

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

FORTY-NINTH DAY

St. Paul, Minnesota, Thursday, April 22, 1999

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Paul H. Knutson.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 283.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 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. 1202: A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 241; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691.

Senate File No. 1202 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

Senator Moe, R.D., for Senator Spear, moved that the Senate do not concur in the amendments by the House to S.F. No. 1202, 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 has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2017: A bill for an act relating to public employment; making technical and administrative changes; modifying definitions; redesigning administrative procedures for certain pilot projects; amending Minnesota Statutes 1998, sections 13.43, subdivision 2; 43A.02, subdivisions 11 and 33; 43A.04, subdivision 4; 43A.06, subdivision 8; 43A.07, subdivisions 4 and 6; 43A.13, subdivision 3; 43A.15, subdivision 6, and by adding a subdivision; 43A.17, subdivision 8; 43A.18, subdivision 1; 43A.19, subdivision 3; 43A.20; 43A.317, subdivisions 3 and 4; and 43A.421; Laws 1995, chapter 248, article 13, section 2, subdivisions 5, as amended, and 6, as amended; repealing Minnesota Statutes 1998, sections 43A.13, subdivision 9; 43A.40; 43A.41; 43A.42; 43A.43, subdivision 2; 43A.44; 43A.45; 43A.46; and 43A.465; Laws 1995, chapter 248, article 13, section 2, subdivision 8; Minnesota Rules, parts 3910.0100; 3910.0200; 3910.0300; 3910.0400; 3910.0500; 3910.0600; 3910.0700; 3910.0800; 3910.0900; 3910.1000; 3910.1100; 3910.1200; 3910.1300; 3910.1400; 3910.1500; 3910.1600; and 3910.1700.

There has been appointed as such committee on the part of the House:

Mares, Haas and Jennings.

Senate File No. 2017 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1330: A bill for an act relating to financial institutions; regulating fees, charges, and time periods; authorizing certain part-time banking locations; authorizing reverse stock splits; making corrections and conforming changes; amending Minnesota Statutes 1998, sections 46.041, subdivisions 1 and 3; 46.048, subdivisions 1 and 2b; 46.131, subdivision 10; 47.0156; 47.101, subdivision 3; 47.20, subdivision 6b; 47.203; 47.204, subdivision 1; 47.27, subdivision 3; 47.52; 47.54, subdivisions 2 and 3; 47.59, subdivision 12; 47.60, subdivision 3; 48.15, subdivisions 2a and 3; 48A.15, subdivision 1; 49.36, subdivision 1; 52.01; 53.03, subdivisions 1, 6, and 7; 55.04, subdivision 2; 56.02; 56.131, subdivision 1; 59A.03, subdivision 2; 168.67; 168.71; 303.25,

subdivision 5; 332.15, subdivisions 2 and 3; 332.17; and 332.30; proposing coding for new law in Minnesota Statutes, chapters 48; 52; and 334.

There has been appointed as such committee on the part of the House:

Haas, Davids and Lieder.

Senate File No. 1330 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1467:

H.F. No. 1467: A bill for an act relating to education; family and early childhood education; providing for children and family support programs, community and systems change, prevention and intervention, and self-sufficiency and lifelong learning; appropriating money; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 16B.405, subdivision 2; 119A.31, subdivision 1, and by adding a subdivision; 119B.01, subdivisions 1, 2, 10, 12, 12a, 13, 16, 17, and by adding subdivisions; 119B.02, subdivision 1, and by adding subdivisions; 119B.03, subdivisions 1, 2, 3, 4, 6, and 9; 119B.04, subdivision 1; 119B.05, subdivision 1; 119B.06, subdivision 1; 119B.061; 119B.07; 119B.08, subdivision 3; 119B.09, subdivisions 1, 3, and 7; 119B.10, subdivision 1; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13; 119B.14; 119B.15; 119B.18, subdivision 3; 119B.19, subdivision 1, and by adding subdivisions; 119B.20, subdivisions 7, 8, 12, and by adding a subdivision; 119B.21, subdivisions 1, 2, 3, 5, 8, 9, 10, and 11; 119B.23, subdivision 1; 119B.24; 119B.25, subdivision 3; 121A.19; 122A.26, by adding a subdivision; 124D.13, subdivision 2; 124D.135, subdivisions 1 and 3; 124D.19, subdivision 11; 124D.20, subdivision 5; 124D.22; 124D.23, by adding a subdivision; 124D.33, subdivision 3; 124D.52, subdivision 2, and by adding subdivisions; 124D.53, subdivision 3, and by adding a subdivision; 124D.54, subdivision 1; 125A.35, subdivision 5; 171.29, subdivision 2; 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; 256.983, subdivisions 3 and 4; and 466.01, subdivision 1; Laws 1997, First Special Session chapter 4, article 1, section 61, subdivisions 2 and 3, as amended; Laws 1998, First Special Session chapter 1, article 1, sections 10 and 11; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 1998, sections 119B.01, subdivision 15; 119B.03, subdivision 7; 119B.05, subdivisions 6 and 7; 119B.075; 119B.17; 119B.18, subdivisions 1 and 2; 119B.19, subdivisions 3, 4, and 5; 119B.20, subdivisions 1, 2, 3, 4, 5, 6, 9, 10, and 11; 119B.21, subdivisions 4, 6, and 12; 119B.22; 124D.14; and 124D.53, subdivision 6.

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

Sykora, Nornes, Mulder, Abeler and McGuire have been appointed as such committee on the part of the House.

House File No. 1467 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 April 21, 1999

Senator Piper moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1467, 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 that the House refuses to concur in the Senate amendments to House File No. 2387:

H.F. No. 2387: A bill for an act relating to transportation; appropriating money for the department of transportation and other agencies; providing for a maximum percentage of the motorcycle safety fund that may be spent for certain activities; authorizing suspension of a vehicle's registration in certain circumstances; requiring a detachable postcard to be provided in a vehicle's certificate of title and completed on transfer of the vehicle; modifying provisions relating to disability parking privileges; abolishing certain credit for vehicle registration fee; specifically authorizing cities to enact ordinances regulating long-term parking; requiring the department of public safety to provide photo identification equipment to certain driver's license agents; reducing cost of Minnesota identification card for persons with serious and persistent mental illness; authorizing siting of public safety radio communications towers; directing commissioner of transportation to establish a southern railway corridor improvement plan; clarifying snowmobile gas tax provision; regulating advertising in department of public safety publications; modifying provisions relating to special number plates for collector aircraft; amending Minnesota Statutes 1998, sections 121A.36, subdivision 3; 168.021, subdivision 2; 168.17; 168.301, subdivisions 3 and 4; 168A.05, subdivision 5; 168A.10, subdivisions 1, 2, and 5; 168A.30, subdivision 2; 169.345, subdivisions 1, 2, 3, and 4; 169.346, subdivision 3, and by adding a subdivision; 171.061, subdivision 4; 171.07, subdivision 3; 174.70; 296A.18, subdivision 3; 299A.01, by adding a subdivision; and 360.55, subdivision 4; Laws 1997, chapter 159, article 1, sections 2, subdivision 7; and 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 174; and 219.

