

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

TWENTY-SECOND DAY

St. Paul, Minnesota, Tuesday, March 2, 1999

The Senate met at 11:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Olson 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. Carl Grosse.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senator Ranum was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

February 26, 1999

Dear Governor Ventura,

In accordance with Minnesota State Law, I inform you of my intent to resign the office of Minnesota State Senator District 26, effective today, February 26, 1999. I wish you and your administration the very best.

Sincerely,
Senator Tracy Beckman

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. 121 and 424.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 1, 1999

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 302, 216, 9, 296, 49, 475 and 745.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 1, 1999

FIRST READING OF HOUSE BILLS

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

H.F. No. 302: A bill for an act relating to municipal contracting; authorizing ambulance services to participate in shared service purchasing; amending Minnesota Statutes 1998, section 471.345, subdivision 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 579, now on the Calendar.

H.F. No. 216: A bill for an act relating to corrections; clarifying the law authorizing transfer of prisoners between jails and workhouses; amending Minnesota Statutes 1998, section 643.01.

Referred to the Committee on Crime Prevention.

H.F. No. 9: A bill for an act relating to the legislature; prohibiting former legislators from lobbying the legislature for one year after leaving office; proposing coding for new law in Minnesota Statutes, chapter 10A.

Referred to the Committee on Election Laws.

H.F. No. 296: A bill for an act relating to traffic regulations; expanding disability parking privilege to certain pregnant women; amending Minnesota Statutes 1998, section 169.345, subdivision 2.

Referred to the Committee on Transportation.

H.F. No. 49: A bill for an act relating to public employees; making certain changes relating to health coverage for survivors of police officers and firefighters killed in the line of duty; amending Minnesota Statutes 1998, section 299A.465, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 162, now on the Calendar.

H.F. No. 475: A bill for an act relating to local government; providing for reimbursement to officers and employees for costs and legal fees to defend criminal charges in certain cases; amending Minnesota Statutes 1998, section 465.76.

Referred to the Committee on Crime Prevention.

H.F. No. 745: A bill for an act relating to traffic regulations; clarifying placement of televisions in motor vehicles; amending Minnesota Statutes 1998, section 169.471, subdivision 1.

Referred to the Committee on Transportation.

REPORTS OF COMMITTEES

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

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

S.F. No. 480: A bill for an act relating to transportation; allowing port authorities to retain lease or management contract revenues from commercial navigation projects financed by the state; amending Minnesota Statutes 1998, section 457A.04, by adding a subdivision.

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

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

S.F. No. 663: A bill for an act relating to speed limits; establishing 25-mile per hour speed limit in school zones; amending Minnesota Statutes 1998, sections 169.01, by adding a subdivision; and 169.14, subdivisions 2, 5, and 5a.

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

Page 4, line 7, strike the second "a" and insert "the school zone"

Page 4, line 8, strike "subdivision" and insert "section"

Page 4, after line 10, insert:

"Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective September 1, 1999."

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

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

S.F. No. 564: A bill for an act relating to health; modifying requirements for nursing home administrators; amending Minnesota Statutes 1998, section 144A.04, subdivision 5.

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

Page 1, line 10, after the period, insert "Notwithstanding sections 144A.18 to 144A.27,"

Page 1, line 11, strike "31" and insert "32"

Page 1, line 12, before the period, insert "without being licensed as a nursing home administrator, provided the director of nursing services has passed the state law and rules examination administered by the board of examiners for nursing home administrators and maintains evidence of completion of 20 hours of continuing education each year on topics pertinent to nursing home administration"

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 1998, section 144A.04, subdivision 7a, is amended to read:

Subd. 7a. [DIRECTOR OF NURSING SERVICES.] Except as otherwise provided by this subdivision and subdivision 5, a nursing home must have a full-time director of nursing services who is assigned full time to the nursing services of the nursing home. For nursing homes with less than 32 beds, the director of nursing services may also serve as the licensed nursing home administrator without being licensed by the board of examiners for nursing home administrators under sections 144A.19 to 144A.27. For purposes of this requirement, "full time" means working at least 35 hours per week. The director of nursing services of a nursing home may also serve as the director of nursing services of a physically attached hospital if:

- (1) the hospital has an average daily census of ten patients or less in the most recent reporting year for which data is available;
- (2) the total combined beds of the hospital and nursing home do not exceed 100; and
- (3) the management of the two facilities is under the control and direction of the same governing body.

