

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

FORTY-FIRST DAY

St. Paul, Minnesota, Monday, April 12, 1999

The Senate met at 9:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1188: A bill for an act relating to municipalities; increasing certain dollar limits in the Uniform Municipal Contracting Law; providing an exemption for certain cooperative purchasing; amending Minnesota Statutes 1998, section 471.345, subdivisions 3, 4, and by adding a subdivision.

Senate File No. 1188 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 8, 1999

CONCURRENCE AND REPASSAGE

Senator Kelley, S.P. moved that the Senate concur in the amendments by the House to S.F. No. 1188 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1188 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Belanger	Hanson	Langseth	Price	Stumpf
Berg	Higgins	Larson	Ranum	Ten Eyck
Berglin	Janezich	Lessard	Robertson	Terwilliger
Betzold	Johnson, D.J.	Marty	Robling	Vickerman
Cohen	Junge	Metzen	Runbeck	Wiener
Day	Kelley, S.P.	Moe, R.D.	Sams	Wiger
Dille	Kelly, R.C.	Olson	Samuelson	Ziegler
Fischbach	Kiscaden	Ourada	Scheid	
Flynn	Kleis	Pariseau	Solon	
Foley	Krentz	Piper	Spear	
Frederickson	Laidig	Pogemiller	Stevens	

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

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. 118 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

H.F. No.	S.F. No.
118	160

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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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 Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 1426 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS**CONSENT CALENDAR****CALENDAR**

H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1426	1651				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1426 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1426 and insert the language after the enacting clause of S.F. No. 1651, the first engrossment; further, delete the title of H.F. No. 1426 and insert the title of S.F. No. 1651, the first engrossment.

And when so amended H.F. No. 1426 will be identical to S.F. No. 1651, and further recommends that H.F. No. 1426 be given its second reading and substituted for S.F. No. 1651, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 619 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS**CONSENT CALENDAR****CALENDAR**

H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
619	592				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 619 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 619 and insert the language after the enacting clause of S.F. No. 592, the first engrossment; further, delete the title of H.F. No. 619 and insert the title of S.F. No. 592, the first engrossment.

And when so amended H.F. No. 619 will be identical to S.F. No. 592, and further recommends that H.F. No. 619 be given its second reading and substituted for S.F. No. 592, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1568 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS**CONSENT CALENDAR****CALENDAR**

H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1568	1209				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1568 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1568 and insert the language after

the enacting clause of S.F. No. 1209, the first engrossment; further, delete the title of H.F. No. 1568 and insert the title of S.F. No. 1209, the first engrossment.

And when so amended H.F. No. 1568 will be identical to S.F. No. 1209, and further recommends that H.F. No. 1568 be given its second reading and substituted for S.F. No. 1209, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 359 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
359	684				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 359 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 359 and insert the language after the enacting clause of S.F. No. 684, the first engrossment; further, delete the title of H.F. No. 359 and insert the title of S.F. No. 684, the first engrossment.

And when so amended H.F. No. 359 will be identical to S.F. No. 684, and further recommends that H.F. No. 359 be given its second reading and substituted for S.F. No. 684, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 426 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.
426	534				

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

H.F. No. 1708 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS**CONSENT CALENDAR****CALENDAR**

H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1708	1675				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1708 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1708 and insert the language after the enacting clause of S.F. No. 1675, the first engrossment; further, delete the title of H.F. No. 1708 and insert the title of S.F. No. 1675, the first engrossment.

And when so amended H.F. No. 1708 will be identical to S.F. No. 1675, and further recommends that H.F. No. 1708 be given its second reading and substituted for S.F. No. 1675, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1051 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.
1051	971				

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

H.F. No. 1178 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS**CONSENT CALENDAR****CALENDAR**

H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1178	1253				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1178 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1178 and insert the language after the enacting clause of S.F. No. 1253, the first engrossment; further, delete the title of H.F. No. 1178 and insert the title of S.F. No. 1253, the first engrossment.

And when so amended H.F. No. 1178 will be identical to S.F. No. 1253, and further recommends that H.F. No. 1178 be given its second reading and substituted for S.F. No. 1253, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1905 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1905	1993				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1905 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1905 and insert the language after the enacting clause of S.F. No. 1993, the first engrossment; further, delete the title of H.F. No. 1905 and insert the title of S.F. No. 1993, the first engrossment.

