

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDREDTH DAY

St. Paul, Minnesota, Monday, April 3, 2000

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

CALL OF THE SENATE

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

Prayer was offered by Senator Dean E. Johnson.

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

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

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

The President declared a quorum present.

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

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed with the Secretary of the Senate; also reports from the office of the Legislative Auditor, Management Letters from various State departments, 2000; Department of Human Services, Prepaid Medical Assistance Program, 2000; Minnesota Racing Commission, Annual Report, 1999; Department of Natural Resources, Feasibility Study of Raising Water Levels on Coon Lake; 2000; Department of Economic Security, Youth Intervention Program, Annual Report, 1999; Department of Health, Recommendations of the Plumbing/Water Conditioning Policy Work Group, 2000; Department of Human Services, Senior Drug Program, 2000; Metropolitan Council, Hiawatha Corridor Operating Subsidy Funding Plans; Department of Finance, Debt Capacity Report, 2000; Metropolitan Radio Board, Status of the 800 MHz Radio System, 2000; Pollution Control Agency, Report on the Use of the Minnesota Environmental Response, Compensation, and Compliance Account, Fiscal Year 1999; Department of Human

Services, Minnesota Student Survey--Risks, Protectors and Preteen Behaviors, 1998; Trade and Economic Development, Urban Initiative Board, Annual Report, 1999; Department of Human Services, Group Residential Housing, Study of Construction Costs for Group Residential Housing, 2000; Minnesota Board on Aging, Resident and Family Advisory Council Education Program, Annual Report, 2000; Minnesota Job Skills Partnership, Healthcare and Human Services Program, 2000; University of Minnesota, Center for Transportation Studies, Annual Report, 1999; Department of Health, Registration of Occupational Therapy Practitioners, 2000; Department of Health, Minnesota Youth Tobacco Prevention Initiative, Strategic Plan, 1999-2001; Minnesota Telephone Association, Annual Report, 1999; Department of Health, Health Care Market; Health Care Expenditures and Selected Provider and Health Plan Trends, 1993-97; Department of Revenue, Tax Expenditure Budget, Fiscal Years 2000-03; Department of Human Services, Demonstration Project for People with Disabilities, 2000; Department of Health, Adding Long-Term Care Coverage to Medicare Supplemental Insurance, 2000; Department of Health, Developing a Comprehensive Set of Services to Supplement Medicare; Options for Low-Income Minnesotans, 2000.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 31, 2000

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. 2903, 2193, 2821, 2579, 2569, 3145 and 2326.

Sincerely,
Jesse Ventura, Governor

March 31, 2000

The Honorable Steve Sviggum
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 2000 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 2000	Date Filed 2000
2903		300	2:40 p.m. March 31	March 31
2193		301	2:40 p.m. March 31	March 31
2821		302	2:42 p.m. March 31	March 31
2579		303	2:43 p.m. March 31	March 31
2569		304	2:44 p.m. March 31	March 31
3145		305	2:45 p.m. March 31	March 31
2326		306	2:45 p.m. March 31	March 31

Sincerely,
Mary Kiffmeyer
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. 624 and 3554.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 2000

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. 2803: A bill for an act relating to accountants; modifying licensing requirements; requiring the board of accountancy to implement a voluntary registration of accounting practitioners; amending Minnesota Statutes 1998, section 326.19, subdivisions 1, 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

Senate File No. 2803 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 2000

CONCURRENCE AND REPASSAGE

Senator Hottinger moved that the Senate concur in the amendments by the House to S.F. No. 2803 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2803 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 51 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kleis	Novak	Scheid
Belanger	Hanson	Knutson	Ourada	Solon
Berg	Higgins	Krentz	Pappas	Stumpf
Berglin	Hottinger	Langseth	Piper	Terwilliger
Betzold	Janezich	Larson	Pogemiller	Vickerman
Cohen	Johnson, D.E.	Lessard	Price	Wiener
Day	Johnson, D.H.	Lourey	Ranum	Wiger
Dille	Johnson, D.J.	Metzen	Ring	
Fischbach	Junge	Moe, R.D.	Robertson	
Flynn	Kelley, S.P.	Murphy	Sams	
Foley	Kinkel	Neuville	Samuelson	

Those who voted in the negative were:

Kierlin	Limmer	Olson	Robling	Stevens
Kiscaden	Marty	Pariseau	Spear	Ziegler
Lesewski				

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. 3272: A bill for an act relating to the building code; modifying requirements of bleacher safety; amending Minnesota Statutes 1999 Supplement, section 16B.616, subdivisions 3 and 4.