Sec. 3. [EFFECTIVE DATE.]

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

Amend the title as follows:

Page 1, line 4, delete "subdivision 5" and insert "subdivisions 5 and 7a"

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

Senator Lessard from the Committee on Environment and Natural Resources, to which was referred

H.F. No. 137: A bill for an act relating to watercraft; exempting collector watercraft from certain watercraft license display requirements; amending Minnesota Statutes 1998, section 86B.401, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 86B.401, is amended by adding a subdivision to read:

Subd. 13. [COLLECTOR WATERCRAFT.] (a) The owner of a watercraft built before July 1, 1959, that is used solely as a collector's item may affix any license numbers and decals that are required for the watercraft by section 86B.301, subdivision 1, and rules adopted pursuant to that section so that the numbers and decals are readily detachable.

(b) The authority issuing a permit under section 86B.121 for any exhibit, regatta, or boat parade held on the waters of this state may exempt a collector watercraft from displaying the license numbers and decals required by section 86B.301, subdivision 1, during the duration of the event. The authority may also exempt the collector watercraft from any equipment and operational requirements and any license requirements in section 86B.301 for the duration of the event."

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

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

S.F. No. 148: A bill for an act relating to commerce; providing for the protection of structured settlements; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Delete everything after the enacting clause and insert:

"Section 1. [549.30] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of sections 549.30 to 549.34, the terms defined in this section have the meanings given them.

Subd. 2. [ANNUITY ISSUER.] "Annuity issuer" means an insurer that has issued an annuity contract to be used to fund periodic payments under a structured settlement.

Subd. 3. [APPLICABLE LAW.] "Applicable law" means: (1) the laws of the United States; (2) the laws of this state, including principles of equity applied in the courts of this state; and (3) the laws of any other jurisdiction: (i) which is the domicile of the payee or any other interested party; (ii) under whose laws a structured settlement agreement was approved by a court or responsible administrative authority; or (iii) in whose courts a settled claim was pending when the parties entered into a structured settlement agreement.

Subd. 4. [DEPENDENTS.] "Dependents" means a payee's spouse and minor children and all other family members and other persons for whom the payee is legally obligated to provide support, including spousal maintenance.

Subd. 5. [DISCOUNTED PRESENT VALUE.] "Discounted present value" means, with respect to a proposed transfer of structured settlement payment rights, the fair present value of future payments, as determined by discounting the payments to the present using the most recently published applicable federal rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

Subd. 6. [FAVORABLE TAX DETERMINATION.] "Favorable tax determination" means any of the following authorities that definitely establishes that the federal income tax treatment of the structured settlement for the parties to the structured settlement agreement and any qualified assignment agreement, other than the payee, will not be affected by the transfer:

(1) a provision of the United States Internal Revenue Code or a United States Treasury regulation;

(2) a revenue ruling or revenue procedure issued by the United States Internal Revenue Service;

(3) a private letter ruling by the United States Internal Revenue Service with respect to the transfer; or

(4) a decision of the United States Supreme Court or a decision of a lower court in which the United States Internal Revenue Service has acquiesced.

Subd. 7. [INDEPENDENT PROFESSIONAL ADVICE.] "Independent professional advice" means advice of an attorney, certified public accountant, actuary, or other professional adviser: (1) who is engaged by a payee to render advice concerning the legal, tax, and financial implications of a transfer of structured settlement payment rights; (2) who is not in any manner affiliated with or compensated by the transferee of the transfer; and (3) whose compensation for providing the advice is not affected by whether a transfer occurs or does not occur.

Subd. 8. [INTERESTED PARTIES.] "Interested parties" means the payee, a beneficiary designated under the annuity contract to receive payments following the payee's death or, if the designated beneficiary is a minor, the designated beneficiary's parent or guardian, the annuity issuer, the structured settlement obligor, and any other party that has continuing rights or obligations under the structured settlement.

Subd. 9. [PAYEE.] "Payee" means an individual who is receiving tax free damage payments under a structured settlement and proposes to make a transfer of payment rights under the structured settlement.

Subd. 10. [QUALIFIED ASSIGNMENT AGREEMENT.] "Qualified assignment agreement"

means an agreement providing for a qualified assignment as provided by the United States Internal Revenue Code, title 26, section 130, as amended through December 31, 1998.

