

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

NINETY-NINTH DAY

St. Paul, Minnesota, Wednesday, March 25, 1998

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

## CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Edward J. Flahavan.

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 communications were received.

March 23, 1998

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2372, 3016, 2581, 2281, 2378, 2316, 2269, 2373, 2725, 2207, 2447, 3032, 3036, 2068, 2911, 2262, 1814, 2429, 2659 and 2861.

Warmest regards,  
Arne H. Carlson, Governor

March 23, 1998

The Honorable Phil Carruthers  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1998 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1998	Date Filed 1998
2372		305	10:32 a.m. March 23	March 23
3016		306	10:40 a.m. March 23	March 23
2581		307	10:42 a.m. March 23	March 23
2281		308	10:45 a.m. March 23	March 23
2378		309	10:45 a.m. March 23	March 23
2316		310	10:45 a.m. March 23	March 23
2269		312	10:45 a.m. March 23	March 23
2373		313	10:50 a.m. March 23	March 23
2725		314	10:52 a.m. March 23	March 23
	2315	315	10:36 a.m. March 23	March 23
2207		316	10:53 a.m. March 23	March 23
2447		317	10:55 a.m. March 23	March 23
	2489	318	10:40 a.m. March 23	March 23
3032		319	10:55 a.m. March 23	March 23
3036		320	10:55 a.m. March 23	March 23
2068		321	10:51 a.m. March 23	March 23
2911		322	10:55 a.m. March 23	March 23
2262		323	10:48 a.m. March 23	March 23
1814		324	10:55 a.m. March 23	March 23
2429		325	10:57 a.m. March 23	March 23
	3644	326	10:53 a.m. March 23	March 23
	2309	327	10:55 a.m. March 23	March 23
2659		328	10:58 a.m. March 23	March 23
2861		329	10:58 a.m. March 23	March 23

Sincerely,  
Joan Anderson Growe  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2149 and 2221.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 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. 2118:** A bill for an act relating to elections; authorizing experimental balloting procedures in Hennepin county; amending Minnesota Statutes 1996, section 203B.02, by adding a subdivision.

Senate File No. 2118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1998

Ms. Higgins moved that the Senate do not concur in the amendments by the House to S.F. No. 2118, 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. 2302:** A bill for an act relating to local government; clarifying the conduct of certain county elections; amending Minnesota Statutes 1996, section 375A.12, subdivision 4.

Senate File No. 2302 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1998

### CONCURRENCE AND REPASSAGE

Mr. Scheevel moved that the Senate concur in the amendments by the House to S.F. No. 2302 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2302 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 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Kleis and Ourada voted in the negative.

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Mr. President:

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

**S.F. No. 2256:** A bill for an act relating to elections; eliminating certain provisions that have been ruled unconstitutional; amending Minnesota Statutes 1996, sections 211B.04; 211B.06, subdivision 1; 253B.23, subdivision 2; and 609.165, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 201.15, subdivision 1.

Senate File No. 2256 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1998

Mr. Marty moved that the Senate do not concur in the amendments by the House to S.F. No. 2256, 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 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. 2751:** A bill for an act relating to employment; requiring an accommodation to certain nursing mothers; providing that breast-feeding is excepted from the crime of indecent exposure; amending Minnesota Statutes 1996, section 617.23; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Greiling, Farrell and Tingelstad.

Senate File No. 2751 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1998

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2445, and repassed said bill in accordance with the report of the Committee, so adopted.

**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.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1998

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2277 and 3854.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 23, 1998

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 2277:** A bill for an act relating to fair campaign practices; requiring written permission of an organization before campaign material can state that the organization supports a certain candidate or ballot question; amending Minnesota Statutes 1996, section 211B.02.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2175, now on General Orders.

**H.F. No. 3854:** A resolution memorializing the United States government to resolve certain differences between the Province of Ontario and the State of Minnesota.

Mr. Moe, R.D. moved that H.F. No. 3854 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS

#### Mr. Larson introduced--

**Senate Resolution No. 99:** A Senate resolution congratulating the Fergus Falls High School Mock Trial Competition Team for winning the 1998 State Mock Trial Competition.

Referred to the Committee on Rules and Administration.

