

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

FORTY-SEVENTH DAY

St. Paul, Minnesota, Friday, May 4, 2001

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

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

Anderson	Hottinger	Larson	Pappas	Scheevel
Belanger	Johnson, Dean	Lesewski	Pariseau	Scheid
Berglin	Johnson, Debbie	Lessard	Pogemiller	Schwab
Betzold	Johnson, Doug	Limmer	Price	Stumpf
Chaudhary	Kelley, S.P.	Lourey	Ranum	Terwilliger
Cohen	Kelly, R.C.	Marty	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dille	Kinkel	Moe, R.D.	Ring	Wiener
Fischbach	Kiscaden	Murphy	Robertson	Wiger
Foley	Kleis	Neuville	Robling	
Fowler	Knutson	Oliver	Sabo	
Frederickson	Krentz	Olson	Sams	
Higgins	Langseth	Orfield	Samuelson	

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Bachmann; Berg; Johnson, Dave; Ourada; Solon and Stevens were excused from the Session of today.

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. 2360: A bill for an act relating to state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; modifying provisions relating to state and local government; providing for economic development; regulating

various criminal justice, judiciary, housing, technology, and election provisions; authorizing local bonds and airport impact mitigations; providing for a credit enhancement program; authorizing contingency property tax levies in the metropolitan area; amending Minnesota Statutes 2000, sections 2.722, subdivision 1; 2.724, subdivision 3; 3.3005, subdivision 2, by adding a subdivision; 3.98, subdivision 2; 8.15, by adding a subdivision; 10A.01, subdivisions 9, 18; 10A.20, subdivision 6b, by adding a subdivision; 10A.25, subdivision 1, by adding subdivisions; 10A.27, subdivisions 1, 2, 10; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3a, 5, 7, by adding a subdivision; 10A.322; 10A.323; 16A.10, subdivision 2; 16A.103, subdivisions 1, 1a; 16A.152, subdivision 7; 16B.25, subdivision 2; 16B.335, subdivision 3; 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 16B.88, subdivision 2; 16C.22; 16E.04, subdivision 2; 116L.02; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 116L.16; 181.945; 200.02, subdivisions 7, 23; 211A.12; 268.022, subdivision 2; 268.085, by adding a subdivision; 268.665, by adding subdivisions; 268.666, by adding a subdivision; 270A.07, subdivision 1; 290.06, subdivision 23; 326.90, subdivision 1; 349.165, subdivisions 1, 3; 357.18, subdivision 3; 403.11, subdivision 1; 403.113, subdivisions 1, 3; 462.353, subdivision 4; 462.358, subdivision 2b; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 473.195, by adding a subdivision; 473.255, subdivisions 1, 2; 473.517, subdivision 3; 473.901, subdivision 1; 480.182; 517.08, subdivisions 1b, 1c; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, section 12, subdivision 3; Laws 1999, chapter 250, article 1, section 34; Laws 2000, chapter 488, article 8, section 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 8; 11A; 15A; 16B; 16E; 116J; 137; 268; 336; 462; 462A; 473; repealing Minnesota Statutes 2000, sections 8.15, subdivision 2; 16E.08; 129D.06; 179A.07, subdivision 7; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7.

Senate File No. 2360 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 2001

Senator Cohen moved that the Senate do not concur in the amendments by the House to S.F. No. 2360, 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 House File, herewith transmitted: H.F. No. 82.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 3, 2001

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 82: A bill for an act relating to education; providing for kindergarten through grade 12 education including general education revenue; education excellence; special programs; facilities and technology; nutrition, school accounting, and other programs; agency provisions; deficiencies; local achievement testing; and technical amendments; appropriating money;

amending Minnesota Statutes 2000, sections 16B.616, subdivision 4; 120A.05, by adding a subdivision; 120B.02; 120B.031, subdivision 11; 120B.13, subdivision 1; 120B.30, subdivision 1; 120B.31, subdivision 3; 120B.35; 121A.11, by adding subdivisions; 121A.41, subdivision 10; 121A.45, subdivision 2, by adding a subdivision; 121A.582; 121A.61, subdivision 2; 122A.06, by adding a subdivision; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 2, 2a, 4, by adding subdivisions; 122A.20, subdivision 2; 122A.21; 122A.26, subdivision 3; 122A.31; 122A.61, subdivision 1; 123B.03, subdivision 3; 123B.143, subdivision 1; 123B.42, subdivision 3; 123B.44, subdivision 6; 123B.53, subdivisions 1, 2, 4, 5; 123B.54; 123B.57, subdivisions 3, 6, 8; 123B.71, subdivisions 1, 4, 8, 9; 123B.75, subdivision 5, by adding subdivisions; 123B.80, subdivision 1; 123B.92, by adding subdivisions; 124D.10, subdivisions 1, 3, 4, 6, 8, 10, 14, 15, 19, 23, 25, by adding subdivisions; 124D.11, subdivisions 4, 5, 9; 124D.128, subdivisions 1, 2, 3, 6; 124D.454, subdivision 11; 124D.65, subdivision 5; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 124D.86, subdivisions 3, 6; 125A.023, subdivision 4; 125A.08; 125A.09, subdivision 3; 125A.11, subdivision 3; 125A.17; 125A.27, subdivision 15; 125A.76, subdivisions 1, 2; 126C.05, subdivisions 1, 3, 5, 6, 15; 126C.10, subdivisions 1, 2, 3, 9, 20, 21, 22, 24, 25, 27, by adding a subdivision; 126C.12, subdivisions 2, 3, 4, 5, by adding a subdivision; 126C.13, subdivision 1; 126C.15, subdivisions 1, 2, 5; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, 9, 10, 11; 126C.23, subdivision 5; 126C.41, subdivision 3; 126C.43, subdivision 3; 126C.63, subdivision 8; 126C.69, subdivisions 2, 3, 9, 12, 15; 127A.05, subdivision 1; 127A.41, subdivisions 5, 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.50, subdivision 2; 136D.281, subdivision 4; 136D.741, subdivision 4; 136D.88, subdivision 4; 179A.20, by adding a subdivision; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 260A.01; 260C.163, subdivision 11; 475.53, subdivision 4; 475.61, subdivision 3; 626.556, subdivision 2; Laws 1992, chapter 499, article 7, section 31, as amended; Laws 2000, chapter 489, article 2, sections 34, 36, 37, subdivision 3, 39, subdivision 2; Laws 2000, chapter 489, article 3, sections 24, 25, subdivision 5; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 123B; 124D; 127A; repealing Minnesota Statutes 2000, sections 120B.031; 120B.31, subdivisions 1, 2, 4; 123B.05; 123B.71, subdivisions 3, 10; 124D.07; 124D.1155; 124D.128, subdivision 7; 124D.32; 124D.85; 126C.01, subdivision 10; 126C.10, subdivisions 3, 12, 23, 28; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.30; 126C.31; 126C.32; 126C.33; 126C.34; 126C.35; 126C.36; 126C.42, subdivisions 2, 3; 126C.47; 127A.44; 135A.081; 136D.281, subdivision 8; 136D.741, subdivision 8; 136D.88, subdivision 8; 136D.94; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469.