Subd. 11. [RESPONSIBLE ADMINISTRATIVE AUTHORITY.] "Responsible administrative authority" means a government authority vested by law with exclusive jurisdiction over the settled claim resolved by the structured settlement.

Subd. 12. [SETTLED CLAIM.] "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement.

Subd. 13. [STRUCTURED SETTLEMENT.] "Structured settlement" means an arrangement for periodic payment of damages for personal injuries established by settlement or judgment in resolution of a tort claim or for periodic payments in settlement of a workers' compensation claim.

Subd. 14. [STRUCTURED SETTLEMENT AGREEMENT.] "Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement, including the rights of the payee to receive periodic payments.

Subd. 15. [STRUCTURED SETTLEMENT OBLIGOR.] "Structured settlement obligor" means the party that has the continuing periodic payment obligation to the payee under a structured settlement agreement or a qualified assignment agreement.

Subd. 16. [STRUCTURED SETTLEMENT PAYMENT RIGHTS.] "Structured settlement payment rights" means rights to receive periodic payments, including lump sum payments, under a structured settlement, whether from the settlement obligor or the annuity issuer, where: (1) the payee or any other interested party is domiciled in the state; (2) the structured settlement agreement was approved by a court or responsible administrative authority in the state; or (3) the settled claim was pending before the courts of this state when the parties entered into the structured settlement agreement.

Subd. 17. [TERMS OF THE STRUCTURED SETTLEMENT.] "Terms of the structured settlement" means the terms of the structured settlement agreement, the annuity contract, a qualified assignment agreement, and an order or approval of a court, responsible administrative authority, or other government authority authorizing or approving the structured settlement.

Subd. 18. [TRANSFER.] "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration.

Subd. 19. [TRANSFER AGREEMENT.] "Transfer agreement" means the agreement providing for transfer of structured settlement payment rights from a payee to a transferee.

Subd. 20. [TRANSFEREE.] "Transferee" means a person who is receiving or will receive structured settlement payment rights resulting from a transfer.

Sec. 2. [549.31] [CONDITIONS TO STRUCTURED SETTLEMENT AGREEMENTS OR TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS.]

Subdivision 1. [CONDITIONS TO TRANSFER OF STRUCTURED SETTLEMENT PAYMENT RIGHTS.] No direct or indirect transfer of structured settlement payment rights is effective and no structured settlement obligor or annuity issuer is required to make a payment directly or indirectly to a transferee of structured settlement payment rights unless the transfer has been authorized in advance in a final order of a court of competent jurisdiction or responsible administrative authority, based on the court's or responsible administrative authority's written express findings that:

(a) the transfer complies with the requirements of sections 549.31 to 549.34 and will not contravene other applicable law;

(b) not less than ten days before the date on which the payee first incurred an obligation with respect to the transfer, the transferee has provided to the payee a disclosure statement in bold type, no smaller than 14 points, specifying:

- (1) the amounts and due dates of the structured settlement payments to be transferred;
 - (2) the aggregate amount of the payments;
 - (3) the discounted present value of the payments, together with the discount rate used in determining the discounted present value;
 - (4) the gross amount payable to the payee in exchange for the payments;
 - (5) an itemized listing of all brokers' commissions, service charges, application fees, processing fees, closing costs, filing fees, referral fees, administrative fees, legal fees, notary fees, and other commissions, fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee;
 - (6) the net amount payable to the payee after deduction of all commissions, fees, costs, expenses, and charges described in clause (5);
 - (7) the quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments; and
 - (8) the amount of any penalty and the aggregate amount of any liquidated damages, including penalties, payable by the payee in the event of a breach of the transfer agreement by the payee;
- (c) the payee has established that the transfer is in the best interest of the payee;
 - (d) the payee has received independent professional advice regarding the legal, tax, and financial implications of the transfer;
 - (e) if the transfer would contravene the terms of the structured settlement:
 - (1) the transfer has been expressly approved in writing by: (i) each interested party, and (ii) any court or responsible administrative authority that previously approved the structured settlement. If all other interested parties approve the transfer and waive all rights requiring that the transferred payments be made to the payee and a favorable tax determination is in effect, then the approval of the annuity issuer and the structured settlement obligor is not required; and
 - (2) signed originals of all approvals required under clause (1) have been filed with the court from which authorization of the transfer is sought under this section, and originals or copies have been furnished to all interested parties; and
 - (f) the transferee has given written notice of the transferee's name, address, and taxpayer identification number to the annuity issuer and the structured settlement obligor and has filed a copy of the notice with the court or responsible administrative authority.

