

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

FIFTY-FIRST DAY

St. Paul, Minnesota, Monday, April 26, 1999

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. William R. Bohline.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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 23, 1999

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1920, 1528, 1324, 673, 1470 and 854.

Sincerely,
Jesse Ventura, Governor

April 23, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1999	Date Filed 1999
	426	Res. No. 3	11:53 a.m. April 23	April 23
	872	87	11:39 a.m. April 23	April 23
	528	88	11:41 a.m. April 23	April 23
	627	89	11:15 a.m. April 23	April 23
	1968	90	11:16 a.m. April 23	April 23
1920		91	11:38 a.m. April 23	April 23
1528		92	11:43 a.m. April 23	April 23
1324		93	11:46 a.m. April 23	April 23
673		94	11:17 a.m. April 23	April 23
1470		95	11:48 a.m. April 23	April 23
854		96	11:50 a.m. April 23	April 23
	1	112	Approved w/o signature	April 23

Sincerely,
Mary Kiffmeyer
Secretary of State

MOTIONS AND RESOLUTIONS

Senator Pappas moved that S.F. No. 2015 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Taxes. The motion prevailed.

SPECIAL ORDERS

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

H.F. Nos. 1079, 132, S.F. Nos. 1615 and 1219.

SPECIAL ORDER

H.F. No. 1079: A bill for an act relating to alcoholic beverages; authorizing acceptance of certain coupons by retailers of alcoholic beverages; authorizing issuance of on-sale and temporary on-sale intoxicating liquor licenses in Minneapolis, St. Paul, Detroit Lakes, Eden Prairie, International Falls, Marshall, Proctor, and Stillwater; providing for duration of on-sale intoxicating liquor licenses for seasonal tour boats; amending Minnesota Statutes 1998, sections 340A.404, subdivisions 2, 8, and by adding a subdivision; 340A.412, subdivision 4; and 340A.5071; repealing Laws 1998, chapter 364, section 13.

Senator Solon moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 2, line 20, delete "and" and insert ", and an on-sale wine license and an on-sale malt liquor license to"

The motion prevailed. So the amendment was adopted.

Senator Solon then moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 2, after line 27, insert:

"(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week."

The motion prevailed. So the amendment was adopted.

Senator Solon then moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 1, after line 19, insert:

"Section 1. Minnesota Statutes 1998, section 325B.08, is amended to read:

325B.08 [JUDICIAL REMEDIES.]

If a brewer engages in conduct prohibited under sections 325B.01 to 325B.17, a wholesaler may maintain a suit before a jury against the brewer in federal or state court in Minnesota. Such a venue and right to trial by jury may not be waived except at the time that the lawsuit is filed. The court may grant equitable relief as is necessary to remedy the effects of conduct which it finds to exist and which is prohibited under sections 325B.01 to 325B.17, including, but not limited to, declaratory judgment and injunctive relief. The court may, if it finds that the brewer has acted in bad faith in invoking the amendment, termination, cancellation or nonrenewal provisions of sections 325B.01 to 325B.17, or has unreasonably withheld its consent to any assignment, transfer or sale of the wholesaler's agreement, award punitive damages, as well as actual damages, costs and attorneys fees."

Page 7, line 8, delete "Section 3 is" and insert "Sections 1 and 4 are"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying judicial remedies pertaining to brewers and wholesalers; providing for a right to jury trials;"

Page 1, line 16, after "sections" insert "325B.08;"

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Pogemiller moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 2, line 25, after the comma, insert "and to the Theatre de la Jeune Lune,"

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 3, after line 22, insert:

"Sec. 4. Minnesota Statutes 1998, section 340A.410, subdivision 10, is amended to read:

Subd. 10. [TEMPORARY LICENSES; RESTRICTIONS.] (a) A municipality may not issue more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year, under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location other than a convention facility owned by the municipality, within a 12-month period.

(b) A municipality may not issue more than one temporary license under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location other than a convention facility owned by the municipality, within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.

This restriction does not apply to a municipality with a population of 5,000 or fewer people.

(c) A municipality that issues separate temporary wine and liquor licenses may separately apply the limitations contained in paragraphs (a) and (b) to the issuance of such licenses to any one organization or registered political committee, or for any one location."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hottinger moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 1, after line 19, insert:

"Section 1. Minnesota Statutes 1998, section 340A.3021, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] Subdivision 1 does not apply to:

- (1) alcoholic beverages passing through Minnesota in interstate commerce;
- (2) alcoholic beverages imported into Minnesota by individuals for personal use in the amounts permitted under section 297C.09 ~~or 340A.417~~;
- (3) alcoholic beverages imported into Minnesota in compliance with section 340A.417; and
- (3) (4) a holder of a manufacturer's warehouse permit."

