

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED FIRST DAY

St. Paul, Minnesota, Tuesday, April 4, 2000

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

CALL OF THE SENATE

Senator Wiger 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. Ronald E. Hackmann.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 3, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3586, 2896, 2748, 2868, 2634, 3549, 2701, 2941 and 2348.

Sincerely,
Jesse Ventura, Governor

April 3, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my duty to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 2734, a bill relating to home and personal care provider transportation expense reimbursement.

I am signing S.F. No. 2734 (Chapter 314) into law even though I recently approved language requiring the Department of Human Services to conduct a study on transportation needs for disabled people (Chapter 296).

In order to avoid redundancy, I am directing the Commissioner of Human Services to conduct jointly the studies referenced in Chapters 296 and 314. The department will produce one report to be concluded in time for consideration as part of the next biennial budget recommendations.

Sincerely,
Jesse Ventura, Governor

April 4, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
2348		Res. No. 4	2:02 p.m. April 3	April 3
	3209	307	2:04 p.m. April 3	April 3
3586		308	3:50 p.m. April 3	April 3
	2719	309	2:05 p.m. April 3	April 3
	2688	311	1:55 p.m. April 3	April 3
2896		312	2:08 p.m. April 3	April 3
2748		313	2:10 p.m. April 3	April 3
2734		314	2:12 p.m. April 3	April 3
2868		315	2:14 p.m. April 3	April 3
2634		316	2:15 p.m. April 3	April 3
3549		317	2:17 p.m. April 3	April 3
2701		318	2:20 p.m. April 3	April 3
2941		319	2:22 p.m. April 3	April 3

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2499.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2000

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. 3379: A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited lands that border public water in Isanti county.

Senate File No. 3379 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2000

CONCURRENCE AND REPASSAGE

Senator Ring moved that the Senate concur in the amendments by the House to S.F. No. 3379 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3379 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 55 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Olson	Sams
Belanger	Higgins	Langseth	Ourada	Samuelson
Berg	Johnson, D.E.	Larson	Pappas	Scheevel
Berglin	Johnson, D.H.	Lesewski	Piper	Scheid
Betzold	Junge	Lessard	Pogemiller	Solon
Day	Kelley, S.P.	Limmer	Price	Spear
Dille	Kelly, R.C.	Lourey	Ranum	Stevens
Fischbach	Kierlin	Metzen	Ring	Stumpf
Flynn	Kinkel	Murphy	Robertson	Vickerman
Foley	Kleis	Novak	Robling	Wiger
Frederickson	Knutson	Oliver	Runbeck	Ziegler

Those who voted in the negative were:

Kiscaden Marty

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. 2767: A bill for an act relating to health; requiring prompt payment by health plan companies and third-party administrators of clean claims for health care services; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1999 Supplement, section 65D.108.

Senate File No. 2767 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2000

CONCURRENCE AND REPASSAGE

Senator Samuelson moved that the Senate concur in the amendments by the House to S.F. No. 2767 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2767 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 3203: A bill for an act relating to insurance; conforming state statutes to the National Association of Insurance Commissioners model legislation providing uniform accounting principles; amending Minnesota Statutes 1998, sections 60A.11, subdivision 22; 60A.12, subdivision 5; 60A.121, subdivision 9, and by adding subdivisions; 60A.123; 60A.129, subdivision 3; 66A.16, subdivisions 1 and 2; 68A.01, subdivision 4, and by adding a subdivision; and 68A.02; proposing coding for new law in Minnesota Statutes, chapters 60A; and 68A; repealing Minnesota Statutes 1998, sections 60A.12, subdivisions 1, 3, 4, 7, 8, and 9; 60A.125, subdivision 3; and 60A.128.

Senate File No. 3203 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2000

CONCURRENCE AND REPASSAGE

Senator Oliver moved that the Senate concur in the amendments by the House to S.F. No. 3203 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3203: A bill for an act relating to commerce; conforming state statutes to the National Association of Insurance Commissioners model legislation providing uniform accounting principles; regulating the registration of certain securities; amending Minnesota Statutes 1998, sections 60A.11, subdivision 22; 60A.12, subdivision 5; 60A.121, subdivision 9, and by adding subdivisions; 60A.123; 60A.129, subdivision 3; 66A.16, subdivisions 1 and 2; 68A.01, subdivision 4, and by adding a subdivision; and 68A.02; Minnesota Statutes 1999 Supplement, section 80A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 60A; and 68A; repealing Minnesota Statutes 1998, sections 60A.12, subdivisions 1, 3, 4, 7, 8, and 9; 60A.125, subdivision 3; and 60A.128.