Senator Moe, R.D. moved that H.F. No. 82 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

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.

Senator Lessard introduced--

S.F. No. 2367: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Children's Discovery Museum in Grand Rapids.

Referred to the Committee on Capital Investment.

MOTIONS AND RESOLUTIONS - CONTINUED

CALL OF THE SENATE

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

Senator Moe, R.D. then moved that H.F. No. 82 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Senator Moe, R.D. then 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. 82 and that the rules of the Senate be so far suspended as to give H.F. No. 82 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 82 was read the second time.

Senator Stumpf moved to amend H.F. No. 82 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 82, and insert the language after the enacting clause, and the title, of S.F. No. 2359, the third engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 82 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Price	Scheid
Berglin	Johnson, Dean	Lesewski	Ranum	Schwab
Betzold	Johnson, Doug	Lessard	Reiter	Stumpf
Chaudhary	Kelley, S.P.	Limmer	Rest	Tomassoni
Cohen	Kelly, R.C.	Lourey	Ring	Vickerman
Fischbach	Kinkel	Moe, R.D.	Robertson	Wiener
Foley	Kiscaden	Neuville	Sabo	Wiger
Fowler	Kleis	Orfield	Sams	
Frederickson	Krentz	Pappas	Samuelson	
Higgins	Langseth	Pogemiller	Scheevel	

Those who voted in the negative were:

Belanger	Johnson, Debbie	Marty	Oliver	Robling
Day	Kierlin	Metzen	Olson	Terwilliger
Dille	Knutson	Murphy	Pariseau	

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

SPECIAL ORDERS

Pursuant to Rule 26, 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. 1711, 722, 1215, 846, 1033, 1472, 491, 414, 859, 1064, 2049, 1498, 694, 970, 1659, 1258 and 1164.

SPECIAL ORDER

S.F. No. 1711: A bill for an act relating to crimes; prohibiting making or possessing counterfeit drivers' licenses and identification cards or having instruments and material for counterfeiting drivers' licenses and identification cards in certain instances; expanding the crime prohibiting the possession of shoplifting gear; imposing criminal penalties; amending Minnesota Statutes 2000, section 609.521; proposing coding for new law in Minnesota Statutes, chapter 609.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Olson	Sabo
Belanger	Hottinger	Langseth	Orfield	Sams
Berglin	Johnson, Dean	Larson	Pappas	Samuelson
Betzold	Johnson, Debbie	Lesewski	Pariseau	Scheevel
Chaudhary	Johnson, Doug	Lessard	Pogemiller	Scheid
Cohen	Kelley, S.P.	Limmer	Price	Schwab
Day	Kelly, R.C.	Lourey	Ranum	Stumpf
Dille	Kierlin	Marty	Reiter	Terwilliger
Fischbach	Kinkel	Metzen	Rest	Tomassoni
Foley	Kiscaden	Murphy	Ring	Vickerman
Fowler	Kleis	Neuville	Robertson	Wiener
Frederickson	Knutson	Oliver	Robling	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 722: A bill for an act relating to energy; providing for comprehensive energy conservation, production, and regulatory changes; amending Minnesota Statutes 2000, sections 16B.32, subdivision 2; 116C.52, subdivisions 4, 10; 116C.53, subdivisions 2, 3; 116C.57, subdivisions 1, 2, 4, by adding subdivisions; 116C.58; 116C.59, subdivisions 1, 4; 116C.60; 116C.61, subdivisions 1, 3; 116C.62; 116C.63, subdivision 2; 116C.645; 116C.65; 116C.66; 116C.69; 216B.095; 216B.097, subdivision 1; 216B.16, subdivision 15; 216B.241, subdivisions 1, 1a, 1b, 1c, 2; 216B.2421, subdivision 2; 216B.243, subdivisions 3, 4, 8; 216B.62, subdivision 5; 216C.41; proposing coding for new law in Minnesota Statutes, chapters 16B; 116C; 216B; 452; repealing Minnesota Statutes 2000, sections 116C.55, subdivisions 2, 3; 116C.57, subdivisions 3, 5, 5a; 116C.67; 216B.2421, subdivision 3.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Orfield	Sams
Belanger	Hottinger	Larson	Pappas	Samuelson
Berglin	Johnson, Dean	Lesewski	Pariseau	Scheevel
Betzold	Johnson, Debbie	Lessard	Pogemiller	Scheid
Chaudhary	Kelley, S.P.	Limmer	Price	Schwab
Cohen	Kelly, R.C.	Lourey	Ranum	Stumpf
Day	Kierlin	Marty	Reiter	Terwilliger
Dille	Kinkel	Metzen	Rest	Tomassoni
Fischbach	Kiscaden	Moe, R.D.	Ring	Vickerman
Foley	Kleis	Neuville	Robertson	Wiener
Fowler	Knutson	Oliver	Robling	Wiger
Frederickson	Krentz	Olson	Sabo	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1215: A bill for an act relating to human rights; changing provisions pertaining to business discrimination and inquiry into a charge; permitting discretionary disclosure during investigation; amending Minnesota Statutes 2000, sections 363.01, subdivision 41; 363.03, subdivision 8a; 363.06, subdivision 4; 363.061, subdivision 2.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dean	Larson	Pappas	Sams
Belanger	Johnson, Debbie	Lesewski	Pariseau	Samuelson
Berglin	Kelley, S.P.	Lessard	Pogemiller	Scheevel
Betzold	Kelly, R.C.	Limmer	Price	Schwab
Chaudhary	Kierlin	Lourey	Ranum	Stumpf
Cohen	Kinkel	Marty	Reiter	Terwilliger
Day	Kiscaden	Metzen	Rest	Tomassoni
Foley	Kleis	Neuville	Ring	Vickerman
Fowler	Knutson	Oliver	Robertson	Wiener
Frederickson	Krentz	Olson	Robling	Wiger
Higgins	Langseth	Orfield	Sabo	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 846: A bill for an act relating to public safety; authorizing use of the criminal justice data communications network for determining if civil commitment petitions of proposed patient as sexual psychopathic or sexually dangerous person should be filed; amending Minnesota Statutes 2000, section 299C.46, subdivision 3.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pappas	Samuelson
Belanger	Johnson, Dean	Larson	Pariseau	Scheevel
Berglin	Johnson, Debbie	Lesewski	Pogemiller	Scheid
Betzold	Johnson, Doug	Limmer	Price	Schwab
Chaudhary	Kelley, S.P.	Lourey	Ranum	Stumpf
Cohen	Kelly, R.C.	Marty	Reiter	Terwilliger
Day	Kierlin	Metzen	Rest	Tomassoni
Dille	Kinkel	Murphy	Ring	Vickerman
Fischbach	Kiscaden	Neuville	Robertson	Wiener
Foley	Kleis	Oliver	Robling	Wiger
Fowler	Knutson	Olson	Sabo	
Frederickson	Krentz	Orfield	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1033: A bill for an act relating to public employment; Minnesota state colleges and universities; merging unions for technical and community college employees; amending Minnesota Statutes 2000, sections 43A.06, subdivision 1; 179A.10, subdivision 2; 354B.21, subdivision 1; 354B.25, subdivision 1a; and 354C.11, subdivision 2.

