

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

FIFTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, May 5, 1999

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

CALL OF THE SENATE

Senator Kierlin 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. Marva Jean Hutchens.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 3, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1463, 480, 1012, 1368 and 496.

Sincerely,
Jesse Ventura, Governor

May 4, 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
1463		113	1:50 p.m. May 3	May 3
480		114	1:53 p.m. May 3	May 3
1012		115	1:55 p.m. May 3	May 3
1368		116	1:58 p.m. May 3	May 3
496		117	2:00 p.m. May 3	May 3

Sincerely,
Mary Kiffmeyer
Secretary of State

May 4, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 283, 834 and 296.

Sincerely,
Jesse Ventura, Governor

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. 1449 and 1541.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

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. 653: A bill for an act relating to government data practices; clarifying electronic access to data; modifying notice requirements for students and employees; classifying data; clarifying the status of data on parents held by educational entities; authorizing access to medical

records by adult children of a deceased patient; eliminating inconsistent language; authorizing dissemination of personnel data; authorizing sharing of certain data for tax administration purposes; changing deadlines for providing data; clarifying and modifying access to data on employees reporting violations of law; making certain rideshare program data on individuals private; amending Minnesota Statutes 1998, sections 13.03, subdivision 3; 13.04, subdivisions 2 and 3; 13.32, subdivisions 2 and 3; 13.43, by adding a subdivision; 13.47; 15.17, subdivisions 1 and 2; 141.30; 144.335, subdivision 1; 181.932, subdivision 2; 270B.03, subdivisions 1 and 5; 270B.14, by adding a subdivision; and 273.124, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1998, sections 13.72, subdivision 2; 504.23; and 504A.595.

Senate File No. 653 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 653, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 851: A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

Senate File No. 851 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 851, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1382: A bill for an act relating to crime prevention; repealing provisions and striking language related to the enhanced gross misdemeanor DWI crime; expanding the gross misdemeanor DWI crime, probationary period, and mandatory sentencing provisions; requiring mandatory consecutive sentences for certain DWI-related offenses; amending Minnesota Statutes 1998, sections 169.121, subdivisions 1c, 3, and 3d; 169.129, subdivision 1; 609.02, subdivision 2; 609.035, subdivision 2; 609.105, subdivisions 1 and 3; 609.135, subdivision 2; and 609.15, subdivision 2; repealing Minnesota Statutes 1998, sections 169.121, subdivision 3e; 169.129, subdivision 2; and 609.02, subdivision 2a.

Senate File No. 1382 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Junge, for Senator Spear, moved that the Senate do not concur in the amendments by the House to S.F. No. 1382, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1585: A bill for an act relating to human services; making technical changes to cross-references in statutes; amending Minnesota Statutes 1998, sections 13.46, subdivisions 1 and 2; 16D.02, subdivision 3; 16D.13, subdivision 3; 84.98, subdivision 3; 119A.54; 119B.01, subdivisions 2, 10, 12, 13, 15, and 16; 119B.02, subdivision 1; 119B.03, subdivisions 3 and 4; 119B.05, subdivision 1; 119B.07; 119B.075; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.14; 119B.15; 136A.125, subdivision 2; 145.415, subdivision 3; 196.27; 237.70, subdivision 4a; 245.4871, subdivision 25; 254B.02, subdivision 1; 256.01, subdivisions 2 and 4; 256.017, subdivisions 1, 2, and 4; 256.019; 256.025, subdivision 2; 256.046, subdivision 1; 256.0471, subdivision 1; 256.741, subdivisions 1 and 2; 256.82, subdivision 2; 256.935, subdivision 1; 256.98, subdivisions 1 and 8; 256.981; 256.983, subdivision 4; 256.9861, subdivision 5; 256B.031, subdivisions 4 and 5; 256B.69, subdivision 5a; 256C.21; 256C.23, subdivision 1; 256D.01, subdivisions 1a and 1e; 256D.05, subdivisions 1, 3, and 5; 256D.051, subdivision 3a; 256D.055; 256D.23, subdivision 1; 256D.435, subdivision 3; 256D.44, subdivision 5; 256E.03, subdivision 2; 256E.06, subdivisions 1 and 3; 256E.07, subdivision 1; 256E.08, subdivision 3; 256F.05, subdivisions 3 and 8; 256F.10, subdivision 6; 256F.13, subdivision 3; 256G.01, subdivision 4; 256G.03, subdivision 2; 256J.01, subdivision 1; 256J.11, subdivisions 1 and 2; 256J.12, subdivision 1; 256J.21, subdivision 3; 256J.26, subdivisions 1, 2, 3, and 4; 256J.42, subdivisions 1 and 5; 256J.43, subdivision 1; 256J.50, subdivision 3a; 256J.62, subdivisions 3, 6, and 7; 256J.76, subdivision 1; 256K.01, subdivisions 2, 3, and 8; 256K.015; 256K.02; 256K.03, subdivisions 1 and 12; 256K.04, subdivision 2; 256K.05, subdivision 2; 256K.06; 256K.07; 256K.08, subdivision 1; 256L.11, subdivision 4; 257.33, subdivision 2; 257.3573, subdivision 2; 257.60; 257.85, subdivisions 3, 5, 7, and 11; 259.67, subdivision 4; 260.38; 261.063; 268.0111, subdivisions 5 and 7; 268.0122, subdivision 3; 268.552, subdivision 5; 268.672, subdivision 6; 268.86, subdivision 2; 268.871, subdivision 1; 268.90, subdivision 2; 268.95, subdivision 4; 275.065, subdivision 5a; 290.067, subdivision 1; 290A.03, subdivision 7; 393.07, subdivision 6; 462A.205, subdivision 2; 462A.222, subdivision 1a; 473.129, subdivision 8; 477A.0122, subdivision 2; 501B.89, subdivision 2; 518.171, subdivision 1; 518.551, subdivision 5; 518.57, subdivision 3; 518.614, subdivision 3; 518.64, subdivision 2; 548.13; 550.136, subdivision 6; 550.143, subdivision 3; 550.37, subdivision 14; 551.05, subdivision 1a; 551.06, subdivision 6; 570.025, subdivision 6; 570.026, subdivision 2; 571.72, subdivision 8; 571.912; 571.925; 571.931, subdivision 6; 571.932, subdivision 2; and 583.22, subdivision 7b; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 12a; 119B.05, subdivision 6; 126C.05, subdivision 4; 126C.06; 256.031, subdivision 1a; 256.736; 256.74, subdivision 1c; 256.9850; 256J.62, subdivision 5; 268.871, subdivision 5; and 290A.22; Minnesota Rules, parts 9500.2000; 9500.2020; 9500.2060; 9500.2100; 9500.2140; 9500.2180; 9500.2220; 9500.2260; 9500.2300; 9500.2340; 9500.2380; 9500.2420; 9500.2440; 9500.2480; 9500.2500; 9500.2520; 9500.2560; 9500.2580; 9500.2600; 9500.2620; 9500.2640; 9500.2680; 9500.2700; 9500.2720; 9500.2722; 9500.2724; 9500.2726; 9500.2728; 9500.2730; 9500.2740; 9500.2760; 9500.2780; 9500.2800; 9500.2820; 9500.2860; and 9500.2880.

Senate File No. 1585 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 1999

Senator Stevens moved that S.F. No. 1585 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1047: A bill for an act relating to creditors' remedies; providing that Roth IRAs will be treated identically to other retirement accounts; amending Minnesota Statutes 1998, section 550.37, subdivision 24.

Senate File No. 1047 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

CONCURRENCE AND REPASSAGE

Senator Solon moved that the Senate concur in the amendments by the House to S.F. No. 1047 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1047 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 2044: A bill for an act relating to gambling; authorizing dice games in retail establishments licensed to sell alcoholic beverages under certain circumstances; amending Minnesota Statutes 1998, sections 340A.410, subdivision 5; and 609.761, by adding a subdivision.

Senate File No. 2044 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 2044, and that a Conference Committee of 3 members be appointed by the Subcommittee

on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 233: A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor; amending Minnesota Statutes 1998, sections 300.045; and 582.30, subdivision 1.

Senate File No. 233 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Ten Eyck moved that the Senate do not concur in the amendments by the House to S.F. No. 233, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2205:

H.F. No. 2205: A bill for an act relating to public administration; authorizing spending for public purposes; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing certain improvements and transfers between accounts; providing a procedure for political subdivisions' request for capital assistance; making technical corrections; amending earlier authorizations; reauthorizing a project; authorizing bonds; providing for certain public pension associations' facilities; providing for storage and retention of certain documents; authorizing certain easements; providing for certain port authority leases or management contracts; requesting an investigation and report; authorizing a certain college project; appropriating money with certain conditions and directions; amending Minnesota Statutes 1998, sections 16A.69, subdivision 2; 16B.30; 136F.36, by adding a subdivision; 136F.60, by adding a subdivision; 353.03, subdivision 4; 354.06, subdivision 7; and 457A.04, by adding a subdivision; Laws 1998, chapter 404, sections 3, subdivision 17; 5, subdivision 4; 7, subdivisions 23 and 26; 13, subdivision 12; and 27, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 16A; and 356.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Knoblach, Dempsey, Daggett, Rifenberg and Kalis have been appointed as such committee on the part of the House.

House File No. 2205 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1999

Senator Langseth moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2205, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 626: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Wabasha county.

Senate File No. 626 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

CONCURRENCE AND REPASSAGE

Senator Murphy moved that the Senate concur in the amendments by the House to S.F. No. 626 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 626 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1289, 90 and 1494.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 4, 1999

FIRST READING OF HOUSE BILLS

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

H.F. No. 1289: 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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1109, now on General Orders.

H.F. No. 90: A bill for an act relating to civil actions; regulating the apportionment of joint and several liability; amending Minnesota Statutes 1998, section 604.02, subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 1494: A bill for an act relating to corrections; modifying the law prohibiting inmates from bringing actions to challenge the level of expenditures for rehabilitation programs and the law related to sanctions for frivolous or malicious claims; amending Minnesota Statutes 1998, sections 244.03; and 244.035.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1283, now on General Orders.

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. 1621 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.
1621	1734				

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. 718 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.
718	225				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 718 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 718 and insert the language after the enacting clause of S.F. No. 225, the first engrossment; further, delete the title of H.F. No. 718 and insert the title of S.F. No. 225, the first engrossment.

And when so amended H.F. No. 718 will be identical to S.F. No. 225, and further recommends that H.F. No. 718 be given its second reading and substituted for S.F. No. 225, 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. 1778 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.
1778	1785				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1778 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1778 and insert the language after the enacting clause of S.F. No. 1785, the first engrossment; further, delete the title of H.F. No. 1778 and insert the title of S.F. No. 1785, the first engrossment.

