

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

SIXTY-FIFTH DAY

St. Paul, Minnesota, Friday, May 14, 1999

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

CALL OF THE SENATE

Senator Ten Eyck 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. John R. Bucka.

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

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

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 Files, herewith returned: S.F. Nos. 1639, 1093 and 891.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 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. 1721: A bill for an act relating to public employees; ratifying certain labor agreements and compensation plans; providing for transfer of vacation and sick leave for certain employees; modifying per diem provision for special mediators; modifying procedures for the listing of arbitrators; exempting epidemiologists from a salary cap; making technical changes; amending Minnesota Statutes 1998, sections 3.096; 43A.17, subdivision 4; 179.02, subdivision 2; 179A.03, subdivision 14; 179A.04, subdivision 3; 179A.10, subdivision 1; and 179A.16, subdivision 2; repealing Minnesota Statutes 1998, section 43A.17, subdivision 12.

Senate File No. 1721 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

Senator Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 1721, 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. 319: A bill for an act relating to retirement; various pension plans; providing special benefit coverage for privatized employees of the Luverne public hospital, the Waconia Ridgeview medical center, and the Glencoe area health center; creating a local government correctional service retirement plan; modifying actuarial cost provision; providing a special property tax levy for certain county retirement contributions; providing an ad hoc postretirement adjustment to Eveleth police and fire trust fund benefit recipients; establishing an additional postretirement adjustment for the Fairmont police relief association; extending survivor benefit provisions to include certain Fairmont police relief association survivors; providing a special ad hoc postretirement adjustment to certain retired St. Cloud police officers; merging the pre-March 1, 1999, local police and paid fire consolidation accounts into the public employees police and fire plan; extending the minimum volunteer firefighter fire state aid amount to post-1993 relief association members; modifying governance provisions for the Minneapolis fire department relief association and the Minneapolis police relief association; providing a targeted early retirement incentive program for certain employees of the metropolitan council; permitting the purchase of service credit by various public employees; mandating certain school district service credit purchase payments; making miscellaneous changes in the legislators retirement plan, the Minnesota state colleges and university system individual retirement account plan, the Minnesota state retirement system, and the teachers retirement association; including supplemental needs trusts as recipients of optional annuity forms; eliminating the service credit maximum for monthly benefit volunteer fire relief associations; mandating school district repayment of certain omitted deduction interest charges; expanding the membership of the state correctional employees retirement plan to include certain Minnesota extended treatment options program employees; downsizing the early retirement reduction rates for various public safety plans; grandparenting public employee police and fire plan coverage for certain Rice county correctional employees; requiring Rice county to repay certain police state aid amounts; providing employer penalties for pension plan membership certification failures or errors; providing special retirement coverage for certain state fire marshal employees; authorizing the purchase of credit for certain periods of prior military service, out-of-state public teaching service, maternity leaves, maternity breaks-in-employment, parochial or private school teaching service, Peace Corps service or VISTA service; clarifying various Minneapolis employees retirement plan survivor benefit provisions; increasing the number of vendors for certain tax-sheltered annuities for educational employees; modifying various benefit provisions for certain Minnesota state colleges and universities employees; reducing the membership of the legislative commission on pensions and retirement; requiring a study; authorizing the Minnesota state retirement system, the public employees retirement association, and the teachers retirement association to purchase or construct

an administrative building; authorizing the issuance of certain revenue bonds; amending Minnesota Statutes 1998, sections 3.85, subdivisions 3, 11, and 12; 3A.02, subdivision 1b; 43A.27, subdivision 3; 69.021, subdivisions 7 and 10; 69.031, subdivision 5; 122A.46, subdivision 2; 136F.48; 273.1385, subdivision 2; 352.03, subdivision 1; 352.90; 352.91, by adding a subdivision; 352.92, subdivisions 1 and 2; 352.93, subdivision 2a; 352B.08, subdivision 2a; 353.01, subdivisions 2b, 10, and 16; 353.03, subdivision 4; 353.27, subdivisions 2 and 3; 353.64, subdivision 1; 353.65, subdivisions 2 and 3; 353.651, subdivision 4; 353A.083, by adding a subdivision; 353A.09, subdivisions 4, 5, and by adding a subdivision; 354.05, subdivision 40; 354.06, subdivisions 1 and 7; 354.10, subdivision 4; 354.445; 354.66, subdivisions 1b, 1c, and 3; 354B.24, subdivision 3; 354B.25, subdivisions 2, 3, and 5; 354C.11; 354C.12, subdivision 4; 356.19, by adding subdivisions; 356.20, subdivision 2; 356.215, subdivision 4g; 356.24, subdivision 1; 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4; 356.55, subdivisions 1 and 6; 422A.06, subdivisions 3 and 6; 422A.101, subdivision 4; 422A.18, subdivision 2; 422A.22, subdivisions 4 and 5; and 422A.23; 423A.02, subdivisions 1b, 2, and by adding subdivisions; and 423B.07; Laws 1977, chapter 61, section 6, as amended; proposing coding for new law in Minnesota Statutes, chapters 352; 353; 354; 354A; 354B; 356; and 422A; proposing coding for new law as Minnesota Statutes, chapters 353E; and 353F; repealing Minnesota Statutes 1998, sections 353.33, subdivision 3a; 353.65, subdivision 3a; 422A.16, subdivision 3a; and 424A.02, subdivision 5; Laws 1998, chapter 390, article 1, section 1.

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

Mares, Krinkie and Wenzel.

Senate File No. 319 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Berg introduced--

S.F. No. 2261: A bill for an act relating to human services; requiring the commissioner of human services to amend rules for the prepaid medical assistance program.

Referred to the Committee on Health and Family Security.

Senator Berg introduced--

S.F. No. 2262: A bill for an act relating to Clara City; appropriating money for a water quality capital improvement grant.

Referred to the Committee on Environment and Natural Resources.

Senators Johnson, D.H. and Knutson introduced--

S.F. No. 2263: A bill for an act relating to corrections; providing notice to certain victims and criminal justice system officials of an inmate's request for a name change; prohibiting inmate

name changes that have the purpose or effect of harassing another; amending Minnesota Statutes 1998, sections 259.11; and 259.12.

Referred to the Committee on Crime Prevention.

Senators Kleis; Johnson, D.J. and Scheid introduced--

S.F. No. 2264: A bill for an act relating to taxation; exempting used watercraft from the sales and use tax; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Ziegler, Scheevel and Day introduced--

S.F. No. 2265: A bill for an act relating to transportation; appropriating money for Faribault county transit system.

Referred to the Committee on Transportation.

Senators Stevens; Belanger; Johnson, D.J. and Day introduced--

S.F. No. 2266: A bill for an act relating to the legislature; requiring passage of omnibus tax bill in odd-numbered year by April 15; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Taxes.

