

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

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NINETY-EIGHTH DAY

St. Paul, Minnesota, Thursday, March 14, 1996

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Steven J. Knutson.

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

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

The President declared a quorum present.

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

## 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. 1793, 2319 and 1797.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1996

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. 2194:** A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1994, sections 473.511, subdivision 4; 473.517; and 473.519.

Senate File No. 2194 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1996

Ms. Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 2194, 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. 2445:** A bill for an act relating to natural resources; clarifying status of game refuge designations; removing the residency requirement for youth hunting; permitting nonresident students to take big game; modifying provisions relating to short-term fishing licenses, special permits, commercial fishing, taking deer, moose licenses, blaze orange, trout and salmon stamps, and sturgeon and paddlefish; removing certain provisions relating to wild rice; requiring a review; amending Minnesota Statutes 1994, sections 97A.015, by adding a subdivision; 97A.401, subdivision 4; 97A.411, subdivision 1; 97A.431, subdivision 2; 97A.451, by adding a subdivision; 97A.455; 97A.475, subdivisions 30, 31, 32, 33, 34, 35, 36, and 37; 97A.535, by adding a subdivision; 97B.021, subdivision 1; 97B.071; 97B.311; 97C.035, subdivision 3; 97C.305, subdivision 2; 97C.411; 97C.811, subdivision 6; 97C.815, subdivision 4; 97C.835 subdivisions 1 and 5; 97C.841; Minnesota Statutes 1995 Supplement, sections 14.387; and 97A.451, subdivision 3; Laws 1995, chapter 220, section 137; repealing Minnesota Statutes 1994, section 84.09; and Laws 1995, chapter 220, section 136.

Senate File No. 2445 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1996

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 2445, and that a Conference Committee of 5 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. 2499:** A bill for an act relating to the environment; delaying the effective date for certain used motor oil and motor oil filter provisions; requiring a plan for collection and recycling of used motor oil and used motor oil filters; amending Laws 1995, chapter 220, section 142.

Senate File No. 2499 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1996

### CONCURRENCE AND REPASSAGE

Mr. Stevens moved that the Senate concur in the amendments by the House to S.F. No. 2499 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2499 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 refuses to concur in the Senate amendments to House File No. 2245:

**H.F. No. 2245:** A bill for an act relating to health; modifying requirements relating to home care providers and housing with services establishments; providing for licensure of housing with services home care providers; amending Minnesota Statutes 1994, sections 144A.43, subdivision 4; 144A.45, subdivision 1; and 144A.46, subdivision 1; Minnesota Statutes 1995 Supplement, sections 144B.01, subdivision 5; 144D.01, subdivisions 4, 5, and 6; 144D.02; 144D.03; 144D.04; 144D.05; 144D.06; and 157.17, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1994, section 144A.45, subdivision 3.

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

Greenfield, Lourey and Worke have been appointed as such committee on the part of the House.

House File No. 2245 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 March 13, 1996

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2245, 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 refuses to concur in the Senate amendments to House File No. 2171:

**H.F. No. 2171:** A bill for an act relating to state government; clarifying powers of the pollution control agency board and commissioner; amending Minnesota Statutes 1994, sections 116.03, as amended; and 514.673, subdivision 3; Minnesota Statutes 1995 Supplement, section 116.02, by adding subdivisions.

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

Ozment, Kinkel and Dempsey have been appointed as such committee on the part of the House.

House File No. 2171 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 March 13, 1996

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2171, 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 refuses to concur in the Senate amendments to House File No. 2282:

**H.F. No. 2282:** A bill for an act relating to water; modifying provisions of the reinvest in Minnesota resources program; amending Minnesota Statutes 1994, section 103F.515, subdivisions 2, 3, and 6.

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

Winter, Wagenius and Finseth have been appointed as such committee on the part of the House.

House File No. 2282 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 March 13, 1996

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2282, 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 refuses to concur in the Senate amendments to House File No. 2782:

**H.F. No. 2782:** A bill for an act relating to local government; providing for creation of an advisory council on intergovernmental relations; proposing coding for new law in Minnesota Statutes, chapter 15.

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

Orenstein, Dawkins and Pawlenty have been appointed as such committee on the part of the House.

House File No. 2782 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 March 13, 1996

Mr. Metzen moved that the Senate accede to the request of the House for a Conference

Committee on H.F. No. 2782, 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.

### MOTIONS AND RESOLUTIONS

Mr. Price moved that the name of Ms. Reichgott Junge be added as a co-author to S.F. No. 2876. The motion prevailed.

### SPECIAL ORDERS

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, moved that the following bills be designated a Special Orders Calendar. The motion prevailed.

S.F. No. 2198, H.F. No. 3052, H.F. No. 2204, S.F. No. 1887, H.F. No. 374, H.F. No. 3070, H.F. No. 2385, S.F. No. 247 and S.F. No. 1886.

### SPECIAL ORDER

**S.F. No. 2198:** A bill for an act relating to statutes of limitations; reviving and extending certain civil actions barred by the statute of limitations.

Mr. Limmer moved to amend S.F. No. 2198 as follows:

Page 1, after line 24, insert:

"Sec. 2. [CONFLICT OF LAWS.]

(a) As used in this section:

(1) "Claim" means a right of action related to the subject matter of section 1.

(2) "State" means a state, commonwealth, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, or a political subdivision of any of them.

(b) The revival and extension of a claim pursuant to section 1 does not apply to a claim that is substantively based upon the law of another state chosen by the law of conflict of laws of this state.