#### Mr. Oliver and Ms. Robertson introduced--

**Senate Resolution No. 100:** A Senate resolution congratulating the Minnetonka High School boys basketball team on winning the 1998 State High School Class AAAA Boys Basketball championship.

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.

### CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of today's proceedings. The Sergeant at Arms was instructed to bring in the absent members.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time and referred to the committee indicated.

**Mr. Pogemiller, by request, introduced--**

**S.F. No. 3407:** A bill for an act relating to education; authorizing capital loans to acquire and better public land and buildings for charter schools; appropriating money; authorizing the sale of state bonds; amending Minnesota Statutes 1996, sections 120.064, subdivision 5; and 124.248, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 124.

Referred to the Committee on Children, Families and Learning.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 3184 a Special Order to be heard immediately.

**SPECIAL ORDER**

**H.F. No. 3184:** A bill for an act relating to health; providing for voluntary reporting of alcohol abuse by a pregnant woman; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 626.

Mr. Neuville moved to amend H.F. No. 3184, 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. 3207.)

Page 1, after line 13, insert:

"Sec. 2. [145.4201] [PARTIAL-BIRTH ABORTION; DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 145.4201 to 145.4206, the terms defined in this section have the meanings given them.

Subd. 2. [ABORTION.] "Abortion" means the use of any means to intentionally terminate the pregnancy of a female known to be pregnant with knowledge that the termination with those means will, with reasonable likelihood, cause the death of the fetus.

Subd. 3. [FETUS.] "Fetus" is used to refer to the biological offspring of human parents.

Subd. 4. [PARTIAL-BIRTH ABORTION.] "Partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

Subd. 5. [PARTIALLY VAGINALLY DELIVERS A LIVING FETUS BEFORE KILLING THE FETUS.] "Partially vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus.

Sec. 3. [145.4202] [PARTIAL-BIRTH ABORTIONS PROHIBITED.]

No person shall knowingly perform a partial-birth abortion.

Sec. 4. [145.4203] [LIFE OF THE MOTHER EXCEPTION.]

The prohibition under section 145.4202 shall not apply to a partial-birth abortion that is

necessary to save the life of the mother because her life is endangered by a physical disorder, physical illness, or physical injury.

Sec. 5. [145.4204] [CIVIL REMEDIES.]

Subdivision 1. [STANDING.] The woman upon whom a partial-birth abortion has been performed in violation of section 145.4202, the father if married to the mother at the time she receives a partial birth abortion procedure, and the maternal grandparents of the fetus if the mother has not attained the age of 18 years at the time of the abortion, may obtain appropriate relief in a civil action, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

Subd. 2. [TYPE OF RELIEF.] Relief shall include:

(1) money damages for all injuries, psychological and physical, occasioned by the violation of sections 145.4201 to 145.4206; and

(2) statutory damages equal to three times the cost of the partial-birth abortion.

Subd. 3. [ATTORNEY'S FEE.] If judgment is rendered in favor of the plaintiff in an action described in this section, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant. If the judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.

Sec. 6. [145.4205] [CRIMINAL PENALTY.]

Subdivision 1. [FELONY.] A person who performs a partial-birth abortion in knowing or reckless violation of sections 145.4201 to 145.4206 is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$10,000.

Subd. 2. [ADMINISTRATIVE FINDING.] (a) A defendant accused of an offense under this section may seek a hearing before the state board of medical practice on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by the physical disorder, illness, or injury.

(b) The findings of the state board of medical practice on that issue are admissible at the trial of the defendant. Upon motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit the hearing to take place.

Subd. 3. [PROSECUTION OF MOTHER PROHIBITED.] A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section for violating sections 145.4201 to 145.4206, or any provision thereof, or for conspiracy to violate sections 145.4201 to 145.4206, or any provision thereof.

Sec. 7. [145.4206] [SEVERABILITY.]

(a) If any provision, word, phrase, or clause of section 145.4203, or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be inseverable.