Subd. 2. [CONDITION TO STRUCTURED SETTLEMENT AGREEMENT.] No structured settlement agreement is effective unless not less than ten days before the effective date of the structured settlement agreement, the structured settlement obligor has provided to the payee a disclosure statement in bold type, no smaller than 14 points, specifying:

- (1) the amounts and due dates of the structured settlement payments;
- (2) the aggregate amount of the payments;
- (3) the discounted present value of the payments, together with the discount rate used in determining the discounted present value;
- (4) an itemized listing of all brokers' commissions, service charges, application fees, processing fees, closing costs, filing fees, referral fees, administrative fees, legal fees, notary fees, and other commissions, fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee;
- (5) the net amount payable to the payee after deduction of all commissions, fees, costs, expenses, and charges described in clause (4);

(6) the quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments; and

(7) the amount of any penalty and the aggregate amount of any liquidated damages, including penalties, payable by the payee in the event of any breach of the structured settlement agreement by the payee.

Sec. 3. [549.32] [JURISDICTION; PROCEDURE FOR APPROVAL OF TRANSFERS.]

Subdivision 1. [JURISDICTION.] The district court has nonexclusive jurisdiction over an application for authorization under section 549.31 of a transfer of structured settlement payment rights.

Subd. 2. [NOTICE.] Not less than 20 days before the scheduled hearing on an application for authorization of a transfer of structured settlement payment rights under section 549.31, the transferee shall file with the court or responsible administrative authority and serve on: any other government authority that previously approved the structured settlement; and all interested parties, a notice of the proposed transfer and the application for its authorization. The notice must include:

(1) a copy of the transferee's application to the district court;

(2) a copy of the transfer agreement;

(3) a copy of the disclosure statement required under section 549.31, subdivision 1;

(4) notification that an interested party is entitled to support, oppose, or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and

(5) notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, in order to be considered by the court or responsible administrative authority. Written responses to the application must be filed within 15 days after service of the transferee's notice.

Sec. 4. [549.33] [NO WAIVER; NO PENALTIES.]

Subdivision 1. [NO WAIVER.] The provisions of sections 549.30 to 549.34 may not be waived.

Subd. 2. [NO PENALTY.] No payee who proposes to make a transfer of structured settlement payment rights shall incur a penalty, forfeit an application fee or other payment, or otherwise incur any liability to the proposed transferee based on the failure of the transfer to satisfy the conditions of section 549.31.

Sec. 5. [549.34] [CONSTRUCTION.]

Nothing contained in sections 549.30 to 549.34 may be construed to authorize the transfer of structured settlement payment rights in contravention of applicable law or to give effect to the transfer of structured settlement payment rights that is invalid under applicable law.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1999, and apply to structured settlement agreements entered into on or after August 1, 1999, and the transfer of structured settlement payment rights under a transfer agreement entered into on or after August 1, 1999."

Amend the title as follows:

Page 1, line 4, delete "60A" and insert "549"

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

Senator Lessard from the Committee on Environment and Natural Resources, to which was referred

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.

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

Senator Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 609: A bill for an act relating to water; requiring new landscape irrigation systems to have rain checks; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

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

H.F. No. 371 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.
371	461				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 371 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 371 and insert the language after the enacting clause of S.F. No. 461; further, delete the title of H.F. No. 371 and insert the title of S.F. No. 461.

And when so amended H.F. No. 371 will be identical to S.F. No. 461, and further recommends that H.F. No. 371 be given its second reading and substituted for S.F. No. 461, 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. 544 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.
544	638				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 544 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 544 and insert the language after the enacting clause of S.F. No. 638, the first engrossment; further, delete the title of H.F. No. 544 and insert the title of S.F. No. 638, the first engrossment.