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

Molnau, Kuisle, Workman, Lieder and Kalis have been appointed as such committee on the part of the House.

House File No. 2387 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 April 21, 1999

Senator Moe, R.D., for Senator Johnson, J.B., moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2387, 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 House Files, herewith transmitted: H.F. Nos. 16, 310 and 2415.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 21, 1999

FIRST READING OF HOUSE BILLS

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

H.F. No. 16: A bill for an act relating to education; entitling public school students to an education without serious classroom disruption; amending Minnesota Statutes 1998, sections 121A.45, subdivision 2; and 121A.61, subdivision 2.

Referred to the Committee on Children, Families and Learning.

H.F. No. 310: A bill for an act relating to employment; providing protection for disclosure of job reference information; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Jobs, Energy and Community Development. Senator Hottinger questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

H.F. No. 2415: A resolution memorializing the United States government to act with all speed to provide humanitarian aid to Kosovo.

Referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Senator Lesewski moved that the name of Senator Fischbach be stricken as a co-author and the name of Senator Ziegler be added as a co-author to S.F. No. 586. The motion prevailed.

Senators Moe, R.D. and Day introduced--

Senate Resolution No. 78: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That Senate Resolution No. 26 relating to mileage, Senate Daily Journal pages 69-70, as amended by Senate Resolution No. 64, page 1403, be amended as follows:

Page 1, line 50, delete:

MORSE, Steven 278

Page 1, after line 35, insert:

KIERLIN, Bob 210

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

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. 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.

Senate File No. 383 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

Senator Pappas moved that the Senate do not concur in the amendments by the House to S.F. No. 383, 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Moe, R.D. moved that the Senate take up the the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 585: A bill for an act relating to capital investment; reducing an appropriation; making a conforming change; excluding an authorization for certain kitchen facilities; amending a match requirement for the Isle Community Center grant; amending Laws 1998, chapter 404, section 5, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|-----------|------------|-------------|
| Anderson | Higgins | Larson | Ourada | Scheevel |
| Belanger | Hottinger | Lesewski | Pappas | Solon |
| Berg | Janezich | Lessard | Pariseau | Spear |
| Berglin | Johnson, D.E. | Limmer | Piper | Stevens |
| Betzold | Junge | Lourey | Pogemiller | Stumpf |
| Cohen | Kierlin | Moe, R.D. | Ranum | Ten Eyck |
| Day | Kiscaden | Murphy | Robertson | Terwilliger |
| Dille | Kleis | Neuville | Robling | Vickerman |
| Fischbach | Knutson | Oliver | Sams | Ziegler |
| Flynn | Langseth | Olson | Samuelson | |

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

S.F. No. 1329, H.F. Nos. 1708, 2067, S.F. No. 145, H.F. Nos. 1905, 1106 and S.F. No. 23.

SPECIAL ORDER

S.F. No. 1329: A bill for an act relating to cities; limiting license fees on coin and currency activated amusement machines; proposing coding for new law in Minnesota Statutes, chapter 449.

Senator Vickerman moved to amend S.F. No. 1329 as follows:

Page 1, line 10, delete everything before "\$15" and insert "\$15 per location and"

Page 1, line 11, delete "or location"

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend S.F. No. 1329 as follows:

Page 1, line 7, before the period, insert "; LICENSE PROHIBITED FOR VIOLENT VIDEO GAMES"

Page 1, after line 11, insert:

"A home rule charter or statutory city may not license amusement machines which display violent video games rated M by the Entertainment Software Rating Board to a person under 18 years of age."

Amend the title accordingly

Senator Stevens moved to amend the Pappas amendment to S.F. No. 1329 as follows:

Page 1, line 6, after "display" insert "to a person under 18 years of age"

Page 1, lines 7 and 8, delete "to a person under 18 years of age"

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

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

Senator Oliver moved to amend S.F. No. 1329 as follows:

Page 1, line 9, delete everything after "machines"

Page 1, delete lines 10 and 11 and insert "that reasonably relates to the cost of issuing the license and managing the activity."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|---------------|--------|--------|--------|-----------|
| Johnson, D.H. | Murphy | Pappas | Scheid | Vickerman |
| Metzen | | | | |

The motion prevailed. So the amendment was adopted.

S.F. No. 1329 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|---------|---------|-------|-----------|
| Anderson | Berg | Betzold | Day | Fischbach |
| Belanger | Berglin | Cohen | Dille | Flynn |

| | | | | |
|---------------|----------|-----------|------------|-------------|
| Foley | Kierlin | Marty | Piper | Solon |
| Hanson | Kiscaden | Metzen | Pogemiller | Spear |
| Higgins | Kleis | Moe, R.D. | Price | Stevens |
| Hottinger | Knutson | Murphy | Ranum | Stumpf |
| Janezich | Krentz | Neuville | Robertson | Ten Eyck |
| Johnson, D.E. | Laidig | Novak | Robling | Terwilliger |
| Johnson, D.H. | Langseth | Oliver | Runbeck | Vickerman |
| Johnson, D.J. | Larson | Olson | Sams | Wiener |
| Johnson, J.B. | Lesewski | Ourada | Samuelson | Wiger |
| Junge | Limmer | Pappas | Scheevel | Ziegler |
| Kelly, R.C. | Lourey | Pariseau | Scheid | |

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

SPECIAL ORDER

H.F. No. 1708: A bill for an act relating to insurance; property and liability; regulating FAIR plan coverage; amending Minnesota Statutes 1998, sections 65A.32; 65A.33, subdivision 3, and by adding a subdivision; 65A.34, subdivisions 1, 4, and 5; 65A.36, subdivisions 1 and 5; 65A.37; 65A.38, subdivision 1; and 65A.42.