Senate File No. 3272 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 2000

Senator Wiener moved that the Senate do not concur in the amendments by the House to S.F. No. 3272, 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. 3169: A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.17, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

Senate File No. 3169 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 2000

Senator Kiscaden moved that the Senate do not concur in the amendments by the House to S.F. No. 3169, 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. 2683: A bill for an act relating to game and fish; exempting archery bows used for bow fishing from casing requirement; authorizing disability permits for taking rough fish and hunting small game with a crossbow; amending Minnesota Statutes 1998, sections 97B.051; 97B.055, subdivision 2; and 97B.106.

Senate File No. 2683 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 2000

Senator Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 2683, 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. 3259: A bill for an act relating to the state building code; providing for certain energy code rules to remain in effect.

Senate File No. 3259 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 2000

Senator Limmer moved that the Senate do not concur in the amendments by the House to S.F. No. 3259, 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 House File, herewith transmitted: H.F. No. 3692.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 2000

FIRST READING OF HOUSE BILLS

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

H.F. No. 3692: A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3443, now on General Orders.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

H.F. No. 2826 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2826	2673				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2826 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2826 and insert the language after the enacting clause of S.F. No. 2673, the first engrossment; further, delete the title of H.F. No. 2826 and insert the title of S.F. No. 2673, the first engrossment.

And when so amended H.F. No. 2826 will be identical to S.F. No. 2673, and further recommends that H.F. No. 2826 be given its second reading and substituted for S.F. No. 2673, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 2826 was read the second time.

MOTIONS AND RESOLUTIONS

Senators Moe, R.D.; Wiener; Metzen; Pogemiller and Robling introduced--

Senate Resolution 145: A Senate resolution congratulating the University of Minnesota Women's Hockey team on winning the 2000 national championship.

Referred to the Committee on Rules and Administration.

SPECIAL ORDERS

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

S.F. Nos. 953, 3644, 2893, H.F. No. 3109, S.F. Nos. 2686, 2956, H.F. No. 3576 and S.F. No. 3439.

SPECIAL ORDER

S.F. No. 953: A bill for an act relating to health; providing for certain patient rights and protections; regulating coverages and the classification of treatment; specifying the duties of certain carriers and providers; providing remedies; amending Minnesota Statutes 1998, sections 62A.60; 62J.71, subdivision 3; 62J.72, by adding a subdivision; 62J.80; 62M.09, subdivisions 2 and 6; and 62Q.58, by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 62M.07; and 62M.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62Q; proposing coding for new law as Minnesota Statutes, chapter 62U.

CALL OF THE SENATE

Senator Samuelson imposed a call of the Senate for the balance of the proceedings on S.F. No. 953. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 953 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 42 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Krentz	Pappas	Solon
Berglin	Janezich	Langseth	Piper	Spear
Betzold	Johnson, D.E.	Limmer	Pogemiller	Stumpf
Cohen	Johnson, D.H.	Lourey	Price	Vickerman
Fischbach	Johnson, D.J.	Marty	Ranum	Wiener
Flynn	Junge	Metzen	Ring	Wiger
Foley	Kelley, S.P.	Moe, R.D.	Sams	
Hanson	Kinkel	Murphy	Samuelson	
Higgins	Kleis	Novak	Scheid	

Those who voted in the negative were:

Belanger	Kiscaden	Oliver	Robling	Ziegler
Berg	Knutson	Olson	Runbeck	
Dille	Larson	Ourada	Scheevel	
Frederickson	Lesewski	Pariseau	Stevens	
Kierlin	Lessard	Robertson	Terwilliger	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3644: A bill for an act relating to workers' compensation; increasing benefits; clarifying language; providing for a transfer of funds; modifying various workers' compensation provisions; amending Minnesota Statutes 1998, sections 176.011, subdivisions 3 and 20; 176.061, subdivisions 3, 5, 7, 10, and by adding a subdivision; 176.081, subdivision 1; 176.101, subdivisions 1, 2a, and 8; 176.102, subdivisions 3 and 11; 176.106, subdivision 7; 176.111, subdivisions 5, 18, and by adding a subdivision; 176.129, subdivisions 3 and 4; 176.231, subdivision 2; and 176.611, subdivision 2a; Minnesota Statutes 1999 Supplement, section 176.011, subdivision 9; repealing Minnesota Statutes 1998, section 176.129, subdivision 2.