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 53 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dean	Langseth	Pappas	Samuelson
Belanger	Johnson, Debbie	Larson	Pogemiller	Scheevel
Berglin	Johnson, Doug	Lesewski	Price	Scheid
Betzold	Kelley, S.P.	Lessard	Ranum	Stumpf
Chaudhary	Kelly, R.C.	Limmer	Reiter	Terwilliger
Cohen	Kierlin	Lourey	Rest	Tomassoni
Dille	Kinkel	Marty	Ring	Vickerman
Fischbach	Kiscaden	Metzen	Robertson	Wiener
Foley	Kleis	Neuville	Robling	Wiger
Fowler	Knutson	Oliver	Sabo	
Higgins	Krentz	Orfield	Sams	

Those who voted in the negative were:

Day	Olson	Schwab
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1472: A bill for an act relating to economic development; modifying the capital access program; amending Minnesota Statutes 2000, sections 116J.876, by adding a subdivision; 116J.8761; and 116J.8762, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116J.

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	Hottinger	Lesewski	Pappas	Scheevel
Belanger	Johnson, Dean	Lessard	Pogemiller	Scheid
Berglin	Johnson, Debbie	Limmer	Price	Schwab
Betzold	Kelley, S.P.	Lourey	Ranum	Stumpf
Chaudhary	Kelly, R.C.	Marty	Reiter	Terwilliger
Cohen	Kierlin	Metzen	Rest	Tomassoni
Day	Kinkel	Moe, R.D.	Ring	Vickerman
Dille	Kleis	Murphy	Robertson	Wiener
Fischbach	Knutson	Neuville	Robling	Wiger
Foley	Krentz	Oliver	Sabo	
Fowler	Langseth	Olson	Sams	
Higgins	Larson	Orfield	Samuelson	

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Kleis moved that the vote whereby S.F. No. 1033 was passed by the Senate on May 4, 2001, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 1033 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Pogemiller	Scheid
Belanger	Johnson, Dean	Lesewski	Price	Schwab
Berglin	Johnson, Debbie	Lessard	Ranum	Stumpf
Betzold	Johnson, Doug	Limmer	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Lourey	Rest	Tomassoni
Cohen	Kierlin	Marty	Ring	Vickerman
Day	Kinkel	Metzen	Robertson	Wiener
Dille	Kiscaden	Moe, R.D.	Robling	Wiger
Fischbach	Kleis	Murphy	Sabo	
Foley	Knutson	Neuville	Sams	
Fowler	Krentz	Oliver	Samuelson	
Higgins	Langseth	Orfield	Scheevel	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 491: A bill for an act relating to health; providing patient protections; amending Minnesota Statutes 2000, sections 45.027, subdivision 6; 62D.17, subdivision 1; 62J.38; 62M.02, subdivision 21; 62Q.56; and 62Q.58; proposing coding for new law in Minnesota Statutes, chapter 62D.

Senator Berglin moved to amend S.F. No. 491 as follows:

Page 1, line 24, before "A" insert "(a)"

Page 1, line 26, delete "drug, device, treatment, or procedure" and insert "clinical trial"

Page 2, after line 4, insert:

"(b) A health maintenance organization must inform an enrollee who is a participant in a clinical trial upon inquiry by the enrollee that coverage shall be provided as required under paragraph (a)."

The motion prevailed. So the amendment was adopted.

S.F. No. 491 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 55 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Johnson, Dean	Kiscaden	Lesewski
Berglin	Fischbach	Johnson, Debbie	Kleis	Lessard
Betzold	Foley	Johnson, Doug	Knutson	Limmer
Chaudhary	Fowler	Kelley, S.P.	Krentz	Lourey
Cohen	Higgins	Kelly, R.C.	Langseth	Marty
Day	Hottinger	Kinkel	Larson	Metzen

Moe, R.D.	Pariseau	Ring	Samuelson	Terwilliger
Murphy	Pogemiller	Robertson	Scheevel	Tomassoni
Neuville	Price	Robling	Scheid	Vickerman
Orfield	Ranum	Sabo	Schwab	Wiener
Pappas	Rest	Sams	Stumpf	Wiger

Those who voted in the negative were:

Belanger	Kierlin	Oliver	Olson	Reiter
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 414: A bill for an act relating to health; modifying the Minnesota Utilization Review Act; adding to the grounds in which the board of medical practice may impose disciplinary action; amending Minnesota Statutes 2000, sections 62M.06, subdivision 3; 62M.09, subdivisions 3, 3a, 6, by adding a subdivision; 62M.10, subdivision 7; 147.091, subdivision 1.

Senator Hottinger moved to amend S.F. No. 414 as follows:

Page 3, line 29, reinstate the stricken "and" and delete the comma

Page 3, line 30, delete ", and currently practicing in the"

Page 3, line 31, delete the new language

Page 3, line 36, after the period, insert "This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota comprehensive health association."

Page 4, line 14, after "with" insert "the annual financial statement it submits to"

Page 4, delete section 7 and insert:

"Sec. 7. Minnesota Statutes 2000, section 147.091, is amended by adding a subdivision to read:

Subd. 1b. [UTILIZATION REVIEW.] The board may investigate allegations and impose disciplinary action as described in section 147.141 against a physician performing utilization review for a pattern of failure to exercise that degree of care that a physician reviewer of ordinary prudence making utilization review determinations for a utilization review organization would use under the same or similar circumstances. As part of its investigative process, the board shall receive consultation or recommendation from physicians who are currently engaged in utilization review activities. The internal and external review processes under sections 62M.06 and 62Q.73 must be exhausted prior to an allegation being brought under this subdivision. Nothing in this subdivision creates, modifies, or changes existing law related to tort liability for medical negligence. Nothing in this subdivision preempts state peer review law protection in accordance with sections 145.61 to 145.67, federal peer review law, or current law pertaining to complaints or appeals."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 414 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 45 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Betzold	Chaudhary	Cohen
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Day	Kelley, S.P.	Lessard	Pappas	Sams
Dille	Kelly, R.C.	Lourey	Price	Samuelson
Fischbach	Kierlin	Marty	Ranum	Scheevel
Foley	Kinkel	Metzen	Reiter	Scheid
Fowler	Kleis	Moe, R.D.	Rest	Stumpf
Higgins	Krentz	Murphy	Ring	Vickerman
Hottinger	Langseth	Oliver	Robling	Wiener
Johnson, Dean	Larson	Orfield	Sabo	Wiger