Senator Scheid moved that the amendment made to H.F. No. 1708 by the Committee on Rules and Administration in the report adopted April 12, 1999, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1708 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Senator Ranum moved that H.F. No. 2067 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 145: A bill for an act relating to ethics in government; clarifying and simplifying the law related to lobbyist registration, conflicts of interest, and campaign finance; eliminating invalid provisions; amending Minnesota Statutes 1998, sections 10A.01; 10A.02, as amended; 10A.03;

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1905: A bill for an act relating to state government; rulemaking; authorizing the governor to veto certain rules; amending Minnesota Statutes 1998, sections 14.05, by adding a subdivision; 14.16, subdivision 3; 14.26, subdivision 3; 14.386; and 14.389, subdivision 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1106: A bill for an act relating to health; limiting use of health information secured as part of HIV vaccine research for insurance underwriting; amending Minnesota Statutes 1998, section 72A.20, by adding a subdivision.

Senator Hottinger moved that the amendment made to H.F. No. 1106 by the Committee on Rules and Administration in the report adopted April 21, 1999, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1106 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 23: A bill for an act relating to family law; repealing the administrative process for support orders; establishing a child support magistrate system; amending Minnesota Statutes 1998, sections 357.021, subdivision 1a; 484.70, subdivision 1; 518.54, by adding a subdivision; 518.551, subdivisions 9, 12, 13, and 14; 518.575, subdivision 1; 518.616, subdivision 1; and 552.05, subdivision 10; Laws 1998, chapter 338, section 8; proposing coding for new law in Minnesota Statutes, chapters 484; and 518; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512.

Pursuant to Rule 22, Senator Ten Eyck moved that he be excused from voting on S.F. No. 23. The motion prevailed.

S.F. No. 23 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|-------------|-----------|------------|
| Anderson | Foley | Junge | Larson | Novak |
| Belanger | Hanson | Kelly, R.C. | Lesewski | Oliver |
| Berg | Higgins | Kierlin | Limmer | Olson |
| Betzold | Hottinger | Kiscaden | Lourey | Ourada |
| Cohen | Janezich | Kleis | Marty | Pappas |
| Day | Johnson, D.E. | Knutson | Metzen | Pariseau |
| Dille | Johnson, D.H. | Krentz | Moe, R.D. | Pogemiller |
| Fischbach | Johnson, D.J. | Laidig | Murphy | Price |
| Flynn | Johnson, J.B. | Langseth | Neuville | Ranum |

Robertson
Robling
Runbeck
Sams

Samuelson
Scheevel
Scheid
Solon

Spear
Stevens
Stumpf
Ten Eyck

Terwilliger
Vickerman
Wiener
Wiger

Ziegler

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Ranum moved that H.F. No. 2067 be taken from the table. The motion prevailed.

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

Senator Pappas moved to amend H.F. No. 2067, the unofficial engrossment, as follows:

Page 2, after line 11, insert:

"Sec. 2. [JUVENILE ACCESS TO VIOLENT VIDEO GAMES; REPORT.]

(a) The department of public safety shall prepare and submit a report to the legislature, not later than January 15, 2000, on the most effective ways for parents to control juvenile access to violent video shooting games.

(b) The department shall ensure that the report includes, at a minimum:

(1) a study of the types of violence existing in video games available on the retail and rental market or over the Internet;

(2) recommendations for educating parents about the level of violence existing in video games available to juveniles, including identification of types of violent video games that may be harmful to specific age groups of juveniles;

(3) a list of nonviolent video game alternatives for juveniles; and

(4) recommendations on the most effective techniques for parents to allow juveniles access to only age-appropriate video games.

(c) In preparing the report, the department shall also include any current research that links violent television shows, movies, and video shooting games to acts of aggression and violence by juveniles."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2067 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Belanger
Berg
Betzold
Cohen
Day
Dille
Fischbach
Flynn

Foley
Hanson
Higgins
Hottinger
Janezich
Johnson, D.H.
Johnson, D.J.
Johnson, J.B.
Junge

Kelly, R.C.
Kierlin
Kiscaden
Kleis
Knutson
Krentz
Laidig
Langseth
Larson

Limmer
Lourey
Metzen
Moe, R.D.
Neuville
Novak
Oliver
Olson
Ourada

Pappas
Pariseau
Pogemiller
Price
Ranum
Robertson
Robling
Runbeck
Sams

Samuelson
Scheevel
Scheid

Solon
Spear
Stevens

Stumpf
Ten Eyck
Terwilliger

Vickerman
Wiener
Wiger

Ziegler

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

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1002 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1002: A bill for an act relating to crime prevention; specifying that a conviction for neglect or endangerment of a child is not a bar for a conviction of another offense committed as part of the same conduct and authorizing consecutive sentences in these situations; imposing criminal penalties for placing a booby trap in locations where controlled substances are manufactured; providing for increased penalties for the theft of anhydrous ammonia; imposing criminal penalties; amending Minnesota Statutes 1998, sections 609.035, subdivisions 1, 3, 4, and by adding a subdivision; 609.378, by adding a subdivision; and 609.52, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

Senator Wiger moved to amend S.F. No. 1002 as follows:

Page 2, after line 25, insert:

"Sec. 5. [609.2247] [LASER ASSAULT.]

Subdivision 1. [DEFINITIONS.] (a) The terms in this subdivision apply to this section.

(b) "Laser" means any device that can be made to produce or amplify electromagnetic radiation at specified wavelengths.

(c) "Laser radiation" means all electromagnetic radiation emitted by a laser product with a specific spectral range that is produced as a result of controlled stimulated emission or that is detachable with radiation so produced through the appropriate aperture stop and within the appropriate solid angle of acceptance.

Subd. 2. [LASER ASSAULT.] A person who intentionally points a beam of laser radiation at another person's eye commits laser assault and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. [EXCEPTION.] This section does not apply to a licensed health care provider who is treating a patient."

Page 5, line 29, delete "7" and insert "8"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1002 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
Belanger
Berg
Betzold

Cohen
Day
Dille
Fischbach

Flynn
Foley
Hanson
Higgins

Hottinger
Janezich
Johnson, D.E.
Johnson, D.H.