Senator Novak moved to amend S.F. No. 3644 as follows:

Pages 25 to 28, delete sections 23 to 27 and insert:

"Sec. 23. [LEGISLATIVE FINDINGS.]

The Minnesota workers' compensation assigned risk plan is to aid in the operation of the workers' compensation system by providing a source of workers' compensation insurance for employers unable to obtain such coverage from the private insurance market. The operations for this plan have yielded a surplus from investment returns and other sources. It is in the public interest and is the intent of the legislature to use a portion of the excess surplus currently maintained by the Minnesota workers' compensation assigned risk plan to reduce the current and future obligations of the second injury and the supplemental benefits programs of the special compensation fund administered by the department of labor and industry.

Sec. 24. [MINNESOTA WORKERS' COMPENSATION ASSIGNED RISK PLAN SURPLUS TRANSFER.]

Subdivision 1. [EXCESS SURPLUS.] "Excess surplus" means the amount of the Minnesota

workers' compensation assigned risk plan funds that exceeds the amount necessary to pay all current liabilities of this plan, including, but not limited to:

- (1) administrative expenses;
- (2) benefit claims; and

(3) in the event the Minnesota workers' compensation assigned risk plan is dissolved under Minnesota Statutes, section 79.251, subdivision 8, the amounts which would be due insurers who have paid assessments to this plan.

Subd. 2. [TRANSFER OF EXCESS SURPLUS FUNDS.] (a) On or before July 10, 2000, the commissioner of commerce shall certify to the commissioner of finance the amount of the Minnesota workers' compensation assigned risk plan excess surplus. On or before July 10, 2000, the commissioner of finance and the commissioner of commerce must direct the transfer of \$325,000,000 of assets of the assigned risk plan excess surplus to a separate account within the special compensation fund called the excess surplus account. The assets shall be managed by the state board of investment. The principal portion of the money in the excess surplus account is appropriated to the department of labor and industry for settlement of liabilities of the second injury and supplementary benefits programs. Interest, gains, and other income of the excess surplus account shall be credited to the account. Interest earnings on the excess surplus account are appropriated to the department of labor and industry to pay annual claims in the second injury and supplementary benefits programs. Up to \$1,000,000 in the excess surplus account may be applied to administrative costs incurred by these programs.

(b) The transfer of funds authorized by this subdivision is not subject to review under Minnesota Statutes, chapter 14.

Subd. 3. [ASSESSMENT.] If excess surplus funds are transferred as provided in subdivision 2, by January 1, 2001, the rate assessed by the commissioner of labor and industry under Minnesota Statutes, section 176.129, subdivisions 3 and 4a, shall be reduced by at least 30 percent from the rate in effect on January 1, 2000.

Subd. 4. [STATUS REPORT.] On October 15, 2002, and October 15, 2004, the department of labor and industry must report to the governor and the legislature on the status of its efforts to reduce the unfunded liabilities of the second injury and the supplementary benefits programs. These reports must include an updated projection of the remaining long-term liabilities for these programs and must make appropriate recommendations.

Sec. 25. [NONSEVERABILITY.]

Notwithstanding Minnesota Statutes, section 645.20, the provisions of section 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts of section 11 are not severable, and the provisions of section 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts of section 11 shall not be effective unless the \$325,000,000 referenced in section 24 is used to reduce the rate of assessment as required by section 24, subdivision 2, by satisfying liabilities of the special compensation fund. If any of the following events occur on or before June 1, 2003, the provisions of section 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts of section 11 are repealed and the law as it existed prior to the enactment of these sections shall be reinstated effective 90 days following the occurrence of any of the following events and the law, as reinstated, shall be applicable to any personal injuries occurring after the date of reinstatement:

- (1) section 24 is invalidated by final court adjudication not subject to further appeal; or
- (2) the \$325,000,000 referenced in section 24 is transferred and the funds are used in a manner or for a purpose inconsistent with the requirements of section 24.