And when so amended H.F. No. 1905 will be identical to S.F. No. 1993, and further recommends that H.F. No. 1905 be given its second reading and substituted for S.F. No. 1993, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 1414 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.
1414	1584				

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.

SECOND READING OF HOUSE BILLS

H.F. Nos. 118, 1426, 619, 1568, 359, 426, 1708, 1051, 1178, 1905 and 1414 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Dille moved that the name of Senator Laidig be added as a co-author to S.F. No. 884. The motion prevailed.

Senator Stumpf moved that S.F. No. 1405, No. 23 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Stumpf moved that S.F. No. 1170, No. 24 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Kiscaden moved that S.F. No. 954, No. 50 on General Orders, be stricken and re-referred to the Committee on Crime Prevention. The motion prevailed.

Senator Kiscaden moved that S.F. No. 212, No. 31 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

CONFIRMATION

Senator Moe, R.D. moved that the report from the Committee on Election Laws, reported April 8, 1999, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Election Laws, reported April 8, 1999, the Senate, having given its advice, do now consent to and confirm the appointment of:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Wilbur Fluegel, 14060 - 92nd Pl. N., Maple Grove, Hennepin County, effective June 16, 1998, for a term expiring on January 1, 2001.

Thomas Heffelfinger, 11145 Bluestem Ln., Eden Prairie, Hennepin County, effective September 12, 1998, for a term expiring on January 3, 2000.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

S.F. No. 1605, H.F. No. 1553, S.F. Nos. 841, 1821, 1976, 171, H.F. No. 92, S.F. Nos. 1825 and 1041.

SPECIAL ORDER

S.F. No. 1605: A bill for an act relating to labor relations; providing arbitration procedures for firefighters; amending Minnesota Statutes 1998, section 179A.16, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Junge	Larson	Olson
Belanger	Foley	Kelley, S.P.	Lesewski	Ourada
Berg	Frederickson	Kelly, R.C.	Lessard	Pappas
Berglin	Hanson	Kiscaden	Lourey	Pariseau
Betzold	Higgins	Kleis	Marty	Piper
Cohen	Hottinger	Knutson	Metzen	Pogemiller
Day	Janezich	Krentz	Moe, R.D.	Price
Dille	Johnson, D.J.	Laidig	Murphy	Ranum
Fischbach	Johnson, J.B.	Langseth	Neuville	Robertson

Robling
Runbeck
Sams
Samuelson

Scheevel
Scheid
Solon

Spear
Stevens
Stumpf

Ten Eyck
Terwilliger
Vickerman

Wiener
Wiger
Ziegler

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Senator Lesewski moved to amend H.F. No. 1553, the unofficial engrossment, as follows:

Page 2, after line 23, insert:

"Sec. 2. Minnesota Statutes 1998, section 16B.35, is amended by adding a subdivision to read:

Subd. 1a. [NOT IN PRISONS.] Notwithstanding subdivision 1, no part of a state appropriation may be used to acquire or install works of art in a state correctional facility."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 52 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lessard	Pappas	Stevens
Belanger	Janezich	Limmer	Pariseau	Stumpf
Berg	Johnson, D.J.	Marty	Ranum	Ten Eyck
Betzold	Johnson, J.B.	Metzen	Robertson	Terwilliger
Day	Kelley, S.P.	Moe, R.D.	Robling	Vickerman
Dille	Kelly, R.C.	Murphy	Runbeck	Wiener
Fischbach	Kleis	Neuville	Sams	Wiger
Foley	Krentz	Novak	Samuelson	Ziegler
Frederickson	Langseth	Oliver	Scheevel	
Hanson	Larson	Olson	Scheid	
Higgins	Lesewski	Ourada	Solon	

Those who voted in the negative were:

Berglin	Junge	Knutson	Piper	Price
Cohen	Kiscaden	Lourey	Pogemiller	Spear
Flynn				

The motion prevailed. So the amendment was adopted.

H.F. No. 1553 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 841: A bill for an act relating to insurance; providing an alternative benefit plan for small employers; authorizing a small employer alternative benefit plan pilot project; modifying certain health plan company requirements; amending Minnesota Statutes 1998, sections 62L.05, subdivision 5, and by adding a subdivision; 62L.09, subdivision 3; 62Q.095, subdivision 1; and 62Q.51, subdivision 4.