And when so amended H.F. No. 544 will be identical to S.F. No. 638, and further recommends that H.F. No. 544 be given its second reading and substituted for S.F. No. 638, 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. 414 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.
				414	428

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 414 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 414 and insert the language after the enacting clause of S.F. No. 428, the second engrossment; further, delete the title of H.F. No. 414 and insert the title of S.F. No. 428, the second engrossment.

And when so amended H.F. No. 414 will be identical to S.F. No. 428, and further recommends that H.F. No. 414 be given its second reading and substituted for S.F. No. 428, 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 SENATE BILLS

S.F. Nos. 480, 663, 564, 626 and 609 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 137, 371, 544 and 414 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Murphy moved that the name of Senator Pariseau be added as a co-author to S.F. No. 77. The motion prevailed.

Senator Hottinger moved that the name of Senator Murphy be added as a co-author to S.F. No. 607. The motion prevailed.

Senator Wiger moved that the name of Senator Robling be added as a co-author to S.F. No. 621. The motion prevailed.

Senator Pappas moved that her name be stricken as a co-author to S.F. No. 854. The motion prevailed.

Senator Lourey moved that her name be stricken as a co-author to S.F. No. 854. The motion prevailed.

Senator Higgins moved that her name be stricken as a co-author to S.F. No. 1108. The motion prevailed.

Senator Wiger moved that the name of Senator Hottinger be added as a co-author to S.F. No. 1196. The motion prevailed.

Senators Johnson, D.E.; Dille; Fischbach; Sams and Berg introduced--

Senate Resolution No. 42: A Senate resolution congratulating Jennie-O Foods, Inc. on 50 years of business in the state of Minnesota.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Berglin introduced--

S.F. No. 1229: A bill for an act relating to human services; providing for coverage of nursing supervision of home health services; amending Minnesota Statutes 1998, section 256B.0627, subdivision 2.

Referred to the Committee on Health and Family Security.

Senators Spear, Ten Eyck, Anderson and Berglin introduced--

S.F. No. 1230: A bill for an act relating to crime prevention; establishing a pilot program to provide services and transitional housing to Native American women leaving incarceration to aid reentry to society; appropriating money.

Referred to the Committee on Crime Prevention.

Senator Hottinger introduced--

S.F. No. 1231: A bill for an act relating to professions; modifying provisions relating to optometrist licensing; amending Minnesota Statutes 1998, sections 148.57, subdivision 1; and 148.61, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Family Security.

Senator Janezich and Johnson, D.J. introduced--

S.F. No. 1232: A bill for an act relating to education; appropriating money for grants to independent school district No. 707, Nett Lake, for insurance premiums, unemployment compensation, maintenance costs, and a media specialist.

Referred to the Committee on Children, Families and Learning.

Senators Solon and Johnson, D.J. introduced--

S.F. No. 1233: A bill for an act relating to retirement; public employees police and fire plan; recrediting service credit for certain University of Minnesota police officers with prior Duluth police department employment.

Referred to the Committee on Governmental Operations and Veterans.

Senators Piper, Lourey and Berglin introduced--

S.F. No. 1234: A bill for an act relating to human services; defining a mental health professional for the purpose of medical assistance coverage; amending Minnesota Statutes 1998, sections 148B.32, subdivision 1; and 256B.0625, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Johnson, J.B.; Frederickson; Higgins; Anderson and Price introduced--

S.F. No. 1235: A bill for an act relating to the environment; establishing a product stewardship policy; providing recovery and recycling goals for carpet; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Senator Novak introduced--

S.F. No. 1236: A bill for an act relating to taxation; increasing the aid base for local government aid paid to certain cities; amending Minnesota Statutes 1998, section 477A.011, subdivision 36.

Referred to the Committee on Local and Metropolitan Government.

Senators Ourada and Scheid introduced--

S.F. No. 1237: A bill for an act relating to highways; requiring inclusion in statewide transportation plan and state transportation improvement program of improvements to I-94 and trunk highway 55.

Referred to the Committee on Transportation.

Senators Ourada and Limmer introduced--

S.F. No. 1238: A bill for an act relating to education; authorizing lap and shoulder belts on school buses; requiring training on appropriately using lap and shoulder belts; requiring a local match; authorizing a levy; appropriating money; amending Minnesota Statutes 1998, sections 123B.90, subdivisions 2, 3, and by adding a subdivision; 123B.92, by adding a subdivision; 169.447, by adding subdivisions; and 169.4502, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Senators Terwilliger and Samuelson introduced--

S.F. No. 1239: A bill for an act relating to professions; modifying temporary permit requirements for podiatrists; amending Minnesota Statutes 1998, sections 153.16, subdivision 3; and 153.17, subdivision 2.