Senators Scheid, Betzold, Limmer, Junge and Higgins introduced--

S.F. No. 2267: A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; providing for remodeling of, and an addition to, a building at North Hennepin Community College; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Children, Families and Learning.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1099 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1099

A bill for an act relating to health; modifying training requirements for nursing assistants; amending Minnesota Statutes 1998, section 144A.61, subdivisions 2 and 3a.

May 11, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1099, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 1099 be further amended as follows:

Page 2, after line 9, insert:

"Sec. 3. [EVALUATION OF MODIFICATIONS IN COMPETENCY EVALUATION PROGRAM.]

After one year of implementation, the commissioner of health shall evaluate the impact of allowing persons to take a nursing assistant competency evaluation test without first completing an approved training program or enrolling in a licensed nurse education program. The evaluation must include a determination of the positive and negative impact, if any, of allowing persons to qualify as nursing assistants without completing a training program. The result of the evaluation must be reported to the chairs of the house health and human services committee and the senate health and family security committee by December 1, 2000."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring an evaluation;"

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

Senate Conferees: (Signed) Sheila M. Kiscaden, Linda Berglin, Dan Stevens

House Conferees: (Signed) Mike Osskopp, Gregory M. Davids, Linda Wejcman

Senator Kiscaden moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1099 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1099 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 171 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 171

A bill for an act relating to commerce; providing an appropriation for an education campaign on mortgage flipping; establishing penalties; proposing coding for new law in Minnesota Statutes, chapter 82B.

May 13, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 171, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Linda I. Higgins, Dave Kleis, Becky Lourey

House Conferees: (Signed) Gregory Gray, Gregory M. Davids, Bill Haas

Senator Higgins moved that the foregoing recommendations and Conference Committee Report on S.F. No. 171 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 171 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1821 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1821

A bill for an act relating to housing; modifying provision for amending zoning ordinance by cities of the first class; modifying housing finance agency provisions; authorizing agency to make equity take-out loans to owners of federally subsidized housing under certain circumstances; allowing participants to receive rental assistance for family stabilization for up to 60 months; clarifying purposes for which community rehabilitation funds may be used; establishing account to provide homeownership opportunities for disabled; modifying low-income housing credits; amending Minnesota Statutes 1998, sections 462.357, subdivision 5; 462A.073, subdivision 2;

462A.205, subdivisions 1, 2, 5, 6, and 9; 462A.206, subdivision 2; 462A.21, by adding a subdivision; 462A.222, subdivision 3; and 462A.223, subdivision 2; repealing Minnesota Statutes 1998, section 462A.073, subdivision 3.

May 13, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1821, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1821 be further amended as follows:

Delete everything after the enacting clause and insert:

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

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

Sec. 2. Minnesota Statutes 1998, section 462A.05, subdivision 14, is amended to read:

Subd. 14. [REHABILITATION LOANS.] It may agree to purchase, make, or otherwise participate in the making, and may enter into commitments for the purchase, making, or participation in the making, of eligible loans for rehabilitation to persons and families of low and moderate income, and to owners of existing residential housing for occupancy by such persons and families, for the rehabilitation of existing residential housing owned by them. The loans may be insured or uninsured and may be made with security, or may be unsecured, as the agency deems advisable. The loans may be in addition to or in combination with long-term eligible mortgage loans under subdivision 3. They may be made in amounts sufficient to refinance existing indebtedness secured by the property, if refinancing is determined by the agency to be necessary to permit the owner to meet the owner's housing cost without expending an unreasonable portion of the owner's income thereon. No loan for rehabilitation shall be made unless the agency determines that the loan will be used primarily to make the housing more desirable to live in, to increase the market value of the housing, for compliance with state, county or municipal building,

housing maintenance, fire, health or similar codes and standards applicable to housing, or to accomplish energy conservation related improvements. In unincorporated areas and municipalities not having codes and standards, the agency may, solely for the purpose of administering the provisions of this chapter, establish codes and standards. Except for accessibility improvements under this subdivision and subdivisions 14a and 24, clause (1), no secured loan for rehabilitation of any property shall be made in an amount which, with all other existing indebtedness secured by the property, would exceed 110 percent of its market value, as determined by the agency. No loan under this subdivision shall be denied solely because the loan will not be used for placing the residential housing in full compliance with all state, county, or municipal building, housing maintenance, fire, health, or similar codes and standards applicable to housing. Rehabilitation loans shall be made only when the agency determines that financing is not otherwise available, in whole or in part, from private lenders upon equivalent terms and conditions. Accessibility rehabilitation loans authorized under this subdivision may be made to eligible persons and families without limitations relating to the maximum incomes of the borrowers if:

(1) the borrower or a member of the borrower's family requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility for persons with mental retardation or related conditions;

(2) home care is appropriate; and

(3) the improvement will enable the borrower or a member of the borrower's family to reside in the housing.

Sec. 3. Minnesota Statutes 1998, section 462A.073, subdivision 2, is amended to read:

Subd. 2. [LIMITATION; ORIGINATION PERIOD.] During the first ten months of an origination period, the agency may make loans financed with proceeds of mortgage bonds for the purchase of existing housing. Loans financed with the proceeds of mortgage bonds for new housing in the metropolitan area may be made during the first ten months of an origination period only if at least one of the following conditions is met:

(1) the new housing is located in a redevelopment area;

(2) the new housing is replacing a structurally substandard structure or structures;

(3) the new housing is part of a housing affordability initiative, other than those financed with the proceeds from the sale of bonds, in which federal, state, or local assistance is used to substantially improve the terms of the financing or to substantially write down the purchase price of the new housing; or

(4) the new housing is accessible housing and the borrower or a member of the borrower's family is a person with a disability. For the purposes of this clause, "accessible housing" means a dwelling unit with the modifications necessary to enable a person with a disability to function in a residential setting. "A person with a disability" means a person who has a permanent physical condition which is not correctable and which substantially reduces the person's ability to function in a residential setting. A person with a physical condition which does not require the use of a device to increase mobility must be deemed a person with a disability upon written certification of a licensed physician that the physical condition substantially limits the person's ability to function in a residential setting; or

(5) the new housing is part of an effort to meet the affordable housing goals negotiated under section 473.254.

Upon expiration of the first ten-month period, the agency may make loans financed with the proceeds of mortgage bonds for the purchase of new and existing housing.

Sec. 4. Minnesota Statutes 1998, section 462A.073, subdivision 4, is amended to read:

Subd. 4. [LIMITATION; COMMITMENTS AND LOANS TO BUILDERS AND DEVELOPERS.] The agency may not make available, provide set-asides, or commit to make

available proceeds of mortgage bonds for the exclusive use of builders or developers for loans to eligible purchasers for new housing except for new housing described in subdivision 2, clauses (1) and (2). This prohibition is in effect for the total origination period.