Senator Scheid moved to amend S.F. No. 841 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1998, section 62L.02, subdivision 16, is amended to read:

Subd. 16. [HEALTH CARRIER.] "Health carrier" means an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01; a health service plan corporation licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a community integrated service network operating under chapter 62N; an accountable provider network regulated under chapter 62T; a fraternal benefit society operating under chapter 64B; a joint self-insurance employee health plan operating under chapter 62H; a multiple employer welfare arrangement, as defined in United States Code, title 29, section 1002(40), as amended. Any use of this definition in another chapter by reference does not include a community integrated service network, unless otherwise specified. For the purpose of this chapter, companies that are affiliated companies or that are eligible to file a consolidated tax return must be treated as one health carrier, except that any insurance company or health service plan corporation that is an affiliate of a health maintenance organization located in Minnesota, or any health maintenance organization located in Minnesota that is an affiliate of an insurance company or health service plan corporation, or any health maintenance organization that is an affiliate of another health maintenance organization in Minnesota, may treat the health maintenance organization as a separate health carrier."

Page 1, line 15, delete everything after "employer"

Page 1, line 16, delete everything before "a"

Pages 2 and 3, delete section 3

Page 3, line 34, delete "certain"

Page 4, delete lines 3 and 4 and insert:

"(2) the health plans must be offered in compliance with Minnesota Statutes, chapter 62L, except as otherwise permitted in this section;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheid then moved to amend S.F. No. 841 as follows:

Page 4, after line 8, insert:

"(4) the health plans must be issued and administered in compliance with Minnesota Statutes, sections 62E.141; 62L.03, subdivision 6; and 62L.12, subdivisions 3 and 4, relating to prohibitions against enrolling in the Minnesota comprehensive health association persons eligible for employer group coverage;"

Page 4, line 9, delete "(4)" and insert "(5)"

Page 4, line 12, delete "(5)" and insert "(6)"

Page 4, line 14, delete "(6)" and insert "(7)"

The motion prevailed. So the amendment was adopted.

S.F. No. 841 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 60 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lourey Marty

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

SPECIAL ORDER

S.F. No. 1821: A bill for an act relating to housing; housing finance agency; authorizing agency to make equity take-out loans to owners of federally subsidized housing under certain circumstances; allowing participants to receive rental assistance for family stabilization for up to 60 months; clarifying purposes for which community rehabilitation funds may be used; establishing account to provide homeownership opportunities for disabled; modifying low-income housing credits; amending Minnesota Statutes 1998, sections 462A.073, subdivision 2; 462A.205,

subdivisions 1, 2, 5, 6, and 9; 462A.206, subdivision 2; 462A.21, by adding a subdivision; 462A.222, subdivision 3; and 462A.223, subdivision 2; repealing Minnesota Statutes 1998, section 462A.073, subdivision 3.

Senator Pappas moved to amend S.F. No. 1821 as follows:

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 1998, section 462.357, subdivision 5, is amended to read:

Subd. 5. [AMENDMENT; CERTAIN CITIES OF THE FIRST CLASS.] The provisions of this subdivision apply to cities of the first class, except a city of the first class in which a different process is provided through the operation of the city's home rule charter. In such cities a city to which this subdivision applies, amendments to a zoning ordinance shall be made in conformance with this section but only after there shall have been filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the total contiguous descriptions of real estate held by the same owner or any party purchasing any such contiguous property within one year preceding the request, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less than 40 acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Knutson moved to amend the Pappas amendment to S.F. No. 1821 as follows:

Page 1, line 7, delete "differnet" and insert "different"

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

The question recurred on the adoption of the Pappas amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 1821 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Johnson, J.B.	Larson	Novak
Belanger	Frederickson	Junge	Lesewski	Olson
Berglin	Hanson	Kelley, S.P.	Lessard	Ourada
Betzold	Higgins	Kiscaden	Limmer	Pappas
Day	Hottinger	Kleis	Lourey	Pariseau
Dille	Janezich	Knutson	Marty	Piper
Fischbach	Johnson, D.H.	Krentz	Metzen	Pogemiller
Flynn	Johnson, D.J.	Langseth	Neuville	Price