(c) If the statute of limitations of another state applies to the assertion of a claim in this state, the other state's relevant statutes and other rules of law governing tolling and accrual apply in computing the limitation period, but its statutes and other rules of law governing conflict of laws do not apply."

Page 1, line 25, delete "2" and insert "3"

Page 2, line 1, delete "Section 1 is" and insert "Sections 1 and 2 are"

The motion prevailed. So the amendment was adopted.

Mr. Limmer then moved to amend S.F. No. 2198 as follows:

Page 1, line 25, after "DATE" insert "; APPLICATION"

Page 2, line 1, after the period, insert "This act applies to actions pending on or commenced on or after the effective date. This act does not revive an action in which a final judgment has been entered and to which res judicata applies."

The motion prevailed. So the amendment was adopted.

Mr. Limmer then moved to amend S.F. No. 2198 as follows:

Page 1, line 18, delete "or" and after the first comma, insert "including the parent entity or any affiliate entity of a hospital; or a"

The motion prevailed. So the amendment was adopted.

Mr. Scheevel moved to amend S.F. No. 2198 as follows:

Page 1, line 8, before "Notwithstanding" insert "(a)"

Page 1, lines 15 and 16, delete "section" and insert "paragraph"

Page 1, line 20, delete the second "section" and insert "paragraph"

Page 1, after line 24, insert:

"(b) Notwithstanding any other law to the contrary, an action against an attorney for negligent legal advice with respect to pursuing a claim for damages involving the use of blood products containing the human immunodeficiency virus that is brought by the person who received the legal advice, or the person's estate, that would otherwise be barred before June 1, 1997, as a result of expiration of the applicable period of limitation, is revived or extended. An action revived or extended under this paragraph must be commenced before June 1, 1999.

(c) Paragraphs (a) and (b) are severable for purposes of Minnesota Statutes, section 645.20."

### CALL OF THE SENATE

Mr. Limmer imposed a call of the Senate for the balance of the proceedings on S.F. No. 2198. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Cohen questioned whether the Scheevel amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 12 and nays 50, as follows:

Those who voted in the affirmative were:

Dille	Kleis	Larson	Olson	Scheevel
Johnson, D.E.	Kramer	Oliver	Robertson	Terwilliger
Johnston	Laidig			

Those who voted in the negative were:

Anderson	Hanson	Langseth	Neuville	Riveness
Beckman	Hottinger	Lesewski	Novak	Runbeck
Belanger	Janezich	Lessard	Ourada	Sams
Berg	Johnson, D.J.	Limmer	Pappas	Samuelson
Berglin	Johnson, J.B.	Marty	Pariseau	Solon
Betzold	Kelly	Merriam	Piper	Spear
Cohen	Kiscaden	Metzen	Pogemiller	Stevens
Day	Knutson	Moe, R.D.	Price	Stumpf
Fischbach	Krentz	Mondale	Ranum	Vickerman
Flynn	Kroening	Morse	Reichgott Junge	Wiener

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

Ms. Runbeck moved to amend S.F. No. 2198 as follows:

Page 1, after line 24, insert:

"Sec. 2. [ATTORNEY FEES.]

The losing party in an action that was able to be commenced because it was revived or extended under section 1 is liable for the attorneys' fees of the winning party, but only when the party rejects a settlement offer more favorable than the resulting jury award. The court may waive the fee shifting if it would be manifestly unjust or if the case presents a question of law or of fact that is novel and important and substantially affects nonparties. The losing party is not liable to the winning party for more than the cost or value of its own legal services in the action."

Page 2, line 1, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Kramer	Neuville	Sams
Berg	Johnson, D.E.	Laidig	Oliver	Samuelson
Day	Johnson, D.J.	Langseth	Olson	Solon
Dille	Johnston	Larson	Ourada	Terwilliger
Fischbach	Kiscaden	Lesewski	Robertson	Vickerman
Frederickson	Kleis	Lessard	Runbeck	

Those who voted in the negative were:

Anderson	Janezich	Marty	Novak	Reichgott Junge
Belanger	Johnson, J.B.	Merriam	Pappas	Riveness
Berglin	Kelly	Metzen	Pariseau	Spear
Betzold	Knutson	Moe, R.D.	Piper	Stevens
Cohen	Krentz	Mondale	Pogemiller	Stumpf
Flynn	Kroening	Morse	Price	Wiener
Hottinger	Limmer	Murphy	Ranum	

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

Mr. Hottinger moved to amend S.F. No. 2198 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1994, section 604.02, subdivision 1, is amended to read:

Subdivision 1. When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is the following persons are jointly and severally liable for the whole award. ~~Except in cases where:~~

(1) a person whose fault is greater than 50 percent; or

(2) a person whose liability arises under chapters 18B - pesticide control, 115 - water pollution control, 115A - waste management, 115B - environmental response and liability, 115C - leaking underground storage tanks, and 299J - pipeline safety, public nuisance law for damage to the environment or the public health, any other environmental or public health law, or any environmental or public health ordinance or program of a municipality as defined in section 466.01, a person whose fault is 15 percent or less is liable for a percentage of the whole award no greater than four times the percentage of fault, including any amount reallocated to that person under subdivision 2.

~~If the state or a municipality as defined in section 466.01 is jointly liable, and its fault is less than 35 percent, it is jointly and severally liable for a percentage of the whole award no greater than twice the amount of fault, including any amount reallocated to the state or municipality under subdivision 2.~~

When two or more persons are acting in concert or pursuant to a joint enterprise, those persons are jointly and severally liable for all damages resulting from that action."