And when so amended H.F. No. 1778 will be identical to S.F. No. 1785, and further recommends that H.F. No. 1778 be given its second reading and substituted for S.F. No. 1785, 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. 1825 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.
1825	1619				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1825 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1825 and insert the language after the enacting clause of S.F. No. 1619, the first engrossment; further, delete the title of H.F. No. 1825 and insert the title of S.F. No. 1619, the first engrossment.

And when so amended H.F. No. 1825 will be identical to S.F. No. 1619, and further recommends that H.F. No. 1825 be given its second reading and substituted for S.F. No. 1619, 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. 1607 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.
1607	1674				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1607 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1607 and insert the language after the enacting clause of S.F. No. 1674, the first engrossment; further, delete the title of H.F. No. 1607 and insert the title of S.F. No. 1674, the first engrossment.

And when so amended H.F. No. 1607 will be identical to S.F. No. 1674, and further recommends that H.F. No. 1607 be given its second reading and substituted for S.F. No. 1674, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 1621, 718, 1778, 1825 and 1607 were read the second time.

MOTIONS AND RESOLUTIONS**Senator Larson introduced--**

Senate Resolution No. 82: A Senate resolution congratulating Paul Hintgen of Fergus Falls, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

S.F. No. 383 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 383

A bill for an act relating to health occupations; clarifying licensure requirements for the practice of midwifery; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147D; repealing Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32; Minnesota Rules, parts 5600.2000; and 5600.2100.

April 29, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 383, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 383 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [147D.01] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to this chapter.

Subd. 2. [ADVISORY COUNCIL.] "Advisory council" means the advisory council of traditional midwifery established under section 147D.25.

Subd. 3. [APPROVED EDUCATION PROGRAM.] "Approved education program" means a university, college, or other education program leading to eligibility for certification in midwifery that is approved or accredited by the Midwifery Education and Accreditation Council (MEAC) or its successor, or a national accrediting organization recommended by the advisory council and approved by the board.

Subd. 4. [BOARD.] "Board" means the board of medical practice.

Subd. 5. [CONTACT HOUR.] "Contact hour" means 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities, of a board-approved learning experience either through an instructional session or clinical practice.

Subd. 6. [CREDENTIAL.] "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of traditional midwifery in this state or any other state.

Subd. 7. [CREDENTIALING EXAMINATION.] "Credentialing examination" means an examination administered by the North American Registry of Midwives (NARM) or its successor, or other national testing organization recommended by the advisory council and approved by the board for credentialing as a licensed traditional midwife. A credentialing examination must include a written examination and a skills assessment.

Subd. 8. [NORMAL PREGNANCY.] "Normal pregnancy" means a pregnancy that is progressing and proceeding spontaneously without the need for medical intervention or the use of instruments and where spontaneous onset of labor occurs between 37 and 42 weeks.

Subd. 9. [TRADITIONAL MIDWIFERY SERVICES.] "Traditional midwifery services" means the assessment and care of a woman and newborn during pregnancy, labor, birth, and the postpartum period outside a hospital.

Subd. 10. [TRANSFER OF CARE.] "Transfer of care" means transferring, during the course of pregnancy, the responsibility of providing services to a client from the traditional midwife to a licensed health care provider.

Subd. 11. [TRANSPORT.] "Transport" means the transferring during labor, birth, or the postpartum period of the client to a hospital.

Sec. 2. [147D.03] [MIDWIFERY.]

Subdivision 1. [GENERAL.] Within the meaning of sections 147D.01 to 147D.27, a person who shall publicly profess to be a traditional midwife and who, for a fee, shall assist or attend to a woman in pregnancy, childbirth outside a hospital, and postpartum, shall be regarded as practicing traditional midwifery.

Subd. 2. [SCOPE OF PRACTICE.] The practice of traditional midwifery includes, but is not limited to:

(1) initial and ongoing assessment for suitability of traditional midwifery care;

(2) providing prenatal education and coordinating with a licensed health care provider as necessary to provide comprehensive prenatal care, including the routine monitoring of vital signs, indicators of fetal developments, and laboratory tests, as needed, with attention to the physical, nutritional, and emotional needs of the woman and her family;

(3) attending and supporting the natural process of labor and birth;

(4) postpartum care of the mother and an initial assessment of the newborn; and

(5) providing information and referrals to community resources on childbirth preparation, breast-feeding, exercise, nutrition, parenting, and care of the newborn.

Subd. 3. [UNAUTHORIZED SERVICES.] The practice of traditional midwifery does not include:

(1) the use of any surgical instrument at a childbirth, except as necessary to sever the umbilical cord or repair a first- or second-degree perineal laceration;

(2) the assisting of childbirth by artificial or mechanical means; or

(3) the removal of a placenta accreta.

Sec. 3. [147D.05] [PROFESSIONAL CONDUCT.]

Subdivision 1. [PRACTICE STANDARDS.] (a) A licensed traditional midwife shall provide an initial and ongoing screening to ensure that each client receives safe and appropriate care. A licensed traditional midwife shall only accept and provide care to those women who are expected to have a normal pregnancy, labor, and delivery. As part of the initial screening to determine whether any contraindications are present, the licensed traditional midwife must take a detailed health history that includes the woman's social, medical, surgical, menstrual, gynecological, contraceptive, obstetrical, family, nutritional, and drug/chemical use histories. If a licensed traditional midwife determines at any time during the course of the pregnancy that a woman's condition may preclude attendance by a traditional midwife, the licensed traditional midwife must refer the client to a licensed health care provider. As part of the initial and ongoing screening, a licensed traditional midwife must recommend that the client receive the following services, if indicated, from an appropriate health care provider:

(1) initial laboratory pregnancy screening, including blood group and type, antibody screen, Indirect Coombs, rubella titer, CBC with differential and syphilis serology;

(2) gonorrhea and chlamydia cultures;

(3) screening for sickle cell;

(4) screening for hepatitis B and human immunodeficiency virus (HIV);

(5) maternal serum alpha-fetoprotein test and ultrasound;

(6) Rh antibody and glucose screening at 28 weeks gestation;

(7) mandated newborn screening;

(8) Rh screening of the infant for maternal RhoGAM treatment; and

(9) screening for premature labor.

(b) A client must make arrangements to have the results of any of the tests described in paragraph (a) sent to the licensed traditional midwife providing services to the client. The licensed traditional midwife must include these results in the client's record.

Subd. 2. [WRITTEN PLAN.] A licensed traditional midwife must prepare a written plan with each client to ensure continuity of care throughout pregnancy, labor, and delivery. The written plan must incorporate the conditions under which the medical consultation plan, including the transfer of care or transport of the client, may be implemented.

Subd. 3. [HEALTH REGULATIONS.] A licensed traditional midwife must comply with all applicable state and municipal requirements regarding public health.

Subd. 4. [CLIENT RECORDS.] A licensed traditional midwife must maintain a client record on each client, including:

(1) a copy of the informed consent form described in section 147D.07;

- (2) evidence of an initial client screening described in this section;
- (3) a copy of the written plan described in subdivision 2;
- (4) a record of prenatal and postpartum care provided to the client at each visit; and
- (5) a detailed record of the labor and delivery process.

Subd. 5. [DATA.] All records maintained on each client by a licensed traditional midwife are subject to section 144.335.

Sec. 4. [147D.07] [INFORMED CONSENT.]

Subdivision 1. [GENERAL.] Before providing any services to a client, a licensed traditional midwife must:

- (1) advise the client of the information contained in the informed consent form;
- (2) provide the client with an informed consent form; and
- (3) have the form returned with the client's signature attesting that the client understands the consent form and the information contained in the form.

Subd. 2. [CONTENTS.] The informed consent form must be written in language understandable to the client and, at a minimum, must contain the following:

- (1) name, address, telephone number, and license number of the licensed traditional midwife;
- (2) a description of the licensed traditional midwife's education, training, and experience in traditional midwifery;
- (3) the licensed traditional midwife's fees and method of billing;
- (4) the right of the client to file a complaint with the board and the procedures for filing a complaint;
- (5) a description of the licensed traditional midwife's medical consultation plan and the antepartum, intrapartum, and postpartum conditions requiring consultation, transfer of care, or transport to a hospital;
- (6) the scope of care and services to be provided to the client by the licensed traditional midwife;
- (7) the available alternatives to traditional midwifery care;
- (8) a statement indicating that the client's records and any transaction with the licensed traditional midwife are confidential;
- (9) a notice that reads: "We realize that there are risks associated with birth, including the risk of death or disability of either mother or child. We understand that a situation may arise, which requires emergency medical care and that it may not be possible to transport the mother and/or baby to the hospital in time to benefit from such care. We fully accept the outcome and consequences of our decision to have a licensed traditional midwife attend us during pregnancy and at our birth. We realize that our licensed traditional midwife is not licensed to practice medicine. We are not seeking a licensed physician or certified nurse midwife as the primary caregiver for this pregnancy, and we understand that our licensed traditional midwife shall inform us of any observed signs or symptoms of disease, which may require evaluation, care, or treatment by a medical practitioner. We agree that we are totally responsible for obtaining qualified medical assistance for the care of any disease or pathological condition.";
- (10) the right of a client to refuse services unless otherwise provided by law;
- (11) a disclosure of whether the licensed traditional midwife carries malpractice or liability insurance; and

(12) the client's and licensed traditional midwife's signatures and date of signing.

Subd. 3. [FILING.] The licensed traditional midwife must have a signed informed consent form on file for each client. Upon request, the licensed traditional midwife must provide a copy of the informed consent form to the board.

Sec. 5. [147D.09] [LIMITATIONS OF PRACTICE.]

(a) A licensed traditional midwife shall not prescribe, dispense, or administer prescription drugs, except as permitted under paragraph (b).

(b) A licensed traditional midwife may administer vitamin K either orally or through intramuscular injection, postpartum antihemorrhagic drugs under emergency situations, local anesthetic, oxygen, and a prophylactic eye agent to the newborn infant.

(c) A licensed traditional midwife shall not perform any operative or surgical procedures except for suture repair of first- or second-degree perineal lacerations.

Sec. 6. [147D.11] [MEDICAL CONSULTATION PLAN.]

(a) To be eligible for licensure as a traditional midwife, an applicant must develop a medical consultation plan, including an emergency plan. The plan must describe guidelines and under what conditions the plan is to be implemented for:

- (1) consultation with a licensed health care provider;
- (2) the transfer of care to a licensed health care provider; and
- (3) immediate transport to a hospital.

(b) The conditions requiring the implementation of the medical consultation plan must meet at a minimum the conditions established by the Minnesota Midwives Guild in the Standards of Care and Certification Guide, the most current edition.

Sec. 7. [147D.13] [REPORTING.]

Subdivision 1. [CERTIFICATE OF BIRTH.] A licensed traditional midwife must complete a certificate of birth in accordance with section 144.215.

