

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

THIRTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 31, 1999

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Michael Small.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 30, 1999

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 1999 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 1999	Date Filed 1999
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757	Res. No. 2	3:51 p.m. March 29	March 29
255	24	3:46 p.m. March 29	March 29
460	25	3:48 p.m. March 29	March 29
407	26	3:49 p.m. March 29	March 29

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. 727, 1660, 1888, 794 and 1150.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 30, 1999

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 414, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 414 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 29, 1999

CONFERENCE COMMITTEE REPORT ON H.F. NO. 414

A bill for an act relating to agriculture; extending the program for control of pseudorabies in swine; appropriating money.

March 25, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 414, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 414 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION; PSEUDORABIES CONTROL.]

(a) \$1,255,000 is appropriated from the general fund to the board of animal health for continued efforts to control pseudorabies in swine. This appropriation is to cover the cost of blood tests, laboratory fees, and vaccines, and is available until June 30, 2000.

(b) Using money appropriated in paragraph (a), the board shall reimburse veterinarians for pseudorabies vaccine administered to swine on premises located within a three-mile radius of pseudorabies quarantined premises or in other areas recommended by the district veterinarian that are necessary to control the spread of pseudorabies.

(c) The board shall provide reimbursement for pseudorabies vaccine to veterinarians for vaccine used after January 1, 1999, for swine on premises eligible for the vaccine under paragraph (b). Reimbursement shall be computed by using the number of doses purchased for eligible swine multiplied by 25 cents per dose.

(d) The board of animal health shall report to the senate and house agriculture and rural development committees by February 1, 2000, on the reasons for the spread of pseudorabies, including the effect of size and type of swine operation on the spread of the disease, and recommendations for controlling the disease. The report must also analyze the number and location of swine operations eligible for vaccine under paragraph (b) that fail to vaccinate their herds.

Sec. 2. [APPROPRIATION; CENTER FOR FARM FINANCIAL MANAGEMENT.]

(a) \$245,000 is appropriated from the general fund to the University of Minnesota for the center for farm financial management to provide financial management assistance to farmers, including assistance with:

- (1) the preparation of financial records;
- (2) cash flow planning using FINPACK and other sources; and
- (3) loan document preparation and planning.

The center for farm financial management shall coordinate and transfer funding for the delivery of the financial management assistance through the Minnesota state colleges and universities regional adult farm management offices and provide the training and equipment necessary to persons providing the assistance to farmers.

(b) This appropriation is available until June 30, 2000.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; extending the program for control of pseudorabies in swine; providing reimbursement for veterinarians who used pseudorabies vaccine after January 1, 1999; providing financial management assistance to farmers; appropriating money."

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

House Conferees: (Signed) Bob Gunther, Robert Ness, Stephen G. Wenzel

Senate Conferees: (Signed) Paula E. Hanson, LeRoy A. Stumpf, Steve Dille

Senator Hanson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 414 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.

H.F. No. 414 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Novak	Sams
Belanger	Higgins	Langseth	Oliver	Samuelson
Berg	Hottinger	Larson	Pappas	Scheid
Betzold	Janezich	Limmer	Pariseau	Spear
Cohen	Johnson, D.E.	Lourey	Pogemiller	Stevens
Day	Johnson, D.J.	Marty	Price	Ten Eyck
Dille	Kelley, S.P.	Metzen	Ranum	Terwilliger
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Vickerman
Flynn	Kleis	Murphy	Robling	Wiener
Frederickson	Knutson	Neuville	Runbeck	Wiger

So the bill, as amended by the Conference Committee, 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 House Files, herewith transmitted: H.F. Nos. 643, 1079 and 70.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 30, 1999

FIRST READING OF HOUSE BILLS

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

H.F. No. 643: A bill for an act relating to civil commitment; providing the same legal rights for all persons under commitment status; amending Minnesota Statutes 1998, section 253B.23, subdivision 2; repealing Minnesota Statutes 1998, section 609.165, subdivision 1c.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 676, now on General Orders.

H.F. No. 1079: A bill for an act relating to alcoholic beverages; authorizing acceptance of certain coupons by retailers of alcoholic beverages; authorizing issuance of on-sale and temporary on-sale intoxicating liquor licenses in Minneapolis, St. Paul, Detroit Lakes, Eden Prairie, International Falls, Marshall, Proctor, and Stillwater; providing for duration of on-sale intoxicating liquor licenses for seasonal tour boats; amending Minnesota Statutes 1998, sections 340A.404, subdivisions 2, 8, and by adding a subdivision; 340A.412, subdivision 4; and 340A.5071; repealing Laws 1998, chapter 364, section 13.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1331, now on General Orders.

H.F. No. 70: A bill for an act relating to public safety; authorizing law enforcement agencies to sell forfeited firearms, ammunition, and firearm accessories to firearms dealers; allowing certain agencies to retain forfeited money for crime prevention use; amending Minnesota Statutes 1998, section 609.5315, subdivisions 1 and 2.

Referred to the Committee on Crime Prevention.

REPORTS OF COMMITTEES**SUSPENSION OF RULES**

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 1269. The motion prevailed.

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S.F. Nos. 740, 1894, 884, 1467, 1058, 1805, 2013 and 210. The motion prevailed.

Senator Flynn from the Committee on Transportation, to which was re-referred

S.F. No. 1511: A bill for an act relating to taxation; exempting agricultural aircraft from registration tax; amending Minnesota Statutes 1998, section 360.55, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 360.55, is amended by adding a subdivision to read:

Subd. 8. [AGRICULTURAL AIRCRAFT.] Aircraft registered with the Federal Aviation Administration as restricted category aircraft used for agricultural purposes must be listed for taxation and registration upon filing, by the owner, of a sworn affidavit with the commissioner. The affidavit must state:

(1) the name and address of the owner;

(2) the name and address of the person from whom purchased;

(3) the aircraft's make, year, model number, federal registration numbers, and manufacturer's identification number; and

(4) that the aircraft is owned and operated solely for agricultural operations and purposes. The owner shall file the affidavit and pay an annual fee established under sections 360.511 to 360.67, which must not exceed \$500. Should the aircraft be operated other than for agricultural purposes, the owner shall list the aircraft for taxation and registration under sections 360.511 to 360.67. If the aircraft is sold, the new owner shall list the aircraft for taxation and registration under this subdivision or under sections 360.511 to 360.67, as applicable.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for aircraft registered after June 30, 1999."