Was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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. 2796: A bill for an act relating to retirement; pension plan actuarial reporting; various public retirement plans; volunteer firefighter relief associations; Minneapolis firefighters relief association; modifying actuarial cost allocation by the legislative commission on pensions and retirement; changing the actuarial value of assets, actuarial assumptions and funding surplus recognition method; revising re-employed annuitant earnings limitations; adding certain prior correctional positions to correctional plan coverage; clarifying various former police and fire consolidation account merger provisions; authorizing certain optional annuity form elections by former consolidation account members; revising local correctional retirement plan membership eligibility; increasing local correctional retirement plan member and employer contribution rates; authorizing the purchase of nonprofit community-based corporation teaching service; expanding investment options for employer matching contribution tax sheltered annuities; modifying various volunteer firefighter relief association benefit and administration provisions; modifying judicial pension provision; modifying the marriage duration requirement for certain Minneapolis firefighter relief association survivor benefits; creating additional Minneapolis police and firefighter relief association post retirement adjustment mechanisms; resolving various individual

and small group pension problems; amending Minnesota Statutes 1998, sections 16A.055, subdivision 5; 69.773, subdivision 1; 122A.46, subdivision 1, and by adding a subdivision; 136F.45, subdivision 1a; 352.115, subdivision 10; 352.15, subdivision 1a; 352.91, subdivisions 3c, 3d, and by adding a subdivision; 352B.01, subdivision 3, and by adding a subdivision; 352D.02, subdivision 1; 352D.04, subdivision 2; 352D.05, subdivision 3; 352D.06; 352D.09, subdivision 5a; 353.01, subdivisions 2, 6, 11a, 28, 32, and by adding a subdivision; 353.15, subdivision 2; 353.27, subdivisions 4 and 12; 353.33, subdivisions 2 and 6; 353.34, subdivision 1; 353.37, by adding a subdivision; 353.64, subdivisions 2, 3, 4, and by adding a subdivision; 353.656, subdivisions 1 and 3; 353.71, subdivision 2; 353B.11, subdivision 3; 354.05, subdivisions 2 and 35; 354.091; 354.092, subdivision 2; 354.093; 354.094, subdivision 1; 354.10, subdivision 2; 354.35; 354.44, subdivision 5; 354.46, subdivision 2a; 354.47, subdivision 1; 354.48, subdivision 6; 354.49, subdivision 1; 354.52, subdivisions 3, 4, 4a, and 4b; 354.63, subdivision 2; 354A.31, subdivisions 3 and 3a; 354B.23, subdivision 5a; 354C.12, subdivision 1a; 354C.165; 356.215, subdivisions 1, 2, and 4d; 356.24, by adding a subdivision; 356.30, subdivision 1; 356A.01, subdivision 8; 356A.02; 356A.06, subdivision 4, and by adding a subdivision; 423B.01; 424A.001, subdivision 9; 424A.02, subdivisions 3, 7, 9, 13, and by adding a subdivision; 424A.04, subdivision 1; 424A.05, subdivision 3; 490.121, subdivision 4, and by adding a subdivision; 490.123, subdivisions 1a and 1b; and 490.124, subdivision 1; Minnesota Statutes 1999 Supplement, sections 3.85, subdivision 12; 69.021, subdivision 7; 136F.48; 352.1155, subdivisions 1 and 4; 353.01, subdivisions 2b and 10; 353.64, subdivision 1; 353E.02; 353E.03; 353F.02, subdivision 5; 354.445; 354.536, subdivision 1; 354A.101, subdivision 1; 356.215, subdivision 4g; 356.24, subdivisions 1 and 1b; and 423A.02, subdivisions 1b, 4 and 5; Laws 1965, chapter 705, section 1, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 69; 352; 353; 354; 354A; 356; and 423B; proposing coding for new law as Minnesota Statutes, chapters 352G; and 424B; repealing Minnesota Statutes 1998, section 353.024; 354.52, subdivision 2; and 424A.02, subdivision 11; Minnesota Statutes 1999 Supplement, sections 356.24, subdivision 1a; and 356.61.

Senate File No. 2796 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2000

Senator Pogemiller moved that the Senate do not concur in the amendments by the House to S.F. No. 2796, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3331.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 2000

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 3331: A bill for an act relating to crime prevention; creating the position of director of domestic violence and sexual assault prevention and an interagency task force on domestic violence and sexual assault prevention; specifying the powers, duties, and organization of the director and task force; amending Minnesota Statutes 1998, sections 611A.25, by adding a subdivision; and 611A.34, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2980, now on General Orders.

REPORTS OF COMMITTEES

Senator Junge moved that the Committee Report at the Desk be now adopted. The motion prevailed.

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

H.F. No. 3692 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3692	3443				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3692 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3692 and insert the language after the enacting clause of S.F. No. 3443, the second engrossment; further, delete the title of H.F. No. 3692 and insert the title of S.F. No. 3443, the second engrossment.