Sec. 5. Minnesota Statutes 1998, section 462A.205, subdivision 1, is amended to read:

Subdivision 1. [FAMILY STABILIZATION DEMONSTRATION PROJECT.] The agency, in consultation with the department of human services, may establish a rent assistance for family stabilization demonstration project. The purpose of the project is to provide rental assistance to families who, at the time of initial eligibility for rental assistance under this section, were receiving public assistance, and had a caretaker parent ~~participating in a self-sufficiency program who was complying with the parent's job search support plan or employment plan~~ and at least one minor child and to provide rental assistance to families who, at the time of initial eligibility for rental assistance under this section, were receiving public assistance, and had a caretaker parent who had earned income and with at least one minor child. The demonstration project is limited to counties with high average housing costs. The program must offer two options: a voucher option and a project-based voucher option. The funds may be distributed on a request for proposal basis.

Sec. 6. Minnesota Statutes 1998, section 462A.205, subdivision 2, is amended to read:

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

(a) "Caretaker parent" means a parent, relative caretaker, or minor caretaker as defined by the aid to families with dependent children program, sections 256.72 to 256.87, or its successor program.

(b) "County agency" means the agency designated by the county board to implement financial assistance for current public assistance programs and for the Minnesota family investment program statewide.

(c) "Counties with high average housing costs" means counties whose average federal section 8 fair market rents as determined by the Department of Housing and Urban Development are in the highest one-third of average rents in the state.

(d) "Designated rental property" is rental property (1) that is made available by a self-sufficiency program for use by participating families and meets federal section 8 existing quality standards, or (2) that has received federal, state, or local rental rehabilitation assistance since January 1, 1987, and meets federal section 8 existing housing quality standards.

(e) "Earned income" for a family receiving rental assistance under this section means cash or in-kind income earned through the receipt of wages, salary, commissions, profit from employment activities, net profit from self-employment activities, payments made by an employer for regularly accrued vacation or sick leave, and any other profit from activity earned through effort or labor.

(f) "Employment and training service provider" means a provider as defined in chapter 256J.

(g) "Employment plan" means a plan as defined in chapter 256J.

(h) "Family or participating family" means a family that at the time it begins receiving rent assistance has at least one member who is a recipient of public assistance, and:

(1) a family with a caretaker parent who is ~~participating in a self-sufficiency program complying with the parent's job search support plan or employment plan~~ and with at least one minor child;

(2) a family that, at the time it began receiving rent assistance under this section, had a caretaker parent ~~participating in a self-sufficiency program complying with the parent's job search support plan or employment plan~~ and had at least one minor child;

(3) a family with a caretaker parent who is receiving public assistance and has earned income and with at least one minor child; or

(4) a family that, at the time it began receiving rent assistance under this section, had a caretaker parent who had earned income and at least one minor child.

~~(g)~~ (i) "Gross family income" for a family receiving rental assistance under this section means the gross amount of the wages, salaries, social security payments, pensions, workers' compensation, reemployment insurance, the cash assistance portion of public assistance payments, alimony, and child support, ~~and income from assets received by the family.~~

~~(h)~~ (j) "Local housing organization" means the agency of local government responsible for administering the Department of Housing and Urban Development's section 8 existing voucher and certificate program or a nonprofit or for-profit organization experienced in housing management.

~~(i)~~ (k) "Public assistance" means aid to families with dependent children, or its successor program, family general assistance, or its successor program, or family work readiness, or its successor program.

~~(j)~~ "Self-sufficiency program" means a program operated by an employment and training service provider as defined in chapter 256J, an employability program administered by a community action agency, or courses of study at an accredited institution of higher education pursued with at least half-time student status.

Sec. 7. Minnesota Statutes 1998, section 462A.205, subdivision 4, is amended to read:

Subd. 4. [AMOUNT AND PAYMENT OF RENT ASSISTANCE.] (a) This subdivision applies to both the voucher option and the project-based voucher option.

(b) Within the limits of available appropriations, eligible families may receive monthly rent assistance for a ~~36-month~~ 60-month period starting with the month the family first receives rent assistance under this section. The amount of the family's portion of the rental payment is equal to at least 30 percent of gross income.

(c) The rent assistance must be paid by the local housing organization to the property owner.

(d) Subject to the limitations in paragraph (e), the amount of rent assistance is the difference between the rent and the family's portion of the rental payment.

(e) In no case:

(1) may the amount of monthly rent assistance be more than \$250 for housing located within the metropolitan area, as defined in section 473.121, subdivision 2, or more than \$200 for housing located outside of the metropolitan area;

(2) may the owner receive more rent for assisted units than for comparable unassisted units; nor

(3) may the amount of monthly rent assistance be more than the difference between the family's portion of the rental payment and the fair market rent for the unit as determined by the Department of Housing and Urban Development.

Sec. 8. Minnesota Statutes 1998, section 462A.205, subdivision 5, is amended to read:

Subd. 5. [VOUCHER OPTION.] At least one-half of the appropriated funds must be made available for a voucher option. Under the voucher option, the Minnesota housing finance agency, in consultation with the department of human services, will award a number of vouchers to ~~self-sufficiency program administrators employment and training service providers~~ for participating families and to county agencies for participating families with earned income. Families may use the voucher for any rental housing that is certified by the local housing organization as meeting section 8 existing housing quality standards.

Sec. 9. Minnesota Statutes 1998, section 462A.205, subdivision 6, is amended to read:

Subd. 6. [PROJECT-BASED VOUCHER OPTION.] A portion of the appropriated funds must

be made available for a project-based voucher option. Under the project-based voucher option, the Minnesota housing finance agency, in consultation with the department of human services, will award a number of vouchers to ~~self-sufficiency program administrators and to county agencies employment and training service providers~~ for participating families who live in designated rental property that is certified by a local housing organization as meeting section 8 existing housing quality standards.

Sec. 10. Minnesota Statutes 1998, section 462A.205, subdivision 9, is amended to read:

Subd. 9. [VOUCHERS FOR FAMILIES WITH A CARETAKER PARENT WITH EARNED INCOME.] (a) Applications to provide the rental assistance for families with a caretaker parent with earned income under either the voucher or project-based option must be submitted jointly by a local housing organization and ~~a county agency~~ an employment and training service provider. The application must include a description of how the caretaker parent participants will be selected.

(b) ~~County agencies~~ Employment and training service providers awarded vouchers must select the caretaker parents with earned income whose families will receive the rental assistance. The ~~county agency employment and training service provider~~ must notify the local housing organization and the agency if:

(1) at the time of annual recertification, the caretaker parent no longer has earned income and is not in compliance with the caretaker parent's employment plan or job search plan; and

(2) for a period of six months after the annual recertification, the caretaker parent has no earned income and has failed to comply with the job search support plan or employment plan.