Delete the title and insert:

"A bill for an act relating to taxation; prescribing maximum registration tax for agricultural aircraft; amending Minnesota Statutes 1998, section 360.55, by adding a subdivision."

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Marty from the Committee on Election Laws, to which was referred

S.F. No. 145: A bill for an act relating to ethics in government; clarifying and simplifying the law related to lobbyist registration, conflicts of interest, and campaign finance; eliminating invalid

provisions; amending Minnesota Statutes 1998, sections 10A.01; 10A.02; 10A.03; 10A.04; 10A.05; 10A.06; 10A.065, subdivisions 1, 1a, and 3; 10A.08; 10A.09; 10A.10; 10A.11; 10A.12; 10A.13; 10A.14; 10A.15; 10A.16; 10A.17; 10A.18; 10A.19; 10A.20; 10A.22, subdivisions 6 and 7; 10A.23; 10A.24; 10A.241; 10A.242; 10A.25; 10A.255, subdivision 1; 10A.265; 10A.27; 10A.275, subdivision 1; 10A.28; 10A.29; 10A.30, subdivision 1; 10A.31; 10A.315; 10A.321; 10A.322; 10A.323; 10A.324, subdivisions 1 and 3; 10A.34; 200.02, by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1998, sections 10A.065, subdivision 5; 10A.22, subdivisions 1, 4, and 5; 10A.255, subdivision 2; 10A.275, subdivisions 2 and 3; 10A.324, subdivisions 2 and 4; 10A.325; 10A.335; 10A.40; 10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51.

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

Page 13, line 23, after the second comma, insert "as amended by Laws 1999, chapter 1, section 1,"

Page 13, delete lines 26 to 36

Page 14, delete lines 1 to 14 and insert:

"Subdivision 1. [MEMBERSHIP.] ~~There is hereby created a state~~ The campaign finance and public disclosure board is composed of six members. The members shall be appointed by the governor shall appoint the members with the advice and consent of three-fifths of both the senate and the house of representatives acting separately. If either house fails to confirm the appointment of a board member within 45 legislative days after appointment or by adjournment sine die, whichever occurs first, the appointment shall terminate on the day following the 45th legislative day or on adjournment sine die, whichever occurs first. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm. Two members ~~shall~~ must be former members of the legislature who support different political parties; two members ~~shall~~ must be persons who have not been public officials, held any political party office other than precinct delegate, or been elected to public office for which party designation is required by statute in the three years preceding the date of their appointment; and the other two members ~~shall~~ must support different political parties. No more than three of the members of the board ~~shall~~ may support the same political party. No member of the board may currently serve as a lobbyist."

Page 43, line 36, reinstate the stricken language

Page 44, lines 1 to 22, reinstate the stricken language

Page 46, line 6, strike "any" and insert "an"

Page 51, lines 27 and 28, delete the new language and reinstate the stricken language

Page 51, line 29, strike ", state treasurer,"

Page 51, lines 30 to 32, delete the new language and reinstate the stricken language

Page 53, strike lines 24 to 28

Page 55, lines 27 and 28, strike "By June 1 of the" and insert "Each"

Page 56, lines 4 and 5, strike "with 1982 as a base year"

Page 56, after line 5, insert:

"Sec. 32. Minnesota Statutes 1998, section 10A.255, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF EXPENDITURE LIMIT.] ~~By June~~ April 15 of each election year the board shall publish in the State Register the expenditure limit for each office for that calendar year under section 10A.25 as adjusted by this section. The revisor of statutes shall code the adjusted amounts in the next edition of Minnesota Statutes, section 10A.25, subdivision 2."

Page 56, line 26, strike ", state treasurer"

Page 63, line 14, delete "state treasurer,"

Page 64, line 8, strike "3.6" and insert "4.2"

Page 64, line 9, strike "1.8" and insert "2.4" and strike the comma and insert "and"

Page 64, line 10, strike ", and state treasurer"

Page 64, line 22, strike "2.4" and insert "2.8"

Page 64, line 23, strike "1.2" and insert "1.6" and strike the comma and insert "and"

Page 64, line 24, strike ", and state treasurer"

Page 71, line 18, strike "subdivision" and insert "section"

Page 73, line 1, after "election" insert "or a special election held at the general election"

Page 74, line 23, after the second "in" insert "at least"

Page 74, line 29, strike ", state treasurer,"

Page 74, strike lines 33 to 36

Page 75, after line 9, insert:

"A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election shall submit the affidavit required by this section to the board within five days after filing the affidavit of candidacy."

Page 76, delete lines 14 and 15 and insert "the board. The board shall forward deposit the check or money order to in the state treasurer for deposit in treasury for credit to the general fund. The amount"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "10A.02" insert ", as amended"

Page 1, line 11, delete "subdivision 1" and insert "subdivisions 1 and 3"

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

Senator Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1109: A bill for an act relating to liquor; providing minimum mandatory civil penalties for sale of alcoholic beverages to persons under 21 years of age; increasing the criminal penalty for providing alcoholic beverages to underage persons under certain circumstances; providing for a minimum fine for purchase of alcoholic beverages by a person under 21 years of age; authorizing grants for liquor law compliance checks; appropriating money; amending Minnesota Statutes 1998, sections 340A.415; 340A.701, subdivision 1; and 340A.703; proposing coding for new law in Minnesota Statutes, chapter 299L.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 340A.701, subdivision 1, is amended to read:

Subdivision 1. [UNLAWFUL ACTS.] It is a felony:

- (1) to manufacture alcoholic beverages in violation of this chapter;
- (2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or
- (3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or
- (4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section 340A.503, subdivision 2, clause (1), by selling, bartering, furnishing, or giving alcoholic beverages to a person under 21 years of age if the underage purchaser of the alcoholic beverage that person becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1999, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime prevention; increasing the criminal penalty for providing alcoholic beverages to underage persons under certain circumstances; amending Minnesota Statutes 1998, section 340A.701, subdivision 1."