Page 2, line 1, after "1" insert "applies to claims arising from events that occur on or after August 1, 1996. Section 2"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Merriam questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Laidig moved to amend S.F. No. 2198 as follows:

Page 1, after line 5, insert:

"Section 1. [HEMOPHILIA RELIEF FUND.]

Subdivision 1. [ESTABLISHMENT.] There is established in the state treasury a fund to be known as the hemophilia relief fund, which shall be administered by the board.

Subd. 2. [CONTRIBUTIONS.] The fund consists of contributions to it by the blood products industry in amounts sufficient to pay claims submitted under section 4.

Subd. 3. [AVAILABILITY.] Money from the fund is appropriated to the board to pay claims under section 4.

Sec. 2. [HEMOPHILIA RELIEF FUND BOARD.]

Subdivision 1. [CREATION.] The hemophilia relief fund board consists of the commissioner of health who shall act as chair, and the following members appointed by the governor: twomembers who suffer from blood-clotting disorders, such as hemophilia, and who were exposed, through the use of blood-clotting agents, to human immunodeficiency virus; two members who are family members of deceased persons who suffered from such disorders and were exposed, through the use of blood-clotting agents to human immunodeficiency virus; one member from the hemophiliac community; and five members from the blood products industry. The filling of positions, vacancies, membership terms, payment of compensation and expenses, and removal of members are governed by Minnesota Statutes, section 15.0575.

Subd. 2. [STAFF.] The commissioners of health and finance shall provide staff to support the board at the board's request.

Subd. 3. [DUTIES.] The board shall determine and pay claims under sections 3 and 4 and administer the fund created in section 1. The board is not subject to Minnesota Statutes, chapter 14, in carrying out its duties under this act.

Sec. 3. [CLAIMS RELATING TO BLOOD-CLOTTING DISORDERS AND HIV.]

An individual who submits to the board written medical documentation that the individual has an HIV infection shall receive reasonable partial compensation from amounts available in the fund for the harm suffered in an amount determined by the board after considering the harm suffered, the number of claims filed, and the assets of the fund, if all the following conditions are met:

(a) the individual has any form of blood-clotting disorder, such as hemophilia, and was treated between January 1, 1980 and December 31, 1987 with blood-clotting agents in the form of blood components or blood products;

(b) the individual:

(1) is the lawful spouse of an individual described in paragraph (a); or



(2) is the former lawful spouse of an individual described in paragraph (a) and was the lawful spouse of the individual at any time after the individual was treated as described in paragraph (a); or

(3) acquired the HIV infection through perinatal transmission from a parent who is an individual described in paragraph (a) or (b);

(c) the individual was a resident of Minnesota on the effective date of this act;

(d) a claim for the payment is filed with the board by or on behalf of the individual within 180 days of the effective date of this act; and

(e) the board determines, in accordance with section 4, that the claim meets the requirements of this act.

#### Sec. 4. [DETERMINATION AND PAYMENT OF CLAIMS.]

Subdivision 1. [ESTABLISHMENT OF FILING PROCEDURES.] The board shall establish procedures under which individuals may submit claims for payment under this act. The procedures shall include a requirement that each claim filed under this act include written medical documentation that the relevant individual described in section 3 has a blood-clotting disorder, such as hemophilia, and was treated as described in that section.

Subd. 2. [DETERMINATION OF CLAIMS.] For each claim filed under this act, the board shall determine whether the claim meets the requirements of this act.

Subd. 3. [PAYMENT OF CLAIMS.] (a) The board shall pay, from amounts available in the fund, each claim that the board determines meets the requirements of this act.

(b) In the case of an individual referred to in section 3 who is deceased at the time that payment is made under this section on a claim filed by or on behalf of the individual, the payment shall be made to the estate of the individual, if an estate exists. If no estate exists, the payment may be made only as follows:

(1) if the individual is survived by a spouse who is living at the time of payment, the payment must be made to the surviving spouse;

(2) if the individual is not survived by a spouse described in clause (1), the payment must be made in equal shares to all children of the individual who are living at the time of the payment; and

(3) if the individual is not survived by a person described in clause (1) or (2), the payment must be made in equal shares to the parents of the individual who are living at the time of payment.

For purposes of this subdivision:

(a) the term "spouse" means an individual who was lawfully married to the relevant individual;

(b) the term "child" includes a recognized natural child, a stepchild who lived with the relevant individual in a regular parent-child relationship, and an adopted child; and

(c) the term "parent" includes fathers and mothers through adoption.

Subd. 4. [FILING OF CLAIM BY ESTATE OR SURVIVOR.] If an individual eligible for payment under this section dies before filing a claim under this act:

(i) the estate of the individual, if an estate exists, may file a claim for payment under this act on behalf of the individual; or

(ii) if no estate exists, a survivor of the individual may file a claim for payment under this act on behalf of the individual if the survivor may receive payment under subdivision 3.

Subd. 5. [ACTION ON CLAIMS.] The board shall complete the determination required by subdivision 2 regarding a claim not later than 90 days after the claim is filed under this act.

Subd. 6. [ADMINISTRATIVE COSTS NOT PAID FROM FUND.] No costs incurred by the board in carrying out this act may be paid from the fund or set off against, or otherwise deducted from, any payment made under subdivision 3.

Sec. 5. [LIMITATION ON TRANSFER AND NUMBER OF CLAIMS.]

Subdivision 1. [CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.] A claim under this act is not assignable or transferable.