Page 5, after line 11, insert:

"Sec. 6. Minnesota Statutes 1998, section 340A.417, is amended to read:

340A.417 [SHIPMENTS INTO MINNESOTA.]

Subdivision 1. [RECIPROCAL SHIPPING PRIVILEGE; REQUIREMENTS.] (a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state which affords Minnesota wineries an equal reciprocal shipping privilege, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Shipments under this section must be delivered by a common carrier or delivery agent who holds a permit under subdivision 2. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) ~~The shipping container of any wine sent under this section must be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years. marked "Alcoholic Beverages; adult signature (over 21 years of age) required."~~

(c) No person may (1) advertise shipments authorized under this section, (2) by advertisement or otherwise, solicit shipments authorized by this section, or (3) accept orders for shipments authorized by this section by use of the Internet. No shipper located outside Minnesota may advertise interstate reciprocal wine shipments in Minnesota.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

Subd. 2. [COMMON CARRIER; PERMIT REQUIRED.] (a) No common carrier or delivery agent shall deliver alcoholic beverages under this section without a permit issued by the commissioner. The permit fee shall be \$50 per carrier.

(b) The common carrier or delivery agent must require the person who receives a delivery under this section to sign for it, verify that the receiving person is at least 21 years of age, and record proof of age. The signature record and proof of age must be kept for one year and shall be made available for inspection by the commissioner on demand.

(e) Subd. 3. [PENALTIES.] (a) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph ~~(f) or (g)~~ (b) or (c). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

~~(f)~~ (b) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph ~~(e)~~ (a), is guilty of a misdemeanor.

~~(g)~~ (c) Any person who commits a third or subsequent violation of this section, including a violation for which a cease and desist order was issued under paragraph ~~(e)~~ (a), within any subsequent two-year period is guilty of a gross misdemeanor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 5, after line 11, insert:

"Sec. 5. Minnesota Statutes 1998, section 340A.503, subdivision 6, is amended to read:

Subd. 6. [PROOF OF AGE; DEFENSE.] (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense; or

(3) a valid passport issued by the United States; or

(4) in the case of a foreign national, from a nation other than Canada, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ten Eyck moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 7, after line 6, insert:

"Sec. 12. [BEMIDJI; LIQUOR LICENSE.]

The city of Bemidji may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section."

Page 7, after line 28, insert:

"Section 12 is effective upon approval by the Bemidji city council and compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 14, before "and" insert "Bemidji,"

The motion prevailed. So the amendment was adopted.

Senator Cohen moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 6, line 3, after "fair" insert ", Springfest,"

The motion prevailed. So the amendment was adopted.

Senator Cohen then moved to amend H.F. No. 1079, as amended pursuant to Rule 49, adopted by the Senate April 6, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 1331.)

Page 3, after line 1, insert:

"Sec. 3. Minnesota Statutes 1998, section 340A.404, subdivision 4a, is amended to read:

Subd. 4a. [STATE-OWNED RECREATION; ENTERTAINMENT FACILITIES.] Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge recreation area building or recreational improvement area owned by the state in the town of White, St. Louis county; and

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of Ironworld Discovery Center building or facility owned by the state at Chisholm; and

(3) to the board of regents of the University of Minnesota for events at Northrup Auditorium.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities."

Page 4, line 25, delete "and the board of regents approves the"

Page 4, line 26, delete everything before the semicolon

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1079 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 47 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.H.	Larson	Pappas	Solon
Berglin	Johnson, D.J.	Lesewski	Piper	Spear
Cohen	Junge	Lessard	Pogemiller	Stumpf
Flynn	Kelley, S.P.	Lourey	Price	Ten Eyck
Frederickson	Kierlin	Metzen	Ranum	Terwilliger
Hanson	Kiscaden	Moe, R.D.	Robertson	Vickerman
Higgins	Kleis	Murphy	Robling	Wiener
Hottinger	Krentz	Novak	Runbeck	
Janezich	Laidig	Oliver	Sams	
Johnson, D.E.	Langseth	Ourada	Samuelson	

Those who voted in the negative were:

Belanger	Dille	Kelly, R.C.	Olson	Wiger
Berg	Fischbach	Knutson	Pariseau	Ziegler
Betzold	Foley	Limmer	Scheevel	
Day	Johnson, J.B.	Neuville	Scheid	

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

SPECIAL ORDER

H.F. No. 132: A bill for an act relating to lawful gambling; exempting certain bingo games from regulation; amending Minnesota Statutes 1998, section 349.166, subdivision 1.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1615: A bill for an act relating to human services; establishing a task force to develop a new day training and habilitation payment rate structure with technical assistance from the commissioner of human services.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1219: A bill for an act relating to health; establishing a uniform complaint resolution process for health plan companies; establishing an external review process; amending Minnesota Statutes 1998, sections 62D.11, subdivision 1; 62M.01; 62M.02, subdivisions 3, 4, 5, 6, 7, 9, 10,