Johnson, D.J.
Johnson, J.B.
Junge
Kelly, R.C.

| | | | | |
|----------|-----------|------------|-----------|-------------|
| Kierlin | Lesewski | Ourada | Robling | Stevens |
| Kiscaden | Limmer | Pappas | Runbeck | Stumpf |
| Kleis | Lourey | Pariseau | Sams | Ten Eyck |
| Knutson | Metzen | Piper | Samuelson | Terwilliger |
| Krentz | Moe, R.D. | Pogemiller | Scheevel | Vickerman |
| Laidig | Neuville | Price | Scheid | Wiener |
| Langseth | Oliver | Ranum | Solon | Wiger |
| Larson | Olson | Robertson | Spear | Ziegler |

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the 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. 834: A bill for an act relating to adoption; changing requirements and procedures for the putative fathers' adoption registry, communication or contact agreements, and postadoption reports; amending Minnesota Statutes 1998, sections 259.52, subdivisions 1, 4, 7, 9, 10, and 11; 259.58; and 259.60, by adding a subdivision.

Senate File No. 834 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

CONCURRENCE AND REPASSAGE

Senator Knutson moved that the Senate concur in the amendments by the House to S.F. No. 834 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 834 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|-----------|------------|-------------|
| Anderson | Hottinger | Laidig | Pariseau | Solon |
| Belanger | Janezich | Langseth | Piper | Spear |
| Berg | Johnson, D.E. | Lesewski | Pogemiller | Stevens |
| Betzold | Johnson, D.J. | Limmer | Price | Stumpf |
| Cohen | Johnson, J.B. | Lourey | Ranum | Ten Eyck |
| Day | Junge | Metzen | Robertson | Terwilliger |
| Dille | Kelly, R.C. | Moe, R.D. | Robling | Vickerman |
| Fischbach | Kierlin | Neuville | Runbeck | Wiener |
| Flynn | Kiscaden | Oliver | Sams | Wiger |
| Foley | Kleis | Olson | Samuelson | Ziegler |
| Hanson | Knutson | Ourada | Scheevel | |
| Higgins | Krentz | Pappas | 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 296: A bill for an act relating to education; modifying student disciplinary provisions relating to children with disabilities; modifying special education provisions; providing for rulemaking; amending Minnesota Statutes 1998, sections 121A.41, subdivision 10; 121A.43; 125A.023; 125A.027; 125A.03; 125A.09, subdivision 6; 125A.10; 125A.18; 125A.24; and 125A.75, subdivision 8; repealing Laws 1998, chapter 398, article 2, section 53; Minnesota Rules, part 3525.2470.

Senate File No. 296 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

CONCURRENCE AND REPASSAGE

Senator Robertson moved that the Senate concur in the amendments by the House to S.F. No. 296 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 296 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1204: A bill for an act relating to the state building code; clarifying the supervision of the state fire marshal; modifying elevator installation provisions; amending Minnesota Statutes 1998, sections 16B.61, subdivision 2; and 16B.745, subdivision 3.

Senate File No. 1204 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 21, 1999

Senator Johnson, D.H. moved that the Senate do not concur in the amendments by the House to S.F. No. 1204, 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. The motion prevailed.

Senator Cohen from the Committee on State Government Finance, to which was re-referred

S.F. No. 1145: A bill for an act relating to traffic regulations; modifying provisions regulating disability parking; abolishing certain credit for vehicle registration fee; specifically authorizing statutory and home rule charter cities to adopt ordinances regulating long-term parking; appropriating money; amending Minnesota Statutes 1998, sections 168.021, subdivision 2; 169.345, subdivisions 1, 3, and 4; and 169.346, subdivision 3, and by adding a subdivision.

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

Page 2, delete lines 8 to 10 and insert:

"(3) in a nonmetered parking space, without time restrictions, where parking is otherwise allowed for passenger vehicles but restricted to a maximum period of time, and where the exercise of disabled parking privileges in that space is not specifically prohibited."

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

Senator Cohen from the Committee on State Government Finance, to which was re-referred

S.F. No. 1219: A bill for an act relating to health; establishing a uniform complaint resolution process for health plan companies; establishing an external appeal process; appropriating money; amending Minnesota Statutes 1998, sections 62D.11, subdivision 1; 62M.01; 62M.02, subdivisions 3, 4, 5, 6, 7, 9, 10, 11, 12, 17, 20, 21, and by adding a subdivision; 62M.03, subdivisions 1 and 3; 62M.04, subdivisions 1, 2, 3, and 4; 62M.05; 62M.06; 62M.07; 62M.09, subdivision 3; 62M.10, subdivisions 2, 5, and 7; 62M.12; 62M.15; 62Q.106; 62Q.19, subdivision 5a; 62T.04; 72A.201, subdivisions 4 and 4a; and 256B.692, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1998, sections 62D.11, subdivisions 1b and 2; 62Q.105; 62Q.11; and 62Q.30; Minnesota Rules, parts 4685.0100, subparts 4 and 4a; and 4685.1700.

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

Page 12, line 17, delete "decision" and insert "determination"

Page 13, line 21, delete "either:"

Page 13, delete lines 22 and 23

Page 13, line 24, delete everything before "the"

Page 14, line 2, delete "either:"

Page 14, delete lines 3 and 4

Page 14, line 5, delete everything before "the"

Page 16, line 33, delete "appeal" and insert "review"

Page 16, delete lines 35 and 36

Page 17, delete lines 1 to 9

Page 22, line 10, delete "either:"

Page 22, line 11, delete everything before "the"

Page 22, line 13, delete "; or"

Page 22, delete line 14

Page 22, line 15, delete everything before the period

Page 23, line 14, delete "review" and insert "external"

Page 23, line 20, delete "their" and insert "its" and after "procedure" insert ", if applicable under section 62Q.68, subdivision 1,"

Page 23, line 23, after the period, insert "If the health plan company does not issue a member handbook, the health plan company may provide the description in another written document."

Page 24, line 4, delete "appeal" and insert "review"

Page 24, line 12, after the period, insert "An insurance company licensed under chapter 60A may instead comply with section 72A.20, subdivision 30."

