

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

FIFTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, May 16, 2001

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. Ronald E. Hackmann.

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

Anderson	Frederickson	Knutson	Oliver	Robling
Bachmann	Higgins	Krentz	Olson	Sabo
Belanger	Hottinger	Langseth	Orfield	Sams
Berg	Johnson, Dave	Larson	Ourada	Samuelson
Berglin	Johnson, Dean	Lesewski	Pappas	Scheevel
Betzold	Johnson, Debbie	Lessard	Pariseau	Schwab
Chaudhary	Johnson, Doug	Limmer	Pogemiller	Stevens
Cohen	Kelley, S.P.	Lourey	Price	Stumpf
Day	Kelly, R.C.	Marty	Ranum	Tomassoni
Dille	Kierlin	Metzen	Reiter	Vickerman
Fischbach	Kinkel	Moe, R.D.	Rest	Wiener
Foley	Kiscaden	Murphy	Ring	Wiger
Fowler	Kleis	Neuville	Robertson	

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Scheid, Solon and Terwilliger were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 15, 2001

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

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. 2225, 1056, 1164, 1064, 2049, 1258, 1772 and 520.

Sincerely,
Jesse Ventura, Governor

May 15, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 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 2001	Date Filed 2001
2225		97	1:59 p.m. May 15	May 15
1056		98	2:02 p.m. May 15	May 15
1164		99	1:58 p.m. May 15	May 15
1064		100	2:04 p.m. May 15	May 15
2049		101	1:55 p.m. May 15	May 15
1258		102	2:00 p.m. May 15	May 15
1772		103	1:57 p.m. May 15	May 15
520		104	2:05 p.m. May 15	May 15

Mary Kiffmeyer
Secretary of State

May 15, 2001

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

I have vetoed and am returning to the legislature Chapter 118 (S.F. No. 2361).

As you know, I have repeatedly insisted that inserting controversial policy language regarding the 24-hour waiting period for abortion or other such restrictions will result in a veto. This warning was not heeded, and consequently important program funding is jeopardized by your action. The provisions in Chapter 118 encompassing women's right to know, funding cuts to base level family planning services and restrictions on who can deliver those services are unacceptable to me.

I am disappointed this bill does not make adequate strides in addressing the needs of children and families. Adoption assistance and relative custody assistance should be available to families who want to adopt special needs children; these children should not be left to linger in temporary foster care homes. Expanding health coverage for children should also be included.

A bill that restricts access to pre-pregnancy family planning services and at the same time does not fully support welfare recipients makes no sense. It is estimated that 80% of all adolescent mothers will receive government assistance sometime during the ten years following the birth of their first child. Significant potential is lost and challenges greatly increased when youth become parents. I continue to believe that preventing teen pregnancy is the best investment to serve children and reduce reliance on welfare.

I want to strongly emphasize the importance of limited spending this session. I recognize this bill spends at levels that appear to support this charge. Unfortunately, there are some financing approaches in this bill that understate new spending. This bill breaks our agreement to set aside one-time tobacco payments to make improvements in our health care infrastructure. It also ignores my principle that TANF funds should be used to only further self-sufficiency. TANF funds should not be tapped to offset unrelated General Fund spending. In addition, I am concerned that some spending reductions in this bill cannot be implemented, and the costs of some policy changes have been ignored.

I am strongly committed to containing the size of government. That principle is clearly reflected in my budget. However, this cannot be achieved by simply reducing base level funding for agency salaries, health insurance, rent, and computer systems without reducing agency obligations. The size of government mirrors the complexity and numbers of programs in state law. Reductions in base funding for agencies must be supported by changes that simplify and reduce the costs of program administration. Otherwise, I expect agency funding to be provided at recommended levels.

Despite my objections to the above items, I want to make clear that I am in support of many priorities highlighted in this bill. The steps to achieve reform in long term care, reduce glaring health disparities between segments of the state's population, and improve mental health programs are important steps toward meaningful changes for the citizens of Minnesota.

I urge you to act in earnest to present a Health and Human Services bill that will benefit the citizens of Minnesota by your constitutional deadline of May 21, 2001.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 2361 and the veto message thereon be laid on the table. The motion prevailed.

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. 414, 1430, 1043, 1583, 2142, 1033 and 2022.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 2001

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. 1485: A bill for an act relating to commerce; providing for the licensing of money transmitters; prescribing the powers and duties of the commissioner; amending Minnesota Statutes 2000, section 48.151; proposing coding for new law as Minnesota Statutes, chapter 53B.