If any of the foregoing events described in clause (1) or (2) should occur on or before June 1,

2003, any unexpended funds transferred to the special compensation fund under section 24 shall be returned to the assigned risk plan.

Sec. 26. [NO CLAIM OF RIGHT.]

The transfer of funds required by section 24 does not create a right nor impose a liability on any person or fund to the funds transferred except as provided in section 24. If, for any reason, funds cannot be transferred as required by section 24, the funds shall remain in the assigned risk plan fund.

Sec. 27. [TRANSFER PRIORITY.]

The transfer of excess surplus required by section 24 shall be made prior to any other transfer of excess surplus from the assigned risk plan fund authorized by laws passed at the regular session of the 2000 legislature.

Sec. 28. [REPEALER.]

Minnesota Statutes 1998, section 176.129, subdivision 2, is repealed.

Sec. 29. [EFFECTIVE DATES.]

Sections 1, 10, 11, and 14 are effective for dates of injury on or after October 1, 2000. Section 9 is effective for written notices of claims for legal services that were filed on or after August 1, 2000. Sections 16, 17, and 18 are effective for dates of injury on or after the day following final enactment. Sections 23 to 28 are effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 3644 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 2893: A bill for an act relating to business subsidies; providing clarification to the obligation of government agencies and businesses related to certain business subsidies; amending Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 116J.994, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and by adding a subdivision; and 116J.995.

Senator Hottinger moved to amend S.F. No. 2893 as follows:

Page 3, line 8, delete "and"

Page 3, line 9, delete "under \$75,000" and insert "and loan guarantees of \$75,000 or less; and (22) federal loan funds provided through the United States Department of Commerce, Economic Development Administration"

Page 3, line 22, after the period, insert "The criteria may not be adopted on a case-by-case basis."

Page 4, line 9, delete "time-limited,"

Page 5, line 5, after "if" insert ", after a public hearing,"

Page 5, line 6, after the period, insert "For the purpose of this paragraph, if the grantor is a state government agency other than the iron range resources and rehabilitation board, "jurisdiction" means a city or township."

Page 11, after line 24, insert:

"Sec. 13. [TRANSITION PROVISION.]

A granting agency that, prior to June 1, 2000, adopted criteria that complied with Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 2, has until June 1, 2001, to comply with the minimum criteria requirements added by section 3.

Sec. 14. [1995 TO 1999 ASSISTANCE.]

Subdivision 1. [REPEALER OF NO EFFECT.] Subdivision 2 is applicable to the receipt of assistance between July 1, 1995, and July 31, 1999, notwithstanding the repeal of Minnesota Statutes, section 116J.991, by Laws 1999, chapter 243, article 12, section 4, and provided that the assistance would have been subject to Minnesota Statutes, section 116J.991, if not for that repeal.

Subd. 2. [PUBLIC ASSISTANCE TO BUSINESS; WAGE AND JOB REQUIREMENTS.] A business that receives state or local government assistance for economic development or job growth purposes must create a net increase in jobs in Minnesota within two years of receiving the assistance.

The government agency providing the assistance must establish wage level and job creation goals to be met by the business receiving the assistance. A business that fails to meet the goals must repay the assistance to the government agency.

Each government agency must report the wage and job goals and the results for each project in achieving those goals to the department of trade and economic development. The department shall compile and publish the results of the reports for the previous calendar year by August 1 of each year. The reports of the agencies to the department and the compilation report of the department shall be made available to the public.

For the purpose of this subdivision, "assistance" means a grant or loan in excess of \$25,000 or tax increment financing.

Sec. 15. [EFFECTIVE DATE.]

The amendment in section 1, adding clause (21), is effective the day following final enactment and is retroactive to January 1, 2000. Section 14 is effective January 1, 2001."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2893 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 3109: A bill for an act relating to commerce; enacting the Uniform Electronic Transactions Act adopted by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law as Minnesota Statutes, chapter 325L.

Senator Wiener moved to amend H.F. No. 3109, as amended pursuant to Rule 49, adopted by the Senate March 15, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3699.)

Page 3, delete lines 21 to 24

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

Page 3, line 27, delete "(3)" and insert "(2)"

Page 4, after line 5, insert:

"(e) This chapter does not apply to the creation and execution of wills, codicils, or trusts other than trusts relating to the conduct of business, commercial, or governmental purposes."