Subd. 2. [PRACTICE REPORT.] (a) A licensed traditional midwife must compile a summary report on each client. The report must include the following:

- (1) vital statistics;
- (2) scope of care administered;
- (3) whether the medical consultation plan was implemented; and
- (4) any physician or other health care provider referrals made.

(b) The board may review these reports at any time upon request.

Subd. 3. [PUBLIC HEALTH REPORT.] A licensed traditional midwife must promptly report to the commissioner of health and to the board any maternal, fetal, or neonatal mortality or morbidity.

Subd. 4. [DISCIPLINARY ACTION.] A licensed traditional midwife must report to the board termination, revocation, or suspension of the licensed traditional midwife's certification or any disciplinary action taken against the licensed traditional midwife by the North American Registry of Midwives.

Sec. 8. [147D.15] [PROTECTED TITLES.]

Subd. 1. [PROTECTED TITLES.] No person may use the title "licensed traditional midwife," or "licensed midwife," or use, in connection with the person's name, the letters "LTM," "LM," or any other titles, words, letters, abbreviations, or insignia indicating or implying that the person is licensed or eligible for licensure by the state as a licensed traditional midwife unless the person has been licensed as a licensed traditional midwife according to this chapter.

Subd. 2. [PROHIBITED FROM PRACTICING.] A person whose license under this chapter has been revoked by the board is prohibited from practicing traditional midwifery.

Subd. 3. [PENALTY.] A person who violates this section is guilty of a misdemeanor.

Sec. 9. [147D.17] [LICENSURE REQUIREMENTS.]

Subdivision 1. [GENERAL REQUIREMENTS FOR LICENSURE.] To be eligible for licensure, an applicant, with the exception of those seeking licensure by reciprocity under subdivision 2, must:

(1) submit a completed application on forms provided by the board along with all fees required under section 147D.27 that includes:

(i) the applicant's name, social security number, home address and telephone number, and business address and telephone number;

(ii) a list of degrees received from educational institutions;

(iii) a description of the applicant's professional training;

(iv) a list of registrations, certifications, and licenses held in other jurisdictions;

(v) a description of any other jurisdiction's refusal to credential the applicant;

(vi) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction; and

(vii) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(2) submit a diploma from an approved education program or submit evidence of having completed an apprenticeship;

(3) submit a verified copy of a valid and current credential, issued by the North American Registry of Midwives or other national organization recommended by the advisory council and approved by the board, as a certified professional midwife;

(4) submit current certification from the American Heart Association or the American Red Cross for adult and infant cardiopulmonary resuscitation;

(5) submit a copy of the applicant's medical consultation plan;

(6) submit documentation verifying that the applicant has the following practical experience through an apprenticeship or other supervisory setting:

(i) the provision of 75 prenatal examinations, including 20 initial examinations;

(ii) supervised participation in 20 births, ten of which must be in a home setting;

(iii) participation as the primary birth attendant under the supervision of a licensed traditional midwife at an additional 20 births, ten of which must have occurred outside a state licensed health care facility;

(iv) 20 newborn examinations; and

(v) 40 postpartum examinations;

(7) submit additional information as requested by the board, including any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;

(8) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(9) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant has completed an approved education program or engaged in the practice of traditional midwifery.

Subd. 2. [LICENSURE BY RECIPROCITY.] To be eligible for licensure by reciprocity, the applicant must be credentialed by the North American Registry of Midwives or other national organization recommended by the advisory council and approved by the board and must:

(1) submit the application materials and appropriate fees as required under subdivision 1, clauses (1), (3), (4), (5), (6), (7), (8), and (9); and section 147D.27;

(2) provide a verified copy from the appropriate body of a current and unrestricted credential for the practice of traditional midwifery in another jurisdiction that has initial credentialing requirements equivalent to or higher than the requirements in subdivision 1; and

(3) provide letters of verification from the appropriate government body in each jurisdiction in which the applicant holds a credential. Each letter must state the applicant's name, date of birth, credential number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and if the applicant is in good standing in that jurisdiction.

Subd. 3. [TEMPORARY PERMIT.] The board may issue a temporary permit to practice as a licensed traditional midwife to an applicant eligible for licensure under this section if the application for licensure is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the application for licensure.

Subd. 4. [LICENSURE BY EQUIVALENCY DURING TRANSITION PERIOD.] (a) From July 1, 1999, to July 1, 2001, a person may qualify for licensure if the person has engaged in the practice of traditional midwifery in this state for at least five years in the period from July 1, 1994, to June 30, 1999, and submits documentation verifying the practical experience described in subdivision 1, clause (6). To be eligible for licensure under this subdivision, the person must also submit the application materials and the appropriate fees required under subdivision 1, clauses (1), (4), (5), (6), (7), (8), and (9), and section 147D.27.

(b) An application for licensure under this subdivision must be submitted to the board between July 1, 1999, and June 30, 2001. Licensure under this subdivision may be renewed once. Within a two-year period from the date a license is issued by the board in accordance with this subdivision, the licensed traditional midwife must obtain a certification from the North American Registry of Midwives as a certified professional midwife. If certification is not obtained within this time period, the licensed traditional midwife must obtain a new license by applying for licensure and fulfilling the requirements then in existence for obtaining an initial license as a licensed traditional midwife.

Subd. 5. [LICENSE EXPIRATION.] Licenses issued under this chapter expire annually.

Subd. 6. [RENEWAL.] To be eligible for license renewal, a licensed traditional midwife must:

(1) complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence every three years of a total of 30 hours of continuing education approved by the board as described in section 147D.21;

(4) submit evidence of an annual peer review and update of the licensed traditional midwife's medical consultation plan; and

(5) submit any additional information requested by the board. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.

Subd. 7. [CHANGE OF ADDRESS.] A licensed traditional midwife who changes addresses must inform the board within 30 days, in writing, of the change of address. All notices or other correspondence mailed to or served on a licensed traditional midwife by the board at the licensed traditional midwife's address on file with the board shall be considered as having been received by the licensed traditional midwife.

Subd. 8. [LICENSE RENEWAL NOTICE.] At least 30 days before the license renewal date, the board shall send out a renewal notice to the last known address of the licensed traditional midwife on file. The notice must include a renewal application and a notice of fees required for renewal. It must also inform the licensed traditional midwife that licensure will expire without further action by the board if an application for license renewal is not received before the deadline for renewal. The licensed traditional midwife's failure to receive this notice shall not relieve the licensed traditional midwife of the obligation to meet the deadline and other requirements for license renewal. Failure to receive this notice is not grounds for challenging expiration of licensure status.

Subd. 9. [RENEWAL DEADLINE.] The renewal application and fee must be postmarked on or before July 1 or as determined by the board. If the postmark is illegible, the application shall be considered timely if received by the third working day after the deadline.

Subd. 10. [INACTIVE STATUS AND RETURN TO ACTIVE STATUS.] (a) A license may be placed in inactive status upon application to the board by the licensed traditional midwife and upon payment of an inactive status fee.

(b) Licensed traditional midwives seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal specified in subdivision 6, including continuing education hours equivalent to one hour for each month of inactive status, prior to submitting an application to regain licensure status. If the inactive status extends beyond five years, a qualifying score on a credentialing examination, or completion of an advisory council-approved eight-week supervised practical experience is required. If the licensed traditional midwife intends to regain active licensure by means of eight weeks of advisory council-approved practical experience, the licensed traditional midwife shall be granted temporary licensure for a period of no longer than six months.

Subd. 11. [LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS FOR TWO YEARS OR LESS.] For any individual whose licensure status has lapsed for two years or less, to regain licensure status, the individual must:

(1) apply for license renewal according to subdivision 6;

(2) document compliance with the continuing education requirements of section 147D.21 since the licensed traditional midwife's initial licensure or last renewal; and

(3) submit the fees required under section 147D.27 for the period not licensed, including the fee for late renewal.

Subd. 12. [CANCELLATION DUE TO NONRENEWAL.] The board shall not renew, reissue, reinstate, or restore a license that has lapsed and has not been renewed within two licensure renewal cycles starting July 1999. A licensed traditional midwife whose license is canceled for nonrenewal must obtain a new license by applying for licensure and fulfilling all requirements then in existence for initial licensure as a licensed traditional midwife.

Subd. 13. [CANCELLATION OF LICENSURE IN GOOD STANDING.] (a) A licensed traditional midwife holding an active license as a licensed traditional midwife in the state may, upon approval of the board, be granted licensure cancellation if the board is not investigating the

person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the licensed traditional midwife. Such action by the board shall be reported as a cancellation of licensure in good standing.

(b) A licensed traditional midwife who receives board approval for licensure cancellation is not entitled to a refund of any license fees paid for the licensure period in which cancellation of the license occurred.

(c) To obtain licensure after cancellation, a licensed traditional midwife must obtain a new license by applying for licensure and fulfilling the requirements then in existence for obtaining an initial license as a traditional midwife.

Sec. 10. [147D.19] [BOARD ACTION ON APPLICATIONS FOR LICENSURE.]

(a) The board shall act on each application for licensure according to paragraphs (b) to (d).

(b) The board shall determine if the applicant meets the requirements for licensure under section 147D.17. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The board shall notify each applicant in writing of action taken on the application, the grounds for denying licensure if licensure is denied, and the applicant's right to review under paragraph (d).

(d) Applicants denied licensure may make a written request to the board, within 30 days of the board's notice, to appear before the advisory council and for the advisory council to review the board's decision to deny the applicant's license. After reviewing the denial, the advisory council shall make a recommendation to the board as to whether the denial shall be affirmed. Each applicant is allowed only one request for review per licensure period.

Sec. 11. [147D.21] [CONTINUING EDUCATION REQUIREMENTS.]

Subdivision 1. [NUMBER OF REQUIRED CONTACT HOURS.] Three years after the date of initial licensure and every three years thereafter, a licensed traditional midwife must complete a minimum of 30 contact hours of board-approved continuing education and attest to completion of continuing education requirements by reporting to the board. At least five contact hours within a three-year reporting period must involve adult cardiopulmonary resuscitation and either infant cardiopulmonary resuscitation or neonatal advanced life support.

Subd. 2. [APPROVAL OF CONTINUING EDUCATION PROGRAMS.] The board shall approve continuing education programs that meet the following criteria:

(1) the program content directly relates to the practice of traditional midwifery;

(2) each member of the program faculty is knowledgeable in the subject matter as demonstrated by a degree from an accredited education program, verifiable experience in the field of traditional midwifery, special training in the subject matter, or experience teaching in the subject area;

(3) the program lasts at least one contact hour;

(4) there are specific, measurable, written objectives, consistent with the program, describing the expected outcomes for the participants; and

(5) the program sponsor has a mechanism to verify participation and maintains attendance records for three years.

Subd. 3. [CONTINUING EDUCATION TOPICS.] Continuing education program topics may include, but are not limited to, traditional midwifery care in the prenatal, labor, birth, and postpartum and newborn periods; assessing contraindications; care in emergency situations; ethics; and nutrition.