Page 24, line 16, after "days" insert ", or 30 business days as provided under section 72A.201, subdivision 4, clause (3), for insurance companies licensed under chapter 60A"

Page 24, line 25, delete everything after "claim" and insert "that has been appealed"

Page 24, line 26, delete "decision made" and delete "62Q.68 that" and insert "62Q.70 and the appeal decision"

Page 24, line 28, delete "made in" and insert "that has been appealed"

Page 24, line 29, delete everything before "in"

Page 24, line 30, delete "that does" and insert "and the appeal did" and delete "an" and insert "the"

Page 25, line 1, after "determination" insert ", if applicable under section 62Q.68, subdivision 1, or 62M.06,"

Page 25, line 2, before the period, insert "if the request involves a health plan company regulated by that commissioner or to the commissioner of commerce if the request involves a health plan company regulated by that commissioner"

Page 25, line 3, after "waived" insert "by the commissioner of health or commerce"

Page 26, line 15, delete the second "and" and insert a comma

Page 26, line 16, before the period, insert ", and to the commissioner who is responsible for regulating the health plan company"

Page 26, line 33, after the period, insert "Any data released to the public must not individually identify the enrollee initiating the request for external review."

Pages 27 to 29, delete section 40

Pages 30 and 31, delete section 43

Page 31, delete lines 6 to 9 and insert:

"(a) Minnesota Statutes, section 62D.11, subdivisions 1b and 2, are repealed.

(b) Minnesota Statutes, sections 62Q.105; and 62Q.30, are repealed.

(c) Minnesota Rules, parts 4685.0100, subparts 4 and 4a; and 4685.1700, are repealed.

Sec. 43. [EFFECTIVE DATE.]

Sections 1 to 41 and 42, paragraphs (a) and (c), are effective January 1, 2000.

Section 42, paragraph (b), is effective July 1, 1999."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "appeal" and insert "review" and delete "appropriating"

Page 1, line 5, delete "money;"

Page 1, line 12, delete "subdivisions 4 and" and insert "subdivision"

Page 1, line 16, delete "62Q.11;"

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

Senator Cohen from the Committee on State Government Finance, to which was re-referred

S.F. No. 1762: A bill for an act relating to transportation; modifying state contract requirements; allowing department of transportation to contract for land surveying; clarifying requirements for notaries and filing corrections to maps and plats relating to highways; providing for transfer of certain revolving loan accounts to transportation revolving loan fund; correcting trunk highway route description; modifying filing requirements for highway route location orders; increasing dollar amount for contracts negotiated by commissioner of transportation for highway construction or maintenance work; modifying provisions for estimates and agency costs relating to county state-aid highway and municipal state-aid street funds; authorizing commissioner of transportation to determine dates for seasonal load restrictions; modifying provision requiring certification for disbursement from state transportation fund; changing period of hours of service exemption for drivers transporting sugar beets; authorizing commissioner to convey excess rail bank corridor land to state agency or political subdivision; modifying provisions governing state grants for local airports; prohibiting regional rail authorities from engaging in light rail and commuter rail transit planning; limiting powers and duties of counties with respect to light rail and commuter rail transit planning; modifying deadlines for metropolitan transit performance evaluation reports by metropolitan council; prohibiting regional railroad authorities and counties from engaging in rail transit planning; making technical corrections; appropriating money; amending Minnesota Statutes 1998, sections 16C.05, subdivision 2; 16C.09; 160.085, subdivisions 1 and 1a; 161.04, subdivision 3, and by adding a subdivision; 161.115, subdivision 164; 161.16, subdivision 2; 161.32, subdivision 2; 162.06, subdivisions 1, 2, and 6; 162.12, subdivisions 1, 2, and 5; 169.87, subdivision 2; 174.02, by adding a subdivision; 174.50, subdivision 5; 221.0314, subdivision 9a; 222.63, subdivision 4; 360.0151, subdivision 2; 360.032, subdivision 1a; 360.305, subdivision 4; 398A.04, subdivision 2; 446A.085, subdivisions 3 and 6; 473.1466; 473.399; 473.3994, subdivisions 2, 3, 4, and 10; and 473.3997; Laws 1998, chapter 404, section 17, subdivision 3; repealing Minnesota Statutes 1998, sections 169.832, subdivision 13; 473.3994, subdivision 12; and 473.3998.

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

Page 10, after line 30, insert:

"Sec. 19. [174.80] [DEFINITIONS.]

Subdivision 1. [TERMS.] For the purposes of sections 174.80 to 174.90, the terms defined in this section have the meanings given them.

Subd. 2. [ADVANCED CORRIDOR PLAN.] "Advanced corridor plan" means a commuter rail plan that:

(1) contains a physical design component that identifies the physical design of facilities, including:

(i) location, length, and termini of routes;

(ii) maintenance facility locations;

(iii) safety improvements;

(iv) station locations and design; and

(v) related park and ride, parking, and other transportation facilities;

(2) specifies track and signal improvements;

(3) addresses handicapped access;

(4) specifies intermodal coordination and connections with bus and light rail transit operation and routes;

(5) projects ridership, capital costs, operating costs, and revenues;

(6) identifies sources of funds for operating subsidies and funding for final design, construction, and operation;

(7) describes an implementation method;

(8) describes a plan for public involvement and public information;

(9) defines anticipated agreements with the railroads; and

(10) addresses land use impacts.

The preliminary design plan may include the draft environmental impact statement for the proposed commuter rail facilities.

Subd. 3. [PRELIMINARY ENGINEERING PLAN.] "Preliminary engineering plan" means a commuter rail plan that includes those items in the advanced corridor plan that relate to facilities proposed for construction, but with additional detail and specificity in satisfaction of applicable environmental requirements.

Subd. 4. [FINAL DESIGN PLAN.] "Final design plan" means a commuter rail plan that includes the items in the advanced corridor plan and the preliminary engineering plan, but with additional detail and specificity as needed for construction and operation.

Sec. 20. [174.82] [COMMISSIONER'S DUTIES.]

The commissioner shall be responsible for all aspects of planning, developing, constructing, operating, and maintaining commuter rail, including system planning, advanced corridor planning, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans. The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities.

Sec. 21. [174.84] [COMMUTER RAIL SYSTEM PLANNING.]

Subdivision 1. [GENERAL PLAN REQUIREMENTS.] By January 15, 2000, the commissioner shall adopt a commuter rail system plan to ensure that commuter rail facilities in this state will be acquired, developed, constructed, owned, and operated in an efficient, cost-effective manner, and in coordination with buses and other transportation modes and facilities. The commissioner shall consult with affected regional railroad authorities and may incorporate into its plan elements of the plans of regional railroad authorities in order to avoid duplication of efforts. The commissioner may periodically update the system plan.