(c) The county agency local housing organization must provide the caretaker parent who, at the time of annual recertification, has no earned income and is not in compliance with the job search support plan or employment plan with the notice specified in Minnesota Rules, part 4900.3379. ~~The county agency local housing organization~~ must send a subsequent notice to the caretaker parent, ~~the local housing organization~~, and the Minnesota housing finance agency 60 days before the termination of rental assistance.

(d) If the local housing organization receives notice from ~~a county agency~~ an employment and training service provider that a caretaker parent whose initial eligibility for rental assistance was based on the receipt of earned income no longer has earned income and for a period of six months after the ~~termination of earned income~~ annual recertification has failed to comply with the caretaker parent's job search plan or employment plan, the local housing organization must notify the property owner that rental assistance may terminate and notify the caretaker parent of the termination of rental assistance under Minnesota Rules, part 4900.3380.

(e) The county agency employment and training service provider awarded vouchers for families with a caretaker parent with earned income must comply with the provisions of Minnesota Rules, part 4900.3377.

(f) For families whose initial eligibility for rental assistance was based on the receipt of earned income, rental assistance must be terminated under any of the following conditions:

(1) the family is evicted from the property for cause;

(2) the caretaker parent no longer has earned income and, ~~after six months after an annual recertification~~, is not in compliance with the parent's job search or employment plan;

(3) 30 percent of the family's gross income equals or exceeds the amount of the housing costs for two or more consecutive months;

(4) the family has received rental assistance under this section for a ~~36-month~~ 60-month period;
or

(5) the rental unit no longer meets federal section 8 existing housing quality standards, the

owner refused to make necessary repairs or alterations to bring the rental unit into compliance within a reasonable time, and the caretaker parent refused to relocate to a qualifying unit.

(g) If a ~~county agency~~ an employment and training service provider determines that a caretaker parent no longer has earned income and is not in compliance with the parent's job search or employment plan, the ~~county agency~~ employment and training service provider must notify the caretaker parent of that determination. The notice must be in writing and must explain the effect of not having earned income or failing to be in compliance with the job search or employment plan will have on the rental assistance. The notice must:

(1) state that rental assistance will end six months after ~~earned income has ended~~ an annual recertification;

(2) specify the date the rental assistance will end;

(3) explain that after the date specified, the caretaker parent will be responsible for the total housing costs;

(4) describe the actions the caretaker parent may take to avoid termination of rental assistance; and

(5) inform the caretaker parent of the caretaker parent's responsibility to notify the ~~county agency~~ employment and training service provider if the caretaker parent has earned income.

Sec. 11. Minnesota Statutes 1998, section 462A.206, subdivision 2, is amended to read:

Subd. 2. [AUTHORIZATION.] The agency may make grants or loans to cities or nonprofit organizations for the purposes of construction, acquisition, rehabilitation, demolition, permanent financing, refinancing, construction financing, gap financing of single or multifamily housing, or full cycle home ownership services, as defined in section 462A.209, subdivision 2. Gap financing is financing for the difference between the cost of the improvement of the blighted property, including acquisition, demolition, rehabilitation, and construction, and the market value of the property upon sale. The agency shall take into account the amount of money that the city or nonprofit organization leverages from other sources in awarding grants and loans. The agency shall also consider the extent to which the grant or loan recipient will coordinate use of the funds with its other housing-related efforts or other housing-related efforts in the recipient's geographic area. The city or nonprofit organization must indicate in its application how the proposed project is consistent with the consolidated housing plan. Not less than ten days before submitting its application to the agency, a nonprofit organization must notify the city in which the project will be located of its intent to apply for funds. The city may submit to the agency its written comments on the nonprofit organization's application and the agency shall consider the city's comments in reviewing the application. Cities and nonprofit organizations may use the grants and loans to establish revolving loan funds and to provide grants and loans to eligible mortgagors. The city or nonprofit organization may determine the terms and conditions of the grants and loans. An agency loan may only be used by a city or nonprofit organization to make loans.

Sec. 12. Minnesota Statutes 1998, section 462A.21, is amended by adding a subdivision to read:

Subd. 25. [CONSUMER-OWNED HOUSING REVOLVING ACCOUNT.] The agency may create a consumer-owned housing revolving account: (1) to assist in paying delinquent mortgage payments of persons participating in the federal National Mortgage Association pilot program for homeownership of persons with disabilities; or (2) for other activities that support homeownership activities for persons with disabilities.

Sec. 13. Minnesota Statutes 1998, section 462A.222, subdivision 3, is amended to read:

Subd. 3. [ALLOCATION PROCEDURE.] (a) Projects will be awarded tax credits in ~~three~~ two competitive rounds on an annual basis. The date for applications for each round must be determined by the agency. No allocating agency may award tax credits prior to the application dates established by the agency.

(b) Each allocating agency must meet the requirements of section 42(m) of the Internal Revenue Code of 1986, as amended through December 31, 1989, for the allocation of tax credits and the selection of projects.

(c) For projects that are eligible for an allocation of credits pursuant to section 42(h)(4) of the Internal Revenue Code of 1986, as amended, tax credits may only be allocated if the project satisfies the requirements of the allocating agency's qualified allocation plan. For projects that are eligible for an allocation of credits pursuant to section 42(h)(4) of the Internal Revenue Code of 1986, as amended, for which the agency is the issuer of the bonds for the project, or the issuer of the bonds for the project is located outside the jurisdiction of a city or county that has received reserved tax credits, the applicable allocation plan is the agency's qualified allocation plan.

(d) For applications submitted for the first round, an allocating agency may allocate tax credits only to the following types of projects:

(1) in the metropolitan area:

(i) new construction or substantial rehabilitation of projects in which, for the term of the extended use period, at least 75 percent of the total tax credit units are single-room occupancy, efficiency, or one bedroom units and which are affordable by households whose income does not exceed 30 percent of the median income;

(ii) new construction or substantial rehabilitation family housing projects that are not restricted to persons who are 55 years of age or older and in which, for the term of the extended use period, at least 75 percent of the tax credit units contain two or more bedrooms and at least one-third of the 75 percent contain three or more bedrooms; or

(iii) substantial rehabilitation projects in neighborhoods targeted by the city for revitalization;

(2) outside the metropolitan area, projects which meet a locally identified housing need and which are in short supply in the local housing market as evidenced by credible data submitted with the application;

(3) projects that are not restricted to persons of a particular age group and in which, for the term of the extended use period, a percentage of the units are set aside and rented to persons:

(i) with a serious and persistent mental illness as defined in section 245.462, subdivision 20, paragraph (c);

(ii) with a developmental disability as defined in United States Code, title 42, section 6001, paragraph (5), as amended through December 31, 1990;

(iii) who have been assessed as drug dependent persons as defined in section 254A.02, subdivision 5, and are receiving or will receive care and treatment services provided by an approved treatment program as defined in section 254A.02, subdivision 2;

(iv) with a brain injury as defined in section 256B.093, subdivision 4, paragraph (a); or

(v) with permanent physical disabilities that substantially limit one or more major life activities, if at least 50 percent of the units in the project are accessible as provided under Minnesota Rules, chapter 1340;

(4) projects, whether or not restricted to persons of a particular age group, which preserve existing subsidized housing, if the use of tax credits is necessary to prevent conversion to market rate use or to remedy physical deterioration of the project which would result in loss of existing federal subsidies; or

(5) projects financed by the Farmers Home Administration, or its successor agency, which meet statewide distribution goals.