Subd. 2. [CLAIM WITH RESPECT TO EACH VICTIM.] With respect to each individual described in section 3, the board may not pay more than one claim filed to receive compensation under this act for the harm suffered by the individual.

Sec. 6. [LIMITATIONS ON CLAIMS.]

The board may not pay any claim filed under this act unless the claim is filed within 180 days after the effective date of this act.

Sec. 7. [CERTAIN CLAIMS NOT AFFECTED BY PAYMENT.]

A payment made under this act shall not be considered as any form of compensation, or reimbursement for a loss, for purposes of imposing liability on the individual receiving the payment, on the basis of such receipt, to repay any insurance carrier for insurance payments or to repay any person on account of workers' compensation payments. A payment under this act shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to workers' compensation.

Sec. 8. [LIMITATION ON AGENT AND ATTORNEY FEES.]

Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this act, more than five percent of a payment made under this act on the claim."

Page 1, line 6, delete "Section 1" and insert "Sec. 9"

Pages 1 and 2, delete section 2 and insert:

"Sec. 10. [EFFECTIVE DATE; EXPIRATION.]

Sections 1 to 8 are effective the day following final enactment and expire on the effective date of H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act of 1995 or similar legislation enacted by the 104th Congress to compensate individuals who suffer from blood-clotting disorders, such as hemophilia, and who were exposed, through the use of blood-clotting agents to human immunodeficiency virus.

If federal legislation is enacted, the board is not obligated to pay any claim submitted before the effective date of the federal legislation. Upon expiration of sections 1 to 8 according to this section, the board shall return all contributions made to the fund.

Section 9 is effective:

(1) on the date the board determines that the fund established in section 1 is insufficient to pay the claims under section 4; or

(2) on the date a court of competent jurisdiction invalidates any provision of sections 1 to 8 or 10. In such an event, section 9 is considered severable and remains valid."

Delete the title and insert:

"A bill for an act relating to claims; providing for the satisfaction of claims of certain persons who suffer from blood-clotting disorders and who were exposed, through the use of blood-clotting agents, to human immunodeficiency virus; appropriating money."

Mr. Betzold questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.E.	Laidig	Runbeck	Stumpf
Berg	Johnson, D.J.	Larson	Sams	Vickerman
Day	Johnston	Oliver	Samuelson	
Dille	Kleis	Ourada	Scheevel	
Frederickson	Knutson	Robertson	Solon	

Those who voted in the negative were:

Anderson	Hottinger	Lesewski	Morse	Price
Belanger	Janezich	Lessard	Murphy	Ranum
Berglin	Johnson, J.B.	Limmer	Neuville	Reichgott Junge
Betzold	Kelly	Marty	Novak	Spear
Cohen	Kiscaden	Merriam	Pappas	Stevens
Fischbach	Kramer	Metzen	Pariseau	Wiener
Flynn	Krentz	Moe, R.D.	Piper	
Hanson	Langseth	Mondale	Pogemiller	

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

Mr. Neuville moved to amend S.F. No. 2198 as follows:

Page 1, after line 24, insert:

"The following apply to an action that is able to be commenced because it was revived or extended under this section:

(1) the action may not be included in a class action lawsuit;

(2) the court shall refer the action to binding arbitration as provided under Minnesota Statutes, chapter 572;

(3) notwithstanding any contrary provision of Minnesota Statutes, section 549.20, punitive damages may not be awarded; and

(4) actual damages are limited to \$50,000 per person and \$100,000 total for a person, the person's spouse and children, and the person's estate."

Mr. Neuville then moved to amend the Neuville amendment to S.F. No. 2198 as follows:

Page 1, line 12, delete "\$50,000" and insert "\$100,000"

Page 1, line 13, delete "\$100,000" and insert "\$200,000"

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

The question recurred on the Neuville amendment, as amended.

The roll was called, and there were yeas 30 and nays 31, as follows:

Those who voted in the affirmative were:

Beckman	Johnson, D.E.	Langseth	Neuville	Samuelson
Berg	Johnston	Larson	Oliver	Scheevel
Day	Kiscaden	Lesewski	Olson	Solon
Dille	Kleis	Lessard	Ourada	Stevens
Fischbach	Knutson	Merriam	Robertson	Stumpf
Frederickson	Laidig	Metzen	Runbeck	Vickerman

Those who voted in the negative were:

Anderson	Hottinger	Limmer	Pappas	Sams
Belanger	Janezich	Marty	Pariseau	Spear
Berglin	Johnson, D.J.	Moe, R.D.	Piper	Wiener
Betzold	Johnson, J.B.	Mondale	Pogemiller	
Cohen	Kramer	Morse	Price	
Flynn	Krentz	Murphy	Ranum	
Hanson	Kroening	Novak	Reichgott Junge	

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

S.F. No. 2198 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 46 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Lessard	Ourada	Samuelson
Beckman	Johnson, D.J.	Limmer	Pappas	Solon
Belanger	Johnson, J.B.	Marty	Pariseau	Spear
Berglin	Kleis	Metzen	Piper	Stevens
Betzold	Knutson	Moe, R.D.	Pogemiller	Vickerman
Cohen	Kramer	Mondale	Price	Wiener
Fischbach	Krentz	Morse	Ranum	
Flynn	Kroening	Murphy	Reichgott Junge	
Hanson	Langseth	Novak	Riveness	
Hottinger	Lesewski	Olson	Sams	

Those who voted in the negative were:

Berg	Johnson, D.E.	Laidig	Neuville	Runbeck
Day	Johnston	Larson	Oliver	Scheevel
Dille	Kiscaden	Merriam	Robertson	Stumpf
Frederickson				

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Mr. Kelly moved that the following members be excused for a Conference Committee on S.F. No. 1996:

Messrs. Cohen, Kelly and Ms. Robertson from 9:00 to 10:15 a.m. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 3052:** A bill for an act relating to insurance; clarifying that existing law prohibits insurers from terminating agents as a result of contacts with any branch of government; amending Minnesota Statutes 1994, section 72A.20, subdivision 20.