Robertson
Robling
Runbeck
Sams

Samuelson
Scheevel
Scheid

Solon
Stevens
Stumpf

Ten Eyck
Terwilliger
Vickerman

Wiener
Wiger
Ziegler

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

SPECIAL ORDER

S.F. No. 1976: A bill for an act relating to municipal electric power; defining city within the meaning of the act; authorizing the Minneapolis park and recreation board to engage in the local distribution and sale of hydroelectric power to protect the natural, historical, ecological, and aesthetic value of the Mississippi river at the Falls of St. Anthony; amending Minnesota Statutes 1998, section 453.52, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 171: A bill for an act relating to commerce; providing an appropriation for an education campaign on mortgage flipping; establishing penalties; proposing coding for new law in Minnesota Statutes, chapter 82B.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 92: A bill for an act relating to drivers' licenses; modifying required content of petition for seeking judicial review of driver's license revocation for violating implied consent law; limiting scope of discovery in that proceeding under implied consent law; amending Minnesota Statutes 1998, section 169.123, subdivision 5c.

Senator Foley moved to amend H.F. No. 92, the unofficial engrossment, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1998, section 97B.065, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) A person may not take wild animals with a firearm or by archery:

- (1) when the person is under the influence of alcohol;
- (2) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (3) when the person is under the influence of a combination of any two or more of the elements in clauses (1) and (2);
- (4) when the person's alcohol concentration is ~~0.10~~ 0.08 or more;
- (5) when the person's alcohol concentration as measured within two hours of the time of taking is ~~0.10~~ 0.08 or more; or
- (6) when the person is knowingly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in rules adopted under section 182.655 and that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to operate a firearm or bow and arrow.

(b) An owner or other person having charge or control of a firearm or bow and arrow may not authorize or permit an individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance, as provided under paragraph (a), to possess the firearm or bow and arrow in this state or on a boundary water of this state.

Sec. 2. Minnesota Statutes 1998, section 97B.066, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a), and one of the following conditions exists:

- (1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a);
- (2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;
- (3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

Sec. 3. Minnesota Statutes 1998, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME; ACTS PROHIBITED.] It is a crime for any person to drive, operate, or be in physical control of any motor vehicle within this state or upon the ice of any boundary water of this state under any of the following circumstances:

- (a) when the person is under the influence of alcohol;
- (b) when the person is under the influence of a controlled substance;
- (c) when the person is under the influence of a combination of any two or more of the elements named in clauses (a), (b), and (g);
- (d) when the person's alcohol concentration is ~~0.10~~ 0.08 or more but less than 0.20;
- (e) when the person's alcohol concentration as measured within two hours of the time of driving, operating, or being in physical control of the motor vehicle is ~~0.10~~ 0.08 or more but less than 0.20;
- (f) when the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.20 or more;
- (g) when the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle; or
- (h) when the person's body contains any amount of a controlled substance listed in schedule I or II other than marijuana or tetrahydrocannabinols.

Sec. 4. Minnesota Statutes 1998, section 169.123, subdivision 2, is amended to read:

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION OF TEST.] (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and sections 169.121 and 169.1211, to a chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, controlled substances, or hazardous substances. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist:

- (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it;
- (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death;
- (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or
- (4) the screening test was administered and indicated an alcohol concentration of ~~0.10~~ 0.08 or more.

The test may also be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol.

(b) At the time a test is requested, the person shall be informed:

- (1) that Minnesota law requires the person to take a test: (i) to determine if the person is under

the influence of alcohol, controlled substances, or hazardous substances; (ii) to determine the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols; and (iii) if the motor vehicle was a commercial motor vehicle, to determine the presence of alcohol;

(2) that refusal to take a test is a crime;

(3) if the peace officer has probable cause to believe the person has violated the criminal vehicular homicide and injury laws, that a test will be taken with or without the person's consent; and

(4) that the person has the right to consult with an attorney, but that this right is limited to the extent that it cannot unreasonably delay administration of the test.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 5. Minnesota Statutes 1998, section 169.123, subdivision 4, is amended to read:

Subd. 4. [REFUSAL; REVOCATION OF LICENSE.] (a) If a person refuses to permit a test, none shall be given, but the peace officer shall report the refusal to the commissioner of public safety and the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred. However, if a peace officer has probable cause to believe that the person has violated section 609.21, a test may be required and obtained despite the person's refusal. A refusal to submit to an alcohol concentration test does not constitute a violation of section 609.50, unless the refusal was accompanied by force or violence or the threat of force or violence.