Subd. 2. [APPROVAL OF COMMUTER RAIL SYSTEM PLAN.] The commuter rail system plan must be approved by metropolitan planning organizations in areas in which commuter rail will be located before the commissioner may begin final design of commuter rail facilities. Following approval of the plan, the commissioner shall act in conformity with the plan. The commissioner shall ensure that final design plans are consistent with the commuter rail plan.

Subd. 3. [ENGINEERING STANDARDS.] The plan must include engineering standards that provide for integrated operation of all commuter rail equipment, facilities, and services, including security, station design parameters, fare box systems, and safety.

Subd. 4. [INTEGRATION OF SYSTEM.] The commissioner and metropolitan planning organizations shall ensure that commuter rail facilities are planned, designed, and implemented to move transit users to, from, and within the metropolitan area, and to provide a unified, integrated, and efficient multimodal transportation system with rail transit lines that interface with each other and with other transportation facilities.

Sec. 22. [174.86] [COMMUTER RAIL PLAN; REVIEW.]

Subdivision 1. [ADVANCED CORRIDOR PLAN; PUBLIC HEARING.] Before a final design plan is prepared for commuter rail facilities, the commissioner must hold a public hearing on the physical design component of the advanced corridor plan. The commissioner must provide appropriate public notice of the hearing and publicity to ensure that affected parties have an opportunity to present their views at the hearing. The commissioner shall summarize the proceedings and testimony and maintain the record of a hearing held under this subdivision, including any written statements submitted.

Subd. 2. [PHYSICAL DESIGN COMPONENT; LOCAL PARTICIPATION.] At least 30 days before the hearing under subdivision 1, the commissioner shall submit the physical design component of the advanced corridor plan to the governing body of each statutory and home rule charter city, county, and town in which the route is to be located. Within 45 days after the hearing under subdivision 1, the city, county, or town shall review and comment on the plan. Within 45 days of the hearing, a city or town shall approve or disapprove the location and design of the station to be located in the city or town. A city or town that disapproves shall describe specific amendments to the plan that, if adopted, would cause the city or town to withdraw its disapproval. Failure to comment in writing within 45 days after the hearing is deemed to be accepted unless an extension of time is agreed to by the metropolitan planning organization and the commissioner of transportation.

Subd. 3. [MODIFICATION OF ADVANCED CORRIDOR PLAN.] After the hearing under subdivision 1, and after the receipt of comment under subdivision 2, the commissioner may modify the advanced corridor plan.

Subd. 4. [ADVANCED CORRIDOR PLAN; METROPOLITAN PLANNING ORGANIZATION REVIEW.] Before constructing commuter rail facilities, the commissioner shall submit the advanced corridor plan to each metropolitan planning organization in which the route is to be located. The metropolitan planning organization shall hold a hearing on the plan allowing the commissioner, local governmental units, and other persons to present their views as to whether the plan is consistent with the metropolitan planning organization's development guide. Within 60 days after the hearing, the metropolitan planning organization shall review the plan submitted by the commissioner to determine whether it is consistent with the development guide.

If the plan is consistent with the development guide, the metropolitan planning organization shall approve it. If the plan is not consistent with the development guide, the metropolitan planning organization shall submit to the commissioner proposed amendments to the plan to make it consistent with the development guide. The commissioner shall incorporate the proposed amendments into the final design plan.

Subd. 5. [COMMUTER RAIL CORRIDOR COORDINATING COMMITTEE.] (a) A commuter rail corridor coordinating committee shall be established to advise the commissioner on issues relating to the alternatives analysis, environmental review, advanced corridor planning, preliminary engineering, final design, implementation method, construction of commuter rail, public involvement, land use, service, and safety. The commuter rail corridor coordinating committee shall consist of:

(1) one member representing each significant funding partner in whose jurisdiction the line or lines are located;

(2) one member appointed by each county in which the corridors are located;

(3) one member appointed by each city in which advanced corridor plans indicate that a station may be located;

(4) two members appointed by the commissioner, one of whom shall be designated by the commissioner as the chair of the committee;

(5) one member appointed by each metropolitan planning organization through which the commuter rail line may pass; and

(6) one member appointed by the president of the University of Minnesota, if a designated corridor provides direct service to the university.

(b) A joint powers board existing on April 1, 1999, consisting of local governments along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in place of the committee.

Sec. 23. [174.88] [COMMUTER RAIL FUNDING.]

The commissioner, in cooperation with appropriate metropolitan planning organizations, may apply for funding from federal, state, regional, local, and private sources for commuter rail facility construction, operation, implementation, maintenance, and improvement.

Sec. 24. [174.90] [COMMUTER RAIL OPERATION.]

The commissioner may contract for operation of commuter rail facilities with the metropolitan council or other public or private entities and shall commence revenue service after an appropriate period of start-up to ensure satisfactory performance. The commissioner shall coordinate with transit providers to ensure integration of the commuter rail system with bus and light rail transit service to avoid duplication of service and to ensure the greatest access to commuter rail lines in suburban and urban areas."

Page 15, delete section 24 and insert:

"Sec. 30. Minnesota Statutes 1998, section 398A.04, subdivision 2, is amended to read:

Subd. 2. [RAILROAD ACQUISITION AND OPERATION.] The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads and railroad facilities, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock. The authority may not expend state or federal funds to engage in planning for or development of light rail transit or commuter rail transit, unless this activity is consistent with a plan adopted by the department of transportation under section 174.84 and a plan adopted by the metropolitan council under section 473.399, and is carried out pursuant to a memorandum of understanding executed by the authority and the commissioner after appropriate consultation with the metropolitan council."

Pages 16 to 18, delete sections 28 and 29 and insert:

"Sec. 34. Minnesota Statutes 1998, section 473.399, is amended to read:

473.399 [LIGHT RAIL TRANSIT AND COMMUTER RAIL PLANNING.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) The council shall adopt a plan to ensure that light rail transit facilities in the metropolitan area will be acquired, developed, owned, and capable of operation in an efficient, cost-effective, and coordinated manner in coordination with buses and other transportation modes and facilities. The plan may be developed and adopted in phases corresponding to phasing of construction of light rail. ~~To the extent practicable, The council shall~~ may incorporate into its plan appropriate elements of the plans of regional railroad authorities in order to avoid duplication of effort.

