; amending Minnesota Statutes 1996, sections 216D.04, subdivisions 1, 3, and by adding a subdivision; 216D.05; and 216D.08, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 299J; repealing Minnesota Statutes 1996, section 299J.06.

March 18, 1998

The Honorable Allan H. Spear  
President of the Senate

The Honorable Phil Carruthers  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2445, 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. 2445 be further amended as follows:

Page 5, line 32, delete everything after "15.059"

Page 5, delete line 33

Page 5, line 34, delete everything before the period

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

Senate Conferees: (Signed) Steven G. Novak, Mark Ourada, Dave Johnson

House Conferees: (Signed) Dennis Ozment, Loren Jennings, Phyllis Kahn

Mr. Novak moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2445 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. 2445 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

|              |               |           |            |             |
|--------------|---------------|-----------|------------|-------------|
| 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  |             |

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

## INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

**Messrs. Stumpf; Day; Moe, R.D.; Johnson, D.J. and Ms. Junge introduced--**

**S.F. No. 3406:** A resolution memorializing the United States government to resolve certain differences between the Province of Ontario and the State of Minnesota.

Mr. Stumpf moved that S.F. No. 3406 be laid on the table. The motion prevailed.

#### **MEMBERS EXCUSED**

Mr. Johnson, D.H.; Mrs. Pariseau and Ms. Piper were excused from the Session of today from 11:00 to 11:30 a.m. Ms. Anderson was excused from the Session of today from 2:00 to 2:15 p.m.

#### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, March 25, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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| 2274      | 6063         | 3613      | 6064         | 6064             |
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| 2966      | 6062         |           |              |                  |

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