Page 8, line 34, after the period, insert "Records of a government agency are subject to sections 15.17 and 138.17."

Page 12, line 31, after the period, insert "Records of a government agency are subject to sections 15.17 and 138.17."

Page 12, line 35, delete "paragraph (f)" and insert "paragraphs (f) and (g)"

The motion prevailed. So the amendment was adopted.

H.F. No. 3109 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Johnson, D.E.	Kiscaden	Limmer
Belanger	Flynn	Johnson, D.H.	Kleis	Lourey
Berg	Foley	Johnson, D.J.	Knutson	Marty
Berglin	Frederickson	Kelley, S.P.	Krentz	Metzen
Betzold	Higgins	Kelly, R.C.	Langseth	Moe, R.D.
Cohen	Hottinger	Kierlin	Larson	Murphy
Dille	Janezich	Kinkel	Lessard	Neuville

Novak	Piper	Robling	Solon	Wiener
Oliver	Pogemiller	Runbeck	Spear	Wiger
Olson	Price	Sams	Stevens	Ziegler
Ourada	Ranum	Samuelson	Stumpf	
Pappas	Ring	Scheevel	Terwilliger	
Pariseau	Robertson	Scheid	Vickerman	

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

SPECIAL ORDER

S.F. No. 2686: A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; modifying licensing requirements for funeral establishments; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A.

Senator Robling moved to amend S.F. No. 2686 as follows:

Page 2, lines 6 to 9, delete the new language and insert "Funeral provider" does not include monument builders who sell and install monuments and headstones, with or without foundations, at retail to the public, but do not sell any other funeral good, funeral service, burial good, or burial site service."

Page 5, line 12, delete everything after "in"

Page 5, delete line 13

Page 5, line 14, delete everything before "all"

The motion prevailed. So the amendment was adopted.

S.F. No. 2686 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 2956: A bill for an act relating to transportation; adopting Midwest Interstate Passenger Rail Compact; amending Minnesota Statutes 1998, section 218.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 218.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3576: A bill for an act relating to the environment; modifying reporting requirements for solid waste and wastewater treatment facilities; extending exemption period for certain toxics in packaging; requiring a report; amending Minnesota Statutes 1998, sections 115.03, subdivision 1; and 115A.965, subdivision 3; repealing Minnesota Statutes 1998, sections 115A.929; 115A.981; and 297H.13, subdivision 6.

Senator Higgins moved to amend H.F. No. 3576, as amended pursuant to Rule 49, adopted by the Senate March 29, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3361.)

Page 9, after line 3, insert:

"Sec. 3. Minnesota Statutes 1998, section 115A.9651, subdivision 6, is amended to read:

Subd. 6. [PRODUCT REVIEW REPORTS.] (a) Except as provided under subdivision 7, the manufacturer, or an association of manufacturers, of any specified product distributed for sale or use in this state that is not listed pursuant to subdivision 4 shall submit a product review report and fee as provided in paragraph (c) to the commissioner for each product by July 1, 1998. Each product review report shall contain at least the following:

- (1) a policy statement articulating upper management support for eliminating or reducing intentional introduction of listed metals into its products;
- (2) a description of the product and the amount of each listed metal distributed for use in this state;
- (3) a description of past and ongoing efforts to eliminate or reduce the listed metal in the product;
- (4) an assessment of options available to reduce or eliminate the intentional introduction of the

listed metal including any alternatives to the specified product that do not contain the listed metal, perform the same technical function, are commercially available, and are economically practicable;

(5) a statement of objectives in numerical terms and a schedule for achieving the elimination of the listed metals and an environmental assessment of alternative products;

(6) a listing of options considered not to be technically or economically practicable; and

(7) certification attesting to the accuracy of the information in the report signed and dated by an official of the manufacturer or user.

If the manufacturer fails to submit a product review report, a user of a specified product may submit a report and fee which comply with this subdivision by August 15, 1998.

(b) By July 1, 1999, and annually thereafter until the commissioner takes action under subdivision 9, the manufacturer or user must submit a progress report and fee as provided in paragraph (c) updating the information presented under paragraph (a).

(c) The fee shall be \$295 for each report. The fee shall be deposited in the state treasury and credited to the environmental fund.