(b) The light rail transit plan or first phase of the plan required by this section must be adopted by the council before the commissioner of transportation may begin construction of light rail transit facilities. Following adoption of the plan, ~~each regional railroad authority and the commissioner of transportation shall~~ act in conformity with the plan. The commissioner shall prepare or amend the final design plans as necessary to make the plans consistent with the light rail transit plan.

(c) Throughout the development and implementation of the plan, the council shall contract for or otherwise obtain engineering services to assure that the plan adequately addresses the technical aspects of light rail transit.

Subd. 1a. [INTEGRATED TRANSPORTATION SYSTEM.] The commissioner of transportation, and the metropolitan council, and the regional rail authorities shall ensure that the light rail transit and commuter rail facilities are planned, designed, and implemented: (1) to move commuters and transit users into and out of, as well as within, the metropolitan area, and (2) to ensure that rail transit lines will interface with each other and other transportation facilities and services so as to provide a unified, integrated, and efficient multimodal transportation system.

Sec. 35. Minnesota Statutes 1998, section 473.3993, subdivision 3, is amended to read:

Subd. 3. [FINAL DESIGN PLAN.] "Final design plan" means a light rail transit plan that includes the items in the preliminary design plan and the preliminary engineering plan for the facilities proposed but with greater detail and specificity needed for construction. The final design plan must include, at a minimum:

(1) final plans for the physical design of facilities, including the right-of-way definition; environmental impacts and mitigation measures; intermodal coordination with bus operations and routes; and civil engineering plans for vehicles, track, stations, parking, and access, including handicapped access; and

(2) final plans for civil engineering for electrification, communication, and other similar facilities; operational rules, procedures, and strategies; capital costs; ridership; operating costs and revenues, and sources of funds for operating subsidies; financing for construction and operation; an implementation method; and other similar matters.

The final design plan must be stated with sufficient particularity and detail to allow the proposer to begin the acquisition and construction of operable facilities. If a ~~turn-key design-build~~ implementation method is proposed, instead of civil engineering plans the final design plan must state detailed design criteria and performance standards for the facilities.

The commissioner of transportation may use a design-build method of project development and construction for light rail transit. Notwithstanding section 161.32, subdivision 1b, the commissioner may award a design-build contract on the basis of requests for proposals or requests for qualifications without bids. "Design-build method of project development and construction" means a project delivery system in which a single contractor is responsible for both the design and construction of the project and bids the design and construction together."

Pages 20 to 23, delete sections 33 to 35 and insert:

"Sec. 39. Laws 1998, chapter 404, section 17, subdivision 3, is amended to read:

Subd. 3. Transitways

46,500,000

(a) This appropriation is to match federal and local funding for the planning, design, engineering, and construction of transitways in the metropolitan area.

(b) \$40,000,000 is for the preliminary engineering, final design, and construction of light rail transit in the Hiawatha Avenue corridor from downtown Minneapolis through Minneapolis-St. Paul International Airport and the site of the former Met Center or surrounding area with a terminus in southern Hennepin or northern Dakota county.

The Hiawatha Avenue corridor management committee created pursuant to Minnesota Statutes, section 473.3994, subdivision 10, shall establish an advisory committee of:

- (1) individuals who reside near the proposed corridor;
- (2) representatives of businesses located within one mile on either side of the corridor; and
- (3) elected officials, including legislators, who represent the area in which the Hiawatha corridor is located.

The advisory committee shall advise the corridor management committee on issues relating to the preliminary engineering, final design, and construction of light rail facilities, including the proposed alignment for the corridor.

(c) The funds in this paragraph must be distributed as grants to appropriate county regional rail authorities upon execution of a work program memorandum of understanding with the commissioner as follows:

- (1) \$3,000,000 to match federal funding for a major investment study, engineering, and implementation in the Riverview corridor between the east side of St. Paul and the Minneapolis-St. Paul International Airport and the Mall of America and in the central corridor between downtown St. Paul and downtown Minneapolis;
- (2) \$1,500,000 to match federal funding for a major investment study, engineering, and implementation in the Northstar corridor linking downtown Minneapolis to the St. Cloud area and to study the feasibility of commuter rail and

other transportation improvements within the corridor;

(3) \$500,000 to study potential transit improvements and engineering studies in the Cedar Avenue corridor to link the Hiawatha, Riverview, and Northstar transit corridors with Dakota county; and

(4) \$500,000 to develop engineering documents for a commuter rail line from Minneapolis to downtown St. Paul through southern Washington county to Hastings.

The commissioner of transportation, in coordination with the North Star Corridor Joint Powers Authority and the St. Cloud area planning agency, shall study the transportation needs within the St. Cloud metropolitan area.

(d) \$1,000,000 is available as grants to appropriate county regional rail authorities to conduct major investment studies and to develop engineering documents for commuter rail lines in the following corridors:

(1) the Young America corridor from Carver county to Minneapolis and St. Paul;

(2) the Bethel corridor linking Cambridge with the Northstar corridor in Anoka county;

(3) the Northwest corridor from downtown Minneapolis to the Northwest suburbs of Hennepin county; and

(4) other commuter rail corridors identified in phase II of the department of transportation's commuter rail service study, except for the corridors identified in paragraph (c).

The appropriation in this paragraph is not available until the completion of the commuter rail service study as provided in Laws 1997, chapter 159, article 2, section 51. The funds may be made available only after approval by the commissioner of transportation of an application submitted by county regional rail authorities that is consistent with the results of the commuter rail service study and demonstrates a coordinated implementation strategy and upon execution of a work program memorandum of understanding with the commissioner.

Sec. 40. [CONSTRUCTION OF RAIL FACILITIES.]

Neither the state nor any political subdivision may apply for federal assistance or receive any state appropriation or grant for light rail transit construction until the commissioner begins construction of light rail transit facilities in either the Riverview corridor, connecting the east side of St. Paul, the Minneapolis-St. Paul International Airport, and the Mall of America; or the central

corridor, between downtown St. Paul and downtown Minneapolis. This prohibition does not apply to applications for federal funding or receipt of state funding for light rail transit in the Hiawatha corridor, connecting downtown Minneapolis, the Minneapolis-St. Paul International Airport, and the vicinity of the Mall of America; in the Riverview corridor; or in the central corridor.