Senate File No. 1485 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 2001

CONCURRENCE AND REPASSAGE

Senator Kelley, S.P. moved that the Senate concur in the amendments by the House to S.F. No. 1485 and that the bill be placed on its repassage as amended. The motion prevailed.

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

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Kleis	Oliver	Sabo
Bachmann	Frederickson	Knutson	Olson	Sams
Belanger	Higgins	Krentz	Orfield	Samuelson
Berg	Hottinger	Langseth	Pappas	Scheevel
Berglin	Johnson, Dean	Lesewski	Pariseau	Schwab
Betzold	Johnson, Debbie	Limmer	Pogemiller	Stevens
Chaudhary	Johnson, Doug	Lourey	Price	Stumpf
Cohen	Kelley, S.P.	Marty	Reiter	Tomassoni
Day	Kelly, R.C.	Metzen	Rest	Wiener
Dille	Kierlin	Moe, R.D.	Ring	Wiger
Fischbach	Kinkel	Murphy	Robertson	
Foley	Kiscaden	Neuville	Robling	

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. 1495: A bill for an act relating to agriculture; modifying provisions of the value-added agricultural product processing and marketing grant program; eliminating the late fee for the license to use the Minnesota grown label; clarifying the term "private contributions" for the Minnesota grown matching account; modifying provisions of the shared savings loan program and the sustainable agriculture demonstration grant program; modifying provisions of the agriculture best management practices loan program; regulating pesticide application in certain schools; modifying financing limitations for the administration of the state meat inspection program; authorizing the state agricultural society to establish a nonprofit corporation for charitable purposes; modifying provisions relating to the rural finance authority; extending the sunset date and providing for designation of replacement members of the Minnesota agriculture education leadership council; modifying the definition of "agricultural land" for the purpose of recreational trespass; extending the sunset of the dairy producers board, and conditionally voiding its repeal; providing for pesticide application on golf courses; changing certain membership provisions on the state agricultural society; defining biodiesel fuel and requiring it in diesel fuel oil; requiring reports on it; allowing natural gasoline as a petroleum component in E85 fuel; extending the sunset date for the farmer-lender mediation program; providing a temporary waiver of board of animal health rules for use of biological products on poultry; adding cultivated wild rice to the agricultural commodities promotion act provision; repealing obsolete agricultural statutes; amending Minnesota Statutes 2000, sections 17.101, subdivision 5; 17.102, subdivision 3; 17.109, subdivision 3; 17.115; 17.116; 17.117; 17.53, subdivisions 2, 8, 13; 17.63; 17.76, subdivision 2; 18B.01, by adding a subdivision; 31A.21, subdivision 2; 37.03, subdivision 1; 41B.025, subdivision 1; 41B.03, subdivision 2; 41B.043, subdivisions 1b, 2; 41B.046, subdivision 2; 41D.01, subdivisions 1, 3, 4; 97B.001, subdivision 1; 116O.09, subdivision 1a; 296A.01, subdivision 19; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 18B; 37; 239; repealing Minnesota Statutes 2000,

sections 17.987; 24.001; 24.002; 24.12; 24.131; 24.135; 24.141; 24.145; 24.151; 24.155; 24.161; 24.171; 24.175; 24.18; 24.181; 33.09; 33.111.

Senate File No. 1495 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 2001

Senator Murphy moved that the Senate do not concur in the amendments by the House to S.F. No. 1495, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee 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. 266: A bill for an act relating to government; requiring that local governmental units in the metropolitan area include consideration of the protection and development of aggregate resources in their land use plan as a part of their comprehensive plan; amending Minnesota Statutes 2000, section 473.859, subdivision 2.

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

Workman, Ozment and Lenczewski.

Senate File No. 266 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 2001

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2498:

H.F. No. 2498: A bill for an act relating to the financing and operation of government in this state; providing a sales tax rebate; providing property tax reform; making changes to income, franchise, sales and use, property, motor vehicle sales, motor vehicle registration, mortgage registry, deed, motor fuels, cigarette and tobacco, liquor, insurance premiums, lawful gambling, minerals, estate, and special taxes; changing and allowing tax credits, subtractions, and exemptions, including an income tax subtraction for capital gains; providing a biomedical innovation initiative; conforming with changes in federal income tax provisions; providing for allocation and apportionment of income; imposing a state general tax levy on certain property; providing a property tax homestead credit; imposing general levy limits; providing for property tax levy reverse referenda; changing property tax valuation, assessment, levy, classification, homestead, credit, aid, exemption, deferral, review, appeal, abatement, and distribution provisions; abolishing certain property tax levies for transit and establishing a transit fund; providing and modifying certain aids to local units of government; changing levy authority; reducing certain utility taxes and requiring a corresponding rate reduction; changing certain provisions relating to biomass facilities; providing for disposition of local lodging tax proceeds; providing priorities for disposition of production tax proceeds by the iron range resources and rehabilitation board; providing for certain payments in lieu of taxes; reducing rates on lawful gambling taxes; reducing rates on solid waste management taxes; providing for state takeover of certain costs of district court administration and out-of-home placement; providing for uniform sales and use tax administration; providing for taxation and incentive payments on forest lands; providing for electronic filing and payment of taxes; changing procedures for disposition of seized contraband; abolishing certain health care provider taxes and health plan premium taxes; providing for deposit of certain tobacco settlement and cigarette tax proceeds to the health care access fund; changing

tax increment financing provisions and authorizing certain grants, duration extensions, and expenditures; requiring registration of tax increment financing consultants; creating a health care access fund reserve; reducing the tax on life insurance premiums; increasing property tax refunds and changing calculation of rent constituting property taxes for purposes of property tax refunds; reducing taconite production tax and occupation tax rates; providing special authority to certain political subdivisions; authorizing special taxing districts; changing and clarifying tax administration, collection, enforcement, interest, and penalty provisions; changing revenue recapture provisions; authorizing abatements and waivers of fees and certain taxes in disaster areas; changing and imposing fees; changing debt collection provisions for student loans; providing certain duties and powers to the commissioner of revenue; authorizing publication of names of certain delinquent taxpayers; authorizing border city allocations; changing provisions relating to tax-forfeited lands and providing for tax-forfeited lands transfers; defining terms; classifying data; establishing a legislative commission; requiring studies; imposing a criminal penalty; appropriating money; amending Minnesota Statutes 2000, sections 16D.08, subdivision 2; 62J.041, subdivision 1; 62Q.095, subdivision 6; 69.021, subdivision 5; 84.922, by adding a subdivision; 88.49, subdivisions 5, 9a; 88.491, subdivision 2; 97A.065, subdivision 2; 103D.905, subdivision 3; 115B.24, subdivision 2; 123B.55; 126C.01, subdivision 3; 126C.13, subdivision 4; 126C.17, by adding a