Mr. Mondale moved to amend H.F. No. 3052, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2780.)

Page 1, delete section 2

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 36, as follows:

Those who voted in the affirmative were:

Belanger	Kelly	Kroening	Oliver	Scheevel
Day	Kiscaden	Larson	Ourada	Stevens
Fischbach	Kleis	Mondale	Pariseau	
Johnson, D.E.	Knutson	Neuville	Robertson	
Johnston	Kramer	Novak	Runbeck	

Those who voted in the negative were:

Anderson	Frederickson	Lessard	Piper	Spear
Beckman	Hanson	Limmer	Pogemiller	Stumpf
Berg	Hottinger	Marty	Price	Vickerman
Berglin	Janezich	Merriam	Ranum	Wiener
Betzold	Johnson, D.J.	Metzen	Riveness	
Chandler	Johnson, J.B.	Morse	Sams	
Dille	Krentz	Murphy	Samuelson	
Flynn	Lesewski	Pappas	Solon	

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

Mr. Janezich moved to amend H.F. No. 3052, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2780.)

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 1994, section 363.03, subdivision 7, is amended to read:

Subd. 7. [REPRISALS.] It is an unfair discriminatory practice for any employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson, or employee or agent thereof to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter; or

(2) Associated with a person or group of persons who are disabled or who are of different race, color, creed, religion, sexual orientation, or national origin; or

(3) contacted any government department or agency regarding a problem. For purposes of this section, "government department or agency" includes the executive, legislative, and judicial branches of government as stated in article III of the Constitution.

A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in ~~clause clauses (1) or (2) to (3)~~: refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in ~~clause clauses (1) or (2) to (3)~~."

Page 1, after line 24, insert:

"Section 2 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to employment; clarifying that existing law prohibits insurers from terminating agents as a result of contacts with any branch of government; prohibiting reprisals against an employee for contact with government; amending Minnesota Statutes 1994, sections 72A.20, subdivision 20; and 363.03, subdivision 7."

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 22, Ms. Olson moved that she be excused from voting on all questions relating to H.F. No. 3052. The motion prevailed.

H.F. No. 3052 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 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**H.F. No. 2204:** A bill for an act relating to civil actions; creating a nuisance action by individuals and neighborhood organizations; proposing coding for new law in Minnesota Statutes, chapter 617.

### CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2204. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Kelly moved to amend H.F. No. 2204, as amended pursuant to Rule 49, adopted by the Senate February 22, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2014.)

Page 1, line 12, before the period, insert "or a prostitute"

Page 1, line 19, delete everything after the period

Page 1, delete line 20

The motion prevailed. So the amendment was adopted.

H.F. No. 2204 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 37 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Janezich	Kleis	Lesewski
Beckman	Flynn	Johnson, D.J.	Kramer	Marty
Berglin	Hanson	Johnson, J.B.	Krentz	Merriam
Chandler	Hottinger	Kelly	Kroening	Metzen

Moe, R.D.	Pappas	Ranum	Samuelson	Wiener
Mondale	Piper	Reichgott Junge	Stumpf	
Morse	Pogemiller	Riveness	Terwilliger	
Murphy	Price	Sams	Vickerman	

Those who voted in the negative were:

Belanger	Frederickson	Larson	Oliver	Spear
Berg	Johnson, D.E.	Lessard	Ourada	Stevens
Betzold	Kiscaden	Limmer	Robertson	
Day	Knutson	Neuville	Runbeck	
Fischbach	Laidig	Novak	Scheevel	

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

### SPECIAL ORDER

**S.F. No. 1887:** A bill for an act relating to human services; directing the department of human services to determine and pay certain compensation of the appeals panel along with allowable fees and costs of patient's counsel; extending the state's authority to obtain a lien when covering medical care for a person; adding provisions to notice required for monetary claims; amending Minnesota Statutes 1994, sections 253B.19, subdivision 1; 256.015, subdivision 4; and 256B.042, subdivisions 1 and 4; Minnesota Statutes 1995 Supplement, sections 256.015, subdivisions 1 and 2; 256B.042, subdivision 2; and 256D.045.

Mr. Betzold moved to amend S.F. No. 1887 as follows:

Page 3, line 22, before the period, insert "if the party or entity knew or should have known that the state agency provided, paid or became liable for medical care, furnished substance or made other payments to one of the parties"

The motion prevailed. So the amendment was adopted.

Mr. Scheevel moved to amend S.F. No. 1887 as follows:

Page 7, delete section 8

Amend the title accordingly

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

Mr. Betzold moved that S.F. No. 1887 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 374:** A bill for an act relating to utilities; exempting large electric power generating plant from certificate of need proceeding when selected by the public utilities commission from a bidding process to select resources to meet the utility's projected energy demand; amending Minnesota Statutes 1994, section 216B.2422, subdivision 5.

Mr. Novak moved to amend H.F. No. 374 as follows:

Page 1, after line 23, insert:

"Sec. 2. [216B.2425] [WIND MANDATE COSTS.]