Subd. 4. [ACCUMULATION OF CONTACT HOURS.] A licensed traditional midwife may

not apply contact hours acquired in one three-year reporting period to a future continuing education reporting period.

Subd. 5. [VERIFICATION OF CONTINUING EDUCATION CREDITS.] The board shall periodically select a random sample of licensed traditional midwives and require those licensed traditional midwives to supply the board with evidence of having completed the continuing education to which they attested. Documentation may come directly from the licensed traditional midwife or from state or national organizations that maintain continuing education records.

Sec. 12. [147D.23] [DISCIPLINE; REPORTING.]

For purposes of this chapter, licensed traditional midwives and applicants are subject to the provisions of sections 147.091 to 147.162.

Sec. 13. [147D.25] [ADVISORY COUNCIL ON LICENSED TRADITIONAL MIDWIFERY.]

Subdivision 1. [MEMBERSHIP.] The board shall appoint a five-member advisory council on licensed traditional midwifery. One member shall be a licensed physician who has been or is currently consulting with licensed traditional midwives, appointed from a list of names submitted to the board by the Minnesota Medical Association. Three members shall be licensed traditional midwives appointed from a list of names submitted to the board by Midwifery Now. One member shall be a homebirth parent appointed from a list of names submitted to the board by Minnesota Families for Midwifery.

Subd. 2. [ORGANIZATION.] The advisory council shall be organized and administered under section 15.059. The council expires June 30, 2003.

Subd. 3. [DUTIES.] The advisory council shall:

- (1) advise the board regarding standards for licensed traditional midwives;
- (2) provide for distribution of information regarding licensed traditional midwifery practice standards;
- (3) advise the board on enforcement of this chapter;
- (4) review applications and recommend granting or denying licensure or license renewal;
- (5) advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against licensed traditional midwives;
- (6) advise the board regarding approval of continuing education programs using the criteria in section 147D.21, subdivision 2;
- (7) recommend alternate accrediting and credentialing organizations or agencies to the board; and
- (8) perform other duties authorized for advisory councils by chapter 214, as directed by the board.

Sec. 14. [147D.27] [FEES.]

Subdivision 1. [LICENSURE FEE.] The license application fee is \$100. The fee for initial licensure and annual renewal is \$100. The fee for inactive status is \$50. The fee for a temporary permit is \$75.

Subd. 2. [PRORATION OF FEES.] The board may prorate the initial licensure fee. All licensed traditional midwives are required to pay the full fee upon license renewal.

Subd. 3. [PENALTY FEE FOR LATE RENEWALS.] An application for license renewal

submitted after the deadline must be accompanied by a late fee of \$75 in addition to the required fees.

Subd. 4. [NONREFUNDABLE FEES.] The fees in this section are nonrefundable.

Sec. 15. [APPROPRIATION.]

\$8,000 is appropriated for fiscal year 2000 and \$4,000 is appropriated for fiscal year 2001 from the state government special revenue fund to the board of medical practice for the licensure and regulation of traditional midwives as required under Minnesota Statutes, chapter 147D.

Sec. 16. [REPEALER.]

Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32, are repealed.

Minnesota Rules, parts 5600.2000; and 5600.2100, are repealed."

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

Senate Conferees: (Signed) Sandra L. Pappas, Leo T. Foley, Michelle L. Fischbach

House Conferees: (Signed) Jim Abeler, Karen Clark, Mary Ellen Otremba

Senator Pappas moved that the foregoing recommendations and Conference Committee Report on S.F. No. 383 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Senator Kiscaden moved that the recommendations and Conference Committee Report on S.F. No. 383 be rejected and that the bill be re-referred to the Conference Committee as formerly constituted for further consideration.

CALL OF THE SENATE

Senator Pappas imposed a call of the Senate for the balance of the proceedings on S.F. No. 383. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 23 and nays 39, as follows:

Those who voted in the affirmative were:

Berg	Hottinger	Marty	Ranum	Terwilliger
Betzold	Kelley, S.P.	Neuville	Robertson	Wiener
Day	Kiscaden	Oliver	Spear	Ziegler
Dille	Knutson	Pogemiller	Stevens	
Frederickson	Laidig	Price	Ten Eyck	

Those who voted in the negative were:

Anderson	Higgins	Kleis	Moe, R.D.	Sams
Belanger	Janezich	Krentz	Novak	Samuelson
Berglin	Johnson, D.E.	Langseth	Olson	Scheevel
Cohen	Johnson, D.H.	Lesewski	Pappas	Scheid
Fischbach	Johnson, J.B.	Lessard	Pariseau	Solon
Flynn	Junge	Limmer	Piper	Vickerman
Foley	Kelly, R.C.	Lourey	Robling	Wiger
Hanson	Kierlin	Metzen	Runbeck	

The motion did not prevail.

The question recurred on the adoption of the Pappas motion. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 383 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 51 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pappas	Solon
Belanger	Hottinger	Lesewski	Pariseau	Spear
Berg	Janezich	Lessard	Piper	Ten Eyck
Berglin	Johnson, D.E.	Limmer	Pogemiller	Terwilliger
Cohen	Johnson, D.H.	Lourey	Price	Vickerman
Dille	Johnson, J.B.	Marty	Robling	Wiener
Fischbach	Junge	Metzen	Runbeck	Wiger
Flynn	Kelly, R.C.	Moe, R.D.	Sams	
Foley	Kierlin	Novak	Samuelson	
Frederickson	Kleis	Oliver	Scheevel	
Hanson	Krentz	Olson	Scheid	

Those who voted in the negative were:

Betzold	Kiscaden	Laidig	Ranum	Stevens
Day	Knutson	Neuville	Robertson	Ziegler
Kelley, S.P.				

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Johnson, D.J. moved that the following members be excused for a Conference Committee on H.F. No. 2420 at 10:30 a.m.:

Senators Johnson, D.J.; Belanger; Vickerman; Murphy and Hottinger. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Betzold moved that S.F. No. 613, No. 20 on General Orders, be stricken and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Without objection, remaining on the Orders of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees and Second Reading of Senate Bills.

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. 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.

Senate File No. 1404 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Johnson, D.H. moved that the Senate do not concur in the amendments by the House to S.F. No. 1404, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1099: A bill for an act relating to health; modifying training requirements for nursing assistants; amending Minnesota Statutes 1998, section 144A.61, subdivisions 2 and 3a.

Senate File No. 1099 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 4, 1999

Senator Day, for Senator Kiscaden, moved that the Senate do not concur in the amendments by the House to S.F. No. 1099, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

Senator Johnson, D.J. from the Committee on Taxes, to which was re-referred

S.F. No. 1064: A bill for an act relating to elections; providing for redistricting; amending Minnesota Statutes 1998, sections 204B.135, by adding a subdivision; 204B.14, subdivision 4; 204B.146, by adding a subdivision; and 205.84.

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

Page 1, delete section 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "204B.135,"

Page 1, line 4, delete "by adding a subdivision;"

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

Senator Johnson, D.J. from the Committee on Taxes, to which was re-referred

S.F. No. 263: A bill for an act relating to retirement; public employees retirement association; creating a local government correctional service retirement plan; modifying actuarial cost provision; providing a special property tax levy for certain county retirement contributions; amending Minnesota Statutes 1998, sections 3.85, subdivisions 11 and 12; 275.70, subdivision 5; 353.27, subdivisions 2 and 3; 356.19, by adding a subdivision; 356.20, subdivision 2; 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 353E; repealing Minnesota Statutes 1998, section 353.33, subdivision 3a.

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

Pages 5 to 7, delete section 3

Page 20, line 23, delete "7 and 9 to 19" and insert "6 and 8 to 18"

Page 20, line 24, delete "8" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete everything before "amending"

Page 1, line 8, delete "275.70, subdivision 5;"

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

Senator Johnson, D.J. from the Committee on Taxes, to which was re-referred

S.F. No. 1424: A bill for an act relating to tax-exempt bond allocations; providing for certain eligibility, scoring system, income and purchase price limits, and reservation of authority; amending Minnesota Statutes 1998, sections 474A.02, subdivision 23a; 474A.045; 474A.061, subdivisions 2a, 2b, and 4; and 474A.091, subdivision 5.

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

Page 12, line 28, before the period, insert "and applies to loans made after the effective date"

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

Senator Johnson, D.J. from the Committee on Taxes, to which was re-referred

S.F. No. 1876: A bill for an act relating to public finance; imposing and modifying conditions and limitations on the use of public debt; amending Minnesota Statutes 1998, sections 126C.55, subdivision 7; 272.02, by adding a subdivision; 373.01, subdivision 3; 410.32; 412.301; 469.155, subdivision 4; 474A.04, subdivision 1a; 475.56; 475.58, subdivision 1; and 475.60, subdivisions 1 and 3.

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

Page 3, lines 3 and 15, delete everything after "software"

Page 3, line 4, delete "and training"

Page 3, line 16, delete "services and training"

Page 4, line 2, delete everything after "software"

Page 4, line 3, delete "development services and training"

Page 4, after line 22, insert:

"Sec. 6. Minnesota Statutes 1998, section 469.015, subdivision 4, is amended to read:

Subd. 4. [EXCEPTIONS.] (a) An authority need not require competitive bidding in the following circumstances:

(1) in the case of a contract for the acquisition of a low-rent housing project:

(i) for which financial assistance is provided by the federal government;

(ii) which does not require any direct loan or grant of money from the municipality as a condition of the federal financial assistance; and

(iii) for which the contract provides for the construction of the project upon land that is either owned by the authority for redevelopment purposes or not owned by the authority at the time of the contract but the contract provides for the conveyance or lease to the authority of the project or improvements upon completion of construction;

(2) with respect to a structured parking facility:

(i) constructed in conjunction with, and directly above ~~or~~, below, or immediately adjacent to, a development; and

(ii) financed with the proceeds of tax increment or parking ramp general obligation or revenue bonds; and

(3) in the case of any building in which at least 75 percent of the usable square footage constitutes a housing development project if:

(i) the project is financed with the proceeds of bonds issued under section 469.034 or from nongovernmental sources;

(ii) the project is either located on land that is owned or is being acquired by the authority only for development purposes, or is not owned by the authority at the time the contract is entered into but the contract provides for conveyance or lease to the authority of the project or improvements upon completion of construction; and

(iii) the authority finds and determines that elimination of the public bidding requirements is necessary in order for the housing development project to be economical and feasible.

(b) An authority need not require a performance bond for the following projects:

(1) a contract described in paragraph (a), clause (1);

(2) a construction change order for a housing project in which 30 percent of the construction has been completed;

(3) a construction contract for a single-family housing project in which the authority acts as the general construction contractor; or

(4) a services or materials contract for a housing project.

For purposes of this paragraph, "services or materials contract" does not include construction contracts."