Those who voted in the negative were:

Belanger	Kiscaden	Limmer	Pariseau	Schwab
Johnson, Debbie	Knutson	Olson	Robertson	Terwilliger

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

SPECIAL ORDER

S.F. No. 859: A bill for an act relating to professions; creating the Accountancy Act of 2001; authorizing rulemaking; imposing penalties; amending Minnesota Statutes 2000, sections 3.972, subdivision 1; 116J.70, subdivision 2a; 214.01, subdivision 3; 319B.02, subdivision 19; 326.53; 367.36, subdivision 1; 412.222; 471.49, subdivision 10; and 544.42, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 326A; repealing Minnesota Statutes 2000, sections 326.165; 326.1655; 326.17; 326.18; 326.19; 326.191; 326.192; 326.197; 326.20; 326.201; 326.21; 326.211; 326.212; 326.22; 326.223; 326.224; 326.225; 326.228; and 326.229.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lesewski	Pariseau	Scheevel
Belanger	Johnson, Dean	Lessard	Pogemiller	Scheid
Berglin	Johnson, Debbie	Limmer	Price	Schwab
Betzold	Kelley, S.P.	Lourey	Ranum	Stumpf
Chaudhary	Kelly, R.C.	Marty	Reiter	Terwilliger
Cohen	Kierlin	Metzen	Rest	Vickerman
Day	Kinkel	Murphy	Ring	Wiener
Dille	Kleis	Neuville	Robertson	Wiger
Fischbach	Knutson	Oliver	Robling	
Foley	Krentz	Olson	Sabo	
Fowler	Langseth	Orfield	Sams	
Higgins	Larson	Pappas	Samuelson	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1064: A bill for an act relating to public contracts; specifying procedures to be followed for certain professional service contracts; proposing coding for new law in Minnesota Statutes, chapter 16C.

Senator Rest moved to amend S.F. No. 1064 as follows:

Page 1, line 13, before the period, insert "for which the agency, with the approval of the commissioner, decides to use procedures under this section. If the agency, with the approval of the commissioner, decides to use procedures under this section, it must comply with subdivisions 2, 3, and 4"

Page 1, line 19, after "information" insert "from a single responder at a time in rank order, commencing with the highest ranked contractor,"

Page 1, line 25, before the period, insert "and must be approved by the commissioner when the agency seeks approval to use this alternative"

Page 2, lines 23 and 24, delete "the agency specifies, in accordance with this section" and insert "approved by the commissioner, which the agency must specify in the request for proposal, in accordance with this section"

The motion prevailed. So the amendment was adopted.

S.F. No. 1064 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pappas	Samuelson
Belanger	Hottinger	Larson	Pariseau	Scheevel
Berglin	Johnson, Dean	Lesewski	Pogemiller	Scheid
Betzold	Johnson, Debbie	Lessard	Price	Schwab
Chaudhary	Kelley, S.P.	Lourey	Ranum	Stumpf
Cohen	Kelly, R.C.	Marty	Reiter	Terwilliger
Day	Kierlin	Metzen	Rest	Vickerman
Dille	Kinkel	Murphy	Ring	Wiener
Fischbach	Kiscaden	Neuville	Robertson	Wiger
Foley	Kleis	Oliver	Robling	
Fowler	Knutson	Olson	Sabo	
Frederickson	Krentz	Orfield	Sams	

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

SPECIAL ORDER

S.F. No. 2049: A bill for an act relating to historic preservation; recognizing and extending the protection of the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act to historic Camp Coldwater Springs; amending Minnesota Statutes 2000, section 138.73, subdivision 13.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Olson	Robling
Belanger	Higgins	Langseth	Orfield	Sabo
Berglin	Hottinger	Larson	Pappas	Sams
Betzold	Johnson, Dean	Lesewski	Pariseau	Samuelson
Chaudhary	Johnson, Debbie	Lessard	Pogemiller	Scheid
Cohen	Kelley, S.P.	Lourey	Price	Schwab
Day	Kierlin	Marty	Ranum	Stumpf
Dille	Kinkel	Metzen	Reiter	Terwilliger
Fischbach	Kiscaden	Murphy	Rest	Vickerman
Foley	Kleis	Neuville	Ring	Wiener
Fowler	Knutson	Oliver	Robertson	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1498: A bill for an act relating to transportation; modifying restrictions on funds in disaster accounts of county state-aid highway fund and municipal state-aid street fund; transferring authority for grants to highway safety center to commissioner of public safety; modifying state rail bank lease provisions; amending Minnesota Statutes 2000, sections 162.06, subdivision 3; 162.12, subdivision 3; 171.29, subdivision 2; and 222.63, subdivision 4.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Olson	Sams
Belanger	Johnson, Dean	Larson	Orfield	Samuelson
Betzold	Johnson, Debbie	Lesewski	Pappas	Scheid
Chaudhary	Kelley, S.P.	Lessard	Pariseau	Schwab
Cohen	Kelly, R.C.	Limmer	Price	Stumpf
Day	Kierlin	Lourey	Reiter	Terwilliger
Dille	Kinkel	Marty	Rest	Vickerman
Fischbach	Kiscaden	Metzen	Ring	Wiener
Foley	Kleis	Murphy	Robertson	Wiger
Fowler	Knutson	Neuville	Robling	
Frederickson	Krentz	Oliver	Sabo	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 694: A bill for an act relating to public safety; providing for creation of a propane education and research council.

Senator Murphy moved that S.F. No. 694 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 970: A bill for an act relating to trade regulations; prohibiting gasoline sales below cost; providing enforcement authority; amending Minnesota Statutes 2000, section 325D.01, subdivision 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 325D.

Senator Kiscaden moved to amend S.F. No. 970 as follows:

Page 2, line 8, before the period, insert "or six cents, whichever is less, before credit card discounts are applied"

Pursuant to Rule 41, Senator Kierlin moved that he be excused from voting on all questions pertaining to S.F. No. 970. The motion prevailed.

The question was taken on the adoption of the Kiscaden amendment.