(e) Before the date for applications for the second final round, the allocating agencies other than the agency shall return all uncommitted and unallocated tax credits to the pool from which

they were allocated, along with copies of any allocation or commitment. In the second round, the agency shall allocate the remaining credits from the regional pools to projects from the respective regions a unified pool for allocation by the agency on a statewide basis.

~~(f) In the third round, all unallocated tax credits must be transferred to a unified pool for allocation by the agency on a statewide basis.~~

~~(g) Unused portions of the state ceiling for low-income housing tax credits reserved to cities and counties for allocation may be returned at any time to the agency for allocation.~~

~~(h) (g) If an allocating agency determines, at any time after the initial commitment or allocation for a specific project, that a project is no longer eligible for all or a portion of the low-income housing tax credits committed or allocated to the project, the credits must be transferred to the agency to be reallocated pursuant to the procedures established in paragraphs (e) to (g); provided that if the tax credits for which the project is no longer eligible are from the current year's annual ceiling and the allocating agency maintains a waiting list, the allocating agency may continue to commit or allocate the credits until not later than ~~October 1~~ the date of applications for the final round, at which time any uncommitted credits must be transferred to the agency.~~

Sec. 14. Minnesota Statutes 1998, section 462A.223, subdivision 2, is amended to read:

Subd. 2. [DESIGNATED AGENCY.] The agency is designated as a housing credit agency to allocate the portion of the state ceiling for low-income housing tax credits (1) not reserved to cities and counties under section 462A.222; (2) not accepted for allocation by eligible cities and counties; (3) returned to the agency for allocation; and (4) not otherwise reserved to the agency for allocation under subdivision 1. Low-income housing tax credits shall be allocated by the agency as provided in section 462A.222. The agency shall make no allocation for projects located within the jurisdiction of the cities or counties that have received tax credits under section 462A.222, subdivision 1, except from the percentage set-aside for projects involving a qualified nonprofit organization as provided under section 42 of the Internal Revenue Code of 1986, as amended through December 31, 1989, until the amounts reserved to the cities and counties for allocation have been allocated or committed or returned to the agency for allocation. In order that all of a project's credits are allocated by a single allocating agency, the agency may reserve apportion additional tax credits to a city or county that has received tax credits under section 462A.222, subdivision 1, for a project that has already received a commitment or allocation of tax credits from an eligible city or county, if all of the tax credits reserved to the eligible city or county have been committed or allocated. A city or county that has received tax credits under section 462A.222, subdivision 1, may apportion tax credits to the agency for a project located within the jurisdiction of the city or county.

Sec. 15. [EQUITY TAKE-OUT LOANS.]

(a) The agency may make equity take-out loans to owners of federally assisted rental property who agree to participate in the federal assistance program but extend the low-income affordability restrictions on the housing for less than the maximum term of the federal assistance contract if:

- (1) fewer than 30 percent of the units in the rental property are federally assisted; and
- (2) the units, in the agency's judgment, are at risk of conversion to market rate housing.

(b) This section expires August 1, 2001.

Sec. 16. [REPORT.]

The agency must report annually to the legislature on loans made under Minnesota Statutes, section 462A.05, subdivision 14.

Sec. 17. [REPEALER.]

Minnesota Statutes 1998, section 462A.073, subdivision 3, is repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 3, 4, 13, 14, and 17 are effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to housing; modifying provision for amending zoning ordinance by cities of the first class; modifying housing finance agency provisions; authorizing agency to make equity take-out loans to owners of federally subsidized housing under certain circumstances; allowing participants to receive rental assistance for family stabilization for up to 60 months; clarifying purposes for which community rehabilitation funds may be used; establishing account to provide homeownership opportunities for disabled; modifying low-income housing credits; amending Minnesota Statutes 1998, sections 462.357, subdivision 5; 462A.05, subdivision 14; 462A.073, subdivisions 2 and 4; 462A.205, subdivisions 1, 2, 4, 5, 6, and 9; 462A.206, subdivision 2; 462A.21, by adding a subdivision; 462A.222, subdivision 3; and 462A.223, subdivision 2; repealing Minnesota Statutes 1998, section 462A.073, subdivision 3."

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

Senate Conferees: (Signed) Linda I. Higgins, Sandra L. Pappas, Warren Limmer

House Conferees: (Signed) Bob Gunther, Julie Storm, Gregory Gray

Senator Higgins moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1821 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1821 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 148 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 148

A bill for an act relating to commerce; providing for the protection of structured settlements; amending Minnesota Statutes 1998, section 176.175, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 549.

May 13, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 148, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 148 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 176.175, subdivision 2, is amended to read:

Subd. 2. [NONASSIGNABILITY.] No claim for compensation or settlement of a claim for compensation owned by an injured employee or dependents is assignable. Except as otherwise provided in this chapter, any claim for compensation owned by an injured employee or dependents is exempt from seizure or sale for the payment of any debt or liability.

Sec. 2. [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. [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. 7. [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. 8. [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. 9. [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. 10. [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. 11. [SETTLED CLAIM.] "Settled claim" means the original tort claim or workers' compensation claim resolved by a structured settlement.

Subd. 12. [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. 13. [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. 14. [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. 15. [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. 16. [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. 17. [TRANSFER.] "Transfer" means a sale, assignment, pledge, hypothecation, or other form of alienation or encumbrance made by a payee for consideration.

Subd. 18. [TRANSFER AGREEMENT.] "Transfer agreement" means the agreement providing for transfer of structured settlement payment rights from a payee to a transferee.

Subd. 19. [TRANSFeree.] "Transferee" means a person who is receiving or will receive structured settlement payment rights resulting from a transfer.

Sec. 3. [549.31] [CONDITIONS TO TRANSFERS OF STRUCTURED SETTLEMENT PAYMENT RIGHTS AND STRUCTURED SETTLEMENT AGREEMENTS.]