(b) If a person submits to a test, the results of that test shall be reported to the commissioner of public safety and to the authority having responsibility for prosecution of misdemeanor offenses for the jurisdiction in which the acts occurred, if the test results indicate:

(1) an alcohol concentration of ~~0.10~~ 0.08 or more;

(2) an alcohol concentration of 0.04 or more, if the person was driving, operating, or in physical control of a commercial motor vehicle at the time of the violation; or

(3) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols.

(c) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and that the person refused to submit to a test, the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege, for a period of one year even if a test was obtained pursuant to this section after the person refused to submit to testing.

(d) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with the presence of any alcohol in violation of section 169.121 or 169.1211, and that the person refused to submit to a test, the commissioner shall disqualify the person from operating a commercial motor vehicle for a period of one year under section 171.165 and shall revoke the person's license or permit to drive or nonresident operating privilege for a period of one year.

(e) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and that the person submitted to a test and the test results indicate an alcohol concentration of ~~0.10~~ 0.08 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols,

then the commissioner of public safety shall revoke the person's license or permit to drive, or nonresident operating privilege:

- (1) for a period of 90 days; or
 - (2) if the person is under the age of 21 years, for a period of six months; or
 - (3) for a person with a prior impaired driving conviction or prior license revocation within the past five years, for a period of 180 days; or
 - (4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).
- (f) On certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner of public safety shall disqualify the person from operating a commercial motor vehicle under section 171.165.
- (g) If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for the same period after the date of the alleged violation as provided herein for revocation, subject to review as hereinafter provided.
- (h) As used in this subdivision, the terms "prior impaired driving conviction" and "prior license revocation" have the meanings given in section 169.121, subdivision 3, paragraph (a).

Sec. 6. Minnesota Statutes 1998, section 169.123, subdivision 5a, is amended to read:

Subd. 5a. [TEST REFUSAL; DRIVING PRIVILEGE LOST.] (a) On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test shall serve immediate notice of intention to revoke and of revocation on a person who refuses to permit a test or on a person who submits to a test the results of which indicate an alcohol concentration of ~~0.10~~ 0.08 or more.

(b) On behalf of the commissioner of public safety, a peace officer requiring a test or directing the administration of a chemical test of a person driving, operating, or in physical control of a commercial motor vehicle shall serve immediate notice of intention to disqualify and of disqualification on a person who refuses to permit a test, or on a person who submits to a test the results of which indicate an alcohol concentration of 0.04 or more.

(c) The officer shall either:

- (1) take the driver's license or permit, if any, send it to the commissioner of public safety along with the certificate required by subdivision 4, and issue a temporary license effective only for seven days; or
- (2) invalidate the driver's license or permit in such a way that no identifying information is destroyed."

Page 2, after line 24, insert:

"Sec. 8. Minnesota Statutes 1998, section 169.123, subdivision 6, is amended to read:

Subd. 6. [HEARING.] (a) A hearing under this section shall be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing shall be to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169.121, if any. The hearing shall be recorded. The commissioner of public safety shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The hearing shall be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review. The judicial district administrator shall establish procedures to ensure efficient compliance

with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing shall be limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of:

- (i) a motor vehicle in violation of section 169.121; or
- (ii) a commercial motor vehicle in violation of section 169.1211?

(2) Was the person lawfully placed under arrest for violation of section 169.121 or 169.1211?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169.121, subdivision 6?

(5) If the screening test was administered, did the test indicate an alcohol concentration of ~~0.10~~ 0.08 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

- (i) an alcohol concentration of ~~0.10~~ 0.08 or more; or
- (ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It shall be an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates shall be admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner of public safety. The court shall file its order within 14 days following the hearing. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner of public safety for further action by the commissioner of public safety if the license or permit is not already in the commissioner's possession.

Sec. 9. Minnesota Statutes 1998, section 171.20, subdivision 4, is amended to read:

Subd. 4. [REINSTATEMENT FEE.] Before the license is reinstated, a person whose driver's license has been suspended under section 171.16, subdivision 2; 171.18, except subdivision 1, clause (10); or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165 must pay a fee of \$25 until June 30, 1999, and ~~\$20~~ \$22.50 thereafter. When

fees are collected by a county-operated office of deputy registrar, a handling charge is imposed in the amount specified under section 168.33, subdivision 7. The handling charge must be deposited in the treasury of the place for which the deputy registrar was appointed and the reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 168.33, subdivision 2. A suspension may be rescinded without fee for good cause.