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

Senator Hottinger from the Committee on Health and Family Security, to which was referred

H.F. No. 614: A bill for an act relating to health; expanding the reserve corridor for community integrated service networks; modifying the definition of review organization; amending Minnesota Statutes 1998, sections 62N.28, subdivision 5; and 145.61, subdivision 5.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Flynn from the Committee on Transportation, to which was referred

S.F. No. 740: A bill for an act relating to public safety; providing for a maximum percentage of the motorcycle safety fund that may be spent for certain activities; amending Minnesota Statutes 1998, section 121A.36, subdivision 3.

Reports the same back with the recommendation that the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1785: A bill for an act relating to telecommunications; providing for telecommunications pricing plans for state government under oversight of public utilities commission; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Page 1, line 14, after the semicolon, insert "and"

Page 1, delete lines 15 to 18

Page 1, line 19, delete "(3)" and insert "(2)"

Page 2, line 2, after the period, insert "Plans shall be available to carry out the commissioner of administration's duties under sections 16B.46 and 16B.465 and shall also be available to those entities not using the commissioner for contracting for telecommunications services."

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

Senator Solon from the Committee on Commerce, to which was referred

S.F. No. 1368: A bill for an act relating to commerce; regulating contracts for architects, engineers, surveyors, landscape architects, geoscientists, and interior designers; amending Minnesota Statutes 1998, sections 16C.08, subdivision 5; and 337.10, subdivision 4.

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

Page 1, line 22, delete "subdivision" and insert "paragraph"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Solon from the Committee on Commerce, to which was referred

H.F. No. 583: A bill for an act relating to insurance; regulating investments by township mutual insurance companies; amending Minnesota Statutes 1998, section 67A.231.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Solon from the Committee on Commerce, to which was referred

H.F. No. 1066: A bill for an act relating to insurance; township mutual insurance companies; regulating the territories of operation; amending Minnesota Statutes 1998, section 67A.01.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1404: A bill for an act relating to crime; providing criminal penalties for possessing and disseminating pornographic work depicting a minor; including computer-generated or computer-altered images within the definition of pornographic work; amending Minnesota Statutes 1998, sections 617.246, subdivisions 1, 2, 3, 4, and by adding a subdivision; and 617.247, subdivisions 1, 2, 3, 4, and by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 617.246, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) For the purpose of this section, the terms defined in this subdivision have the meanings given them.

(b) "Minor" means any person under the age of 18.

(c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

(d) "Sexual performance" means any play, dance or other exhibition presented before an

audience or for purposes of visual or mechanical reproduction ~~which depicts~~ that uses a minor to depict actual or simulated sexual conduct as defined by clause (e).

(e) "Sexual conduct" means any of the following ~~if the depiction involves a minor:~~

~~(i)~~ (1) an act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal;

~~(ii)~~ (2) sadomasochistic abuse, meaning flagellation, torture, or similar demeaning acts inflicted by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed;

~~(iii)~~ (3) masturbation or;

(4) lewd exhibitions of the genitals; or

~~(iv)~~ (5) physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(f) "Pornographic work" means:

(1) an original or reproduction of a picture, film, photograph, negative, slide, videotape, videodisc, or drawing of a sexual performance involving a minor; or

(2) any visual depiction, including any photograph, film, video, picture, drawing, negative, slide, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means that:

(i) uses a minor to depict actual or simulated sexual conduct;

(ii) has been created, adapted, or modified to appear that an identifiable minor is engaging in sexual conduct; or

(iii) is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexual conduct.

For the purposes of this paragraph, an identifiable minor is a person who was a minor at the time the depiction was created or altered, whose image is used to create the visual depiction.

Sec. 2. Minnesota Statutes 1998, section 617.246, subdivision 2, is amended to read:

Subd. 2. [USE OF MINOR.] It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage minors in posing or modeling alone or with others in any sexual performance or pornographic work if the person knows or has reason to know that the conduct intended is a sexual performance or a pornographic work.

Any person who violates this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than ~~five ten~~ years or to payment of a fine of not more than \$10,000 \$20,000 for the first offense and ~~\$20,000~~ \$40,000 for a second or subsequent offense, or both.

Sec. 3. Minnesota Statutes 1998, section 617.246, subdivision 3, is amended to read:

Subd. 3. [OPERATION OR OWNERSHIP OF BUSINESS.] A person who owns or operates a business in which a ~~work depicting a minor in a sexual performance~~ pornographic work, as defined in this section, is disseminated to an adult or a minor or is reproduced, and who knows the content and character of the pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment for not more than ~~five ten~~ years, or to payment of a fine of not more than \$10,000 \$20,000 for the first offense and ~~\$20,000~~ \$40,000 for a second or subsequent offense, or both.

Sec. 4. Minnesota Statutes 1998, section 617.246, subdivision 4, is amended to read:

Subd. 4. [DISSEMINATION.] A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work depicting a minor in sexual performance, as defined in this section, is guilty of a felony and may be sentenced to imprisonment for not more than five ten years, or to payment of a fine of not more than \$10,000 \$20,000 for the first offense and \$20,000 \$40,000 for a second or subsequent offense, or both.

Sec. 5. Minnesota Statutes 1998, section 617.246, is amended by adding a subdivision to read:

Subd. 6. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge of violating this section that the sexual performance or pornographic work was produced using only persons who were 18 years or older.