Subdivision 1. [GENERALLY.] 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 interests of the payee and the payee's dependents;

(d) the payee has received independent professional advice regarding the legal, tax, and financial implications of the transfer;

(e) 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; and

(f) that the transfer agreement provides that any disputes between the parties will be governed, interpreted, construed, and enforced in accordance with the laws of this state and that the domicile state of the payee is the proper place of venue to bring any cause of action arising out of a breach of the agreement. The transfer agreement must also provide that the parties agree to the jurisdiction of any court of competent jurisdiction located in this state.

If the transfer would contravene the terms of the structured settlement, upon the filing of a written objection by any interested party and after considering the objection and any response to it, the court or responsible administrative authority may grant, deny, or impose conditions upon the proposed transfer as the court or responsible administrative authority deems just and proper under the facts and circumstances in accordance with established principles of law. Any order approving a transfer must require that the transferee indemnify the annuity issuer and the structured settlement obligor for any liability including reasonable costs and attorney's fees arising from compliance by the issuer or obligor with the order of the court or responsible administrative authority.

Subd. 2. [UNENFORCEABLE CONFESSIONS OF JUDGMENT.] A provision in a transfer agreement giving a transferee power to confess judgment against a payee is unenforceable to the extent the amount of the judgment would exceed the amount paid by the transferee to the payee, less any payments received from the structured settlement obligor or the payee.

Subd. 3. [INITIAL DISCLOSURE OF STRUCTURED SETTLEMENT TERMS.] In negotiating a structured settlement of claims brought by or on behalf of a claimant who is domiciled in this state, the structured settlement obligor shall disclose in writing to the claimant or

the claimant's legal representative all of the following information that is not otherwise specified in the structured settlement agreement:

(1) the amounts and due dates of the periodic payments to be made under the structured settlement agreement. In the case of payments that will be subject to periodic percentage increases, the amounts of future payments may be disclosed by identifying the base payment amount, the amount and timing of scheduled increases, and the manner in which increases will be compounded;

(2) the amount of the premium payable to the annuity issuer;

(3) the discounted present value of all periodic payments that are not life-contingent, together with the discount rate used in determining the discounted present value;

(4) the nature and amount of any cost that may be deducted from any of the periodic payments;

(5) where applicable, that any transfer of the periodic payments is prohibited by the terms of the structured settlement and may otherwise be prohibited or restricted under applicable law; and

(6) that any transfer of the periodic payments by the claimant may subject the claimant to serious adverse tax consequences.

Sec. 4. [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 court or responsible administrative authority;

(2) a copy of the transfer agreement;

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

(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. 5. [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. 6. [549.34] [CONSTRUCTION.]

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

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 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."

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

Senate Conferees: (Signed) Edward C. Oliver, Dave Johnson, Deanna L. Wiener

House Conferees: (Signed) Bill Haas, Jim Seifert, Matt Entenza

Senator Oliver moved that the foregoing recommendations and Conference Committee Report on S.F. No. 148 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 148 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Johnson, D.H. moved that the following members be excused for a Conference Committee on S.F. No. 1404 from 9:00 to 9:30 a.m.:

Senators Johnson, D.H.; Spear and Knutson. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 21, Senator Janezich moved that the following members be excused for a Conference Committee on H.F. No. 2390 at 9:45 a.m.:

Senators Janezich; Novak; Johnson, D.H.; Runbeck and Pariseau. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 709 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 709

A bill for an act relating to state procurement; authorizing the commissioner of administration to award a preference of as much as six percent in the amount bid for specified goods or services to small businesses; amending Minnesota Statutes 1998, section 16C.16, subdivision 7; repealing Minnesota Rules, part 1230.1860, item A.

May 12, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 709, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 709 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 16C.16, subdivision 7, is amended to read:

Subd. 7. [ECONOMICALLY DISADVANTAGED AREAS.] (a) Except as otherwise provided in paragraph (b), the commissioner may award up to a four six percent preference in the amount bid on state procurement to small businesses located in an economically disadvantaged area.

(b) The commissioner may award up to a four percent preference in the amount bid on state construction to small businesses located in an economically disadvantaged area.

(c) A business is located in an economically disadvantaged area if:

(1) the owner resides in or the business is located in a county in which the median income for married couples is less than 70 percent of the state median income for married couples;

(2) the owner resides in or the business is located in an area designated a labor surplus area by the United States Department of Labor; or

(3) the business is a rehabilitation facility or work activity program.

(d) The commissioner may designate one or more areas designated as targeted neighborhoods under section 469.202 or as enterprise zones under section 469.167 as economically disadvantaged areas for purposes of this subdivision if the commissioner determines that this designation would further the purposes of this section. If the owner of a small business resides or is employed in a designated area, the small business is eligible for any preference provided under this subdivision.

(e) The department of revenue shall gather data necessary to make the determinations required by paragraph (c), clause (1), and shall annually certify counties that qualify under paragraph (c), clause (1). An area designated a labor surplus area retains that status for 120 days after certified small businesses in the area are notified of the termination of the designation by the United States Department of Labor.

Sec. 2. [REPEALER.]

Minnesota Rules, part 1230.1860, item A, is repealed."

Delete the title and insert:

"A bill for an act relating to state procurement; authorizing the commissioner of administration to award a preference of as much as six percent in the amount bid for specified goods or services to small businesses; providing an exception; amending Minnesota Statutes 1998, section 16C.16, subdivision 7; repealing Minnesota Rules, part 1230.1860, item A."

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

Senate Conferees: (Signed) LeRoy A. Stumpf, Arlene J. Lesewski, David J. Ten Eyck

House Conferees: (Signed) Jim Tunheim, Jim Rhodes, Thomas Bakk

Senator Stumpf moved that the foregoing recommendations and Conference Committee Report on S.F. No. 709 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 709 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 42 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Larson	Pappas	Ten Eyck
Berg	Higgins	Lesewski	Pogemiller	Terwilliger
Berglin	Hottinger	Lessard	Price	Vickerman
Betzold	Johnson, J.B.	Lourey	Sams	Wiener
Cohen	Junge	Marty	Samuelson	Wiger
Fischbach	Kelley, S.P.	Moe, R.D.	Scheid	Ziegler
Flynn	Krentz	Murphy	Solon	
Foley	Laidig	Novak	Spear	
Frederickson	Langseth	Oliver	Stumpf	

Those who voted in the negative were:

Belanger	Kierlin	Limmer	Olson	Robertson
Day	Kleis	Metzen	Ourada	Robling
Dille	Knutson	Neuville	Ranum	Stevens
Johnson, D.E.				

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1485 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1485

A bill for an act relating to professions; modifying provisions of the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design relating to fees and continuing education; increasing penalties; amending Minnesota Statutes 1998, section 326.111, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Rules, part 1800.0500, subpart 3.