And when so amended H.F. No. 3692 will be identical to S.F. No. 3443, and further recommends that H.F. No. 3692 be given its second reading and substituted for S.F. No. 3443, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 3692 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Hottinger moved that the name of Senator Lourey be added as a co-author to S.F. No. 2893. The motion prevailed.

Senator Ourada moved that the name of Senator Runbeck be added as a co-author to S.F. No. 3095. The motion prevailed.

Senator Marty moved that the name of Senator Wiger be added as a co-author to S.F. No. 3816. The motion prevailed.

Senator Higgins moved that S.F. No. 2809, No. 17 on General Orders, be stricken and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Senator Higgins moved that S.F. No. 2812, No. 18 on General Orders, be stricken and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 10, Senator Junge, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. No. 3338 and H.F. No. 2826.

SPECIAL ORDER

S.F. No. 3338: A bill for an act relating to crime prevention; establishing an annual insurance cap for tribal police departments; amending Minnesota Statutes 1998, sections 626.90, subdivision 2; 626.91, subdivision 2; and 626.92, subdivision 2; Minnesota Statutes 1999 Supplement, section 626.93, subdivisions 1 and 2.

Senator Lourey moved to amend S.F. No. 3338 as follows:

Page 1, before line 9, insert:

"Section 1. Minnesota Statutes 1998, section 609.487, subdivision 1, is amended to read:

Subdivision 1. [FLEE; DEFINITION.] For purposes of this section, the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, refuse to stop the vehicle, or to use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

Sec. 2. Minnesota Statutes 1998, section 609.487, subdivision 2, is amended to read:

Subd. 2. [PEACE OFFICER; DEFINITION.] For purposes of this section, "peace officer" means:

(1) an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota state patrol and Minnesota conservation officers; or

(2) an employee of a law enforcement agency of a federally recognized tribe, as defined in United States Code, title 25, section 450b(e), who is licensed by the Minnesota board of peace officer standards and training; or

(3) a member of a duly organized state, county, or municipal law enforcement unit of another state charged with the duty to prevent and detect crime and generally enforce criminal laws, and granted full powers of arrest."

Page 6, delete lines 10 and 11 and insert:

"Sections 1 and 2 are effective August 1, 2000, and apply to acts committed on or after that date. Sections 3 to 7 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stevens moved to amend S.F. No. 3338 as follows:

Page 1, line 22, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Page 3, line 6, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Page 4, line 5, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Page 5, line 15, delete "reservation lands" and insert "property held by the United States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe"

Page 5, line 29, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Senator Johnson, D.H. requested division as follows:

First portion:

Page 1, line 22, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Page 3, line 6, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Page 4, line 5, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Page 5, line 29, after "liability" insert "and submit to the exclusive jurisdiction of state and federal courts for resolution of these claims"

Senator Johnson, D.H. questioned whether the first portion of the Stevens amendment was germane.

The President ruled that the first portion of the Stevens amendment was germane.

CALL OF THE SENATE

Senator Johnson, D.H. imposed a call of the Senate for the balance of the proceedings on S.F. No. 3338. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the first portion of the Stevens amendment.

The roll was called, and there were yeas 20 and nays 42, as follows:

Those who voted in the affirmative were:

Berg	Janezich	Lesewski	Ourada	Scheevel
Day	Kierlin	Lessard	Pariseau	Stevens
Dille	Kleis	Neuville	Robling	Terwilliger
Fischbach	Larson	Olson	Runbeck	Ziegler

Those who voted in the negative were:

Anderson	Hottinger	Krentz	Pappas	Solon
Berglin	Johnson, D.E.	Langseth	Piper	Spear
Betzold	Johnson, D.H.	Limmer	Pogemiller	Stumpf
Cohen	Johnson, D.J.	Lourey	Price	Vickerman
Flynn	Junge	Marty	Ranum	Wiener
Foley	Kelley, S.P.	Metzen	Ring	Wiger
Frederickson	Kelly, R.C.	Moe, R.D.	Sams	
Hanson	Kinkel	Murphy	Samuelson	
Higgins	Knutson	Oliver	Scheid	

The motion did not prevail. So the first portion of the Stevens amendment was not adopted.

Second portion:

Page 5, line 15, delete "reservation lands" and insert "property held by the United States in trust for the Mille Lacs Band or the Minnesota Chippewa tribe"

The question was taken on the adoption of the second portion of the Stevens amendment.