Sec. 41. [TRANSIT PLAN; REPORT.]

A regional master plan for transit must be developed by the metropolitan council, in consultation with the commissioner of transportation, the regional railroad authorities in the metropolitan area, and the metropolitan LRT joint powers board. The plan must be completed for presentation to the legislature by February 1, 2000. The plan must include bus and rail development and must be balanced. It must include transit investments based on:

- (1) population density;
- (2) employment concentrations and job density;
- (3) transit dependent segments of the population;
- (4) redevelopment and reinvestment;
- (5) opportunities in the core of the region; and
- (6) adequacy of existing transportation corridors."

Page 23, line 7, delete "21 to 23, 25" and insert "27 to 29, 31"

Page 23, line 8, delete "26" and insert "32"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 19, after the semicolon, insert "requiring commissioner of transportation to be responsible for design, construction, and operation of commuter rail; establishing design approval process for commuter rail; creating commuter rail corridor coordinating committee;"

Page 1, line 24, delete everything after the semicolon

Page 1, delete line 25

Page 1, line 26, delete everything before "limiting"

Page 1, line 30, delete everything after the semicolon

Page 1, delete line 31 and insert "establishing priority order for light rail transit construction; requiring metropolitan council to develop regional master plan for transit;"

Page 1, line 44, after "473.399;" insert "473.3993, subdivision 3; and" and delete "2,"

Page 1, line 45, delete "and 473.3997;"

Page 1, line 46, after the semicolon, insert "proposing coding for new law in Minnesota Statutes, chapter 174;"

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

Senator Cohen from the Committee on State Government Finance, to which was referred

S.F. No. 2125: A bill for an act relating to appropriations; providing funding for public radio; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [PUBLIC BROADCASTING; APPROPRIATION.]

\$6,773,000 is appropriated from the general fund to the commissioner of administration for the purposes indicated in this section. "The first year" means the fiscal year ending June 30, 2000. "The second year" means the fiscal year ending June 30, 2001.

\$1,450,000 the first year and \$1,450,000 the second year are for matching grants for public television.

\$600,000 the first year and \$600,000 the second year are for public television equipment needs. Equipment grant allocations shall be made after considering the recommendations of the Minnesota public television association.

\$113,000 the first year is for grants to noncommercial television stations to assist with conversion to a digital broadcast signal as mandated by the federal government. In order to qualify for a grant, a station must meet the criteria established for grants in Minnesota Statutes, section 129D.12, subdivision 2.

\$441,000 the first year and \$441,000 the second year are for grants for public information television transmission of legislative activities. At least one-half must go for programming to be broadcast in rural Minnesota.

\$25,000 the first year and \$25,000 the second year are for grants to the Twin Cities regional cable channel.

\$320,000 the first year and \$320,000 the second year are for community service grants to public educational radio stations, which must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations under Minnesota Statutes, section 129D.14. Of this appropriation, \$30,000 the first year and \$30,000 the second year are for station WTIP-FM in Grand Marais, which need not meet the requirements of Minnesota Statutes, section 129D.14, until July 1, 2002.

\$494,000 the first year and \$494,000 the second year are for equipment grants to public radio stations. These grants must be allocated after considering the recommendations of the Association of Minnesota Public Educational Radio Stations and Minnesota Public Radio, Inc.

If an appropriation for either year for grants to public television or radio stations is not sufficient, the appropriation for the other year is available for it."

Delete the title and insert:

"A bill for an act relating to appropriations; providing funding for public radio and television; appropriating money."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1145, 1219, 1762 and 2125 were read the second time.

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. 383: Senators Pappas, Foley and Fischbach.

S.F. No. 1202: Senators Spear, Hottinger and Kiscaden.

S.F. No. 1204: Senators Johnson, D.H.; Ten Eyck and Scheevel.

Senator Moe, R.D. 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.

Senator Cohen introduced--

S.F. No. 2234: A bill for an act relating to public administration; making deficiency appropriations for state government operations; transferring money; appropriating money.

Referred to the Committee on Education Finance.

Senators Stumpf and Larson introduced--

S.F. No. 2235: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo medical foundation, with certain conditions; making technical changes to student-related higher education provisions; modifying financial assistance provisions; establishing a health care grant program; modifying certain curriculum provisions for Minnesota state colleges and universities; clarifying and changing requirements of private trade schools; amending Minnesota Statutes 1998, sections 135A.14, by adding a subdivision; 135A.155; 136A.031, subdivision 3; 136A.101, subdivision 7a; 136A.121, subdivision 5; 136A.125, subdivisions 2 and 3; 136A.243, subdivision 7; 136A.244, subdivision 2; 136A.245, subdivision 6; 136F.04, subdivision 1; 136F.22, subdivision 1; 136F.32, subdivision 2, and by adding a subdivision; 141.21, subdivisions 3, 5, 6, and by adding subdivisions; 141.22; 141.25, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12; 141.26, subdivision 2; 141.271, subdivisions 1, 2, 3, 4, 5, 6, and 12; 141.28, subdivisions 3 and 5; 141.29, subdivision 1; 141.31; 141.32; 141.35; 471.59, subdivision 1; and 583.22, subdivision 5; Laws 1986, chapter 398, article 1, section 18, as amended; Laws 1998, chapter 398, article 9, section 7, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 136A; 136F; and 141; repealing Minnesota Statutes 1998, sections 136A.1359; 136A.136; 141.25, subdivisions 9a, 9b, and 11; and 141.36; Laws 1998, chapter 398, article 9, section 7, subdivision 3.

Referred to the Committee on Education Finance.

MEMBERS EXCUSED

Senator Kelley, S.P. was excused from the Session of today. Senators Johnson, D.J. and Wiener were excused from the Session of today from 9:00 to 9:45 a.m. Senator Johnson, J.B. was excused from the Session of today from 9:00 to 9:55 a.m. Senator Kelly, R.C. was excused from the Session of today from 9:00 to 10:00 a.m. Senator Krentz was excused from the Session of today from 9:20 to 9:40 a.m. Senator Frederickson was excused from the Session of today at 9:30 a.m. Senators Foley and Scheid were excused from the Session of today from 9:30 to 9:45 a.m. Senator Lessard was excused from the Session of today at 10:00 a.m. Senator Berglin was excused from the Session of today at 10:30 a.m. Senator Novak was excused from the Session of today at 11:00 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Friday, April 23, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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