Sec. 6. Minnesota Statutes 1998, section 617.247, subdivision 1, is amended to read:

Subdivision 1. [POLICY; PURPOSE.] It is the policy of the legislature in enacting this section to protect minors from the physical and psychological damage caused by their being used in photographic representations of pornographic work depicting sexual conduct which involves minors. It is therefore the intent of the legislature to penalize possession of photographic representations of pornographic work depicting sexual conduct which involve minors or appears to involve minors in order to protect the identity of minors who are victimized by involvement in the photographic representations pornographic work, and to protect minors from future involvement in photographic representations of pornographic work depicting sexual conduct.

Sec. 7. Minnesota Statutes 1998, section 617.247, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(a) "Photographic representation" means an original or reproduction of a film, videotape, videodisc, photograph, negative, or slide "Pornographic work" has the meaning given to it in section 617.246.

(b) "Sexual conduct" has the meaning given to it in section 617.246.

Sec. 8. Minnesota Statutes 1998, section 617.247, subdivision 3, is amended to read:

Subd. 3. [DISSEMINATION PROHIBITED.] A person who disseminates a photographic representation of sexual conduct which involves a minor pornographic work to an adult or a minor, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a gross misdemeanor felony and may be sentenced to imprisonment for not more than five years and a fine of not more than \$10,000 for a first offense and for not more than ten years and a fine of not more than \$20,000 for a second or subsequent offense.

Sec. 9. Minnesota Statutes 1998, section 617.247, subdivision 4, is amended to read:

Subd. 4. [POSSESSION PROHIBITED.] A person who has in possession possesses a photographic representation of sexual conduct which involves a minor pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character and that an actual minor is an actor or photographic subject in it, is guilty of a gross misdemeanor for a first offense and for not more than five years and a fine of not more than \$10,000 for a second or subsequent offense.

Sec. 10. Minnesota Statutes 1998, section 617.247, is amended by adding a subdivision to read:

Subd. 8. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge of violating this section that the pornographic work was produced using only persons who were 18 years or older.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective August 1, 1999, and apply to crimes committed on or after that date."

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

Senator Spear from the Committee on Crime Prevention, to which was referred

H.F. No. 1553: A bill for an act relating to corrections; authorizing offenders conditionally released to perform community work service to file claims for injuries sustained during compensated service; repealing a requirement for a report on training funds; authorizing expenditure of funds for staff working in licensed juvenile facilities; authorizing deduction from an inmate's account of restitution ordered for damage to staff property and personal injuries to another; authorizing Minnesota correctional facility-Red Wing to retain money collected from detention holds and federal contracts; authorizing the commissioner to require any inmate to participate in rehabilitative programs and impose disciplinary sanctions for refusal to participate; exempting licensed contractor requirement for institution work crew program; clarifying that sentence for imprisonment is only for felonies; making certain criminal justice agency records available to commissioner of corrections and probation officers; specifying criteria for commitment of juvenile male offenders at the Minnesota correctional facility-Red Wing; repealing the law authorizing the mutual agreement rehabilitative program; amending Minnesota Statutes 1998, sections 3.739, subdivision 1; 241.01, subdivision 5; 241.0221, subdivisions 1, 2, and 4; 241.26, subdivision 5; 243.23, subdivision 3; 244.03; 244.05, subdivision 1b; 326.84, subdivision 3; 609.105, subdivision 1; and 609.115, subdivision 3; Laws 1997, chapter 239, article 9, section 45; repealing Minnesota Statutes 1998, section 244.02.

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

Page 6, delete section 5

Page 10, line 12, reinstate the stricken language

Page 10, line 13, reinstate the stricken "disciplinary" and reinstate the stricken "rule adopted by the commissioner"

Page 10, line 14, before "refusal" insert "or"

Page 10, line 28, reinstate the stricken "violates a"

Page 10, line 29, reinstate the stricken "disciplinary rule" and before "refuses" insert "or"

Pages 11 and 12, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete "authorizing"

Page 1, delete lines 11 and 12

Page 1, line 13, delete "contracts;"

Page 1, line 16, delete everything after the semicolon

Page 1, line 17, delete everything before "clarifying"

Page 1, line 26, delete "1, 2, and 4" and insert "1 and 2"

Page 1, line 28, delete everything after the first semicolon

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

Senator Spear from the Committee on Crime Prevention, to which was referred

H.F. No. 2067: A bill for an act relating to juvenile justice; when an extended jurisdiction juvenile offender has stayed sentence executed for violation of stay no credit is granted for time in juvenile facility; amending Minnesota Statutes 1998, section 260.126, subdivision 5.

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

Page 1, line 24, delete "no" and after "given" insert "only"

Page 1, line 25, after "in" insert "a" and after "facility" insert "under commitment to the" and after "custody" insert "of the commissioner of corrections"

Amend the title as follows:

Page 1, line 4, delete "no" and after "granted" insert "only"

Page 1, line 5, before the semicolon, insert "while under the custody of the commissioner of corrections"

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

Senator Spear from the Committee on Crime Prevention, to which was referred

H.F. No. 1707: A bill for an act relating to public safety; prohibiting courts from modifying statutory sex offender registration requirements in criminal sentences and juvenile disposition orders; amending Minnesota Statutes 1998, section 243.166, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 1634: A bill for an act relating to crime; expanding the definition of "subsequent controlled substance conviction" to include convictions subsequent to a stay of adjudication for a controlled substance crime; amending Minnesota Statutes 1998, section 152.01, subdivision 16a.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 152.01, subdivision 16a, is amended to read:

Subd. 16a. [SUBSEQUENT CONTROLLED SUBSTANCE CONVICTION.] Notwithstanding section 152.18, subdivision 1, a "subsequent controlled substance conviction" means that before commission of the offense for which the person is convicted under this chapter, the person received a disposition for a felony-level offense under section 152.18, subdivision 1, was convicted in Minnesota of a felony violation of this chapter or a felony-level attempt or conspiracy to violate this chapter, or was convicted elsewhere for conduct that would have been a felony under this chapter if committed in Minnesota. An earlier disposition for a felony-level offense under section 152.18, subdivision 1, or an earlier conviction is not relevant if ten years have elapsed since: (1) the person was restored to civil rights; or (2) the sentence has expired, whichever occurs first discharge from sentence or stay of adjudication.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1999, and applies to dispositions entered under Minnesota Statutes, section 152.18, subdivision 1, and crimes committed on or after that date."