The roll was called, and there were yeas 18 and nays 47, as follows:

Those who voted in the affirmative were:

Berg	Kleis	Neuville	Robling	Terwilliger
Day	Larson	Olson	Samuelson	Ziegler
Fischbach	Lesewski	Ourada	Scheevel	
Kierlin	Lessard	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Higgins	Kiscaden	Oliver	Scheid
Belanger	Hottinger	Knutson	Pappas	Solon
Berglin	Janezich	Krentz	Piper	Spear
Betzold	Johnson, D.E.	Langseth	Pogemiller	Stumpf
Cohen	Johnson, D.H.	Limmer	Price	Vickerman
Dille	Johnson, D.J.	Lourey	Ranum	Wiener
Flynn	Junge	Marty	Ring	Wiger
Foley	Kelley, S.P.	Metzen	Robertson	
Frederickson	Kelly, R.C.	Moe, R.D.	Runbeck	
Hanson	Kinkel	Murphy	Sams	

The motion did not prevail. So the second portion of the Stevens amendment was not adopted.

Senator Johnson, D.H. moved to amend S.F. No. 3338 as follows:

Page 5, line 14, after "on" insert "Mille Lacs Band of Chippewa Indians"

The motion prevailed. So the amendment was adopted.

S.F. No. 3338 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 2826: A bill for an act relating to elections; clarifying provisions and conforming procedures under the Minnesota election law and related provisions; amending Minnesota Statutes 1998, sections 103C.305, subdivision 6; 103C.315, subdivision 2; 123B.09, subdivision 1; 201.061, subdivision 3; 201.171; 203B.02, by adding a subdivision; 203B.06, subdivision 6; 204B.09, subdivision 1a; 204B.12, subdivision 1; 204B.14, subdivisions 2, 5, and 6; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.19, subdivision 6; 204B.40; 204B.45, subdivision 1; 204C.32, subdivision 1; 204C.37; 204D.13, subdivision 1; 204D.25, subdivision 1; 204D.27, subdivision 8; 205.13, subdivision 6, and by adding a subdivision; 205.17, subdivision 1; 205A.06, subdivision 5, and by adding a subdivision; 206.90, subdivision 6; and 447.32, subdivision 1; Minnesota Statutes 1999 Supplement, sections 10A.31, subdivision 3a; 203B.04, subdivision 1; 203B.085; 367.03, subdivision 4; and 447.32, subdivision 4; repealing Minnesota Statutes 1998, sections 203B.02, subdivision 1a; 204B.09, subdivision 2; and 204B.45, subdivision 1a.

Senator Larson moved to amend H.F. No. 2826, as amended pursuant to Rule 49, adopted by the Senate April 3, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 2673.)

Page 6, after line 28, insert:

"Sec. 10. Minnesota Statutes 1998, section 204B.09, subdivision 1a, is amended to read:

Subd. 1a. [ABSENT CANDIDATES.] A candidate for special district, county, state, or federal office who will be absent from the state during the filing period may submit a properly executed affidavit of candidacy, the appropriate filing fee, and any necessary petitions in person to the filing officer. The candidate shall state in writing the reason for being unable to submit the affidavit during the filing period. The affidavit, filing fee, and petitions must be submitted to the filing officer during the seven days immediately preceding the candidate's absence from the state. Nominating petitions may be signed during the 14 days immediately preceding the date when the affidavit of candidacy is filed.

Sec. 11. Minnesota Statutes 1998, section 204B.09, subdivision 2, is amended to read:

Subd. 2. [OTHER ELECTIONS.] Affidavits of candidacy and nominating petitions for city, town or other elective offices shall be filed during the time and with the official specified in chapter 205 or other applicable law or charter, except as provided for a special district candidate under subdivision 1a. Affidavits of candidacy and applications filed on behalf of eligible voters for school board office shall be filed during the time and with the official specified in chapter 205A or other applicable law."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend H.F. No. 2826, as amended pursuant to Rule 49, adopted by the Senate April 3, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 2673.)

Page 19, after line 10, insert:

"Sec. 31. Minnesota Statutes 1998, section 351.02, is amended to read:

351.02 [VACANCIES.]

Subdivision 1. [EVENTS CAUSING.] Every office shall become vacant on the happening of ~~either~~ any of the following events, before the expiration of the term of ~~such~~ office:

(1) The death of the incumbent;

(2) The incumbent's resignation;

(3) The incumbent's removal;

(4) The incumbent's ceasing to be an ~~inhabitant~~ resident of the state, or, if the office is ~~local~~ not statewide, of the district, county or city ~~for~~ from which the incumbent was elected or appointed, or within which the duties of the office are required to be discharged;

(5) The incumbent's conviction of ~~any infamous crime~~ a felony, or of any offense involving a violation of the official oath;

(6) The incumbent's refusal or neglect to take the oath of office, or to give or renew the official bond, or to deposit or file ~~such~~ the oath or bond within the time prescribed;

(7) The decision of a competent tribunal declaring the incumbent's election or appointment void;

(8) The death of the person elected or appointed to fill a vacancy, or for a full term, before the person qualifies, or before the time when by law the person should enter upon the duties of the office, in which case the vacancy shall be deemed to take place at the time when the term of office would have begun had the person lived.