Upon petition of a public utility, the commission shall approve or disapprove power purchase contracts entered into by the utility to satisfy the wind mandates in section 216B.2423. A utility may include in its energy cost adjustment established by the commission under section 216B.16, subdivision 7, all reasonable expenses incurred by the utility pursuant to the approved contracts and all wind energy property taxes for which the utility is responsible."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. 374 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Larson	Olson	Samuelson
Belanger	Hottinger	Lesewski	Ourada	Scheevel
Berg	Johnson, D.E.	Limmer	Pappas	Spear
Berglin	Johnson, J.B.	Merriam	Piper	Stevens
Betzold	Johnston	Metzen	Pogemiller	Stumpf
Chandler	Kiscaden	Moe, R.D.	Price	Terwilliger
Cohen	Kleis	Morse	Ranum	Vickerman
Day	Knutson	Murphy	Reichgott Junge	
Dille	Kramer	Neuville	Riveness	
Fischbach	Krentz	Novak	Robertson	
Flynn	Kroening	Oliver	Runbeck	

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

### SPECIAL ORDER

**H.F. No. 3070:** A bill for an act relating to economic development; modifying the neighborhood revitalization program; amending Minnesota Statutes 1994, section 469.1831, subdivisions 3 and 6.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2385:** A bill for an act relating to civil actions; establishing an evidentiary privilege for persons who preside at alternative dispute resolution; amending Minnesota Statutes 1994, section 595.02, by adding a subdivision.

Mr. Mondale moved to amend H.F. No. 2385, as amended pursuant to Rule 49, adopted by the Senate February 12, 1996, as follows:

(The text of the amended House File is identical to S.F. No. 2084.)



Page 1, after line 20, insert:

"Sec. 2. [611A.78] [CIVIL DAMAGES FOR BIAS OFFENSES.]

Subdivision 1. [DEFINITION.] For purposes of this section, "bias offense" means conduct that would constitute a crime and was committed because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363.01, age, or national origin.

Subd. 2. [CAUSE OF ACTION; DAMAGES AND FEES INJUNCTION.] A person who is damaged by a bias offense has a civil cause of action against the person who committed the offense. The plaintiff is entitled to recover the greater of: (i) \$500; or (ii) actual general and special damages, including damages for emotional distress.

A plaintiff also may obtain punitive damages as provided in sections 549.191 and 549.20 or an injunction or other appropriate relief.

Subd. 3. [RELATION TO CRIMINAL PROCEEDING; BURDEN OF PROOF.] A person may bring an action under this section regardless of the existence or outcome of criminal proceedings involving the bias offense that is the basis for the action. The burden of proof in an action under this section is preponderance of the evidence.

Subd. 4. [PARENTAL LIABILITY.] The parent or guardian is liable for all types of damages awarded under this section if it can be shown that the bias offense was committed by the minor under the direction or control of the parent or guardian.

Subd. 5. [TRIAL; LIMITATION PERIOD.] (a) The right to trial by jury is preserved in an action brought under this section.

(b) An action under this section must be commenced not later than six years after the cause of action arises.

Subd. 6. [OTHER RIGHTS PRESERVED.] The remedies under this section do not affect any rights or remedies of the plaintiff under other law.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective August 1, 1996, and applies to bias offenses committed on or after that date."

Amend the title accordingly

Mr. Betzold questioned whether the amendment was germane.

Ms. Reichgott Junge moved that H.F. No. 2385 be laid on the table. The motion prevailed.

### **SPECIAL ORDER**

**S.F. No. 247:** A bill for an act relating to elections; requiring certain special primaries and elections to be conducted by mail; amending Minnesota Statutes 1994, sections 204D.19, subdivisions 2 and 3; 204D.20, subdivision 1; 204D.21, subdivisions 2 and 3; 204D.22, subdivision 3; and 204D.23, subdivision 2.

Mr. Pogemiller moved that S.F. No. 247 be laid on the table. The motion prevailed.

### **SPECIAL ORDER**

**S.F. No. 1886:** A bill for an act relating to human services; adding provisions for licensing programs; amending Minnesota Statutes 1994, sections 245A.04, subdivisions 3c, 4, 5, and 6; 245A.06, as amended; 245A.07, subdivision 1; 245A.08, subdivisions 1 and 2; and 245A.16,

subdivision 2; Minnesota Statutes 1995 Supplement, sections 245A.02, subdivision 16; 245A.04, subdivisions 3, 3b, and 7; 245A.07, subdivision 3; 245A.09, subdivision 7; and 245A.11, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Rules, parts 9503.0170, subpart 7; 9555.8000; 9555.8100; 9555.8200; 9555.8300; 9555.8400; and 9555.8500.

Ms. Piper moved to amend S.F. No. 1886 as follows:

Pages 1 to 7, delete section 2

Page 26, line 11, delete everything after "(a)"

Page 26, delete lines 12 to 35

Page 26, line 36, delete "(c)"

Page 27, line 18, delete "(d)" and insert "(b)"

Page 27, line 30, delete "(e)" and insert "(c)"

Page 28, line 28, delete "(f)" and insert "(d)"

Page 28, line 29, before "(b)" insert "(a)," and after "(b)," insert "and"

Page 28, line 30, delete ", (d), and (e)" and delete everything after "1996"

Page 28, line 31, delete everything before the period

Page 28, line 32, delete "(e)" and insert "(c)"

Page 29, line 5, delete "19 and section 20, paragraph (a), are" and insert "18 is"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Piper then moved to amend S.F. No. 1886 as follows:

Page 27, line 32, delete "(1)"

Page 28, delete lines 1 to 25

Page 28, line 26, delete "(4)"

The motion prevailed. So the amendment was adopted.