Sec. 10. Minnesota Statutes 1998, section 192A.555, is amended to read:

192A.555 [DRUNKEN OR RECKLESS DRIVING.]

Any person subject to this code who drives, operates or is in actual physical control of any vehicle or aircraft while under the influence of an alcoholic beverage or narcotic drug or a combination thereof or whose blood contains ~~0.10~~ 0.08 percent or more by weight of alcohol or who operates said vehicle or aircraft in a reckless or wanton manner, shall be punished as a court-martial may direct. Chemical and other tests for intoxication shall be made only in accordance with rules issued under this code.

Sec. 11. Minnesota Statutes 1998, section 609.21, is amended to read:

609.21 [CRIMINAL VEHICULAR HOMICIDE AND INJURY.]

Subdivision 1. [CRIMINAL VEHICULAR HOMICIDE.] A person is guilty of criminal vehicular homicide resulting in death and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2. [RESULTING IN GREAT BODILY HARM.] A person is guilty of criminal vehicular operation resulting in great bodily harm and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to another, not constituting attempted murder or assault, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or

- (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2a. [RESULTING IN SUBSTANTIAL BODILY HARM.] A person is guilty of criminal vehicular operation resulting in substantial bodily harm and may be sentenced to imprisonment of not more than three years or to payment of a fine of not more than \$10,000, or both, if the person causes substantial bodily harm to another, as a result of operating a motor vehicle;

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 2b. [RESULTING IN BODILY HARM.] A person is guilty of criminal vehicular operation resulting in bodily harm and 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 causes bodily harm to another, as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;
- (4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

Subd. 3. [RESULTING IN DEATH TO AN UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4. [RESULTING IN INJURY TO UNBORN CHILD.] A person is guilty of criminal vehicular operation resulting in injury to an unborn child and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person causes great bodily harm to an unborn child who is subsequently born alive, as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of ~~0.10~~ 0.08 or more;

(4) while having an alcohol concentration of ~~0.10~~ 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

A prosecution for or conviction of a crime under this subdivision is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

Subd. 4a. [AFFIRMATIVE DEFENSE.] It shall be an affirmative defense to a charge under subdivision 1, clause (6); 2, clause (6); 2a, clause (6); 2b, clause (6); 3, clause (6); or 4, clause (6), that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

Subd. 5. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1.

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

(c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182."

Page 2, line 26, delete "1" and insert "7"

Page 2, after line 26, insert:

"Sections 1 to 6, 8, 10, and 11 are effective September 1, 1999, and apply to offenses committed on and after that date. Section 9 is effective July 1, 1999."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Robertson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 92 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 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Foley

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1825: A bill for an act relating to agriculture; establishing a citizens advisory council on food; requiring a report.

Senator Frederickson moved to amend S.F. No. 1825 as follows:

Page 1, line 12, delete "small-scale"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Lourey imposed a call of the Senate for the balance of the proceedings on S.F. No. 1825. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 1825 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 20, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Kiscaden	Limmer	Ourada	Scheevel
Day	Kleis	Neuville	Pariseau	Stevens
Dille	Knutson	Oliver	Robertson	Terwilliger
Fischbach	Larson	Olson	Runbeck	Ziegler

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

SPECIAL ORDER

S.F. No. 1041: A bill for an act relating to agriculture; changing and clarifying provisions of the warehouse law; amending Minnesota Statutes 1998, sections 231.01; 231.04; 231.08; 231.09; 231.11; 231.12; 231.13; 231.14; 231.15; 231.16; 231.17; 231.18, subdivisions 1 and 6; 231.24; 231.28; 231.34; 231.36; 231.37; 231.38; and 231.39; repealing Minnesota Statutes 1998, sections 231.02; 231.03; 231.05; 231.06; 231.07; 231.10; 231.15; and 231.35.

Senator Hanson moved to amend S.F. No. 1041 as follows:

Page 5, after line 7, insert:

"Sec. 2. [231.035] [INSPECTION AUTHORITY.]

The commissioner or the commissioner's designee may, upon presentation of appropriate credentials and during regular working hours or at other reasonable times, inspect premises including equipment and stored goods subject to and for reasons relating to the commissioner's enforcement and licensing authority; request information from persons with information relevant to an inspection; and inspect relevant papers and records relating to the storage of goods."