Subd. 2. [DISPUTES.] When there is a dispute over whether an office has become vacant, an individual who is eligible to vote for the office may bring an action for a declaratory judgment under chapter 555. If the dispute concerns an alleged vacancy in the office of state senator or representative, the trial court shall forward the record of the proceedings, including the court's findings of fact and conclusions of law, to the secretary of the senate or chief clerk of the house of representatives, as appropriate, for final disposition. This subdivision does not limit the constitutional power of the senate or house of representatives to judge the eligibility of its own members."

Page 21, line 21, delete "Section 6 is" and insert "Sections 6 and 31 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Frederickson moved to amend H.F. No. 2826, as amended pursuant to Rule 49, adopted by the Senate April 3, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 2673.)

Page 14, lines 14 and 15, delete the new language

Page 14, line 17, before the period, insert ", except that write-in votes for a candidate for state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3"

The motion prevailed. So the amendment was adopted.

Senator Flynn moved to amend H.F. No. 2826, as amended pursuant to Rule 49, adopted by the Senate April 3, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 2673.)

Page 4, after line 21, insert:

"Sec. 6. Minnesota Statutes 1998, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING; POSTPONEMENT.] ~~At 7:00 p.m.~~ On any day from the first Tuesday in March to the end of March in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal weather bureau and the department of transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision."

Page 21, line 18, before "Minnesota" insert "(a)"

Page 21, after line 19, insert:

"(b) Minnesota Statutes 1998, section 202A.19, subdivisions 1, 3, 5, and 6, are repealed."

Page 21, line 21, delete "Section 6 is" and insert "Sections 6, 7, and 35, paragraph (b), are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Larson moved that H.F. No. 2826 be laid on the table. The motion prevailed.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3692 and that the rules of the Senate be so far suspended as to give H.F. No. 3692, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 3692: A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

Senator Sams moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 1, line 14, delete "18B.432" and insert "18C.432"

Page 6, line 19, after the comma, insert "a discharge from"

Page 6, line 21, delete everything after "discharge" and insert "violation."

Page 6, after line 21, insert:

"(o) For the purposes of feedlot permitting, manure that is land applied, or a manure stockpile that is managed according to agency rule, must not be considered a discharge into waters of the state, unless the discharge is to waters of the state, as defined by section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots under agency rule."

Page 6, line 22, delete "(o)" and insert "(p)"

Page 9, line 25, delete "1,000" and insert "300"

Page 12, line 9, before the period, insert "and pursuant to Minnesota Statutes, section 14.388"

Page 14, delete section 10 and insert:

"Sec. 10. [STATE FINANCIAL ASSISTANCE FOR FEEDLOT UPGRADES; REPORT.]

The commissioners of the pollution control agency and the department of agriculture, in consultation with representatives from the department of finance and the board of water and soil resources, shall study and develop options for financial assistance to feedlot operators for feedlot upgrades required by the amended livestock feedlot rules proposed by the agency and published in the State Register, volume 24, number 25. The options must include a specific proposal for providing financial assistance for feedlots with a capacity less than 100 animal units. By October 1, 2000, the commissioner shall submit the findings and financing options to the senate agriculture and rural development policy committee, the senate environment and agriculture budget division,

the house agriculture and rural development policy and finance committees, and the house environment and natural resource policy and finance committees."

Page 14, line 18, after "proposal" insert "for feedlots with a capacity less than 100 animal units"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Krentz imposed a call of the Senate for the balance of the proceedings on H.F. No. 3692. The Sergeant at Arms was instructed to bring in the absent members.

Senator Krentz moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 6, line 24, delete the colon

Page 6, line 25, delete everything before the first "to"

Page 6, line 28, delete everything after "upgrade"

Page 6, delete lines 29 to 31

Page 6, line 32, delete everything before the period

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Pogemiller	Spear
Berglin	Janezich	Lourey	Price	Wiener
Betzold	Johnson, D.E.	Marty	Ranum	Wiger
Cohen	Junge	Novak	Ring	
Flynn	Kelley, S.P.	Oliver	Robertson	
Foley	Kelly, R.C.	Pappas	Robling	
Higgins	Krentz	Piper	Scheid	

Those who voted in the negative were:

Belanger	Johnson, D.J.	Lesewski	Ourada	Stumpf
Berg	Kierlin	Lessard	Pariseau	Terwilliger
Day	Kinkel	Limmer	Runbeck	Vickerman
Dille	Kiscaden	Metzen	Sams	Ziegler
Fischbach	Kleis	Moe, R.D.	Samuelson	
Frederickson	Knutson	Murphy	Scheevel	
Hanson	Langseth	Neuville	Solon	
Johnson, D.H.	Larson	Olson	Stevens	

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

Senator Krentz then moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 4, lines 28 to 31, delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kleis	Moe, R.D.	Ranum
Berglin	Janezich	Krentz	Novak	Ring
Betzold	Johnson, D.J.	Laidig	Pappas	Spear
Cohen	Junge	Lessard	Piper	Wiener
Flynn	Kelley, S.P.	Lourey	Pogemiller	Wiger
Foley	Kelly, R.C.	Marty	Price	

Those who voted in the negative were:

Belanger	Johnson, D.E.	Lesewski	Pariseau	Solon
Berg	Johnson, D.H.	Limmer	Robertson	Stevens
Day	Kierlin	Metzen	Robling	Stumpf
Dille	Kinkel	Murphy	Runbeck	Terwilliger
Fischbach	Kiscaden	Neuville	Sams	Vickerman
Frederickson	Knutson	Oliver	Samuelson	Ziegler
Hanson	Langseth	Olson	Scheevel	
Hottinger	Larson	Ourada	Scheid	

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

Senator Anderson moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 10, after line 16, insert:

"Sec. 7. [116.0714] [OPEN-AIR SWINE LAGOON RESTRICTIONS.]

A person may not construct an open-air clay, earthen, or flexible membrane lined swine waste lagoon in this state. This section does not apply to repair or modification related to an environmental improvement of an existing lagoon."

Page 15, line 20, delete "to 13" and insert "to 6 and 8 to 14"

Page 15, line 21, after the period, insert "Section 7 is effective July 1, 2000."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "restricting the construction of open-air swine waste lagoons;"

Page 1, line 12, delete "and" and after "18C" insert "; and 116"

The motion prevailed. So the amendment was adopted.

Senator Moe, R.D. moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 3, line 14, delete ".25" and insert ".3"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Flynn	Higgins	Janezich
Berglin	Cohen	Foley	Hottinger	Johnson, D.E.

Johnson, D.H.	Kleis	Moe, R.D.	Price	Spear
Johnson, D.J.	Krentz	Neuville	Ranum	Wiener
Junge	Laidig	Novak	Ring	Wiger
Kelley, S.P.	Lessard	Oliver	Robertson	
Kelly, R.C.	Lourey	Pappas	Robling	
Kinkel	Marty	Piper	Scheid	
Kiscaden	Metzen	Pogemiller	Solon	

Those who voted in the negative were:

Belanger	Frederickson	Lesewski	Runbeck	Stumpf
Berg	Kierlin	Limmer	Sams	Terwilliger
Day	Knutson	Olson	Samuelson	Vickerman
Dille	Langseth	Ourada	Scheevel	Ziegler
Fischbach	Larson	Pariseau	Stevens	

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 14, line 22, before the period, insert "unless the upgrade is needed to correct an immediate public health threat under Minnesota Statutes, section 145A.04, subdivision 8"

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 12, line 36, after the semicolon, insert "and"

Page 13, line 4, delete everything after "7c"

Page 13, delete line 5

Page 13, line 6, delete everything before the period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Pappas	Wiener
Berglin	Hottinger	Laidig	Piper	Wiger
Betzold	Janezich	Limmer	Price	
Cohen	Junge	Lourey	Ranum	
Flynn	Kelley, S.P.	Marty	Scheid	
Foley	Kelly, R.C.	Novak	Spear	

Those who voted in the negative were:

Belanger	Johnson, D.H.	Larson	Ourada	Scheevel
Berg	Johnson, D.J.	Lesewski	Pariseau	Solon
Day	Kierlin	Lessard	Pogemiller	Stevens
Dille	Kinkel	Metzen	Ring	Stumpf
Fischbach	Kiscaden	Moe, R.D.	Robertson	Terwilliger
Frederickson	Kleis	Neuville	Robling	Vickerman
Hanson	Knutson	Oliver	Sams	Ziegler
Johnson, D.E.	Langseth	Olson	Samuelson	

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

Senator Anderson moved to amend H.F. No. 3692, as amended pursuant to Rule 49, adopted by the Senate April 4, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 3443.)