(b) If any provision, section, subdivision, sentence, clause, phrase, or word in section 145.4201, 145.4202, 145.4204, 145.4205, or 145.4206 or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of sections 145.4201 to 145.4206 shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed sections 145.4201 to 145.4206, and each provision, section, subdivision, sentence, clause, phrase, or word thereto, with the exception of section 145.4203, irrespective of the fact that a provision, section, subdivision, sentence, clause, phrase, or word be declared unconstitutional."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Hottinger moved to amend the Neuville amendment to H.F. No. 3184 as follows:

Page 1, line 6, delete "PARTIAL-BIRTH ABORTION;"

Page 1, line 8, delete "145.4206" and insert "145.4204"

Page 1, line 10, delete everything after "Abortion"

Page 1, delete lines 11 to 13 and insert "includes an act, procedure, or use of any instrument, medicine, or drug which is supplied or prescribed for or administered to a pregnant female which results in the termination of pregnancy."

Page 1, delete lines 16 to 26 and insert:

"Subd. 4. [INTACT DILATATION AND EXTRACTION.] "Intact dilatation and extraction" or what is sometimes referred to as a "partial-birth abortion" means an abortion that contains the following elements:

(1) deliberate dilatation of the cervix, usually over a sequence of days;

(2) instrumental conversion of the fetus to a footling breech;

(3) breech extraction of the body excepting the head; and

(4) partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus."

Page 1, line 27, delete "PARTIAL-BIRTH" and insert "INTACT DILATATION AND EXTRACTION"

Page 1, delete lines 28 to 33 and insert:

"Subdivision 1. [PROHIBITION.] No person shall knowingly perform an intact dilatation and extraction abortion at a time at which there is a realistic possibility of maintaining and nourishing a life outside the womb.

Subd. 2. [EXCEPTION.] The prohibition under this section shall not apply to an intact dilatation and extraction abortion that is necessary to preserve the health of the female; save the life of the female; or there is medical documentation that indicates severe fetal anomalies that are not compatible with sustaining life."

Pages 1 to 3, delete sections 5 to 7 and insert:

"Sec. 4. [145.4203] [ADMINISTRATIVE REMEDIES.]

Any person may file a complaint with the board of medical practice alleging a violation of section 145.4202. Upon finding that a physician has violated section 145.4202, the board may refuse to grant a license or impose disciplinary action as described in section 147.141 against the physician.

Sec. 5. [145.4204] [SEVERABILITY.]

If any provision, word, phrase, or clause of sections 145.4201 to 145.4203 or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be inseverable."

Page 3, delete line 23

The question was taken on the adoption of the Hottinger amendment to the Neuville amendment.



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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mr. Neuville withdrew his amendment.

H.F. No. 3184 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.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 25, 1998

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter 330, Senate File Number 695, a bill which requires review by the attorney general of any agreement to transfer 50 percent of assets from a nonprofit health care trust to a noncharitable entity.

This bill establishes a litigious, adversarial process for conducting business transactions which I find unnecessary. While I recognize the value of community hospitals, I cannot support the wholesale lockout of noncharitable business entities in the marketplace, which is the effect of the bill. In some instances, particularly in the case of a financially struggling rural community hospital, the public may be best served by the noncharitable acquisition of the hospital, especially when the only alternative is closure of that facility.

This bill removes all of the decision-making from the local board members of a hospital and establishes full control in the hands of government. The bill creates a highly unbalanced and unfair playing field in the area of hospital-related business transactions. A notable example is the provision that gives the attorney general the sole discretion to retain an unlimited number of experts to review the agreement at the expense of the health care group. The organization would have to seek a court order to contest the fees. This is not the type of business environment we ought to encourage in this state.

Furthermore, I am persuaded that the office of the attorney general can adequately protect the public's interest in this area with the authority granted under current law. The attorney general is statutorily charged with the duty of investigating violations of state law with respect to unfair, discriminatory and unlawful business practices. Additionally, the office possesses specific powers to conduct investigations relating to proper administration of charitable trusts.

The review procedures set forth in this bill are costly, time-consuming and will serve only to stifle competition in this state. There is no evidence that the administrative bureaucracy this bill proposes would yield any increase in access or quality of health care for our citizens. I cannot support this approach.

Warmest regards,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that S.F. No. 695 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, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2148:** A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, section 203B.02, subdivision 1; Minnesota Statutes 1997 Supplement, section 203B.04, subdivision 1.