S.F. No. 1886 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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

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. 2571:** A bill for an act relating to drivers' licenses; allowing owners of residences to identify who may use the residence address on a driver's license; proposing coding for new law in Minnesota Statutes, chapter 171.

Senate File No. 2571 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 13, 1996

### CONCURRENCE AND REPASSAGE

Ms. Reichgott Junge moved that the Senate concur in the amendments by the House to S.F. No. 2571 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2571 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Langseth	Oliver	Sams
Beckman	Hottinger	Larson	Olson	Samuelson
Belanger	Janezich	Lessard	Ourada	Scheevel
Berg	Johnson, D.E.	Limmer	Pappas	Solon
Berglin	Johnson, J.B.	Marty	Pariseau	Spear
Betzold	Johnston	Merriam	Piper	Stevens
Chandler	Kelly	Metzen	Pogemiller	Stumpf
Cohen	Kiscaden	Moe, R.D.	Price	Vickerman
Day	Kleis	Mondale	Ranum	Wiener
Dille	Knutson	Morse	Reichgott Junge	
Fischbach	Kramer	Murphy	Riveness	
Flynn	Krentz	Neuville	Robertson	
Frederickson	Laidig	Novak	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 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. 1902:** A bill for an act relating to the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the Indian affairs council; changing the name of the council on affairs of Spanish-speaking people; changing the composition and certain powers of the councils on affairs of Spanish-speaking people and Asian-Pacific Minnesotans; providing for appointments; changing statutory references; eliminating an expiration date; amending Minnesota Statutes 1994, sections 3.922, subdivisions 3 and 8; 3.9223; 3.9225, subdivision 1; and 3.9226, subdivisions 1, 2, 3, and 5.

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

Entenza, Goodno and Mariani.

Senate File No. 1902 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1996

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. 2116:** A bill for an act relating to liquor; allowing persons holding either the proper license or permit to charge for possession; exempting certain types of wine tastings from authorized testings; regulating malt liquor furnished for sampling; providing for authority of the cities of Wadena, Eagan, and West St. Paul to issue on-sale licenses; authorizing certain cities to issue a temporary license for a certain wine auction; amending Minnesota Statutes 1994, sections 340A.418, subdivision 2; and 340A.510; Minnesota Statutes 1995 Supplement, sections 340A.401; and 340A.404, subdivision 10; Laws 1994, chapter 611, section 32; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Laws 1974, chapter 452.

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

Bertram, Perl and Holsten.

Senate File No. 2116 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 14, 1996

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2190:

**H.F. No. 2190:** A bill for an act relating to health; providing for the cancellation of recodification efforts; repealing Laws 1994, chapter 625, article 5, section 5, as amended.

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

Cooper, Worke and Osthoff have been appointed as such committee on the part of the House.

House File No. 2190 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 March 14, 1996

Ms. Berglin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2190, 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 refuses to concur in the Senate amendments to House File No. 2059:

**H.F. No. 2059:** A bill for an act relating to veterinarians; changing the veterinary practice act; amending Minnesota Statutes 1994, sections 156.001, subdivisions 3 and 6; 156.01, subdivisions 1, 2, 5, and by adding a subdivision; 156.02; 156.04; 156.05; 156.06; 156.07; 156.071; 156.072; 156.081; 156.10; 156.12, subdivisions 2, 3, and 4; 156.16, subdivisions 3 and 14; 156.17; and 156.18, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 156; repealing Minnesota Statutes 1994, section 156.12, subdivision 5.

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

Kelley, Leighton and Girard have been appointed as such committee on the part of the House.

House File No. 2059 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 March 14, 1996

Mr. Dille moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2059, 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 refuses to concur in the Senate amendments to House File No. 2206:

**H.F. No. 2206:** A bill for an act relating to education; removing mandates from higher education; requiring increased accountability and performance for funding; amending Minnesota Statutes 1994, sections 15.43, subdivisions 2 and 3; 16B.01, subdivision 2; 16B.21, subdivisions 1 and 3; 16B.33, subdivisions 1, 3, 4, and by adding a subdivision; 16B.35, by adding a subdivision; 16B.41, subdivision 2; 16B.482; 16B.49; 16B.531; 16B.54, subdivision 1; 16B.85, subdivision 2; 43A.05, subdivision 4; 43A.10, subdivision 3; 123.70, subdivision 10; 135A.033; 135A.14, as amended; 137.37; 169.448, subdivision 2; 201.1611; and 248.07, subdivision 7; Minnesota Statutes 1995 Supplement, sections 16B.17, subdivision 6; 16B.465, subdivision 4; 43A.06, subdivision 1; 135A.181; 136A.101, subdivision 10; 136F.06, subdivisions 1 and 2; 136F.12; 136F.16, subdivision 3; 136F.18; 136F.30; 136F.36, subdivision 2; 136F.44; 136F.50; 136F.53, subdivisions 1 and 3; 136F.58; 136F.71, by adding a subdivision; 136F.72, subdivision 3; 136F.80, subdivision 2; and 169.441, subdivision 5; Laws 1995, chapter 212, article 2, sections 15; and 20, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; and 136F; repealing Minnesota Statutes 1994, sections 137.03; 137.05; 137.06; 137.07; 137.08; 137.11; 137.14; 137.15; and 137.33; Minnesota Statutes 1995 Supplement, sections 135A.08; 136F.25; and 136F.59, subdivision 1; Laws 1995, chapter 212, article 1, section 6, subdivision 1.