The roll was called, and there were yeas 25 and nays 30, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Krentz	Olson	Robertson
Cohen	Johnson, Debbie	Limmer	Orfield	Robling
Day	Kiscaden	Marty	Pappas	Scheevel
Foley	Kleis	Neuville	Pariseau	Schwab
Fowler	Knutson	Oliver	Reiter	Terwilliger

Those who voted in the negative were:

Anderson	Johnson, Doug	Lesewski	Ranum	Scheid
Betzold	Kelley, S.P.	Lessard	Rest	Stumpf
Chaudhary	Kelly, R.C.	Lourey	Ring	Tomassoni
Dille	Kinkel	Metzen	Sabo	Vickerman
Higgins	Langseth	Murphy	Sams	Wiener
Johnson, Dean	Larson	Price	Samuelson	Wiger

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

S.F. No. 970 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 18, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lessard	Price	Stumpf
Belanger	Johnson, Dean	Lourey	Ranum	Terwilliger
Betzold	Johnson, Doug	Marty	Reiter	Tomassoni
Chaudhary	Kelley, S.P.	Metzen	Rest	Vickerman
Cohen	Kelly, R.C.	Moe, R.D.	Ring	Wiener
Dille	Kinkel	Murphy	Sams	Wiger
Fischbach	Langseth	Oliver	Samuelson	
Fowler	Larson	Pappas	Scheevel	
Higgins	Lesewski	Pogemiller	Scheid	

Those who voted in the negative were:

Berglin	Johnson, Debbie	Krentz	Orfield	Sabo
Day	Kiscaden	Limmer	Pariseau	Schwab
Foley	Kleis	Neuville	Robertson	
Frederickson	Knutson	Olson	Robling	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Murphy moved that S.F. No. 694 be taken from the table. The motion prevailed.

S.F. No. 694: A bill for an act relating to public safety; providing for creation of a propane education and research council.

Senator Kiscaden moved to amend S.F. No. 694 as follows:

Page 6, line 30, delete ", unless approved by" and insert a period

Page 6, delete lines 31 to 34

The motion prevailed. So the amendment was adopted.

S.F. No. 694 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 43 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Johnson, Doug	Krentz	Murphy
Berglin	Fischbach	Kelley, S.P.	Lesewski	Oliver
Betzold	Fowler	Kelly, R.C.	Lessard	Orfield
Chaudhary	Frederickson	Kierlin	Lourey	Pappas
Cohen	Higgins	Kinkel	Marty	Price
Day	Johnson, Dean	Kleis	Metzen	Ranum

Rest
Ring
Robling

Sabo
Sams
Samuelson

Scheevel
Scheid
Stumpf

Terwilliger
Tomassoni
Vickerman

Wiger

Those who voted in the negative were:

Foley
Johnson, Debbie

Kiscaden
Knutson

Limmer
Olson

Pariseau
Reiter

Robertson
Schwab

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

SPECIAL ORDER

S.F. No. 1659: A bill for an act relating to agriculture; modifying provisions relating to feedlots; providing for a level 1 feedlot inventory; proposing coding for new law in Minnesota Statutes, chapter 116.

Senator Betzold moved to amend S.F. No. 1659 as follows:

Page 1, line 25, delete "1" and insert "15"

The motion prevailed. So the amendment was adopted.

S.F. No. 1659 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 1, as follows:

Those who voted in the affirmative were:

Anderson
Berglin
Betzold
Cohen
Day
Dille
Fischbach
Foley
Fowler
Frederickson
Higgins

Johnson, Dean
Johnson, Debbie
Johnson, Doug
Kelley, S.P.
Kelly, R.C.
Kierlin
Kinkel
Kiscaden
Kleis
Knutson
Krentz

Langseth
Lesewski
Lessard
Limmer
Lourey
Marty
Metzen
Murphy
Neuville
Olson
Pappas

Pariseau
Price
Ranum
Reiter
Rest
Ring
Robertson
Robling
Sabo
Sams
Samuelson

Scheid
Schwab
Stumpf
Terwilliger
Tomassoni
Vickerman
Wiger

Those who voted in the negative were:

Scheevel

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

SPECIAL ORDER

S.F. No. 1258: A bill for an act relating to economic development; modifying provisions of the Minnesota investment fund; amending Minnesota Statutes 2000, section 116J.8731, subdivision 2.

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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Berglin
Betzold

Cohen
Dille
Foley

Fowler
Frederickson
Higgins

Johnson, Dean
Johnson, Debbie
Johnson, Doug

Kelley, S.P.
Kelly, R.C.
Kierlin

Kinkel	Limmer	Olson	Rest	Scheevel
Kiscaden	Lourey	Orfield	Ring	Scheid
Kleis	Marty	Pappas	Robertson	Stumpf
Knutson	Metzen	Pariseau	Robling	Terwilliger
Krentz	Moe, R.D.	Price	Sabo	Tomassoni
Langseth	Murphy	Ranum	Sams	Vickerman
Lesewski	Oliver	Reiter	Samuelson	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1164: A bill for an act relating to conservation; modifying the definition of landowner for purposes of participation in the RIM program; increasing the amount of funding available to participants; amending Minnesota Statutes 2000, sections 103F.511, subdivision 6; and 103F.515, subdivision 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lessard	Price	Scheid
Belanger	Johnson, Dean	Limmer	Ranum	Schwab
Berglin	Johnson, Debbie	Lourey	Reiter	Stumpf
Betzold	Kelley, S.P.	Marty	Rest	Terwilliger
Cohen	Kinkel	Metzen	Ring	Tomassoni
Dille	Kiscaden	Neuville	Robertson	Vickerman
Fischbach	Kleis	Oliver	Robling	Wiger
Foley	Knutson	Olson	Sabo	
Fowler	Krentz	Orfield	Sams	
Frederickson	Langseth	Pappas	Samuelson	
Higgins	Lesewski	Pariseau	Scheevel	

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 Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports 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. 1266: A bill for an act relating to agriculture; providing funding for the department of agriculture, the board of animal health, the Minnesota horticultural society, and the agricultural utilization research institute; changing certain fees and charges; creating, extending, and expanding certain programs; establishing, changing, and clarifying terms and procedures; refunding certain fines; providing a civil penalty; appropriating money; amending Minnesota Statutes 2000, sections 17.102, subdivision 3; 17.1025; 17.117; 17.85; 18B.065, subdivision 5; 18E.04, subdivisions 2, 4, 5; 28A.04, subdivision 1; 32.394, subdivision 8e; 38.02, subdivision 1;

41A.09, subdivision 2a; 103B.3369, subdivision 5; 116.07, subdivision 7; 116O.09, subdivision 1a; 169.871, subdivision 1; 169.872, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 41A; repealing Minnesota Statutes 2000, section 31.11, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [CAPITAL IMPROVEMENT APPROPRIATIONS.]

The sums in the column under "APPROPRIATIONS" are appropriated from the bond proceeds fund, or another named fund, to the state agencies or officials indicated, to be spent for public purposes, including, but not limited to, acquiring and bettering public land and buildings and other public improvements of a capital nature, as specified in this act. Unless otherwise specified, the appropriations in this act are available until the project is completed or abandoned.