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

Senator Hottinger from the Committee on Health and Family Security, to which was referred

H.F. No. 1714: A bill for an act relating to occupations and professions; allowing the board of pharmacy to grant waivers to pharmacists regarding the ratio of pharmacists to pharmacy technicians; amending Minnesota Statutes 1998, section 151.102.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Hottinger from the Committee on Health and Family Security, to which was referred

H.F. No. 1660: A bill for an act relating to health occupations; exempting persons employed by a nonprofit organization performing duties that are incidental to research from the unlawful practice of medicine; amending Minnesota Statutes 1998, section 147.09.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Hottinger from the Committee on Health and Family Security, to which was re-referred

S.F. No. 1894: A bill for an act relating to insurance; transferring certain regulatory authority over health maintenance organizations and similar entities to the commissioner of commerce; making conforming changes; amending Minnesota Statutes 1998, sections 60B.02; 60B.03, subdivisions 2 and 4; 60B.15; 60B.20; 60G.01, subdivisions 2 and 4; 62A.61; 62D.01, subdivision 2; 62D.02, subdivision 3; 62D.03, subdivisions 1, 3, and 4; 62D.04, subdivisions 1, 2, 4, and by adding a subdivision; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08, subdivisions 1, 2, 3, 4, and 5; 62D.09, subdivisions 1 and 8; 62D.10, subdivision 4; 62D.11, subdivisions 1b, 2, 3, and by adding a subdivision; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 3a and 7; 62D.14, subdivisions 1, 3, 4, 5, and 6; 62D.15, subdivisions 1 and 4; 62D.16, subdivisions 1 and 2; 62D.17, subdivisions 1, 3, 4, and 5; 62D.18, subdivisions 1 and 7; 62D.19; 62D.20, subdivision 1; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30, subdivisions 1 and 3; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10 and 11; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62N.31, subdivision 1; 62Q.01, subdivision 2; 62Q.07; 62Q.075, subdivision 4; 62Q.105, subdivisions 6 and 7; 62Q.11; 62Q.22, subdivisions 2, 6, and 7; 62Q.32; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62R.04, subdivision 5; 62R.25; 62T.01, subdivision 4; and 72A.139, subdivision 2; repealing Minnesota Statutes 1998, sections 62D.18; 62L.11, subdivision 2; and 62Q.45, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Human Resources Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Ranum from the Committee on Judiciary, to which was referred

S.F. No. 884: A bill for an act relating to marriage; providing for a reduced marriage license fee for couples who obtain premarital counseling; amending Minnesota Statutes 1998, section 517.08, subdivisions 1b and 1c.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1998, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the tax court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$122.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$122, except the fee in a marriage dissolution proceeding is \$172.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) For recording notary commission, \$25, of which, notwithstanding subdivision 1a, paragraph (b), \$20 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(13) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(14) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents."

Page 1, line 9, delete "COUNSELING" and insert "PREMARITAL EDUCATION"

Page 2, line 11, delete "receive" and insert "have completed at least 12 hours of"

Page 2, line 12, delete "counseling" and insert "education" and delete "\$15" and insert "\$20"

Page 2, line 14, delete "counseling" and insert "education"

Page 2, line 17, delete "counseling" and insert "education"

Page 2, line 18, after "marriage" insert ", the teaching of conflict management skills,"

Page 2, line 23, after "1b," insert "paragraph (a),"

Page 2, delete lines 33 to 35 and insert:

"Of the \$20 fee under subdivision 1b, paragraph (b), \$15 must be retained by the county and the remainder must be distributed as provided in clauses (2) and (3)."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "counseling" and insert "education" and after the semicolon, insert "increasing filing fee for marriage dissolution proceedings;" and delete "section" and insert "sections 357.021, subdivision 2; and"

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Spear from the Committee on Crime Prevention, to which was referred

S.F. No. 411: A bill for an act relating to crime; imposing criminal penalties for manufacturing, distributing, selling, or possessing counterfeited intellectual property; providing for forfeiture of these items; amending Minnesota Statutes 1998, sections 609.531, subdivision 1; and 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 2. [609.895] [COUNTERFEITED INTELLECTUAL PROPERTY; PENALTIES.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given them.

(b) "Counterfeit mark" means:

(1) any unauthorized reproduction or copy of intellectual property; or

(2) intellectual property affixed to any item without the authority of the owner of the intellectual property.

(c) "Counterfeited item or service" means an item or service bearing or identified by a counterfeit mark.

(d) "Intellectual property" means any trademark, service mark, or trade name.

(e) "Retail value" means:

(1) the usual selling price of the article or service bearing or identified by the counterfeit mark;
or

(2) the usual selling price of a finished product on or in which components bearing or identified by a counterfeit mark are used.

(f) "Service mark" means a mark used by a person to identify services and to distinguish them from the services of others.

(g) "Trademark" means a mark used by a person to identify goods and to distinguish them from the goods of others.

(h) "Trade name" means a word, name, symbol, device, or any combination of the foregoing in any form or arrangement, used by a person to identify the person's business, vocation, or occupation and to distinguish it from the business, vocation, or occupation of others.