Referred to the Committee on Health and Family Security.

Senator Lesewski introduced--

S.F. No. 1240: A bill for an act relating to education; eliminating certain agricultural property from the property tax base for new debt service levies for independent school district No. 2689, Pipestone-Jasper.

Referred to the Committee on Children, Families and Learning.

Senators Wiger, Scheid and Limmer introduced--

S.F. No. 1241: A bill for an act relating to corrections; providing procedures for testing the blood of inmates for bloodborne pathogens; providing procedural safeguards; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 243.

Referred to the Committee on Crime Prevention.

Senator Berg introduced--

S.F. No. 1242: A bill for an act relating to capital improvements; authorizing bonds and appropriating money to complete a recreational trail in the city of Montevideo.

Referred to the Committee on Environment and Natural Resources.

Senator Berg introduced--

S.F. No. 1243: A bill for an act relating to joint powers agreements; adding the University of Minnesota as a governmental unit; amending Minnesota Statutes 1998, section 471.59, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

Senators Price, Ranum, Foley, Runbeck and Scheevel introduced--

S.F. No. 1244: A bill for an act relating to data practices; authorizing the commissioner of administration to develop and distribute a comprehensive policy on student records and other data on school-aged children; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Price, Ranum, Foley and Robling introduced--

S.F. No. 1245: A bill for an act relating to education; adding participants to the review of district discipline policies; providing for district crisis management policies; amending Minnesota Statutes 1998, sections 121A.61, subdivision 1; and 121A.65; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Children, Families and Learning.

Senator Price introduced--

S.F. No. 1246: A bill for an act relating to Washington county; delaying an expiration date on certain "droplist" legislation; amending Laws 1997, First Special Session chapter 3, section 27.

Referred to the Committee on Local and Metropolitan Government.

Senators Foley and Berglin introduced--

S.F. No. 1247: A bill for an act relating to human services; establishing a residential mental health grant program for facility upgrades; appropriating money.

Referred to the Committee on Health and Family Security.

Senator Junge introduced--

S.F. No. 1248: A bill for an act relating to retirement; public employees retirement association; authorizing the purchase of prior service credit for certain employees of independent school district No. 281, Robbinsdale; mandating partial employer payment of the purchase amount.

Referred to the Committee on Governmental Operations and Veterans.

Senators Olson, Murphy and Krentz introduced--

S.F. No. 1249: A bill for an act relating to education; providing funding for the Minnesota foundation for student organizations; appropriating money.

Referred to the Committee on Children, Families and Learning.

Senators Cohen; Morse; Pappas; Kelly, R.C. and Anderson introduced--

S.F. No. 1250: A bill for an act relating to economic development; providing for a grant to the Science Museum of Minnesota for costs related to the opening of the new museum; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

Senators Hottinger, Berglin, Lourey, Piper and Terwilliger introduced--

S.F. No. 1251: A bill for an act relating to health; appropriating money for a grant program for community health clinics.

Referred to the Committee on Health and Family Security.

Senators Lessard, Stumpf and Stevens introduced--

S.F. No. 1252: A bill for an act relating to game and fish; exempting certain dark houses and fish houses from the licensing requirement; amending Minnesota Statutes 1998, section 97C.355, subdivisions 1 and 2.

Referred to the Committee on Environment and Natural Resources.

Senators Novak, Higgins, Murphy, Limmer and Frederickson introduced--

S.F. No. 1253: A bill for an act relating to landlords and tenants; regulating the taking of prelease deposits; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 504.

Referred to the Committee on Jobs, Energy and Community Development.

Senator Neville introduced--

S.F. No. 1254: A bill for an act relating to retirement; public employees police and fire plan; ratifying coverage for certain Rice county correctional employees; amending Minnesota Statutes 1998, section 353.64, subdivision 1.

Referred to the Committee on Governmental Operations and Veterans.

Senator Neville introduced--

S.F. No. 1255: A bill for an act relating to state lands; authorizing private sale and conveyance of certain tax-forfeited lands that border public water in LeSueur county.

Referred to the Committee on Environment and Natural Resources.