Page 4, line 29, after "Code" insert "primarily engaged in health care-related activities or in activities for mentally or physically disabled persons"

Pages 5 and 6, delete section 7 and insert:

"Sec. 8. Minnesota Statutes 1998, section 473.39, is amended by adding a subdivision to read:

Subd. 1g. [OBLIGATIONS; 2000-2002.] In addition to the authority in subdivisions 1a, 1b, 1c, 1d, and 1e, the council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$52,000,000, which may be used for capital expenditures as prescribed in the council's transit capital improvement program and for related costs, including the costs of issuance and sale of the obligations."

Pages 8 and 9, delete section 9

Page 11, after line 2, insert:

"Sec. 12. [CERTAIN TAXES.]

The provisions of Laws 1997, chapter 231, article 1, sections 4, 5, 6, 8, and 15, are reenacted.

Sec. 13. [TAX ABATEMENT.]

The provisions of Laws 1997, chapter 231, article 2, sections 45 to 48, are reenacted.

Sec. 14. [TAX INCREMENT.]

The provisions of Laws 1997, chapter 231, article 10, are reenacted.

Sec. 15. [APPLICATION.]

Section 8 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "reenacting certain provisions relating to taxes, abatements, and tax increments;"

Page 1, line 6, before "469.155" insert "469.015, subdivision 4;"

Page 1, line 7, delete "474A.04, subdivision 1a" and insert "473.39, by adding a subdivision"

Page 1, line 8, delete everything before the first "and"

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 under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2232: A bill for an act relating to landlord and tenant; recodifying the landlord and tenant law; amending Minnesota Statutes 1998, sections 72A.20, subdivision 23; 82.24, subdivision 7; 144.9504, subdivision 7; 144A.13, subdivision 2; 144D.06; 216C.30, subdivision 5; 299C.67, subdivisions 5 and 7; 299C.69; 327C.02, subdivision 2a; 327C.03, subdivision 4; 327C.10, subdivision 1; 327C.11, subdivision 1; 363.033; 462A.05, subdivision 15; 462C.05, subdivision 8; 469.156; 471A.03, subdivision 6; 481.02, subdivision 3; 484.013, subdivision 2; 487.17; 487.24; 488A.01, subdivisions 4a and 5; 488A.11; 488A.18, subdivisions 4 and 6; 491A.01, subdivision 9; 514.977; 515B.3-116; 515B.4-111; 576.01, subdivision 2; 609.33, subdivision 6; and 609.5317, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 504B; repealing Laws 1998, chapter 253, sections 1 to 79.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for May 3, 1999, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Senator Johnson, D.J. from the Committee on Taxes, to which was referred the following appointment as reported in the Journal for April 28, 1999:

TAX COURT

George W. Perez

Reports the same back with the recommendation that the appointment be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1064, 263, 1424, 1876 and 2232 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Stevens moved that S.F. No. 1585 be taken from the table. The motion prevailed.

S.F. No. 1585: A bill for an act relating to human services; making technical changes to cross-references in statutes; amending Minnesota Statutes 1998, sections 13.46, subdivisions 1 and 2; 16D.02, subdivision 3; 16D.13, subdivision 3; 84.98, subdivision 3; 119A.54; 119B.01, subdivisions 2, 10, 12, 13, 15, and 16; 119B.02, subdivision 1; 119B.03, subdivisions 3 and 4; 119B.05, subdivision 1; 119B.07; 119B.075; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.14; 119B.15; 136A.125, subdivision 2; 145.415, subdivision 3; 196.27; 237.70, subdivision 4a; 245.4871, subdivision 25; 254B.02, subdivision 1; 256.01, subdivisions 2 and 4; 256.017, subdivisions 1, 2, and 4; 256.019; 256.025, subdivision 2; 256.046, subdivision 1; 256.0471, subdivision 1; 256.741, subdivisions 1 and 2; 256.82, subdivision 2; 256.935, subdivision 1; 256.98, subdivisions 1 and 8; 256.981; 256.983, subdivision 4; 256.9861, subdivision 5; 256B.031, subdivisions 4 and 5; 256B.69, subdivision 5a; 256C.21; 256C.23, subdivision 1; 256D.01, subdivisions 1a and 1e; 256D.05, subdivisions 1, 3, and 5; 256D.051, subdivision 3a; 256D.055; 256D.23, subdivision 1; 256D.435, subdivision 3; 256D.44, subdivision 5; 256E.03, subdivision 2; 256E.06, subdivisions 1 and 3; 256E.07, subdivision 1; 256E.08, subdivision 3; 256F.05, subdivisions 3 and 8; 256F.10, subdivision 6; 256F.13, subdivision 3; 256G.01, subdivision 4; 256G.03, subdivision 2; 256J.01, subdivision 1; 256J.11, subdivisions 1 and 2; 256J.12, subdivision 1; 256J.21, subdivision 3; 256J.26, subdivisions 1, 2, 3, and 4; 256J.42, subdivisions 1 and 5; 256J.43, subdivision 1; 256J.50, subdivision 3a; 256J.62, subdivisions 3, 6, and 7; 256J.76, subdivision 1; 256K.01, subdivisions 2, 3, and 8; 256K.015; 256K.02; 256K.03, subdivisions 1 and 12; 256K.04, subdivision 2; 256K.05, subdivision 2; 256K.06; 256K.07; 256K.08, subdivision 1; 256L.11, subdivision 4; 257.33, subdivision 2; 257.3573, subdivision 2; 257.60; 257.85, subdivisions 3, 5, 7, and 11; 259.67, subdivision 4; 260.38; 261.063; 268.0111, subdivisions 5 and 7; 268.0122, subdivision 3; 268.552, subdivision 5; 268.672, subdivision 6; 268.86, subdivision 2; 268.871, subdivision 1; 268.90, subdivision 2; 268.95, subdivision 4; 275.065, subdivision 5a; 290.067, subdivision 1; 290A.03, subdivision 7; 393.07, subdivision 6; 462A.205, subdivision 2; 462A.222, subdivision 1a; 473.129, subdivision 8; 477A.0122, subdivision 2; 501B.89, subdivision 2; 518.171, subdivision 1; 518.551, subdivision 5; 518.57, subdivision 3; 518.614, subdivision 3; 518.64, subdivision 2; 548.13; 550.136, subdivision 6; 550.143, subdivision 3; 550.37, subdivision 14; 551.05, subdivision 1a; 551.06, subdivision 6; 570.025, subdivision 6; 570.026, subdivision 2; 571.72, subdivision 8; 571.912; 571.925; 571.931, subdivision 6; 571.932, subdivision 2; and 583.22, subdivision 7b; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 12a; 119B.05, subdivision 6; 126C.05, subdivision 4; 126C.06; 256.031, subdivision 1a; 256.736; 256.74, subdivision 1c; 256.9850; 256J.62, subdivision 5; 268.871, subdivision 5; and 290A.22; Minnesota Rules, parts 9500.2000; 9500.2020; 9500.2060; 9500.2100; 9500.2140; 9500.2180; 9500.2220; 9500.2260; 9500.2300; 9500.2340; 9500.2380; 9500.2420; 9500.2440; 9500.2480; 9500.2500; 9500.2520; 9500.2560; 9500.2580; 9500.2600; 9500.2620; 9500.2640; 9500.2680; 9500.2700; 9500.2720; 9500.2722; 9500.2724; 9500.2726; 9500.2728; 9500.2730; 9500.2740; 9500.2760; 9500.2780; 9500.2800; 9500.2820; 9500.2860; and 9500.2880.

CONCURRENCE AND REPASSAGE

Senator Stevens moved that the Senate concur in the amendments by the House to S.F. No. 1585 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1585 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

RECESS

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

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

APPOINTMENTS

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

S.F. No. 148: Senators Oliver; Johnson, D.H. and Wiener.

S.F. No. 1821: Senators Higgins, Pappas and Limmer.

S.F. No. 1219: Senators Berglin, Foley and Kiscaden.

S.F. No. 2044: Senators Vickerman; Kelley, S.P. and Pariseau.

S.F. No. 851: Senators Vickerman; Kelley, S.P. and Frederickson.

S.F. No. 653: Senators Betzold, Knutson and Ten Eyck.

S.F. No. 233: Senators Ten Eyck, Knutson and Betzold.

S.F. No. 1382: Senators Spear, Kleis and Foley.

S.F. No. 1099: Senators Kiscaden, Berglin and Stevens.

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

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.

H.F. Nos. 1163, 1235 and S.F. No. 319.

SPECIAL ORDER

H.F. No. 1163: A bill for an act relating to commerce; regulating rental-purchase agreements; modifying the definitions of certain terms; providing for the calculation of the cash price of property; limiting charges for cost-of-lease services; amending Minnesota Statutes 1998, sections 325F.84, subdivision 3, and by adding a subdivision; 325F.85; 325F.86; and 325F.91, by adding subdivisions.

CALL OF THE SENATE

Senator Novak imposed a call of the Senate for the balance of the proceedings on H.F. No. 1163. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 1163 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 29 and nays 37, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.H.	Lessard	Pariseau	Scheid
Day	Kiscaden	Limmer	Robertson	Solon
Dille	Kleis	Metzen	Robling	Stevens
Fischbach	Langseth	Neuville	Runbeck	Wiener
Frederickson	Larson	Oliver	Sams	Ziegler
Hanson	Lesewski	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Hottinger	Kierlin	Novak	Stumpf
Berg	Janezich	Knutson	Pappas	Ten Eyck
Berglin	Johnson, D.E.	Krentz	Piper	Terwilliger
Betzold	Johnson, D.J.	Laidig	Pogemiller	Vickerman
Cohen	Johnson, J.B.	Lourey	Price	Wigler
Flynn	Junge	Marty	Ranum	
Foley	Kelley, S.P.	Moe, R.D.	Samuelson	
Higgins	Kelly, R.C.	Murphy	Spear	

So the bill failed to pass.

RECONSIDERATION

Having voted on the prevailing side, Senator Laidig moved that the vote whereby H.F. No. 1163 failed to pass the Senate on May 5, 1999, be now reconsidered. The motion did not prevail. So the vote was not reconsidered.

SPECIAL ORDER

H.F. No. 1235: A bill for an act relating to agriculture; exempting livestock production facilities from the ambient hydrogen sulfide standards on days manure is being removed from barns or manure storage facilities; amending Minnesota Statutes 1998, section 116.0713.

Senator Dille moved to amend H.F. No. 1235, as amended pursuant to Rule 49, adopted by the Senate April 30, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 692.)