Subd. 2. [CRIME.] A person who intentionally manufactures, produces, distributes, offers for sale, sells, or possesses with intent to sell or distribute any counterfeited item or service, knowing or having reason to know that the item or service is counterfeit, is guilty of counterfeiting intellectual property and may be punished as provided in subdivision 3.

Subd. 3. [PENALTIES.] (a) A person who is convicted of violating subdivision 2 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$100,000, or both, if:

(1) the violation involves the manufacture or production of a counterfeited item or items;

(2) the violation involves the distribution, offer for sale, sale, or possession with intent to sell or distribute 1,000 or more counterfeited items;

(3) the violation involves the distribution, offer for sale, sale, or possession with intent to sell or distribute counterfeited items or services having a retail value of more than \$10,000; or

(4) the defendant has two or more prior convictions for violating this section or a law of another state or the United States that provides criminal penalties for counterfeiting intellectual property.

(b) Except as otherwise provided in paragraph (a), a person who is convicted of violating subdivision 2 may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$50,000, or both, if:

(1) the violation involves more than 100 but fewer than 1,000 counterfeited items;

(2) the violation involves counterfeited items or services having a retail value of more than \$1,000 but not more than \$10,000; or

(3) the defendant has one prior conviction for violating this section or a law of another state or the United States that provides criminal penalties for counterfeiting intellectual property.

(c) A person may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person is convicted of violating subdivision 2, under circumstances not described in paragraph (a) or (b).

(d) If the defendant distributes, sells, offers for sale, or possesses with intent to sell or distribute more than one item or service bearing or identified by more than one counterfeit mark, the quantity or retail value of these items and services may be aggregated for purposes of determining penalties under this subdivision.

Subd. 4. [ALTERNATIVE FINE.] In lieu of the fine authorized by subdivision 3, a person convicted of violating this section who received economic gain from the act or caused economic loss during the act may be sentenced to pay a fine calculated in the manner provided in section 609.904, subdivision 2.

Subd. 5. [FORFEITURE.] Property used to commit or facilitate the commission of a violation of this section, and all money and property representing proceeds of a violation of this section, shall be forfeited in accordance with sections 609.531 to 609.5316. Notwithstanding any provision of section 609.5315 to the contrary, forfeited items bearing or identified by a counterfeit mark must be destroyed unless the intellectual property owner consents to another disposition.

Subd. 6. [PRIMA FACIE EVIDENCE.] A Minnesota or federal certificate of registration of an intellectual property is prima facie evidence of the registrant's ownership and exclusive right to use the intellectual property in connection with the goods or services described in the certificate.

Sec. 3. Minnesota Statutes 1998, section 609.902, subdivision 4, is amended to read:

Subd. 4. [CRIMINAL ACT.] "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; 299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under subdivision 3, clause (3)(b) or clause 3(d)(v) or (vi); section 609.52, subdivision 2, clause (4); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 609.67; 609.687; 609.713; 609.86; 609.894, subdivision 3 or 4; 609.895; 624.713; 624.74; or 626A.02, subdivision 1, if the offense is punishable under section 626A.02, subdivision 4, paragraph (a). "Criminal act" also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4), (15), or (16), if the violation involves an insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D, or a fraternal benefit society regulated under chapter 64B.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective August 1, 1999, and apply to violations occurring on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; imposing criminal penalties for manufacturing, distributing, selling, or possessing with intent to sell or distribute counterfeited intellectual property; providing for forfeiture of these items; amending Minnesota Statutes 1998, sections 609.531, subdivision 1; and 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609."

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

Senator Solon from the Committee on Commerce, to which was referred

H.F. No. 1968: A bill for an act relating to insurance; making changes in Medicare supplemental insurance required by federal law; amending Minnesota Statutes 1998, sections 62A.31, subdivisions 1, 3, and by adding a subdivision; and 62A.43, subdivision 4.

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

Page 2, line 7, delete "and" and insert "or"

Page 3, line 30, delete "of"

Page 3, line 31, after "(A)" insert "of"

Page 3, line 33, after "(B)" insert "of"

Page 4, line 24, delete "the" and insert "The"

Page 5, after line 27, insert:

"(f) An individual's rights under this subdivision are in addition to, and do not modify or limit, the individual's rights under subdivision 1h."

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 referred

H.F. No. 1556 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
		1556	2043		

and that the above 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. Report adopted.

Senator Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred

S.F. No. 1269: A bill for an act relating to health; providing for disposition of tobacco settlement money; establishing the Minnesota families foundation; creating health-related endowment funds; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 10; 16A; 137; and 144.

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

Page 4, line 31, delete "and"

Page 4, line 32, after "(4)" insert "a report on the performance results of these grants; and (5)"

Page 9, line 9, before the period, insert ", except that a maximum of five percent of each annual appropriation may be used for staffing and other expenses relating to this section" and after the period, insert "Members of the board of directors of the partnership, and members of any advisory committees appointed by the board to make recommendations for implementing tobacco use prevention efforts, may be reimbursed for reasonable expenses actually incurred in connection with activities relating to carrying out this section, but not for expenses reimbursed from any other source."

Page 9, delete lines 13 to 17 and insert:

"Subd. 4. [REPORT.] (a) The Minnesota partnership for action against tobacco must submit an annual report to the legislature by January 15 of each year, beginning in 2001, on prevention measures and initiatives undertaken during the preceding year. The report must include:

- (1) an accounting of expenses, detailing the amounts and purposes for which money was spent;
- (2) a list of grant awards;
- (3) a report on the results of the tobacco prevention measures; and
- (4) a copy of the legislative auditor's report.

(b) The initial report submitted under this subdivision must include a copy of the partnership's bylaws and tobacco prevention policies or plans adopted by the board of directors."

Page 9, after line 21, insert:

"Sec. 6. [145.076] [LOCAL PUBLIC HEALTH ENDOWMENT FUND.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] The local public health endowment fund is established as a nonexpendable trust fund for the purpose of assuring active community involvement and coordination of community resources in addressing locally identified public health needs. The commissioner of health shall administer the fund. All earnings of the endowment fund must be credited to the fund.