Page 11, line 18, delete the new language

Page 12, delete lines 9 to 14 and insert:

"In lieu of the bond required by this section, a warehouse operator that does not provide for the storage of household goods may provide proof of legal liability insurance coverage in the amount of \$50,000 or more. A warehouse operator must notify the department with written notice of the cancellation of the policy. If the policy is terminated without notification to the department, the warehouse operator is subject to penalties under section 231.39."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1041 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

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 re-referred

H.F. No. 1415: A bill for an act relating to natural resources; providing for gray wolf management; providing criminal penalties; amending Minnesota Statutes 1998, sections 97A.331, by adding a subdivision; and 97B.645; proposing coding for new law in Minnesota Statutes, chapter 97B.

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 97A.331, is amended by adding a subdivision to read:

Subd. 7. [GRAY WOLF.] (a) A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a gray wolf in violation of the game and fish laws is guilty of a gross misdemeanor.

(b) The restitution value for a gray wolf under section 97A.345 is \$2,000. This amount may be amended by rule.

Sec. 2. Minnesota Statutes 1998, section 97B.645, is amended to read:

97B.645 [GRAY WOLVES.]

Subdivision 1. [USE OF DOGS AND HORSES PROHIBITED; USE OF GUARD ANIMALS.] A person may not use a dog or horse to take a timber gray wolf. A person may use a guard animal to harass, repel, or destroy wolves only as allowed under subdivisions 3, 4, 5, and 6.

Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take a wolf except under a permit from the commissioner.

Subd. 3. [DESTROYING GRAY WOLVES IN DEFENSE OF HUMAN LIFE.] A person may, at any time and without a permit, take a gray wolf in defense of the person's own life or the life of another. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer within 24 hours after the gray wolf is killed.

Subd. 4. [HARASSMENT OF GRAY WOLVES.] To discourage gray wolves from contact or association with people and domestic animals, a person may, at any time and without a permit, harass a gray wolf that is within 500 yards of people, buildings, dogs, livestock, or other domestic pets and animals. A gray wolf may not be purposely attracted, tracked, or searched out for the purpose of harassment. Harassment that results in physical injury to a gray wolf is prohibited.

Subd. 5. [DESTROYING GRAY WOLVES THREATENING LIVESTOCK OR GUARD ANIMALS.] An owner of livestock and guard animals, and the owner's agents, may, at any time and without a permit, shoot a gray wolf when the gray wolf is posing an immediate threat to livestock or a guard animal located on property owned, leased, or occupied by the owner of the livestock or guard animal. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer within 24 hours after the gray wolf is killed.

Subd. 6. [DESTROYING GRAY WOLVES THREATENING DOMESTIC PETS.] An owner of a domestic pet may, at any time and without a permit, shoot a gray wolf when the gray wolf is posing an immediate threat to a domestic pet under the controlled supervision of the owner. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer within 24 hours after the gray wolf is killed.

Subd. 7. [INVESTIGATION OF REPORTED GRAY WOLF TAKINGS.] (a) In response to a reported gray wolf taking under subdivision 3, 5, or 6, the commissioner shall:

- (1) investigate the reported taking;
 - (2) collect written and photographic documentation of the circumstances and site of the taking, including but not limited to documentation of animal husbandry practices;
 - (3) confiscate the remains of the gray wolf killed; and
 - (4) dispose of any salvageable gray wolf pelt confiscated under this subdivision by sale or donation for educational purposes.
- (b) The commissioner shall produce monthly reports of activities under this subdivision.
- (c) In response to a verified gray wolf taking under subdivision 5, the commissioner must

notify the county extension agent. The county extension agent must recommend what, if any, livestock best management practices and nonlethal wolf depredation controls are needed to prevent future wolf depredation and must work with the owner to develop a written and signed plan with a reasonable time frame for its implementation. Any best management practices recommended by the county extension agent must be consistent with the best management practices developed by the commissioner of agriculture under section 3.737, subdivision 5.

Subd. 8. [NO OPEN SEASON.] There is no open season for gray wolves.

Subd. 9. [RELEASE OF WOLF-DOG HYBRIDS AND CAPTIVE GRAY WOLVES.] A person may not release wolf-dog hybrids or captive gray wolves without a permit from the commissioner.