Page 9, lines 20 and 29, after "state" insert "hydrogen sulfide"

Page 9, line 33, after "State" insert "hydrogen sulfide"

Page 9, line 36, delete "an" and insert "a hydrogen sulfide ambient"

Page 10, lines 2 and 4, before "air" insert "hydrogen sulfide ambient"

Page 10, line 7, after "state" insert "hydrogen sulfide"

Page 10, line 14, before "air" insert "hydrogen sulfide"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kelly, R.C.	Pappas	Scheid
Berglin	Hottinger	Krentz	Piper	Spear
Betzold	Janezich	Lourey	Pogemiller	Wiener
Cohen	Johnson, D.E.	Marty	Price	Wiger
Flynn	Junge	Metzen	Ranum	
Foley	Kelley, S.P.	Novak	Ring	

Those who voted in the negative were:

Belanger	Johnson, D.J.	Lesewski	Ourada	Solon
Berg	Kierlin	Lessard	Pariseau	Stevens
Day	Kinkel	Limmer	Robertson	Stumpf
Dille	Kiscaden	Moe, R.D.	Robling	Terwilliger
Fischbach	Kleis	Murphy	Runbeck	Vickerman
Frederickson	Knutson	Neuville	Sams	Ziegler
Hanson	Langseth	Oliver	Samuelson	
Johnson, D.H.	Larson	Olson	Scheevel	

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

H.F. No. 3692 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 45 and nays 22, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Langseth	Neuville	Sams
Berg	Johnson, D.H.	Larson	Oliver	Samuelson
Day	Johnson, D.J.	Lesewski	Olson	Scheevel
Dille	Kelly, R.C.	Lessard	Ourada	Solon
Fischbach	Kierlin	Limmer	Pariseau	Stevens
Frederickson	Kinkel	Lourey	Piper	Stumpf
Hanson	Kiscaden	Metzen	Pogemiller	Terwilliger
Hottinger	Kleis	Moe, R.D.	Robertson	Vickerman
Janezich	Knutson	Murphy	Runbeck	Ziegler

Those who voted in the negative were:

Anderson	Foley	Laidig	Ranum	Wiener
Berglin	Higgins	Marty	Ring	Wiger
Betzold	Junge	Novak	Robling	
Cohen	Kelley, S.P.	Pappas	Scheid	
Flynn	Krentz	Price	Spear	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Larson moved that H.F. No. 2826 be taken from the table. The motion prevailed.

H.F. No. 2826: A bill for an act relating to elections; clarifying provisions and conforming procedures under the Minnesota election law and related provisions; amending Minnesota Statutes 1998, sections 103C.305, subdivision 6; 103C.315, subdivision 2; 123B.09, subdivision 1; 201.061, subdivision 3; 201.171; 203B.02, by adding a subdivision; 203B.06, subdivision 6; 204B.09, subdivision 1a; 204B.12, subdivision 1; 204B.14, subdivisions 2, 5, and 6; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.19, subdivision 6; 204B.40; 204B.45, subdivision 1; 204C.32, subdivision 1; 204C.37; 204D.13, subdivision 1; 204D.25, subdivision 1; 204D.27, subdivision 8; 205.13, subdivision 6, and by adding a subdivision; 205.17, subdivision 1; 205A.06, subdivision 5, and by adding a subdivision; 206.90, subdivision 6; and 447.32, subdivision 1; Minnesota Statutes 1999 Supplement, sections 10A.31, subdivision 3a; 203B.04, subdivision 1; 203B.085; 367.03, subdivision 4; and 447.32, subdivision 4; repealing Minnesota Statutes 1998, sections 203B.02, subdivision 1a; 204B.09, subdivision 2; and 204B.45, subdivision 1a.

Senator Flynn withdrew her amendment.

Senator Flynn then moved to amend H.F. No. 2826, as amended pursuant to Rule 49, adopted by the Senate April 3, 2000, as follows:

(The text of the amended House File is identical to S.F. No. 2673.)

Page 4, after line 21, insert:

"Sec. 6. Minnesota Statutes 1998, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. [TIME AND MANNER OF HOLDING; POSTPONEMENT.] ~~At 7:00 p.m.~~ On any day from the first Tuesday in March to the end of March in every state general election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal weather bureau and the department of transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 7. Minnesota Statutes 1998, section 202A.19, subdivision 1, is amended to read:

Subdivision 1. No school board, county board of commissioners, township board, or city council may conduct a meeting after 6:00 p.m. on the ~~day of a major political party precinct caucus~~ first Tuesday in March in a state general election year.

Sec. 8. Minnesota Statutes 1998, section 202A.19, subdivision 3, is amended to read:

Subd. 3. The University of Minnesota may not schedule an event which will take place after 6:00 p.m. on the ~~day of a major political party precinct caucus~~ first Tuesday in March in a state general election year unless permission to do so has been received from the board of regents. No Minnesota state college or university may schedule an event which will take place after 6:00 p.m. on the ~~day of a major political party precinct caucus~~ first Tuesday in March in a state general election year unless permission to do so has been received from the board of trustees of the Minnesota state colleges and universities.