Subd. 2. [APPROPRIATION OF EARNINGS.] The accrued earnings of the local public health endowment fund, not to exceed five percent of the account balance, is annually appropriated to the commissioner of health for distribution to community health boards under chapter 145A.

Subd. 3. [REPORT.] On January 15 of each odd-numbered year, the commissioner of health shall report to the legislature on the activities of community health boards under chapter 145A.

Subd. 4. [REVIEW.] The purpose of the endowment fund shall be reviewed in the governor's budget each biennium."

Page 10, line 10, delete "7" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "and"

Page 1, line 7, before the period, insert "; and 145"

And when so amended the bill do pass and be re-referred to the Committee on Human Resources Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 1467: A bill for an act relating to education; establishing the Minnesota career and technical education leadership council; proposing coding for new law in Minnesota Statutes, chapter 136F.

Report the same back with the recommendation that the bill be re-referred to the Committee on Jobs, Energy and Community Development without recommendation.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 1058: A bill for an act relating to capital improvements; appropriating money to the Minnesota state colleges and universities to demolish structures, eliminate blight, and construct parking facilities and necessary amenities on certain recently acquired land at Moorhead state university; authorizing state bonds.

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

Page 1, lines 10 and 19, delete "\$4,100,000" and insert "\$3,730,000"

Page 1, after line 22, insert:

"Sec. 3. [AUTHORIZATION TO ACCEPT CITY FUNDS AND CONSTRUCT PARKING FACILITIES.]

The board of trustees of the Minnesota state colleges and universities may design and construct parking lots, and accomplish site preparation and demolition of buildings as necessary for the construction, at Moorhead state university. The board may accept funds from the city of Moorhead for this purpose and shall enter into a contract for repayment of the funds to the city over a period not to exceed 15 years. Repayments to the city shall be contractual obligations payable from the general resources of the board of trustees of the Minnesota state colleges and universities without limitation or from appropriations for such purpose, and shall not be payments of assessments subject to Minnesota Statutes, section 3.754, 135A.131, or 435.19. The total cost of the project is not to exceed \$4,100,000.

Sec. 4. [AUTHORIZATION FOR THE CITY OF MOORHEAD TO ISSUE BONDS.]

To provide funds to loan to the board of trustees of the Minnesota state colleges and universities for parking lots at Moorhead state university, the city of Moorhead may issue not to exceed \$4,100,000 of general obligation bonds without an election and not subject to limits on net debt. Payments made by the board of trustees of the Minnesota state colleges and universities shall be pledged to the payment of the bonds, and notwithstanding Minnesota Statutes, section 475.61, taxes need not be levied if the pledged contract payments are sufficient to meet 100 percent of the debt service on the bonds when due."

Page 1, line 24, delete "This act is" and insert "Sections 1 to 3 are" and delete "its" and after the period, insert "Section 4 is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the city council of the city of Moorhead."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature; appropriating money to the Minnesota state colleges and universities to demolish structures, eliminate blight, and construct parking facilities and provide security lighting; authorizing state bonds; authorizing the board of trustees of the Minnesota state colleges and universities to accept money to demolish buildings and construct parking lots and to contract to repay the money; authorizing the city of Moorhead to issue bonds."

And when so amended the bill do pass and be re-referred to the Committee on Education Finance.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 1805: A bill for an act relating to taxation; providing that the education expense credit and deduction apply to certain expenditures for prekindergarten expenses and museum memberships; amending Minnesota Statutes 1998, sections 290.01, subdivision 19b; and 290.0674, subdivision 1.

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

Page 1, line 26, delete "educational" and insert "learning"

Page 2, lines 9 and 12, delete "educational" and insert "learning"

Page 2, line 17, after "services" insert ", including those licensed under Minnesota Rules, chapters 9502 and 9503," and delete everything after "and" and insert "holding a current early childhood development accreditation approved by the commissioner of children, families, and learning; and"

Page 2, delete lines 18 and 19

Page 2, line 22, delete "; and" and insert a period

Page 2, delete lines 23 to 26

Page 5, lines 3 and 19, delete "educational" and insert "learning"

Page 6, line 14, delete "educational" and insert "learning"

And when so amended the bill do pass and be re-referred to the Committee on Taxes.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 574: A bill for an act relating to education; providing that a person convicted of criminal sexual conduct is ineligible to be licensed as a teacher; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

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

Page 2, line 3, delete "suspend," and after "or" insert "automatically"

Page 2, line 4, after "teach" insert "without the right to a hearing"

Page 2, line 6, after the second comma, insert "or" and delete "or 609.3451,"

Page 3, line 13, after "for" insert "felony"

Page 4, line 13, after "for" insert "felony"

Page 5, line 10, after the first comma, insert "or" and delete "or 609.3451,"

And when so amended the bill do pass and be re-referred to the Committee on Crime Prevention. Amendments adopted. Report adopted.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 1397: A bill for an act relating to income taxes; providing a credit for certain higher education expenses; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Page 2, line 2, delete "any of the following" and insert "eligible institutions as defined in section 136A.101, subdivision 4."

Page 2, delete lines 3 to 9

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred

S.F. No. 2013: A bill for an act relating to economic development; directing office of strategic and long-range planning to create state development strategy; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Transportation.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 210: A bill for an act relating to health; prohibiting partial-birth abortions; providing criminal and civil penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Delete everything after the enacting clause and insert:

"Section 1. [145.4201] [DEFINITIONS.]

Subdivision 1. [TERMS.] As used in sections 145.4201 to 145.4204, the terms defined in this section have the meanings given them.

Subd. 2. [ABORTION.] "Abortion" includes an act, procedure, or use of any instrument, medicine, or drug which is supplied or prescribed for or administered to a pregnant female which results in the termination of pregnancy.