Pages 1 to 3, delete section 1

Page 4, line 4, delete "contaminant" and insert "containment"

Page 4, line 31, delete "near" and insert "adjacent to"

Page 4, delete lines 34 to 36

Page 5, delete lines 1 to 4 and insert:

"(c) The state ambient air quality standards shall apply at the property boundary of a farm or a parcel of agricultural land on which a livestock production facility is located, except that if the owner or operator of the farm or parcel obtains an air quality easement from the owner of land adjoining such farm or parcel, the state ambient air quality standards shall apply at the property boundary of the adjoining land to which the easement pertains. The air quality easement must be in writing and be made available upon request by agency or county feedlot staff. Notwithstanding the foregoing, the state ambient air quality standards shall apply at locations to which the general public has access. The "general public" does not include employees, trespassers, or other categories of people who have been directly authorized by the property owner to enter or remain on property for a limited period of time and for a specific purpose."

Page 5, delete lines 7 to 20 and insert:

"Subd. 13. [FEEDLOT ADMINISTRATIVE PENALTY ORDERS.] (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, agency staff who will determine if a penalty is appropriate and the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) Until July 1, 2001, for feedlot law violations for which an administrative penalty order is issued under this section, the penalty must be forgiven if:

(1) the violation is a first-time violation;

(2) the abated penalty is used for environmental improvements to the farm; and

(3) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Sec. 4. [116D.041] [ANIMAL FEEDLOTS; CONNECTED ACTIONS.]

Provisions of environmental review rules regarding connected actions do not apply to animal feedlots.

Sec. 5. [REPEALER.]

Laws 1998, chapter 401, section 54, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Anderson moved that H.F. No. 1235 be re-referred to the Committee on Environment and Natural Resources.

CALL OF THE SENATE

Senator Anderson imposed a call of the Senate for the balance of the proceedings on H.F. No. 1235. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 21 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Price	Wiger
Berglin	Higgins	Marty	Ranum	
Betzold	Johnson, J.B.	Pappas	Scheid	
Cohen	Kelley, S.P.	Piper	Spear	
Flynn	Krentz	Pogemiller	Wiener	

Those who voted in the negative were:

Belanger	Janezich	Laidig	Oliver	Scheevel
Berg	Johnson, D.E.	Langseth	Olson	Stevens
Day	Johnson, D.H.	Larson	Pariseau	Stumpf
Dille	Kelly, R.C.	Lesewski	Robertson	Ten Eyck
Fischbach	Kierlin	Lessard	Robling	Terwilliger
Frederickson	Kiscaden	Limmer	Runbeck	Vickerman
Hanson	Kleis	Murphy	Sams	Ziegler
Hottinger	Knutson	Neuville	Samuelson	

The motion did not prevail.

Senator Krentz requested division of the Dille amendment as follows:

First portion:

Pages 1 to 3, delete section 1

Page 4, line 4, delete "contaminant" and insert "containment"

Page 4, line 31, delete "near" and insert "adjacent to"

Page 4, delete lines 34 to 36

Page 5, delete lines 1 to 4 and insert:

"(c) The state ambient air quality standards shall apply at the property boundary of a farm or a parcel of agricultural land on which a livestock production facility is located, except that if the owner or operator of the farm or parcel obtains an air quality easement from the owner of land adjoining such farm or parcel, the state ambient air quality standards shall apply at the property boundary of the adjoining land to which the easement pertains. The air quality easement must be in writing and be made available upon request by agency or county feedlot staff. Notwithstanding the foregoing, the state ambient air quality standards shall apply at locations to which the general public has access. The "general public" does not include employees, trespassers, or other categories of people who have been directly authorized by the property owner to enter or remain on property for a limited period of time and for a specific purpose."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey moved to amend the first portion of the Dille amendment to H.F. No. 1235 as follows:

Page 1, delete line 9

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

The question recurred on the first portion of the Dille amendment, as amended.

The roll was called, and there were yeas 40 and nays 20, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Larson	Olson	Scheevel
Berg	Johnson, D.E.	Lesewski	Pariseau	Solon
Day	Kelly, R.C.	Lessard	Pogemiller	Stevens
Dille	Kierlin	Limmer	Price	Stumpf
Fischbach	Kiscaden	Lourey	Robertson	Ten Eyck
Frederickson	Kleis	Metzen	Robling	Terwilliger
Hanson	Knutson	Neuville	Runbeck	Vickerman
Hottinger	Langseth	Oliver	Sams	Ziegler

Those who voted in the negative were:

Anderson	Flynn	Kelley, S.P.	Novak	Scheid
Berglin	Foley	Krentz	Pappas	Spear
Betzold	Higgins	Laidig	Piper	Wiener
Cohen	Johnson, J.B.	Marty	Ranum	Wiger

The motion prevailed. So the first portion of the Dille amendment, as amended, was adopted.

Second portion:

Page 5, delete lines 7 to 20 and insert:

"Subd. 13. [FEEDLOT ADMINISTRATIVE PENALTY ORDERS.] (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, agency staff who will determine if a penalty is appropriate and the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) Until July 1, 2001, for feedlot law violations for which an administrative penalty order is issued under this section, the penalty must be forgiven if:

- (1) the violation is a first-time violation;
- (2) the abated penalty is used for environmental improvements to the farm; and
- (3) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Sec. 4. [116D.041] [ANIMAL FEEDLOTS; CONNECTED ACTIONS.]

Provisions of environmental review rules regarding connected actions do not apply to animal feedlots.

Sec. 5. [REPEALER.]

Laws 1998, chapter 401, section 54, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Krentz moved to amend the second portion of the Dille amendment to H.F. No. 1235 as follows:

Page 2, delete lines 12 and 13

Page 2, line 14, delete "6" and insert "5"

The question was taken on the adoption of the Krentz amendment to the second portion of the Dille amendment.

The roll was called, and there were yeas 23 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Laidig	Piper	Scheid
Berglin	Hottinger	Lourey	Pogemiller	Spear
Betzold	Johnson, J.B.	Marty	Price	Wiger
Cohen	Kelley, S.P.	Novak	Ranum	
Foley	Krentz	Pappas	Robertson	

Those who voted in the negative were:

Belanger	Hanson	Knutson	Neuville	Samuelson
Berg	Janezich	Langseth	Oliver	Scheevel
Day	Johnson, D.E.	Larson	Olson	Stevens
Dille	Johnson, D.H.	Lesewski	Pariseau	Stumpf
Fischbach	Kierlin	Lessard	Robling	Terwilliger
Flynn	Kiscaden	Limmer	Runbeck	Vickerman
Frederickson	Kleis	Murphy	Sams	Ziegler

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

The question recurred on the adoption of the second portion of the Dille amendment. The motion prevailed. So the second portion of the Dille amendment was adopted.

Senator Langseth moved to amend H.F. No. 1235, as amended pursuant to Rule 49, adopted by the Senate April 30, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 692.)

Page 4, delete lines 25 to 33 and insert "if the owner or operator of the feedlot facility employs best management practices to agitate, pump, and land apply the manure in an efficient and expedient manner, including all practical steps to modify the agitation and pumpout process to reduce the emission of hydrogen sulfide and odorous gases."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 37 and nays 22, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Larson	Pariseau	Stevens
Berg	Johnson, D.H.	Lesewski	Robertson	Stumpf
Day	Kelly, R.C.	Lessard	Robling	Terwilliger
Dille	Kierlin	Limmer	Runbeck	Vickerman
Fischbach	Kiscaden	Murphy	Sams	Ziegler
Frederickson	Kleis	Neuville	Samuelson	
Hanson	Knutson	Oliver	Scheevel	
Hottinger	Langseth	Olson	Scheid	

Those who voted in the negative were:

Anderson	Foley	Laidig	Piper	Wiener
Berglin	Higgins	Lourey	Pogemiller	Wiger
Betzold	Johnson, D.E.	Marty	Price	
Cohen	Johnson, J.B.	Novak	Ranum	
Flynn	Krentz	Pappas	Spear	

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend H.F. No. 1235, as amended pursuant to Rule 49, adopted by the Senate April 30, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 692.)

Page 4, line 30, delete the second "and"

Page 4, line 32, after "operation" insert "and until December 31, 2000, the pollution control agency,"

Page 4, line 33, before the period, insert "; and

(3) the owner or operator of a feedlot facility with 300 or more animal units limits the annual number of exempt agitation and pumpout days to 14"

Page 5, line 4, after the period, insert:

"Air quality easements shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county in which the easement is granted and may be enforced by injunction or proceedings in equity or other civil action. Any instrument that creates an air quality easement to comply with this paragraph must include:

(1) a description of the real property subject to the easement;

(2) a description of the air quality conditions allowed under the easement;

(3) any terms or conditions under which the easement is granted or may be terminated, including a provision allowing the owner of the real property subject to the easement to terminate the easement after 30 days' notice;

(4) any provisions for compensation of the owner of the real property subject to the easement; and

(5) any other provisions necessary or desirable to execute the instrument."

Page 5, after line 20, insert:

"Sec. 5. [REPORT ON AMBIENT AIR QUALITY STANDARDS EXEMPTION.]

By February 15, 2001, the commissioner of the pollution control agency shall report on the use of the exemption to the ambient air quality standards under Minnesota Statutes, section 116.0713, paragraph (b), to the chairs of the senate and house policy committees with jurisdiction over agriculture and the environment. The report must include any recommendations for changes to the exemption."

Amend the title accordingly

Senator Dille requested division of the Lourey amendment as follows:

First portion:

Page 5, after line 20, insert:

"Sec. 5. [REPORT ON AMBIENT AIR QUALITY STANDARDS EXEMPTION.]

By February 15, 2001, the commissioner of the pollution control agency shall report on the use of the exemption to the ambient air quality standards under Minnesota Statutes, section 116.0713, paragraph (b), to the chairs of the senate and house policy committees with jurisdiction over agriculture and the environment. The report must include any recommendations for changes to the exemption."

Amend the title accordingly

The question was taken on the adoption of the first portion of the Lourey amendment. The motion prevailed. So the first portion of the Lourey amendment was adopted.

Second portion:

Page 4, line 30, delete the second "and"

Page 4, line 32, after "operation" insert "and until December 31, 2000, the pollution control agency,"

Page 4, line 33, before the period, insert "; and

(3) the owner or operator of a feedlot facility with 300 or more animal units limits the annual number of exempt agitation and pumpout days to 14"

Page 5, line 4, after the period, insert:

"Air quality easements shall be created in writing and shall be filed, duly recorded, and indexed in the office of the recorder of the county in which the easement is granted and may be enforced by injunction or proceedings in equity or other civil action. Any instrument that creates an air quality easement to comply with this paragraph must include:

(1) a description of the real property subject to the easement;

(2) a description of the air quality conditions allowed under the easement;

(3) any terms or conditions under which the easement is granted or may be terminated, including a provision allowing the owner of the real property subject to the easement to terminate the easement after 30 days' notice;

(4) any provisions for compensation of the owner of the real property subject to the easement; and

(5) any other provisions necessary or desirable to execute the instrument."