11, 12, 17, 20, 21, and by adding a subdivision; 62M.03, subdivisions 1 and 3; 62M.04, subdivisions 1, 2, 3, and 4; 62M.05; 62M.06; 62M.07; 62M.09, subdivision 3; 62M.10, subdivisions 2, 5, and 7; 62M.12; 62M.15; 62Q.106; 62Q.19, subdivision 5a; 62T.04; 72A.201, subdivision 4a; and 256B.692, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1998, sections 62D.11, subdivisions 1b and 2; 62Q.105; and 62Q.30; Minnesota Rules, parts 4685.0100, subparts 4 and 4a; and 4685.1700.

Senator Berglin moved that S.F. No. 1219 be laid on the table. The motion prevailed.

S.F. No. 778 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 778

A bill for an act relating to motor vehicles; requiring release of a security interest in a vehicle to be acted on within seven days if satisfied by a dealer; amending Minnesota Statutes 1998, section 168A.20.

April 20, 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. 778, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendment

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

Senate Conferees: (Signed) Dallas C. Sams, Carol Flynn, William V. Belanger, Jr.

House Conferees: (Signed) William Kuisle, Carol L. Molnau, Al Juhnke

Senator Sams moved that the foregoing recommendations and Conference Committee Report on S.F. No. 778 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. 778 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	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	Stumpf
Cohen	Johnson, J.B.	Limmer	Pogemiller	Ten Eyck
Day	Junge	Lourey	Price	Terwilliger
Dille	Kelley, S.P.	Metzen	Ranum	Vickerman
Fischbach	Kelly, R.C.	Moe, R.D.	Robertson	Wiener
Flynn	Kierlin	Murphy	Robling	Wiger
Foley	Kleis	Neuville	Runbeck	Ziegler
Frederickson	Knutson	Novak	Sams	
Hanson	Krentz	Oliver	Samuelson	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Langseth introduced--

S.F. No. 2236: A bill for an act relating to appropriations; appropriating wastewater funding for the city of Dilworth; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

Senators Betzold and Knutson introduced--

S.F. No. 2237: A bill for an act relating to government data practices; modifying charges allowable for copies of government data; limiting copyright of data; limiting authority of local governments to disseminate private or confidential data; prohibiting monitoring of citizens requesting access to public data; requiring government entities to have a data practices compliance officer; providing for administrative remedies; amending Minnesota Statutes 1998, sections 13.03, subdivisions 3 and 5; and 13.05, subdivision 3, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Senator Langseth introduced--

S.F. No. 2238: A bill for an act relating to appropriations; appropriating funding for drinking water system improvements to the city of Glyndon; authorizing the sale of state bonds.

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

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Senator Berglin moved that S.F. No. 1219 be taken from the table. The motion prevailed.

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

Senator Solon moved to amend S.F. No. 1219 as follows:

Page 2, after line 7, insert:

"Sec. 2. [62D.124] [GEOGRAPHIC ACCESSIBILITY.]

Subdivision 1. [PRIMARY CARE; MENTAL HEALTH SERVICES; GENERAL HOSPITAL SERVICES.] Within the health maintenance organization's service area, the maximum travel distance or time shall be the lesser of 30 miles or 30 minutes to the nearest provider of each of the

following services: primary care services, mental health services, and general hospital services. The health maintenance organization must designate which method is used.

Subd. 2. [OTHER HEALTH SERVICES.] Within a health maintenance organization's service area, the maximum travel distance or time shall be the lesser of 60 miles or 60 minutes to the nearest provider of specialty physician services, ancillary services, specialized hospital services, and all other health services not listed in subdivision 1. The health maintenance organization must designate which method is used.

Subd. 3. [EXCEPTION.] The commissioner shall grant an exception to the requirements of this section according to Minnesota Rules, part 4685.1010, subpart 4, if the health maintenance organization can demonstrate with specific data that the requirement of subdivision 1 or 2 is not feasible in a particular service area or part of a service area.

Subd. 4. [APPLICATION.] (a) Subdivisions 1 and 2 do not apply if an enrollee is referred to a referral center for health care services.

(b) Subdivision 1 does not apply:

(1) if an enrollee has chosen a health plan with full knowledge that the health plan has no participating providers within 30 miles or 30 minutes of the enrollee's place of residence; or

(2) to service areas approved before May 24, 1993."

Page 28, after line 7, insert:

"(d) Minnesota Rules, part 4685.1010, subpart 3, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1219 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MEMBERS EXCUSED

Senator Stevens was excused from the Session of today. Senators Hottinger and Novak were excused from the Session of today at 11:30 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 27, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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