SUMMARY

UNIVERSITY OF MINNESOTA	\$	15,965,000
MINNESOTA STATE COLLEGES AND UNIVERSITIES		17,500,000
CHILDREN, FAMILIES, AND LEARNING		32,200,000
NATURAL RESOURCES		6,834,000
BOARD OF WATER AND SOIL RESOURCES		48,903,000
ADMINISTRATION		40,167,000
TRADE AND ECONOMIC DEVELOPMENT		31,305,000
BOND SALE EXPENSES		151,000
TOTAL	\$	193,025,000
Bond Proceeds Fund		174,025,000
Maximum Effort School Loan Fund		19,000,000
		APPROPRIATIONS
	\$	

Sec. 2. UNIVERSITY OF MINNESOTA

To the board of regents of the University of Minnesota for higher education asset preservation and replacement 15,965,000

This appropriation is for the purposes specified in Minnesota Statutes, section 135A.046.

Sec. 3. MINNESOTA STATE COLLEGES AND UNIVERSITIES

To the board of trustees of the Minnesota state colleges and universities for higher education asset preservation and replacement 17,500,000

This appropriation is for the purposes specified in Minnesota Statutes, section 135A.046.

Sec. 4. CHILDREN, FAMILIES, AND LEARNING

Subdivision 1. To the commissioner of children, families, and learning for the purposes specified in this section 32,200,000

Subd. 2. Metropolitan Magnet Schools 1,700,000

For a metropolitan magnet school grant to school district No. 6067, Tri-District, to complete construction of, furnish, and equip the East Metro middle school. This appropriation is added to the appropriations in Laws 1998, chapter 404, section 5, subdivision 5; Laws 1999, chapter 240, article 1, section 3; and Laws 2000, chapter 492, article 1, section 5, subdivision 2, for the same project.

Subd. 3. Maximum Effort Capital
Loan

19,000,000

For a capital loan to independent school district No. 2580, East Central, under Minnesota Statutes, sections 126C.60 to 126C.72. A capital loan in this amount is approved.

Notwithstanding the timelines in Minnesota Statutes, section 126C.69, subdivision 3, 6, 7, or 11, or the application limitation in Laws 2000, chapter 492, article 1, section 5, subdivision 5, independent school district No. 2580, East Central, may apply to the department of children, families, and learning for a maximum effort capital loan.

The commissioner of children, families, and learning shall complete the review and comment process according to Minnesota Statutes, section 126C.69, subdivisions 3, 4, 5, and 8, for the project approved in this subdivision.

The commissioner shall review the proposed plan and budget of the project approved in this subdivision and may reduce the amount of a loan to ensure that the project will be economical. The commissioner may recover the cost incurred by the commissioner for any professional services associated with the final review by reducing the proceeds of the loan paid to a district.

Subd. 4. Cooperative
Secondary Facilities Grant

11,500,000

Notwithstanding Minnesota Statutes, section 123A.443, subdivision 2, clause (4), a cooperative secondary facilities grant of \$11,500,000 is approved to the joint powers board for independent school districts Nos. 486, Swanville, and 487, Upsala. The joint powers board issuing the bonds for the secondary facility and the school boards of independent school district No. 486, Swanville, and independent school district No. 487, Upsala, may make the ballot question on the issuance of the bonds and the ballot questions on the consolidation of the two districts each contingent on the passage of

the other propositions. Notwithstanding Minnesota Statutes, section 123A.48, the consolidation ballot questions may be phrased to reflect this contingency.

Sec. 5. NATURAL RESOURCES

Subdivision 1. To the commissioner of natural resources for the purposes specified in this section

6,834,000

Subd. 2. Flood Hazard Mitigation Grants

5,234,000

To the commissioner of natural resources for grants to local units of government under Minnesota Statutes, section 103F.161, for publicly owned capital improvements to assist with the cost of mitigative storm drainage system improvement and other flood mitigation measures.

\$234,000 of this appropriation is for projects in the Red River basin.

\$5,000,000 is for a grant to the city of Eagan in that amount.

Subd. 3. St. Paul Open Space Corridor

1,600,000

For a grant to the city of St. Paul to acquire approximately 58 acres, including the Trout brook/trillium site and the lower Phalen creek site, to provide an open space corridor from Maryland Avenue to Warner Road.

Sec. 6. BOARD OF WATER AND SOIL RESOURCES

Minnesota River basin conservation reserve enhancement program

48,903,000

This appropriation is to the board of water and soil resources.

\$43,000,000 is to acquire easements and \$5,903,000 is for administrative costs to acquire the easements.

These appropriations must be used to acquire easements and implement conservation practices on frequently flooded cropland, including land within the 100-year floodplain and the major tributaries; on marginal cropland along rivers and streams; and on drained or altered wetlands in the Minnesota River basin to protect soil, enhance water quality, and support fish and wildlife habitat as provided in Minnesota Statutes, sections 103F.515 and 103F.516.

Sec. 7. POLLUTION CONTROL AGENCY

Closed Landfill Program Bond Reauthorization

The following bond authorization, which has been reported to the legislature according to Minnesota Statutes, section 16A.642, subdivision 1, is reauthorized, and does not cancel under the terms of that subdivision: an amount remaining of \$20,500,000 for appropriations from the bond proceeds fund for closed landfill cleanup, authorized in Laws 1994, chapter 639, article 3, section 5.

Sec. 8. ADMINISTRATION

Subdivision 1. To the commissioner of administration for the purposes specified in this section

40,167,000

Subd. 2. Capital Asset Preservation and Replacement (CAPRA)

4,900,000

To be spent in accordance with Minnesota Statutes, section 16A.632.

\$400,000 is to replace the roof on the Minnesota historical society building at 1500 Mississippi Street in St. Paul.

Subd. 3. Bruentrup Farm Roof Replacements

100,000

For a grant to the city of Maplewood to replace roofs on the house and barn of the historic Bruentrup farm owned by the city.

Subd. 4. State Office Building Exterior

2,200,000

To complete tuckpointing and masonry repair on the north and west sides of the building and the associated remediation work on the inside of those exterior walls.

Subd. 5. Governor's Residence Interior

1,167,000

To upgrade the HVAC system, rewire the electrical system, extend the elevator, and related costs.

Subd. 6. Electrical Utility Infrastructure, Phase 5

2,500,000

To upgrade the primary electrical distribution system in the capitol complex.

Subd. 7. Land Acquisition, Site Preparation, and Predesign for New Facilities

8,400,000

Subd. 8. Digital Television Conversion

20,900,000

For grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government. In

order to qualify for these grants, a station must meet the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2.