Senator Lourey moved to amend the second portion of the Lourey amendment to H.F. No. 1235 as follows:

Page 1, delete lines 6 to 8

Page 1, delete line 9 and insert:

"Page 4, after line 33, insert:"

Page 4, line 10, delete "(3) the" and insert ""The"

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

The question recurred on the adoption of the second portion of the Lourey amendment, as amended. The motion did not prevail. So the second portion of the Lourey amendment, as amended, was not adopted.

H.F. No. 1235 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 39 and nays 20, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Langseth	Oliver	Scheevel
Berg	Johnson, D.E.	Larson	Olson	Solon
Day	Johnson, D.H.	Lesewski	Pariseau	Stumpf
Dille	Kelly, R.C.	Lessard	Robertson	Terwilliger
Fischbach	Kierlin	Limmer	Robling	Vickerman
Flynn	Kiscaden	Metzen	Runbeck	Wiener
Frederickson	Kleis	Murphy	Sams	Ziegler
Hanson	Knutson	Neuville	Samuelson	

Those who voted in the negative were:

Anderson	Higgins	Laidig	Pappas	Ranum
Berglin	Hottinger	Lourey	Piper	Scheid
Betzold	Johnson, J.B.	Marty	Pogemiller	Spear
Cohen	Krentz	Novak	Price	Wiger

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

SPECIAL ORDER

S.F. No. 319: A bill for an act relating to retirement; various pension plans; providing special benefit coverage for privatized employees of the Luverne public hospital, the Waconia Ridgeview medical center, and the Glencoe area health center; creating a local government correctional service retirement plan; modifying actuarial cost provision; providing a special property tax levy for certain county retirement contributions; providing an ad hoc postretirement adjustment to Eveleth police and fire trust fund benefit recipients; establishing an additional postretirement adjustment for the Fairmont police relief association; extending survivor benefit provisions to include certain Fairmont police relief association survivors; providing a special ad hoc postretirement adjustment to certain retired St. Cloud police officers; merging the pre-March 1, 1999, local police and paid fire consolidation accounts into the public employees police and fire plan; extending the minimum volunteer firefighter fire state aid amount to post-1993 relief association members; modifying governance provisions for the Minneapolis fire department relief association and the Minneapolis police relief association; providing a targeted early retirement incentive program for certain employees of the metropolitan council; permitting the purchase of service credit by various public employees; mandating certain school district service credit purchase payments; making miscellaneous changes in the legislators retirement plan, the Minnesota state colleges and university system individual retirement account plan, the Minnesota state retirement system, and the teachers retirement association; including supplemental needs trusts as recipients of optional annuity forms; eliminating the service credit maximum for monthly benefit volunteer fire relief associations; mandating school district repayment of certain omitted deduction interest charges; expanding the membership of the state correctional employees retirement plan to include certain Minnesota extended treatment options program employees; downsizing the early retirement reduction rates for various public safety plans; grandparenting public employee police and fire plan coverage for certain Rice county correctional employees; requiring Rice county to repay certain police state aid amounts; providing employer penalties for pension plan membership certification failures or errors; providing special retirement coverage for certain state fire marshal employees; authorizing the purchase of credit for certain periods of prior military service, out-of-state public teaching service, maternity leaves, maternity breaks-in-employment, parochial or private school teaching service, Peace Corps service or VISTA service; clarifying various Minneapolis employees retirement plan survivor benefit provisions; increasing the number of vendors for certain tax-sheltered annuities for educational employees; modifying various benefit provisions for certain Minnesota state colleges and universities employees; reducing the membership of the legislative commission on pensions and retirement; requiring a study; authorizing the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association to purchase or construct an administrative building; authorizing the issuance of certain revenue bonds; amending Minnesota Statutes 1998, sections 3.85, subdivisions 3, 11, and 12; 3A.02, subdivision 1b; 43A.27, subdivision 3; 69.021, subdivisions 7 and 10; 69.031, subdivision 5; 122A.46, subdivision 2; 136F.48; 275.70, subdivision 5; 352.03, subdivision 1; 352.90; 352.91, by adding a subdivision; 352.92, subdivisions 1 and 2; 352.93, subdivision 2a; 352B.08, subdivision 2a; 353.01, subdivisions 2b, 10, and 16; 353.03, subdivision 4; 353.27, subdivisions 2 and 3; 353.64, subdivision 1; 353.65, subdivisions 2 and 3; 353.651, subdivision 4; 353A.083, by adding a subdivision; 353A.09, subdivisions 4 and 5; 354.05, subdivision 40; 354.06, subdivisions 1 and 7; 354.10, subdivision 4; 354.445; 354.66, subdivisions 1b, 1c, and 3; 354B.24, subdivision 3; 354B.25, subdivisions 2, 3, and 5; 354C.11; 354C.12, subdivision 4; 356.19, by adding subdivisions; 356.20, subdivision 2; 356.215, subdivision 4g; 356.24, subdivision 1; 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4; 356.55, subdivisions 1 and 6; 422A.06, subdivisions 3 and 6; 422A.101, subdivision 4; 422A.18, subdivision 2; 422A.22, subdivisions 4 and 5; and 422A.23; 423A.02, subdivisions 1b, 2, and by adding subdivisions; and 423B.07; Laws 1977, chapter 61, section 6, as amended; proposing coding for new law in Minnesota Statutes, chapters 352; 353; 354; 354A; 354B; 356; and 422A; proposing coding for new law as Minnesota Statutes, chapters 353E; and 353F; repealing Minnesota Statutes 1998, sections 353.33, subdivision 3a; 353.65, subdivision 3a; 422A.16, subdivision 3a; and 424A.02, subdivision 5; Laws 1998, chapter 390, article 1, section 1.

Senator Pogemiller moved to amend S.F. No. 319 as follows:

Page 3, line 6, after "2." insert "[353F.02]"

Page 4, line 2, after "3." insert "[353F.03]"

Page 4, line 10, after "4." insert "[353F.04]"

Page 4, line 28, after "5." insert "[353F.05]"

Page 5, line 16, after "6." insert "[353F.06]"

Page 5, line 22, after "7." insert "[353F.07]"

Page 5, line 36, after "8." insert "[353F.08]"

The motion prevailed. So the amendment was adopted.

Senator Pogemiller then moved to amend S.F. No. 319 as follows:

Page 3, line 6, after the second period, insert "[353F.02]"

Page 4, line 2, after the second period, insert "[353F.03]"

Page 4, line 10, after the second period, insert "[353F.04]"

Page 4, line 28, after the second period, insert "[353F.05]"

Page 5, line 16, after the second period, insert "[353F.06]"

Page 5, line 22, after the second period, insert "[353F.07]"

Page 5, line 36, after the second period, insert "[353F.08]"

Page 16, line 36, delete "50" and insert "47.5"

Page 21, line 34, delete "2.0" and insert "1.9"

Page 48, line 14, after "1999" insert ", and the accrued benefits of the members is the obligation of the public employees police and fire fund"

Page 49, line 10, delete everything after "plan"

Page 49, line 11, delete everything before "as"

Page 50, line 3, delete everything after "plan"

Page 50, delete line 4

Page 50, line 12, delete "in effect on"

Page 50, delete line 13

Page 50, line 14, delete everything before "as"

Page 50, line 29, delete everything after "plan"

Page 50, delete line 30

Page 50, line 31, delete everything before "as"

Page 53, line 25, delete "on December 31" and insert "during the month of January, is without any interest, or if made after January 31, but before the next following December 31, is payable with interest for the period since January 1 at a rate which is equal to the preretirement interest rate assumption specified in section 356.215, subdivision 4d, applicable to the fund expressed as a

monthly rate and compounded on a monthly basis or if made after December 31 of the year in which the additional municipal contribution is due is payable with interest at a rate which is four percent greater than the highest interest rate assumption specified in section 356.215, subdivision 4d, expressed as a monthly rate and compounded monthly from January 1 of the year in which the additional municipal contribution is due until the date on which payment is made."

Page 53, delete lines 26 to 28

Page 54, line 9, after "terminated" insert ", and all benefits accrued up to the date of termination are the obligation of the public employees police and fire fund"

Page 57, after line 2, insert:

"Sec. 13. Minnesota Statutes 1998, section 353A.09, is amended by adding a subdivision to read:

Subd. 5a. [AUTHORITY TO MODIFY CONTRIBUTION RATES.] (a) Notwithstanding subdivisions 4 and 5, a municipality associated with a consolidation account, with municipal governing body approval, may implement the contribution rates specified in section 353.65, subdivisions 2 and 3, rather than the rates specified in subdivisions 4 and 5.

(b) If the contribution rates specified in section 353.65, subdivisions 2 and 3, are subsequently modified, the applicable municipal governing body must approve that subsequent modification.

(c) The municipal governing body approval must be in the form of a municipal resolution. The municipal resolution must specify the effective date for the contribution rate modification. The municipal resolution must be filed with the executive director of the public employees retirement association, the state auditor, the secretary of state, and the executive director of the legislative commission on pensions and retirement."

Page 63, line 10, delete "under" and insert "to the public employees retirement association on behalf of a municipality"

Page 63, delete line 11

Page 63, line 12, delete everything before "must"

Page 65, line 34, after "353.665," insert "and not retained under Minnesota Statutes, section 353.665, subdivision 1, paragraph (b),"

Page 77, line 33, delete "274" and insert "270"

Page 78, lines 9 and 18, delete "274" and insert "270"

Page 105, line 26, after the period, insert "Payment must be made before the teacher's effective date of retirement."

Page 111, line 30, after the period, insert "Payment must be made before the teacher's effective date of retirement."

Page 134, line 12, strike "OPTIONAL"

Page 146, after line 33, insert:

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective on the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pogemiller then moved to amend S.F. No. 319 as follows:

Page 10, after line 5, insert:

"Sec. 3. Minnesota Statutes 1998, section 273.1385, subdivision 2, is amended to read:

Subd. 2. [LIMIT ON AID AND POTENTIAL FUTURE PERMANENT AID REDUCTIONS.]
 (a) The aid amount received by any jurisdiction in fiscal year 2000 or any year thereafter may not exceed the amount it received in fiscal year 1999. The commissioner may, from time to time, request the most recent fiscal year payroll information by jurisdiction to be certified by the executive director of the public employees retirement association. For any jurisdiction where newly certified public employees retirement association general plan payroll is significantly lower than the fiscal 1997 amount, as determined by the commissioner, the commissioner shall recalculate the aid amount based on the most recent fiscal year payroll information, certify the recalculated aid amount for the next distribution year, and permanently reduce the aid amount to that jurisdiction.

(b) Aid to a jurisdiction must not be reduced under this section due to a transfer of an employee from the general plan of the public employees retirement association to the local government correctional service plan administered by the public employees retirement association. The executive director of the public employees retirement association must provide the commissioner of revenue with any information requested by the commissioner to administer this paragraph.