Subd. 10. [FEDERAL LAW.] Notwithstanding the provisions of this section, a person may not take, harass, buy, sell, possess, transport, or ship gray wolves in violation of federal law.

Subd. 11. [DEFINITIONS.] (a) For purposes of this section, the terms used have the meanings given.

(b) "Guard animal" means a donkey, llama, dog, or other domestic animal specifically bred, trained, and used to protect livestock from gray wolf depredation.

(c) "Immediate threat" means observing a gray wolf in the act of pursuing, attacking, or killing livestock, a guard animal, or a domestic pet under the supervised control of the owner. If a gray wolf is not observed pursuing or attacking, the mere presence of the gray wolf feeding on an already dead animal whose death was not caused by gray wolves is not an immediate threat.

Sec. 3. [97B.646] [GRAY WOLF MANAGEMENT PLAN.]

The commissioner, in consultation with the commissioner of agriculture, shall adopt a gray wolf management plan that includes goals to ensure the long-term survival of the gray wolf in Minnesota and to reduce conflicts between gray wolves and humans, to minimize depredation of livestock and domestic pets.

Sec. 4. [REPORT TO THE LEGISLATURE.]

The commissioner of natural resources must submit a report to the chairs of the senate and house environment and natural resources policy and funding committees by January 3, 2000. The report must provide recommendations on appropriations needed to accomplish the gray wolf management plan.

Sec. 5. [REVISORS INSTRUCTION.]

The revisor of statutes shall change the phrase "timber wolf" wherever it appears in Minnesota Statutes and Minnesota Rules to "gray wolf."

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

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

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.

Reports the same back with the recommendation that the report from the Committee on Children, Families and Learning, shown in the Journal for March 31, 1999, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Education Finance". Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, J.B. moved that S.F. No. 1477, No. 54 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Johnson, J.B. moved that the name of Senator Dille be added as a co-author to S.F. No. 1895. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Flynn; Kelley, S.P.; Belanger and Oliver introduced--

S.F. No. 2207: A bill for an act relating to taxation; reducing certain property tax class rates; increasing certain aids to local governments and school districts; amending Minnesota Statutes 1998, sections 126C.13, subdivision 1; 273.13, subdivisions 22 and 25; 273.1382, subdivision 1; and 273.1398, subdivision 1a.

Referred to the Committee on Local and Metropolitan Government.

Senators Flynn; Kelley, S.P.; Oliver and Hottinger introduced--

S.F. No. 2208: A bill for an act relating to taxation; reducing certain property tax class rates; increasing certain aids to local governments and school districts; amending Minnesota Statutes 1998, sections 126C.13, subdivision 1; 273.13, subdivisions 22, 24, and 25; 273.1382, subdivision 1; and 273.1398, subdivision 1a.

Referred to the Committee on Local and Metropolitan Government.

Senator Scheid introduced--

S.F. No. 2209: A bill for an act relating to taxation; individual income tax; allowing for a subtraction of certain governmental pension income; amending Minnesota Statutes 1998, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

Senator Scheid introduced--

S.F. No. 2210: A bill for an act relating to capital improvements; providing for a facility grant to independent school district No. 286, Brooklyn Center; authorizing the sale of bonds; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Larson, Murphy, Kleis and Neuville introduced--

S.F. No. 2211: A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 3; repealing the constitutional autonomy of the University of Minnesota.

Referred to the Committee on Children, Families and Learning.

Senator Johnson, D.J. introduced--

S.F. No. 2212: A bill for an act relating to county property tax levies; deleting a sheriff's authority to appeal budget and salary decisions; repealing Minnesota Statutes 1998, section 387.20, subdivision 7.

Referred to the Committee on Local and Metropolitan Government.

MEMBERS EXCUSED

Senator Johnson, D.E. was excused from the Session of today. Senators Anderson, Lesewski, Murphy and Neuville were excused from the Session of today from 9:30 to 10:00 a.m. Senator Oliver was excused from the Session of today from 9:30 to 10:10 a.m. Senator Novak was excused from the Session of today from 9:30 to 10:10 and at 11:45 a.m. Senator Johnson, D.H. was excused from the Session of today from 9:30 to 10:50 a.m. Senator Berg was excused from the Session of today at 10:45 a.m. Senator Ranum was excused from the Session of today from 10:50 to 11:15 a.m. Senator Janezich was excused from the Session of today at 11:10 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Tuesday, April 13, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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