(d) Where it cannot be determined from a progress report submitted by a person pursuant to Laws 1994, chapter 585, section 30, subdivision 2, paragraph (e), the number of products for which product review reports are due under this subdivision, the commissioner shall have the authority to determine, after consultation with that person, the number of products for which product review reports are required.

(e) The commissioner shall summarize, aggregate, and publish data reported under paragraphs (a) and (b) annually.

(f) A product that is the subject of a ~~decision under section 115A.965~~ recommendation by the Toxics in Packaging Clearinghouse, as administered by the council of state governments, is exempt from this section."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "modifying exemptions from toxics in packaging provisions;"

Page 1, line 8, delete "and"

Page 1, line 9, after the semicolon, insert "and 115A.9651, subdivision 6;"

The motion prevailed. So the amendment was adopted.

H.F. No. 3576 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

- | | | | | |
|-----------|---------------|--------------|-----------|------------|
| Anderson | Foley | Kelley, S.P. | Lessard | Oliver |
| Belanger | Frederickson | Kierlin | Limmer | Olson |
| Berg | Hanson | Kinkel | Lourey | Ourada |
| Berglin | Higgins | Kleis | Marty | Pappas |
| Betzold | Hottinger | Knutson | Metzen | Pariseau |
| Cohen | Janezich | Krentz | Moe, R.D. | Piper |
| Dille | Johnson, D.E. | Langseth | Murphy | Pogemiller |
| Fischbach | Johnson, D.H. | Larson | Neuville | Price |
| Flynn | Johnson, D.J. | Lesewski | Novak | Ranum |

Ring
Robertson
Robling
Runbeck

Sams
Samuelson
Scheevel

Scheid
Spear
Stevens

Stumpf
Terwilliger
Vickerman

Wiener
Wiger
Ziegler

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

SPECIAL ORDER

S.F. No. 3439: A bill for an act relating to energy conservation; providing for replacement heating systems and related energy conservation measures in cities discontinuing district heating systems; proposing coding for new law in Minnesota Statutes, chapter 451.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2397 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2397

A bill for an act relating to occupational health and safety; establishing standards for employer activities to reduce occupational exposure to bloodborne pathogens through sharps injuries; proposing coding for new law in Minnesota Statutes, chapter 182.

March 29, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2397, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 2397 be further amended as follows:

Page 1, line 26, after "make" insert "advisory"

Page 2, line 1, after the period, insert "The recommendations are not binding on the employer."

Page 2, line 14, delete "may" and insert "does"

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

Senate Conferees: (Signed) Linda I. Higgins, Dave Johnson, Arlene J. Lesewski

House Conferees: (Signed) Dennis Ozment, Jim Abeler, Darlene Luther

Senator Higgins moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2397 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2397 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Hottinger, Samuelson, Berglin, Lourey and Ring introduced--

Senate Resolution No. 146: A Senate resolution recognizing the years 2000 through 2010 as the "Bone and Joint Decade."

Referred to the Committee on Rules and Administration.

Senator Dille introduced--

Senate Resolution No. 147: A Senate resolution congratulating the Litchfield High School boys basketball team on winning the 2000 State High School Class AA boys basketball tournament.

Referred to the Committee on Rules and Administration.

Senator Moe, R.D. introduced--

Senate Resolution No. 148: A Senate resolution congratulating the Win-E-Mac High School Boys Basketball team on reaching the 2000 State High School Class A boys basketball tournament and finishing second in the state.

Referred to the Committee on Rules and Administration.

RECESS

Senator 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

Senator 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. 3169: Senators Kiscaden, Betzold and Foley.

S.F. No. 2683: Senators Samuelson, Lessard and Pariseau.

S.F. No. 3272: Senators Wiener, Kinkel and Olson.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Marty, Neville and Runbeck introduced--

S.F. No. 3816: A bill for an act relating to state government; specifying procedures to avoid conflicts of interest in state contracts; requiring certain procedures to be followed in making changes to certain state contracts and solicitation documents for certain state contracts; amending Minnesota Statutes 1998, section 16C.04, subdivision 2; and 16C.08, by adding a subdivision.

Referred to the Committee on Governmental Operations and Veterans.

MEMBERS EXCUSED

Senator Runbeck was excused from the Session of today from 9:00 to 9:45 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 4, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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