Page 12, line 6, after "pay" insert "that portion of"

Page 12, line 8, after "2" insert ", that exceeds 5.49 percent of the covered payroll of correctional employees"

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pogemiller then moved to amend S.F. No. 319 as follows:

Pages 10 to 12, delete section 3

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend S.F. No. 319 as follows:

Page 85, after line 9, insert:

"Sec. 7. Minnesota Statutes 1998, section 354.44, subdivision 5, is amended to read:

Subd. 5. [RESUMPTION OF TEACHING SERVICE AFTER RETIREMENT.] Any person who retired under the provisions of this chapter and has thereafter resumed teaching in any employer unit to which this chapter applies is eligible to continue to receive payments in accordance with the annuity except that annuity payments must be reduced during the calendar year immediately following any calendar year in which the person's income from the teaching service is in an amount greater than two times the annual maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under the federal old age, survivors and disability insurance program as set by the secretary of health and human services under United States Code, title 42, section 403. The amount of the reduction must be one-half of the amount in excess of the applicable reemployment income maximum specified in this subdivision and must be deducted from the annuity payable for the calendar year immediately following the calendar year in which the excess amount was earned. If the person has not yet reached the minimum age for the

receipt of social security benefits, the maximum earnings for the person must be equal to the annual maximum earnings allowable for the minimum age for the receipt of social security benefits.

If the person is retired for only a fractional part of the calendar year during the initial year of retirement, the maximum reemployment income specified in this subdivision must be prorated for that calendar year.

After a person has reached the age of 70, no reemployment income maximum is applicable regardless of the amount of income. For the purpose of this subdivision, income from teaching service includes, but is not limited to:

(a) all income for services performed as a consultant or an independent contractor for an employer unit covered by the provisions of this chapter; and

(b) the greater of either the income received or an amount based on the rate paid with respect to an administrative position, consultant, or independent contractor in an employer unit with approximately the same number of pupils and at the same level as the position occupied by the person who resumes teaching service.

Sec. 8. Minnesota Statutes 1998, section 354A.31, subdivision 3, is amended to read:

Subd. 3. [RESUMPTION OF TEACHING AFTER COMMENCEMENT OF A RETIREMENT ANNUITY.] Any person who retired and is receiving a coordinated program retirement annuity under the provisions of sections 354A.31 to 354A.41 or any person receiving a basic program retirement annuity under the governing sections in the articles of incorporation or bylaws and who has resumed teaching service for the school district in which the teachers retirement fund association exists is entitled to continue to receive retirement annuity payments, except that annuity payments must be reduced during the calendar year immediately following the calendar year in which the person's income from the teaching service is in an amount greater than two times the annual maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under the federal old age, survivors, and disability insurance program as set by the secretary of health and human services under United States Code, title 42, section 403. The amount of the reduction must be one-third the amount in excess of the applicable reemployment income maximum specified in this subdivision and must be deducted from the annuity payable for the calendar year immediately following the calendar year in which the excess amount was earned. If the person has not yet reached the minimum age for the receipt of social security benefits, the maximum earnings for the person must be equal to the annual maximum earnings allowable for the minimum age for the receipt of social security benefits.

If the person is retired for only a fractional part of the calendar year during the initial year of retirement, the maximum reemployment income specified in this subdivision must be prorated for that calendar year.

After a person has reached the age of 70, no reemployment income maximum is applicable regardless of the amount of any compensation received for teaching service for the school district in which the teachers retirement fund association exists. For the purpose of this subdivision, income from teaching service includes: (i) all income for services performed as a consultant or independent contractor; or income resulting from working with the school district in any capacity; and (ii) the greater of either the income received or an amount based on the rate paid with respect to an administrative position, consultant, or independent contractor in the school district in which the teachers retirement fund association exists and at the same level as the position occupied by the person who resumes teaching service."

Page 86, line 15, delete "7" and insert "9"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Kleis moved to amend S.F. No. 319 as follows:

Page 83, after line 30, insert:

"Sec. 4. Minnesota Statutes 1998, section 353.37, subdivision 1, is amended to read:

Subdivision 1. [SALARY MAXIMUMS.] The annuity of a person otherwise eligible for an annuity under this chapter must be suspended under subdivision 2 or reduced under subdivision 3, whichever results in the higher annual annuity amount, if the person reenters public service as a nonelective employee of a governmental subdivision in a position covered by this chapter or returns to work as an employee of a labor organization that represents public employees who are association members under this chapter and salary for the reemployment service exceeds the annual maximum earnings allowable for ~~that age~~ an employee between the ages of 65 and 70 for the continued receipt of full benefit amounts monthly under the federal Old Age, Survivors and Disability Insurance Program as set by the secretary of health and human services under United States Code, title 42, section 403, in any calendar year. ~~If the person has not yet reached the minimum age for the receipt of social security benefits, the maximum salary for the person is equal to the annual maximum earnings allowable for the minimum age for the receipt of social security benefits.~~"

Page 86, line 15, delete "7" and insert "8"

Re-number 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 18 and nays 40, as follows:

Those who voted in the affirmative were:

Day	Kiscaden	Limmer	Olson	Stevens
Dille	Kleis	Metzen	Pariseau	Ziegler
Frederickson	Larson	Neuville	Runbeck	
Kierlin	Lesewski	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Higgins	Langseth	Pogemiller	Solon
Belanger	Hottinger	Lessard	Price	Spear
Berg	Janezich	Lourey	Ranum	Stumpf
Berglin	Johnson, D.E.	Marty	Robertson	Ten Eyck
Betzold	Johnson, D.H.	Murphy	Robling	Terwilliger
Cohen	Johnson, J.B.	Novak	Sams	Vickerman
Flynn	Krentz	Pappas	Samuelson	Wiener
Hanson	Laidig	Piper	Scheid	Wiger

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

Senator Oliver moved to amend S.F. No. 319 as follows:

Page 86, after line 13, insert:

"Sec. 8. Minnesota Statutes 1998, section 356.24, subdivision 1, is amended to read:

Subdivision 1. [RESTRICTION; EXCEPTIONS.] (a) It is unlawful for a school district or other governmental subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:

(1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;

(2) to a plan that provides solely for group health, hospital, disability, or death benefits;

(3) to the individual retirement account plan established by chapter 354B;

(4) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee;

(5) for employees other than personnel employed by the state university board or the community college board and covered by the board of trustees of the Minnesota state colleges and universities supplemental retirement plan under chapter 354C, if provided for in a personnel policy of the public employer or in the collective bargaining agreement between the public employer and the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee;

(i) to the state of Minnesota deferred compensation plan under section 352.96; or

(ii) in payment of the applicable portion of the premium ~~on a tax-sheltered annuity contract~~ qualified paid to any investment eligible under section 403(b) of the Internal Revenue Code, if ~~purchased from a qualified insurance company~~, and if the employing unit has complied with any applicable pension plan provisions of the Internal Revenue Code with respect to the tax-sheltered annuity program during the preceding calendar year; or

(6) for personnel employed by the state university board or the community college board and not covered by clause (5), to the supplemental retirement plan under chapter 354C, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of the covered employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year for each employee.

(b) ~~A qualified insurance company is a company that:~~

~~(1) meets the definition in section 60A.02, subdivision 4;~~

~~(2) is licensed to engage in life insurance or annuity business in the state;~~

~~(3) is determined by the commissioner of commerce to have a rating within the top two rating categories by a recognized national rating agency or organization that regularly rates insurance companies; and~~

~~(4) is determined by the state board of investment to be among the ten applicant insurance companies with competitive options and investment returns on annuity products. The state board of investment determination must be made on or before January 1, 1993, and must be reviewed periodically. The state board of investment may retain actuarial services to assist it in this determination and in its periodic review. The state board of investment may annually establish a budget for its costs in any determination and periodic review processes. The state board of investment may charge a proportional share of all costs related to the periodic review to those companies currently under contract and may charge a proportional share of all costs related to soliciting and evaluating bids in a determination process to each company selected by the state board of investment. All contracts must be approved before execution by the state board of investment. The state board of investment shall establish policies and procedures under section 11A.04, clause (2), to carry out this paragraph.~~

~~(c) A personnel policy for unrepresented employees or a collective bargaining agreement A school board may establish limits on the number of vendors under paragraph (b), clause (5), that it will utilize and conditions under which the vendors may contact employees both during working hours and after working hours."~~

Page 86, line 15, delete "7" and insert "8"

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 17 and nays 37, as follows:

Those who voted in the affirmative were:

Day	Kierlin	Lourey	Pariseau	Ziegler
Fischbach	Kleis	Neuville	Runbeck	
Frederickson	Knutson	Oliver	Scheevel	
Kelley, S.P.	Limmer	Olson	Stevens	

Those who voted in the negative were:

Belanger	Janezich	Lessard	Price	Stumpf
Berg	Johnson, D.E.	Marty	Ranum	Ten Eyck
Berglin	Johnson, J.B.	Metzen	Robertson	Terwilliger
Betzold	Kiscaden	Murphy	Robling	Vickerman
Cohen	Krentz	Novak	Sams	Wiener
Flynn	Laidig	Pappas	Samuelson	
Hanson	Langseth	Piper	Scheid	
Higgins	Larson	Pogemiller	Spear	

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

S.F. No. 319 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 0, as follows:

Those who voted in the affirmative were:

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

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

RECESS

Senator Flynn moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

APPOINTMENTS

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

H.F. No. 2205: Senators Langseth, Ten Eyck, Berglin, Terwilliger and Dille.

S.F. No. 1404: Senators Johnson, D.H.; Knutson and Spear.

Senator Flynn moved that the foregoing appointments be approved. 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 Ranum; Cohen; Kelley, S.P.; Betzold and Piper introduced--

S.F. No. 2251: A bill for an act relating to public safety; allowing political subdivisions to regulate firearms with certain restrictions; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Crime Prevention.

Senators Ranum, Higgins, Piper and Scheid introduced--

S.F. No. 2252: A bill for an act relating to children; appropriating money for the child and adult care food program.

Referred to the Committee on Children, Families and Learning.

MEMBERS EXCUSED

Senator Ourada was excused from the Session of today. Senators Cohen and Novak were excused from the Session of today from 9:00 to 9:45 a.m. Senators Larson and Stumpf were excused from the Session of today from 10:00 to 11:05 a.m. Senators Junge and Moe, R.D. were excused from the Session of today at 12:45 p.m. Senator Johnson, D.J. was excused from the Session of today at 1:00 p.m. Senator Johnson, D.H. was excused from the Session of today from 2:00 to 2:20 and from 3:15 to 3:35 p.m. Senators Metzen and Solon were excused from the Session of today from 2:10 to 2:45 p.m. Senator Kelley, S.P. was excused from the Session of today from 2:20 to 3:30 p.m. Senator Foley was excused from the Session of today at 2:30 p.m. Senator Ten Eyck was excused from the Session of today from 2:30 to 2:55 p.m.

ADJOURNMENT

Senator Flynn moved that the Senate do now adjourn until 9:00 a.m., Friday, May 7, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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