Sec. 9. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. To the commissioner of trade and economic development for the purposes specified in this section

31,305,000

Subd. 2. Wastewater Infrastructure Fund

30,000,000

For grants to eligible municipalities under the wastewater infrastructure program established in Minnesota Statutes, section 446A.072.

To the greatest extent practical, the authority should use the grants for projects on the 2000 intended use plan in priority order to qualified applicants that submit plans and specifications to the pollution control agency or receive a funding commitment from U.S. Department of Agriculture rural development before May 1, 2002.

\$230,000 is to pay principal costs on the general obligation sewer revenue bond of 2000 issued by the town of West Newton in Nicollet county to pay costs the town incurred in construction of the St. George community wastewater treatment system. The system uses wetlands to treat wastewater from 23 properties. The bond was issued to pay the cost of installing additional treatment components that were not part of the project as originally planned. The additional components resulted in excessive costs to homeowners.

Subd. 3. Granite Falls
Infrastructure Restoration

1,305,000

For a grant to the city of Granite Falls to assist with the cost of tornado damage assessment, repair, replacement, extension, or improvement of publicly owned wastewater and municipal utility service and drinking water systems.

Subd. 4. Flood Disaster
Recovery

Grants to local units of government in the areas designated under a Presidential Declaration of Major Disaster related to the floods of April and May 2001, whether included in the original declaration or added later by federal government amendment, to pay public costs resulting from the disaster but not covered by federal disaster programs, may be paid from the general contingent account under Minnesota Statutes, section 3.30.

Subd. 5. Glenville
Infrastructure Restoration

A grant to the city of Glenville to assist with the cost of damage assessment, repair, replacement, extension, or improvement of publicly owned infrastructure damaged by the tornado of May 1, 2001, may be paid from the general contingent account under Minnesota Statutes, section 3.30.

Subd. 6. Redevelopment Account

Notwithstanding Minnesota Statutes, section 116J.565, subdivision 1, paragraph (a), clauses (1) to (5), the commissioner may give priority for a redevelopment grant under Minnesota Statutes, section 116J.564, for projects in a city of the second class that is designated by the United States Department of Commerce as an economically depressed area.

Sec. 10. BOND SALE EXPENSES

151,000

To the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8. This appropriation is from the bond proceeds fund.

Sec. 11. BOND SALE SCHEDULE

The commissioner of finance shall schedule the sale of state general obligation bonds so that, during the biennium ending June 30, 2003, no more than \$641,472,000 will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on outstanding state general obligation bonds. During the biennium, before each sale of state general obligation bonds, the commissioner of finance shall calculate the amount of debt service payments needed on bonds previously issued and shall estimate the amount of debt service payments that will be needed on the bonds scheduled to be sold. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 12. [BOND SALE AUTHORIZATION.]

Subdivision 1. [BOND PROCEEDS FUND.] To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$174,025,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. [MAXIMUM EFFORT SCHOOL LOAN FUND.] To provide the money appropriated by this act from the maximum effort school loan fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$19,000,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to a bond proceeds account in the maximum effort school loan fund.

Sec. 13. Minnesota Statutes 2000, section 16B.335, subdivision 3, is amended to read:

Subd. 3. [PREDESIGN REQUIREMENT.] The definitions in paragraphs (a) and (b) apply to this section.

(a) "Pre-design" means the stage in the development of a project during which the purpose, scope, cost, and schedule of the complete project are defined and instructions to design professionals are produced.

(b) "Design" means the stage in the development of a project during which schematic, design development, and contract documents are produced.

(c) A recipient to whom an appropriation is made for a project subject to review under subdivision 1 or notice under subdivision 2 shall prepare a pre-design package and submit it to the commissioner for review and recommendation before proceeding with design activities. The commissioner must complete the review and recommendation within ten working days after receiving it. Failure to review and recommend within the ten days is considered a positive recommendation. The pre-design package must be sufficient to define the purpose, scope, cost, and schedule of the project and must demonstrate that the project has been analyzed according to appropriate space needs standards.

(d) This subdivision does not apply to park building projects for park buildings owned by a local government unit in the metropolitan area defined in section 473.121, subdivision 2.

Sec. 14. Minnesota Statutes 2000, section 103F.161, subdivision 3, is amended to read:

Subd. 3. [RED RIVER BASIN FLOOD MITIGATION PROJECTS.] Notwithstanding subdivision 2, a grant for implementation of a flood hazard mitigation project in the Red River basin that is consistent with the 1998 mediation agreement and approved by the Red River flood damage reduction work group may be for up to 75 percent of the cost of the proposed mitigation measures for the Agassiz-Audubon, North Ottawa, Hay creek, and Thief river subwatershed projects.

Sec. 15. Minnesota Statutes 2000, section 123A.443, subdivision 1, is amended to read:

Subdivision 1. [QUALIFICATION.] Any group of districts that meets the criteria required under subdivision 2 may apply for an incentive grant for construction of a new secondary facility or for remodeling and improving an existing secondary facility. A grant for new construction must not exceed the lesser of \$5,000,000 \$12,000,000 or 75 percent of the approved construction costs of a cooperative secondary education facility. A grant for remodeling and improving an existing facility must not exceed \$200,000.

Sec. 16. Minnesota Statutes 2000, section 136F.60, subdivision 2, is amended to read:

Subd. 2. [METHODS OF ACQUISITION.] (a) If money has been appropriated to the board to acquire lands or sites for public buildings or real estate, the acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings must be under chapter 117.

(b) The board may accept gifts of and enter into agreements to acquire facilities that the board determines to be for the good and benefit of the state colleges and universities. Except as otherwise provided in this paragraph, the terms of the agreements are within the board's discretion. The board, by way of agreement, may convey, or lease for a term of years not to exceed 30 years, real property under the board's control. Conveyances and leases may be made

with or without monetary consideration. Conveyances by the board must be by quitclaim deed in a form approved by the attorney general. Land conveyed by the board must revert to the state if it is no longer used to provide a facility for the primary benefit of a state college or university or its students. Agreements may be made following requests for proposal or by direct negotiation. The board may not use, either directly or indirectly, state appropriations or the credit of the state to pay or guarantee the payment of any debt for, or any costs related to, the construction of a facility acquired or constructed according to this paragraph. For purposes of this paragraph, "facility" includes, but is not limited to, student unions, recreational centers, and other facilities for student housing, athletics, parking, academic instruction, and administration.

Sec. 17. Minnesota Statutes 2000, section 446A.072, subdivision 4, is amended to read:

Subd. 4. [FUNDING LEVEL.] (a) The authority shall provide supplemental assistance for essential project component costs as certified by the commissioner of the pollution control agency under section 116.182, subdivision 4.