Senator Berg introduced--

S.F. No. 1256: A bill for an act relating to the city of Dawson; extending duration of a tax increment financing district.

Referred to the Committee on Local and Metropolitan Government.

Senators Johnson, J.B.; Vickerman; Morse; Sams and Johnson, D.E. introduced--

S.F. No. 1257: A bill for an act relating to organic agriculture; adding organic farmers to review panels for sustainable agriculture grants and loans; requiring the commissioner of agriculture to promote organic agriculture; extending the expiration date of the Minnesota organic advisory task force; providing that extension service educational programs must include programs and services for farmers practicing organic agriculture; adding a person representing the organic industry to the advisory board for the agricultural utilization research institute; providing funding for organic agriculture projects and expansion of organic markets; appropriating money; amending Minnesota Statutes 1998, sections 17.115, subdivision 3; 17.116, subdivision 3; 31.94; 31.95, subdivision 3a; 38.37; and 116O.09, subdivision 5.

Referred to the Committee on Agriculture and Rural Development.

Senators Lourey, Hanson, Morse and Piper introduced--

S.F. No. 1258: A bill for an act relating to agriculture; requiring financial assurance for feedlots; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Agriculture and Rural Development.

Senators Murphy, Hanson, Day, Lessard and Berg introduced--

S.F. No. 1259: A bill for an act relating to transportation; requiring department of transportation specifications for underground storage tanks to include certain types of fiberglass and steel tanks; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Transportation.

Senators Lourey, Lesewski, Berglin and Piper introduced--

S.F. No. 1260: A bill for an act relating to children; consolidating the MFIP and basic sliding fee child care assistance programs; requiring projected costs of the consolidated child care assistance program to be forecasted and recognized in the fund balance; amending Minnesota Statutes 1998, sections 119B.01, subdivisions 12 and 15; 119B.02; 119B.03, subdivisions 1, 2, 3, 5, 10, and by adding a subdivision; 119B.04, subdivision 1; 119B.05, subdivision 5; 119B.061, subdivisions 1, 2, 3, and 4; 119B.07; 119B.08, subdivisions 2 and 3; 119B.09, subdivisions 1, 2, 7, and by adding a subdivision; 119B.11, subdivision 1; and 119B.15; proposing coding for new law in Minnesota Statutes, chapter 119B; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 16; 119B.03, subdivisions 4, 6, 7, 8, and 9; 119B.05, subdivisions 1, 6, and 7; 119B.075; 119B.09, subdivisions 3 and 4; and 119B.10.

Referred to the Committee on Children, Families and Learning.

Senators Morse, Piper and Kiscaden introduced--

S.F. No. 1261: A bill for an act relating to human services; creating an exemption from the spend-up limit for nursing facility rates; amending Minnesota Statutes 1998, section 256B.431, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Limmer; Kelley, S.P.; Moe, R.D.; Knutson and Day introduced--

S.F. No. 1262: A bill for an act relating to civil actions; limiting liability from year 2000 failures; proposing coding for new law as Minnesota Statutes, chapter 604B.

Referred to the Committee on Judiciary.

Senators Lesewski, Robling, Foley, Stevens and Piper introduced--

S.F. No. 1263: A bill for an act relating to child care assistance; clarifying the duties of state agencies; providing for program integrity and fraud investigation; appropriating money; amending Minnesota Statutes 1998, sections 119B.01, by adding a subdivision; 119B.02, by adding subdivisions; 119B.11, subdivision 2a; 256.01, subdivision 4; 256.045, subdivisions 6, 7, and by adding a subdivision; 256.046, subdivision 1; 256.98, subdivisions 1, 7, and 8; and 256.983, subdivisions 3 and 4.

Referred to the Committee on Children, Families and Learning.

Senators Hanson, Ten Eyck, Scheid and Robling introduced--

S.F. No. 1264: A bill for an act relating to state lands; authorizing private sale of certain surplus state land in Anoka County.

Referred to the Committee on Environment and Natural Resources.

Senators Kiscaden, Piper, Morse, Berglin and Scheevel introduced--

S.F. No. 1265: A bill for an act relating to human services; authorizing carryforward of unexpended appropriations for a crisis intervention project for persons with developmental disabilities.

Referred to the Committee on Health and Family Security.