subdivision; 144.3831, subdivision 2; 168.013, subdivision 1a; 174.24, subdivision 3b; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 214.16, subdivisions 2, 3; 216B.2424, subdivision 5; 239.101, subdivision 3; 260.765, by adding a subdivision; 260.771, by adding a subdivision; 270.06; 270.07, subdivision 3; 270.11, by adding a subdivision; 270.12, subdivision 2; 270.271, subdivisions 1, 3; 270.60, subdivision 4, by adding a subdivision; 270.70, subdivision 13; 270.73, subdivision 1; 270.771; 270.78; 270A.03, subdivisions 5, 7; 270A.11; 270B.01, subdivision 8; 270B.02, subdivisions 2, 3; 270B.03, subdivision 6; 270B.14, subdivision 1; 271.01, subdivision 5; 271.21, subdivision 2; 272.02, subdivisions 9, 10, 22, by adding subdivisions; 273.061, subdivisions 1, 2, 8; 273.072, subdivision 1; 273.11, subdivisions 1a, 14, by adding subdivisions; 273.1104, subdivision 2; 273.111, subdivision 4; 273.121; 273.124, subdivisions 8, 13, 14; 273.13, subdivisions 22, 23, 24, 25, 31; 273.1392; 273.1393; 273.1398, subdivisions 1a, 4a, by adding subdivisions; 274.01, subdivision 1; 274.13, subdivision 1; 275.02; 275.065, subdivisions 1, 3, 5a, 6, 8, by adding a subdivision; 275.066; 275.07, subdivision 1; 275.16; 275.62, subdivision 1; 275.70, subdivision 5, by adding subdivisions; 276.04, subdivision 2; 276.11, subdivision 1; 276A.01, subdivision 3; 276A.06, subdivision 3; 282.01, subdivisions 1a, 1b; 282.04, subdivision 2; 287.035; 287.04; 287.08; 287.12; 287.13, by adding a subdivision; 287.20, subdivisions 2, 9; 287.21, subdivision 1; 287.28; 289A.02, subdivision 7, by adding a subdivision; 289A.08, subdivision 16; 289A.11, subdivision 1; 289A.12, subdivision 3; 289A.18, subdivision 4; 289A.20, subdivisions 1, 2, 4; 289A.26, subdivision 2a; 289A.31, subdivision 7; 289A.50, subdivisions 2, 2a; 289A.60, subdivisions 7, 21; 290.01, subdivisions 6b, 7, 19, 19b, 19c, 19d, 22, 29, 31, by adding a subdivision; 290.014, subdivision 5; 290.05, subdivision 1; 290.06, subdivisions 2c, 22; 290.067, subdivisions 1, 2, 2b; 290.0671, subdivisions 1, 1a, 7; 290.0674, subdivisions 1, 2; 290.0675, subdivisions 1, 3; 290.068, subdivisions 1, 3, 4; 290.091, subdivisions 2, 3; 290.0921, subdivisions 1, 2, 3, 6; 290.0922, subdivision 2; 290.093; 290.095, subdivision 2; 290.17, subdivisions 1, 4; 290.191, subdivisions 2, 3; 290.21, subdivision 4; 290.9725; 290A.03, subdivisions 6, 11, 12, 13, 15; 290A.04, subdivisions 2, 2a, 4; 290A.15; 291.005, subdivision 1; 295.55, subdivision 4; 296A.15, subdivisions 1, 7; 296A.16, subdivision 2; 296A.21, subdivisions 1, 4; 296A.24, subdivisions 1, 2; 297A.01, subdivision 3; 297A.07, subdivision 3; 297A.25, subdivisions 3, 11, 28; 297A.61, subdivisions 2, 3, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 22, 23, by adding subdivisions; 297A.62, subdivision 3; 297A.64, subdivisions 3, 4; 297A.66, subdivisions 1, 3; 297A.67, subdivisions 2, 8, 23, 24, 25, by adding subdivisions; 297A.68, subdivisions 2, 3, 5, 11, 13, 14, 18, 25, by adding subdivisions; 297A.69, subdivision 2; 297A.70, subdivisions 1, 2, 3, 4, 7, 8, 10, 13, 14; 297A.71, subdivisions 3, 6, by adding subdivisions; 297A.72, subdivision 1; 297A.75; 297A.77, subdivision 1; 297A.80; 297A.82, subdivision 3, by adding a subdivision; 297A.89, subdivision 1; 297A.90, subdivision 1; 297A.91; 297A.92, subdivision 2; 297A.94; 297A.99, subdivisions 7, 9, 11; 297B.03; 297B.09, subdivision 1; 297E.02, subdivisions 1, 4, 6; 297E.16, subdivisions 1, 2; 297F.09, subdivision 7; 297F.10, subdivision 1; 297F.16, subdivision 4; 297F.20, subdivision 3; 297F.21, subdivisions 1, 2, 3; 297G.09, subdivision 6; 297G.15, subdivision 4; 297G.16, subdivisions 5, 7; 297G.20, subdivisions 3, 4; 297H.02, subdivision 2; 297H.03, subdivision 2; 297H.04, subdivision 2, by adding a subdivision; 297H.05; 297H.06, by adding a subdivision;