May 13, 1999

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1485, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Linda Scheid, James P. Metzen, Edward C. Oliver

House Conferees: (Signed) Jim Seifert, Gregory M. Davids, Thomas Huntley

Senator Scheid moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1485 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1485 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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. 1288 and H.F. No. 1415.

SPECIAL ORDER

S.F. No. 1288: A bill for an act relating to natural resources; exempting trappers from blaze orange requirements; providing that for certain turkey license applicants qualifying land may be noncontiguous; amending Minnesota Statutes 1998, sections 97A.435, subdivision 4; and 97B.071.

Senator Krentz moved to amend S.F. No. 1288 as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1998, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$10 \$12;
- (2) for persons age 65 or over, \$5 \$6;
- (3) to take turkey, \$16 \$18;
- (4) to take deer with firearms, \$22 \$25;
- (5) to take deer by archery, \$22 \$25;
- (6) to take moose, for a party of not more than six persons, \$275 \$310;
- (7) to take bear, \$33 \$38;
- (8) to take elk, for a party of not more than two persons, \$220 \$250;
- (9) to take antlered deer in more than one zone, \$44 \$50; and
- (10) to take Canada geese during a special season, \$3 \$4.

Sec. 3. Minnesota Statutes 1998, section 97A.475, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT HUNTING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$56 \$73;
- (2) to take deer with firearms, \$110 \$125;
- (3) to take deer by archery, \$110 \$125;
- (4) to take bear, \$165 \$195;
- (5) to take turkey, \$56 \$73;
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$137.50 \$155;
- (7) to take antlered deer in more than one zone, \$220 \$250; and
- (8) to take Canada geese during a special season, \$3 \$4.

Sec. 4. Minnesota Statutes 1998, section 97A.475, subdivision 6, is amended to read:

Subd. 6. [RESIDENT FISHING.] Fees for the following licenses, to be issued to residents only, are:

- (1) to take fish by angling, for persons under age 65, \$15 \$16;
- (2) to take fish by angling, for persons age 65 and over, \$5.50 \$6.50;
- (3) to take fish by angling, for a combined license for a married couple, \$20.50 \$25;
- (4) to take fish by spearing from a dark house, \$15 \$16; and
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$8 \$8.50.

Sec. 5. Minnesota Statutes 1998, section 97A.475, subdivision 7, is amended to read:

Subd. 7. [NONRESIDENT FISHING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$31 \$34;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, ~~\$21.50~~ \$24;

(3) to take fish by angling for a 72-hour period selected by the licensee, ~~\$18~~ \$20;

(4) to take fish by angling for a combined license for a family, ~~\$41.50~~ \$46;

(5) to take fish by angling for a 24-hour period selected by the licensee, ~~\$8~~ \$8.50; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, ~~\$32~~ \$35.

Sec. 6. Minnesota Statutes 1998, section 97A.475, subdivision 8, is amended to read:

Subd. 8. [MINNESOTA SPORTING.] The commissioner shall issue Minnesota sporting licenses to residents only. The licensee may take fish by angling and small game. The fee for the license is:

(1) for an individual, ~~\$20~~ \$23; and

(2) for a combined license for a married couple to take fish and for one spouse to take small game, ~~\$27.50~~ \$32.

Sec. 7. Minnesota Statutes 1998, section 97A.475, subdivision 11, is amended to read:

Subd. 11. [FISH HOUSES AND DARK HOUSES; RESIDENTS.] Fees for the following licenses are:

(1) for a fish house or dark house that is not rented, ~~\$10~~ \$11.50; and

(2) for a fish house or dark house that is rented, ~~\$23~~ \$26.

Sec. 8. Minnesota Statutes 1998, section 97A.475, subdivision 12, is amended to read:

Subd. 12. [FISH HOUSES; NONRESIDENT.] Fees for fish house licenses for a nonresident are:

(1) annual, ~~\$31.50~~ \$33; and

(2) seven consecutive days, ~~\$18.50~~ \$19.

Sec. 9. Minnesota Statutes 1998, section 97A.475, subdivision 13, is amended to read:

Subd. 13. [NETTING WHITEFISH AND CISCOES FOR PERSONAL CONSUMPTION.] The fee for a license to net whitefish and ciscoes in inland lakes and international waters for personal consumption is, for each net, ~~\$9~~ \$10.

Sec. 10. Minnesota Statutes 1998, section 97A.475, subdivision 20, is amended to read:

Subd. 20. [TRAPPING LICENSE.] The fee for a license to trap fur-bearing animals is:

(1) for persons over age 13 and under age 18, ~~\$5.50~~ \$6; and

(2) for persons age 18 and older, ~~\$18~~ \$20.

Sec. 11. Minnesota Statutes 1998, section 97A.485, subdivision 12, is amended to read:

Subd. 12. [YOUTH DEER LICENSE.] The commissioner may, for a fee of ~~\$5~~ \$5.50, issue to a resident under the age of 16 a license, without a tag, to take deer with firearms. A youth holding a license issued under this subdivision may hunt under the license only if accompanied by a licensed hunter who is at least 18 years of age and possesses a valid tag. A deer taken by a youth holding a license issued under this subdivision must be promptly tagged by the licensed hunter accompanying the youth. Section 97B.301, subdivision 6, does not apply to a youth holding a license issued under this subdivision."

Page 1, line 24, delete "2" and insert "12"

Page 2, after line 24, insert:

"Sec. 13. [APPROPRIATION.]

\$4,100,000 in fiscal year 2000 and \$4,100,000 in fiscal year 2001 is appropriated from the game and fish fund to the commissioner of natural resources for fish and wildlife enhancement.

Sec. 14. [EFFECTIVE DATE.]

Sections 2 to 11 are effective on March 1, 2000."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "increasing hunting and fishing license fees; appropriating money;"

Page 1, line 6, after the semicolon, insert "97A.475, subdivisions 2, 3, 6, 7, 8, 11, 12, 13, and 20; 97A.485, subdivision 12;"

CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 1288. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Krentz amendment. The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend S.F. No. 1288 as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 1998, section 97A.485, subdivision 6, is amended to read:

Subd. 6. [LICENSES TO BE SOLD AND ISSUING FEES.] (a) Persons authorized to sell licenses under this section must sell the following licenses for the license fee and the following issuing fees:

- (1) to take deer or bear with firearms and by archery, the issuing fee is ~~\$1~~ \$1.50;
- (2) Minnesota sporting, the issuing fee is ~~\$1~~ \$1.50; and
- (3) to take small game, for a person ~~under age 65~~ to take fish by angling or for a person of any age to take fish by spearing, and to trap fur-bearing animals, the issuing fee is ~~\$1~~ \$1.50;
- (4) for a trout and salmon stamp that is not issued simultaneously with an angling or sporting license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller; and
- (5) for stamps other than a trout and salmon stamp, and for a special season Canada goose license, there is no fee.