Sec. 9. Minnesota Statutes 1998, section 202A.19, subdivision 5, is amended to read:

Subd. 5. No public elementary or secondary school may hold a school sponsored event after 6:00 p.m. on the ~~day of a major political party precinct caucus~~ first Tuesday in March in a state general election year.

Sec. 10. Minnesota Statutes 1998, section 202A.19, subdivision 6, is amended to read:

Subd. 6. No state agency, board, commission, department or committee shall conduct a public meeting after 6:00 p.m. on the day of a major political party precinct caucus first Tuesday in March in a state general election year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Senator Moe, R.D. moved that the vote whereby the Kleis amendment to H.F. No. 2826 was adopted on April 4, 2000, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Moe, R.D. moved to amend the Kleis amendment to H.F. No. 2826 as follows:

Page 2, delete lines 10 and 11

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

Senator Junge moved to amend the Kleis amendment to H.F. No. 2826 as follows:

Page 1, line 10, delete "Subdivision 1. [EVENTS CAUSING.]"

Page 1, delete lines 35 to 37

Page 2, delete lines 1 to 9

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

The question recurred on the Kleis amendment, as amended.

The roll was called, and there were yeas 53 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Janezich	Larson	Ourada	Scheevel
Belanger	Johnson, D.E.	Lesewski	Pappas	Spear
Berg	Johnson, D.J.	Lessard	Pariseau	Stevens
Betzold	Kelly, R.C.	Limmer	Piper	Stumpf
Cohen	Kierlin	Lourey	Ranum	Terwilliger
Day	Kinkel	Marty	Ring	Vickerman
Dille	Kiscaden	Moe, R.D.	Robertson	Wiener
Fischbach	Kleis	Neuville	Robling	Wiger
Frederickson	Knutson	Novak	Runbeck	Ziegler
Higgins	Krentz	Oliver	Sams	
Hottinger	Langseth	Olson	Samuelson	

Those who voted in the negative were:

Berglin	Johnson, D.H.	Kelley, S.P.	Murphy	Price
Flynn	Junge	Metzen	Pogemiller	Scheid
Foley				

The motion prevailed. So the Kleis amendment, as amended, was adopted.

H.F. No. 2826 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Spear moved that S.F. No. 1202 be taken from the table. The motion prevailed.

S.F. No. 1202: A bill for an act relating to health; establishing protocol for occupational exposure to bloodborne pathogens in certain settings; providing criminal penalties; amending Minnesota Statutes 1998, sections 13.99, subdivision 38, and by adding a subdivision; 72A.20, subdivision 29; 144.4804, by adding a subdivision; 214.18, subdivision 5, and by adding a subdivision; 214.19; 214.20; 214.22; 214.23, subdivisions 1 and 2; 214.25, subdivision 2; and 611A.19, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 144; and 241; repealing Minnesota Statutes 1998, sections 144.761; 144.762; 144.763; 144.764; 144.765; 144.766; 144.767; 144.768; 144.769; and 144.7691.

Senator Spear moved that S.F. No. 1202 be re-referred to the Conference Committee as formerly constituted for further consideration. The motion prevailed.

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2302 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2302: A bill for an act relating to crime prevention; adding definitions to the criminal vehicular operation law; requiring a public awareness campaign; amending Minnesota Statutes 1998, section 609.21, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

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. 2397, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2397: A bill for an act relating to occupational health and safety; establishing standards for employer activities to reduce occupational exposure to bloodborne pathogens through sharps injuries; proposing coding for new law in Minnesota Statutes, chapter 182.

Senate File No. 2397 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 2000

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. 2951: A bill for an act relating to municipalities; clarifying the use of alternative dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

Senate File No. 2951 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 4, 2000

Senator Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 2951, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2563:

H.F. No. 2563: A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing criminal penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Storm, Harder and Mahoney have been appointed as such committee on the part of the House.

House File No. 2563 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 2000

Senator Hottinger moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2563, 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 appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Olson moved that S.F. No. 936, No. 30 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

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:

H.F. No. 2563: Senators Hottinger, Frederickson and Ring.

S.F. No. 3259: Senators Limmer, Wiener and Novak.

S.F. No. 2796: Senators Pogemiller, Betzold and Terwilliger.

S.F. No. 2951: Senators Vickerman, Hottinger and Robling.

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

MEMBERS EXCUSED

Senator Terwilliger was excused from the Session of today from 9:00 to 9:50 a.m. Senators Hottinger, Neuville and Wiener were excused from the Session of today from 9:00 to 10:00 a.m. Senator Novak was excused from the Session of today from 10:00 a.m. to 12:00 noon. Senator Hanson was excused from the Session of today at 1:40 p.m. Senator Solon was excused from the Session of today at 1:45 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 5, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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