Senators Kiscaden, Hottinger, Stevens, Wiener and Robertson introduced--

S.F. No. 1266: A bill for an act relating to occupational regulation; establishing the occupational regulatory coordinating council; establishing an interagency task force to identify the duties of the council; proposing coding for new law in Minnesota Statutes, chapter 214.

Referred to the Committee on Governmental Operations and Veterans.

Senators Kiscaden, Morse, Hottinger, Wiener and Robertson introduced--

S.F. No. 1267: A bill for an act relating to health; providing employer immunity for reference checks for home health care and nursing home providers; proposing coding for new law in Minnesota Statutes, chapter 144A.

Referred to the Committee on Health and Family Security.

Senators Kiscaden, Morse, Hottinger, Berglin and Stevens introduced--

S.F. No. 1268: A bill for an act relating to health; requiring prompt payments by health maintenance organizations and nonprofit health service plan corporations of certain claims made by home care providers; requiring claim errors to be reported within a certain time; establishing penalties; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Health and Family Security.

Senators Moe, R.D.; Piper; Kiscaden; Wiener and Robertson introduced--

S.F. No. 1269: A bill for an act relating to health; providing for disposition of tobacco settlement money; establishing the Minnesota families foundation; creating health-related endowment funds; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 10; 16A; 137; 144; and 145.

Referred to the Committee on Health and Family Security.

Senators Sams, Stumpf, Pogemiller, Scheevel and Johnson, D.E. introduced--

S.F. No. 1270: A bill for an act relating to education; reducing the average per pupil requirement for debt service equalization; amending Minnesota Statutes 1998, section 123B.53, subdivision 2.

Referred to the Committee on Children, Families and Learning.

Senators Runbeck, Stumpf, Robertson and Lesewski introduced--

S.F. No. 1271: A bill for an act relating to employment; lowering the special assessment rate for the workforce investment fund; modifying provisions governing the workforce investment fund; amending Minnesota Statutes 1998, sections 268.022, subdivisions 1 and 2; and 268.975, subdivision 9.

Referred to the Committee on Jobs, Energy and Community Development.

Senators Hottinger, Vickerman, Price, Metzen and Laidig introduced--

S.F. No. 1272: A bill for an act relating to taxation; providing for the taxation of local government units under a cooperation and combination plan; amending Minnesota Statutes 1998, section 465.82, by adding a subdivision.

Referred to the Committee on Local and Metropolitan Government.

Senators Sams, Betzold, Samuelson, Terwilliger and Solon introduced--

S.F. No. 1273: A bill for an act relating to professions; modifying provisions relating to nursing home administrator licensing, the board of examiners for nursing home administrators, immunity for complainants, board members, and staff, and acting administrator permits; amending Minnesota Statutes 1998, sections 144A.19, subdivision 1; 144A.20, subdivision 1; 144A.22; 144A.24; and 144A.27; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, sections 144A.19, subdivision 3; 144A.20, subdivision 2; and 144A.29.

Referred to the Committee on Health and Family Security.

Senator Krentz introduced--

S.F. No. 1274: A bill for an act relating to financial institutions; permitting location of a branch bank in Chisago Lakes township under certain conditions.

Referred to the Committee on Commerce.

Senators Johnson, D.J.; Stumpf; Lessard; Morse and Day introduced--

S.F. No. 1275: A bill for an act relating to taxation; providing, for refund purposes, that one percent of gasoline is used for snowmobiles; amending Minnesota Statutes 1998, section 296A.18, subdivision 3.

Referred to the Committee on Transportation.

Senator Johnson, D.J. introduced--

S.F. No. 1276: A bill for an act relating to local government; increasing a tax levy for a certain hospital district involving certain entities in St. Louis and Koochiching counties; amending Laws 1988, chapter 645, section 3.

Referred to the Committee on Local and Metropolitan Government.

Senators Johnson, J.B.; Lourey; Stumpf and Kleis introduced--

S.F. No. 1277: A bill for an act relating to higher education; appropriating money to the board of trustees of the Minnesota state colleges and universities to provide start-up funds for a virtual reality center at Pine technical college.

Referred to the Committee on Children, Families and Learning.

RECESS

Senator Moe, R.D. moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

ADJOURNMENT

Senator Junge moved that the Senate do now adjourn until 8:30 a.m., Thursday, March 4, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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