(b) Except as provided in paragraph (c), a municipality may not receive more than \$4,000,000, or \$15,000 per existing connection, whichever is less, under this section unless specifically approved by law. If a project would be eligible for more than \$4,000,000 under paragraph (e), the authority shall include a description of the project and the financing plan in its report on needs in subdivision 11. The \$4,000,000, or \$15,000 per existing connection, whichever is less, limit in this paragraph does not apply to a municipality that borders the outstanding resource value water of Lake Superior.

(c) A sanitary district or multijurisdictional wastewater treatment district may receive an additional \$1,000,000 for each municipality participating up to a maximum grant of \$8,000,000, unless a higher amount is specifically approved by law. If a project would be eligible for more than \$8,000,000 under paragraph (e), the authority shall include a description of the project and the financing plan in its report on needs in subdivision 11.

(d) The authority shall provide supplemental assistance for up to one-half of the eligible grant funding level determined by the United States Department of Agriculture Rural Development funding for projects listed on the agency's project priority list, in priority order. In the case of multijurisdictional projects when the United States Department of Agriculture Rural Development is unable to fully fund up to one-half of the eligible grant amount, the authority may provide up to an additional \$1,000,000 for each municipality participating up to the limits under paragraph (c) but not to exceed the maximum grant level determined by the United States Department of Agriculture Rural Development as needed to keep the project affordable. For municipalities that are not eligible for United States Department of Agriculture Rural Development funding for wastewater, the authority shall provide supplemental assistance for: (1) essential project component costs calculated by first determining the amount needed to reduce a municipality's annual residential sewer costs to 1.4 percent of the municipality's median household income or \$25 per month per household, whichever is greater, and then multiplying that amount by 80 percent to determine the actual award amount to supplement loans under section 446A.07; and (2) up to 50 percent of the incremental costs specifically identified by the agency as being attributable to more stringent wastewater standards required to protect outstanding resource value waters or outstanding international resource value waters.

(e) Notwithstanding paragraph (b), in the event that a municipality's monthly residential sewer service charges average above \$50, the authority will provide 90 percent of the grant amount needed to reduce the average monthly sewer service charge to \$50, provided the project is ranked in the top 50 percentile of the agency's intended use plan.

(f) The authority shall provide supplemental assistance to a municipality that would not otherwise qualify for supplemental assistance if:

(1) the municipality voluntarily accepts a sewer connection from another governmental unit to serve residential, industrial, or commercial developments that were completed before March 1, 1996, or are on lots whose plats were recorded before that date; and

(2) fees charged by the municipality for the connection must take into account state and federal grants used by the municipality for the construction of the treatment plant.

The amount of supplemental assistance under this paragraph must be sufficient to reduce debt service payments under section 446A.07 to an extent equivalent to a zero percent loan in an amount up to the other governmental unit's project costs necessary for connection. Eligibility for supplemental assistance under this paragraph ends three years after the agency certifies that the connection has met the operational performance standards established by the agency.

Sec. 18. Laws 1998, chapter 404, section 23, subdivision 30, is amended to read:

Subd. 30. Itasca County School-to-Work
Technology Center

2,000,000

For a grant to Itasca county to design and construct a school-to-work technology center in conjunction with the school district, the city of Nashwauk, and private industry. ~~Each dollar of state money must be matched by \$1 of nonstate money.~~ For every dollar of nonstate money committed to the project, two dollars of this appropriation are available to the county, up to the total amount appropriated.

This appropriation is from the general fund.

Sec. 19. [PEOPLE, INC. NORTH SIDE COMMUNITY SUPPORT PROGRAM.]

The grant in Laws 1998, chapter 404, section 18, subdivision 4, must be paid to People, Inc. to purchase, remodel, and complete accessibility upgrades to an existing building or to acquire land or construct a building to be used by the People, Inc. North Side Community Support Program, which may provide office space for state employees.

Sec. 20. [RED LAKE ECONOMIC DEVELOPMENT FACILITY.]

The grant in Laws 1998, chapter 404, section 23, subdivision 27, to the Red Lake tribal council must be used to construct an educational and training facility and an economic development facility on land assigned by the council on the Red Lake reservation.

Sec. 21. [LAWRENCE HALL REMODELING.]

The cost of remodeling the top floor of Lawrence Hall at St. Cloud State University for student housing, as authorized by Laws 2000, chapter 492, article 1, section 3, subdivision 19, must be paid entirely with money from other than state sources.

Sec. 22. [FERGUS FALLS OFFICE FACILITY.]

The appropriation in Laws 2000, chapter 492, article 1, section 7, subdivision 3, may also be used to acquire, remodel, and refurbish facilities for a consolidated area office and service facility in Fergus Falls.

Sec. 23. [GUTHRIE THEATER APPROPRIATION; CONDITIONS.]

The appropriation in Laws 2000, chapter 492, article 1, section 14, subdivision 3, may be used to predesign and begin design of a new Guthrie Theater and need not be used to acquire and prepare a site for the theater nor to construct, furnish, and equip it.

Sec. 24. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to capital improvements; authorizing spending for public purposes, including, but not limited to, acquiring and bettering public land and buildings and other public improvements of a capital nature with certain conditions; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, sections 16B.335, subdivision 3; 103F.161, subdivision 3; 123A.443, subdivision 1; 136F.60, subdivision 2; 446A.072, subdivision 4; Laws 1998, chapter 404, section 23, subdivision 30."

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

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

S.F. No. 830: A bill for an act relating to insurance; simplifying regulation of health insurers and health maintenance organizations; establishing a task force on small business health insurance; providing appointments; amending Minnesota Statutes 2000, sections 62D.08, subdivision 5; 62N.25, subdivision 7; 62Q.19, subdivision 1; 256B.692, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62D; repealing Minnesota Statutes 2000, sections 62D.08, subdivision 5; 62Q.07.

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

Page 2, delete section 2

Page 7, line 8, delete "7" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after the semicolon

Page 1, line 9, delete everything before "repealing"

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

SECOND READING OF SENATE BILLS

S.F. No. 830 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1266 was read the second time.

MEMBERS EXCUSED

Senator Lessard was excused from the Session of today from 11:15 to 11:45 a.m. Senator Frederickson was excused from the Session of today from 11:45 a.m. to 12:25 p.m. Senator Johnson, Doug was excused from the Session of today from 12:00 to 12:45 p.m. Senator Tomassoni was excused from the Session of today from 12:15 to 12:45 p.m. Senator Berglin was excused from the Session of today from 12:30 to 1:15 p.m. Senator Pogemiller was excused from the Session of today from 12:30 to 1:55 p.m. Senator Larson was excused from the Session of today at 1:25 p.m. Senator Wiener was excused from the Session of today at 1:30 p.m. Senator Belanger was excused from the Session of today from 1:30 to 1:45 p.m. Senator Kelly, R.C. was excused from the Session of today at 1:45 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, May 7, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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