Senate File No. 2148 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 23, 1998

#### CONCURRENCE AND REPASSAGE

Mrs. Scheid moved that the Senate concur in the amendments by the House to S.F. No. 2148 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 2148:** A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, section 203B.02, subdivision 1; Minnesota Statutes 1997 Supplement, sections 203B.03, subdivision 1; and 203B.04, subdivision 1.

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 48 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Laidig	Pappas	Solon
Beckman	Johnson, D.E.	Langseth	Piper	Spear
Berglin	Johnson, D.H.	Lessard	Pogemiller	Stumpf
Betzold	Johnson, D.J.	Lourey	Price	Ten Eyck
Cohen	Johnson, J.B.	Marty	Ranum	Terwilliger
Flynn	Junge	Metzen	Robertson	Vickerman
Foley	Kelley, S.P.	Moe, R.D.	Robling	Wiener
Hanson	Kelly, R.C.	Morse	Sams	Wiger
Higgins	Kiscaden	Novak	Samuelson	
Hottinger	Krentz	Oliver	Scheid	

Those who voted in the negative were:

Belanger	Fischbach	Larson	Neuville	Runbeck
Berg	Frederickson	Lesewski	Olson	Scheevel
Day	Kleis	Limmer	Ourada	Stevens
Dille	Knutson	Murphy	Pariseau	

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. 2407:** A bill for an act relating to drivers' licenses; establishing youth-oriented driver improvement clinics; establishing a graduated licensing system with provisional license phase; restricting driving privileges for holders of instruction permits and provisional licenses and requiring violation-free period before advancement to next license stage; making technical changes; appropriating money; amending Minnesota Statutes 1996, sections 120.73, subdivision 1; 169.89, subdivision 5; 169.971, subdivision 1, and by adding a subdivision; 169.972; 169.973, subdivision 1; 171.01, subdivision 14; 171.04, subdivision 1; 171.05, subdivision 2, and by adding subdivisions; 171.06, subdivision 1; 171.10, subdivision 1; 171.12, subdivision 3; 171.16, subdivision 5; 171.17, subdivisions 2 and 3; 171.172; 171.173; 171.174; 171.20, subdivision 3; 171.27; and 171.39; Minnesota Statutes 1997 Supplement, sections 171.041; 171.06, subdivisions 2 and 4; and 171.171; proposing coding for new law in Minnesota Statutes, chapter 171.

Senate File No. 2407 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1998

Ms. Junge moved that the Senate do not concur in the amendments by the House to S.F. No. 2407, 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. 2718:** A bill for an act relating to telecommunications; amending the state telephone assistance program to match federal requirements; requiring the department of human services to automatically enroll eligible persons based on information in state information systems; regulating the TAP surcharge; requiring public utilities commission to develop and implement state universal service fund by December 31, 2000; changing authorized expenditures for the telephone assistance fund; amending Minnesota Statutes 1996, sections 237.70, subdivision 6, and by adding a subdivision; and 237.701, subdivision 1; Minnesota Statutes 1997 Supplement, section 237.70, subdivisions 4a and 7; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1996, section 237.69, subdivision 9.

Senate File No. 2718 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 1998

Mr. Kelley, S.P. moved that the Senate do not concur in the amendments by the House to S.F. No. 2718, 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.

#### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that H.F. No. 3854 be taken from the table. The motion prevailed.

**H.F. No. 3854:** A resolution memorializing the United States government to resolve certain differences between the Province of Ontario and the State of Minnesota.

#### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3854 and that the rules of the Senate be so far suspended as to give H.F. No. 3854 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3854 was read the second time.

H.F. No. 3854 was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Ourada voted in the negative.

So the resolution passed and its title was agreed to.

### **RECESS**

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

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

### **APPOINTMENTS**

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

S.F. No. 2118: Ms. Higgins, Mrs. Scheid and Ms. Robertson.

S.F. No. 2256: Mr. Marty, Mrs. Scheid and Mr. Ourada.

S.F. No. 2718: Messrs. Kelley, S.P.; Novak and Frederickson.

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

### **MEMBERS EXCUSED**

Ms. Anderson and Mrs. Scheid were excused from the Session of today from 9:00 to 11:00 a.m. Mr. Johnson, D.H. was excused from the Session of today from 9:20 to 10:00 a.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 26, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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