(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.

(c) The auditor or subagent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 1288 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 44 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kiscaden	Moe, R.D.	Robling
Belanger	Higgins	Knutson	Novak	Scheid
Berg	Hottinger	Krentz	Pappas	Solon
Berglin	Janezich	Laidig	Pariseau	Spear
Betzold	Johnson, D.E.	Langseth	Piper	Stevens
Cohen	Johnson, D.J.	Larson	Pogemiller	Ten Eyck
Flynn	Johnson, J.B.	Lessard	Price	Terwilliger
Foley	Junge	Lourey	Ranum	Wiener
Frederickson	Kelley, S.P.	Marty	Robertson	

Those who voted in the negative were:

Day	Kleis	Neuville	Runbeck	Stumpf
Dille	Lesewski	Oliver	Sams	Vickerman
Fischbach	Limmer	Olson	Samuelson	Wiger
Kierlin	Metzen	Ourada	Scheevel	Ziegler

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

SPECIAL ORDER

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

Senator Stumpf moved to amend H.F. No. 1415, the unofficial engrossment, as follows:

Page 3, line 34, delete "domestic"

Page 3, line 35, delete everything after the period

Page 3, delete line 36

Page 4, delete lines 1 and 2 and insert "A wolf that returns to feed on the carcass of agricultural livestock or a pet meets the definition of "immediate threat." Nothing in this subdivision shall be construed to authorize baiting a gray wolf with a carcass."

Page 4, delete lines 4 to 9 and insert:

"(a) For the purposes of this section, "federal wolf recovery plan" refers to the "Recovery Plan for the Eastern Timber Wolf" as revised and approved in 1992 by the United States Fish and Wildlife Service.

(b) The commissioner, in close consultation with the commissioner of agriculture, shall adopt a

gray wolf management plan that ensures the long-term survival of the gray wolf population in Minnesota. If the wolf population estimate for a federal zone prepared by the commissioner exceeds 125 percent of the minimum number of wolves required for the zone in the federal wolf recovery plan, the commissioner must attempt to minimize the contact between the gray wolf population and humans and livestock in that zone consistent with the goal specified in the federal plan.

(c) The estimate of the wolf population in this state that is prepared by the commissioner for the purposes of this section must be prepared using cost-effective and scientifically accepted estimation methods.

(d) If the commissioner determines that the gray wolf population in a zone in the federal wolf recovery plan no longer exceeds 125 percent of the minimum number of wolves specified for that zone after population control efforts under this section have been initiated, the commissioner must cease the efforts in that zone."

CALL OF THE SENATE

Senator Belanger imposed a call of the Senate for the balance of the proceedings on H.F. No. 1415. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.J.	Limmer	Pariseau	Stumpf
Day	Kelly, R.C.	Moe, R.D.	Robling	Ten Eyck
Dille	Kierlin	Murphy	Runbeck	Vickerman
Fischbach	Kleis	Neuville	Sams	Ziegler
Hanson	Langseth	Novak	Samuelson	
Janezich	Larson	Oliver	Scheevel	
Johnson, D.E.	Lesewski	Olson	Solon	
Johnson, D.H.	Lessard	Ourada	Stevens	

Those who voted in the negative were:

Anderson	Frederickson	Knutson	Piper	Terwilliger
Belanger	Higgins	Krentz	Pogemiller	Wiener
Berglin	Hottinger	Laidig	Price	Wiger
Betzold	Johnson, J.B.	Lourey	Ranum	
Cohen	Junge	Marty	Robertson	
Flynn	Kelley, S.P.	Metzen	Scheid	
Foley	Kiscaden	Pappas	Spear	

The motion prevailed. So the amendment was adopted.

Senator Krentz moved that H.F. No. 1415 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of 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. 486: A bill for an act relating to firefighters; authorizing certain background investigations; requiring disclosures of certain employment information; providing civil and criminal penalties; providing employers immunity for certain disclosures; modifying probationary period rules for city of Rochester firefighters; amending Minnesota Statutes 1998, section 604A.31, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299F.

Senate File No. 486 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

CONCURRENCE AND REPASSAGE

Senator Junge moved that the Senate concur in the amendments by the House to S.F. No. 486 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 486: A bill for an act relating to firefighters; authorizing certain background investigations; requiring disclosures of certain employment information; providing civil and criminal penalties; providing employers immunity for certain disclosures; amending Minnesota Statutes 1998, section 604A.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299F.

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 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin Spear

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. 1976: A bill for an act relating to municipal electric power; defining city within the meaning of the act; authorizing the Minneapolis park and recreation board to engage in the local distribution and sale of hydroelectric power to protect the natural, historical, ecological, and aesthetic value of the Mississippi river at the Falls of St. Anthony; amending Minnesota Statutes 1998, section 453.52, subdivision 3.

Senate File No. 1976 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 1999

CONCURRENCE AND REPASSAGE

Senator Higgins moved that the Senate concur in the amendments by the House to S.F. No. 1976 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1976 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

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. 1831: A bill for an act relating to crime prevention; making miscellaneous changes to certain forfeiture provisions; amending Minnesota Statutes 1998, sections 169.1217, subdivisions 7 and 7a; and 609.5314, subdivisions 2 and 3.

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

Dawkins, Stanek and Smith.

Senate File No. 1831 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1636, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1636: A bill for an act relating to governmental operations; providing for regulatory relief for local units of government; proposing coding for new law in Minnesota Statutes, chapter 14.

Senate File No. 1636 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1382, and repassed said bill in accordance with the report of the Committee, so adopted.

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

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 746, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 746: A bill for an act relating to local government; permitting Grand Rapids to hold their general election in November.

Senate File No. 746 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 23, and repassed said bill in accordance with the report of the Committee, so adopted.

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.

Senate File No. 23 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 14, 1999

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. 1721: Senators Flynn, Stumpf and Kiscaden.

S.F. No. 1762: Senators Flynn, Murphy and Johnson, D.E.

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

MEMBERS EXCUSED

Senators Hottinger and Johnson, D.J. were excused from the Session of today for brief periods of time. Senator Knutson was excused from the Session of today from 9:00 to 9:30 a.m. Senator Anderson was excused from the Session of today from 9:00 to 9:45 a.m. Senator Piper was excused from the Session of today from 9:00 to 10:00 a.m. Senator Janezich was excused from the Session of today from 9:00 to 10:30 a.m. Senator Kelly, R.C. was excused from the Session of today from 9:00 to 11:30 a.m. Senator Novak was excused from the Session of today from 9:55 to 10:30 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Saturday, May 15, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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INTRODUCTION AND FIRST READING OF SENATE BILLS

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