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

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

- (1) deliberate dilatation of the cervix, usually over a sequence of days;
- (2) instrumental conversion of the fetus to a footling breech;
- (3) breech extraction of the body excepting the head; and
- (4) partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Sec. 2. [145.4202] [INTACT DILATATION AND EXTRACTION ABORTIONS PROHIBITED.]

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

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

Sec. 3. [145.4203] [ADMINISTRATIVE REMEDIES.]

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

Sec. 4. [145.4204] [SEVERABILITY.]

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

And when so amended the bill do pass and be re-referred to the Committee on Judiciary.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

SECOND READING OF SENATE BILLS

S.F. Nos. 145, 1109, 1785, 1368, 1404, 1634 and 411 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 614, 583, 1066, 1553, 2067, 1707, 1714, 1660, 1968 and 1556 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Pappas moved that the name of Senator Marty be added as a co-author to S.F. No. 456. The motion prevailed.

Senator Flynn moved that the name of Senator Marty be added as a co-author to S.F. No. 813. The motion prevailed.

Senator Berglin moved that the names of Senators Samuelson, Ten Eyck and Foley be added as co-authors to S.F. No. 1219. The motion prevailed.

Senator Lourey moved that her name be stricken as a co-author to S.F. No. 1506. The motion prevailed.

Senator Cohen moved that his name be stricken as a co-author to S.F. No. 1658. The motion prevailed.

Senator Hottinger moved that the name of Senator Stevens be added as a co-author to S.F. No. 1993. The motion prevailed.

Senator Stumpf moved that the name of Senator Lourey be added as a co-author to S.F. No. 2079. The motion prevailed.

Senator Sams moved that the name of Senator Lourey be added as a co-author to S.F. No. 2106. The motion prevailed.

Senator Cohen moved that the name of Senator Higgins be added as a co-author to S.F. No. 2143. The motion prevailed.

Senator Belanger moved that the names of Senators Kleis and Robertson be added as co-authors to S.F. No. 2144. The motion prevailed.

Senator Scheid moved that H.F. No. 420, on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

Senator Kleis moved that S.F. No. 1644 be withdrawn from the Committee on Taxes and returned to its author. The motion prevailed.

Senator Frederickson moved that S.F. No. 1701 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes. The motion prevailed.

Senators Larson; Langseth; Moe, R.D. and Stumpf introduced--

Senate Resolution No. 62: A Senate resolution proclaiming Friday, April 23, 1999, as Paul Dovre Day.

Referred to the Committee on Rules and Administration.

Senator Terwilliger moved that the name of Senator Lourey be added as a co-author to S.F. No. 1951. The motion prevailed.

Senator Oliver moved that S.F. No. 1207 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Johnson, D.H. introduced--

S.F. No. 2151: A bill for an act relating to crime; expanding the definition of substantial bodily harm; amending Minnesota Statutes 1998, section 609.02, subdivision 7a.

Referred to the Committee on Crime Prevention.

Senator Hottinger introduced--

S.F. No. 2152: A bill for an act relating to public safety; appropriating money to establish a shared information management system for police agencies.

Referred to the Committee on Crime Prevention.

Senator Piper introduced--

S.F. No. 2153: A bill for an act relating to child care; modifying child care assistance; expanding the dependent care tax credit; providing a basic sliding fee transition credit; amending Minnesota Statutes 1998, sections 119B.03, by adding subdivisions; and 290.067, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senator Fischbach introduced--

S.F. No. 2154: A bill for an act relating to health; expanding the living-at-home/block nurse program; appropriating money; amending Minnesota Statutes 1998, section 256B.0917, subdivision 8.

Referred to the Committee on Health and Family Security.

Senators Johnson, J.B.; Janezich; Hanson; Day and Johnson, D.E. introduced--

S.F. No. 2155: A bill for an act relating to capital improvements; authorizing issuance of state transportation bonds to match federal funds and replace or rehabilitate local bridges; appropriating money.

Referred to the Committee on Transportation.

Senators Knutson, Pappas, Betzold, Hottinger and Kiscaden introduced--

S.F. No. 2156: A bill for an act relating to income taxes; allowing a credit for child support payments made by low-income noncustodial parents; appropriating money; amending Minnesota Statutes 1998, section 518.551, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senators Hottinger; Pappas; Belanger; Johnson, D.J. and Vickerman introduced--

S.F. No. 2157: A bill for an act relating to taxation; repealing the transit zone tax with certain exceptions; amending Minnesota Statutes 1998, section 273.13, subdivision 24; repealing Laws 1998, chapter 389, article 3, section 45.

Referred to the Committee on Local and Metropolitan Government.

Senator Lourey introduced--

S.F. No. 2158: A bill for an act relating to education; appropriating money for a family services collaborative.

Referred to the Committee on Children, Families and Learning.

Senator Lourey introduced--

S.F. No. 2159: A bill for an act relating to education; providing for a grant to independent school district No. 577, Willow River, to construct an early childhood education center and community resource center; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Betzold and Limmer introduced--

S.F. No. 2160: A bill for an act relating to highways; requiring construction of pedestrian bridge over highway 169; appropriating money.

Referred to the Committee on Transportation.

Senators Cohen, Pappas, Frederickson, Hottinger and Berglin introduced--

S.F. No. 2161: A bill for an act relating to appropriations; restoring appropriations for various nonprofit agencies.

Referred to the Committee on State Government Finance.

Senators Cohen; Moe, R.D.; Langseth; Frederickson and Price introduced--

S.F. No. 2162: A bill for an act relating to state government finance; requiring the legislative commission on planning and fiscal policy to develop principles and standards relating to forecasting and budgeting.

Referred to the Committee on State Government Finance.

MEMBERS EXCUSED

Senators Foley; Johnson, J.B.; Junge; Kiscaden; Lessard and Solon were excused from the Session of today. Senator Berglin was excused from the Session of today from 12:00 noon to 12:15 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 6, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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