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

Pelowski, Carlson, L. and Tuma have been appointed as such committee on the part of the House.

House File No. 2206 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 March 14, 1996

Mr. Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2206, 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 refuses to concur in the Senate amendments to House File No. 2321:

**H.F. No. 2321:** A bill for an act relating to the metropolitan airports commission; prohibiting free parking; amending Minnesota Statutes 1994, section 473.608, by adding a subdivision.

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

Orenstein, Weaver and Luther have been appointed as such committee on the part of the House.

House File No. 2321 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 March 14, 1996

Mr. Marty moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2321, 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 refuses to concur in the Senate amendments to House File No. 2413:

**H.F. No. 2413:** A bill for an act relating to cemeteries; clarifying procedures for examination of certain accounts and records by the state auditor; providing for transfer of cemeteries to and from local units of government; amending Minnesota Statutes 1994, sections 149.13, subdivision 5; 306.02, subdivision 2; 306.025; 306.243, by adding a subdivision; and 306.97.

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

Jennings, Greiling and Rhodes have been appointed as such committee on the part of the House.

House File No. 2413 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 March 14, 1996

Mr. Johnson, J.B. moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2413, 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 refuses to concur in the Senate amendments to House File No. 2519:

**H.F. No. 2519:** A bill for an act relating to the environment; increasing the amount of reimbursement available for cleanup of petroleum releases by certain responsible persons; amending Minnesota Statutes 1995 Supplement, section 115C.09, subdivision 3.

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

Pelowski, Johnson, V. and Mulder have been appointed as such committee on the part of the House.

House File No. 2519 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 March 14, 1996

Mr. Morse moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2519, 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.

#### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Sams moved that S.F. No. 2210 be withdrawn from the Committee on Agriculture and Rural Development and returned to its author. The motion prevailed.

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

**Senate Resolution No. 111:** A Senate resolution congratulating Philip A. Johnson, Mamre town clerk, on his retirement.

Referred to the Committee on Rules and Administration.

#### 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. 2059: Messrs. Dille, Kelly and Solon.

H.F. No. 2190: Mses. Berglin, Piper and Kiscaden.

H.F. No. 2206: Mr. Murphy, Ms. Wiener and Mr. Larson.

H.F. No. 2321: Messrs. Marty, Larson and Ms. Flynn.

H.F. No. 2413: Ms. Johnson, J.B.; Messrs. Price and Oliver.

H.F. No. 2519: Messrs. Morse, Price and Mrs. Pariseau.

H.F. No. 2330: Messrs. Kleis, Hottinger and Sams.

S.F. No. 2194: Ms. Flynn, Messrs. Mondale and Oliver.

S.F. No. 2410: Ms. Ranum, Mr. Merriam and Ms. Kiscaden.

S.F. No. 2445: Ms. Johnson, J.B.; Messrs. Merriam, Frederickson, Morse and Mrs. Pariseau.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Mr. Hottinger introduced--**

**S.F. No. 2877:** A resolution memorializing the President and Congress to permit states to regulate interest rates on credit cards issued to their residents.

Referred to the Committee on Commerce and Consumer Protection.

#### **Messrs. Chandler, Solon, Day and Vickerman introduced--**

**S.F. No. 2878:** A bill for an act relating to metropolitan airports; limiting metropolitan council zoning approval authority; prohibiting construction by metropolitan airports commission of new major airport; requiring inclusion of noise mitigation plan in capital improvement plan; requiring metropolitan airports commission to report on development of existing airport; requiring legislative approval of proposed development; requiring soundproofing of buildings in 1996 65 Ldn contour; requiring design and construction of limited-access transitway along trunk highway No. 55; authorizing regional railroad authority to transfer funds for transitway; authorizing metropolitan council to purchase met center; appropriating money; amending Minnesota Statutes 1994, sections 473.155, by adding a subdivision; 473.608, subdivisions 2, 6 and 16; 473.614, subdivision 1; 473.616, subdivision 1; 473.618; 473.638, subdivision 1; and 473.661, subdivision 4; Laws 1989, chapter 279, section 7, subdivisions 2 and 6; repealing Minnesota Statutes 1994, sections 473.155, subdivisions 2, 3, and 4; 473.1551; 473.616, subdivisions 2, 3, and 4; 473.636; and 473.637.

Referred to the Committee on Metropolitan and Local Government.

### MEMBERS EXCUSED

Messrs. Chmielewski and Finn were excused from the Session of today. Ms. Reichgott Junge was excused from the Session of today from 9:00 to 10:00 a.m. and 12:30 to 1:15 p.m. Ms. Olson was excused from the Session of today from 10:00 to 10:45 a.m. and 12:00 noon to 12:20 p.m. and 1:30 to 2:10 p.m. Mr. Chandler was excused from the Session of today from 9:00 a.m. to 12:30 p.m. Mr. Knutson was excused from the Session of today from 10:10 to 10:40 a.m. Ms. Johnston was excused from the Session of today from 1:45 to 2:10 p.m. Mr. Johnson, D.J. was excused from the Session of today at 3:00 p.m. Ms. Wiener was excused from the Session of today from 1:10 to 3:00 p.m. Mrs. Pariseau was excused from the Session of today from 1:30 to 2:30 p.m.



**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, March 15, 1996.  
The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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