297H.13, by adding a subdivision; 297I.05, by adding a subdivision; 297I.15, by adding a subdivision; 297I.20; 297I.35, subdivision 2; 297I.40, subdivisions 1, 2, 7; 297I.85, subdivision 7; 298.01, subdivisions 3, 3a, 3b, 4, 4a, 4c; 298.22, subdivision 2, by adding a subdivision; 298.225, subdivision 1; 298.24, subdivision 1; 298.27; 298.28, subdivisions 6, 9a; 298.2961, subdivision 2; 298.75, subdivisions 1, 2, by adding a subdivision; 299D.03, subdivision 5; 345.41; 345.42, by adding a subdivision; 349.19, subdivision 2a; 357.021, subdivision 1a; 461.12, by adding a subdivision; 469.040, subdivision 5; 469.169, by adding a subdivision; 469.1732, subdivision 1; 469.174, subdivisions 1, 3, 10, 10a, 12, 25; 469.175, subdivisions 1, 3, 6, 6b, by adding a subdivision; 469.176, subdivisions 1b, 1c, 1e, 3, 4, 4g, by adding a subdivision; 469.1763, subdivision 6; 469.177, subdivisions 1, 11, by adding a subdivision; 469.1771, subdivision 1; 469.178, by adding a subdivision; 469.1791, subdivisions 1, 3, 9; 469.1812, subdivision 2; 469.1813, subdivisions 4, 6; 469.190, subdivision 3; 469.202, subdivision 2; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding a subdivision; 473.843, subdivision 3; 473F.08, subdivision 3; 473H.10, subdivision 3; 475.58, subdivision 1; 477A.011, subdivisions 35, 36; 477A.0121, by adding a subdivision; 477A.0122, by adding a subdivision; 477A.013, subdivisions 1, 9; 477A.03, subdivision 2, by adding a subdivision; 477A.12; 477A.14; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; Laws 1986, chapter 396, section 5; Laws 1997, chapter 231, article 10, section 25; Laws 1998, chapter 389, article 16, section 35, subdivision 1; Laws 1999, chapter 216, article 7, section 46, subdivision 3; Laws 1999, chapter 243, article 4, section 19; Laws 2000, chapter 490, article 8, section 17; Laws 2000, chapter 490, article 11, section 26; proposing coding for new law in Minnesota Statutes, chapters 3; 12; 16A; 62Q; 103B; 116J; 123B; 144F; 245; 256L; 270; 272; 273; 275; 290; 290A; 295; 296A; 297A; 469; 471; 473; 477A; 480; 484; proposing coding for new law as Minnesota Statutes, chapters 126C; 216B; 290C; repealing Minnesota Statutes 2000, sections 13.4967, subdivision 3; 16A.1521; 16A.76; 62T.10; 126C.13, subdivisions 1, 2, 3; 144.1484, subdivision 2; 256L.02, subdivision 3; 270.31; 270.32; 270.33; 270.34; 270.35; 270.36; 270.37; 270.38; 270.39; 273.13, subdivision 24a; 273.1382; 273.1399; 275.078; 275.08, subdivision 1e; 289A.60, subdivision 15; 290.06, subdivisions 25, 26; 290.0673; 290.095, subdivisions 1a, 7; 290.191, subdivision 4; 290.21, subdivision 3; 290.23; 290.25; 290.31, subdivisions 2, 2a, 3, 4, 5, 19; 290.35; 290.9726, subdivision 7; 290A.04, subdivision 2j; 290A.18, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; 295.59; 296A.16, subdivision 6; 296A.24, subdivision 3; 297A.61, subdivision 16; 297A.62, subdivision 2; 297A.64, subdivision 1; 297A.68, subdivision 21; 297A.71, subdivisions 2, 15, 16, 21; 297B.032; 297E.16, subdivision 3; 297F.21, subdivision 4; 297G.20, subdivision 5; 297I.05, subdivisions 5, 8; 297I.30, subdivision 3; 298.01, subdivisions 3c, 3d, 4d, 4e; 469.1732, subdivision 2; 469.1734, subdivision 4; 469.1782, subdivision 1; 473.446, subdivision 8; Laws 1988, chapter 426, section 1; Laws 1988, chapter 702, section 16; Laws 1992, chapter 511, article 2, section 52, as amended; Laws 1996, chapter 471, article 8, section 45; Laws 1999, chapter 243, article 6, section 14; Laws 1999, chapter 243, article 6, section 15; Laws 2000, chapter 490, article 6, section 17; Minnesota Rules, parts 8120.0200; 8120.0500; 8120.0700; 8120.0900; 8120.1300; 8120.1600; 8120.2000; 8120.2100; 8120.2200; 8120.2300; 8120.2500; 8120.2700; 8120.2800; 8120.3000; 8120.3200; 8120.4300; 8120.4400; 8120.4500; 8120.4600; 8120.4900; 8120.5000; 8120.5100; 8120.5300.

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

Abrams, MacElroy, Kuisle, Daggett and Lenczewski have been appointed as such committee on the part of the House.

House File No. 2498 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 May 15, 2001

Senator Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2498, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 634 and 2205.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 2001

FIRST READING OF HOUSE BILLS

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

H.F. No. 634: A bill for an act relating to claims against the state; providing for payment of various claims; granting authority to Murray county; designating a lake as a wildlife management lake; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 648, now on General Orders.

H.F. No. 2205: A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, article XI, section 6; changing state fiscal biennium used for purposes of issuing certificates of indebtedness; limiting the odd-numbered year session; providing for reconvention on extraordinary occasions; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

H.F. No. 1541 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.
1541	882				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1541 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1541 and insert the language after the enacting clause of S.F. No. 882, the first engrossment; further, delete the title of H.F. No. 1541 and insert the title of S.F. No. 882, the first engrossment.

And when so amended H.F. No. 1541 will be identical to S.F. No. 882, and further recommends that H.F. No. 1541 be given its second reading and substituted for S.F. No. 882, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred the following appointment as reported in the Journal for May 8, 2001:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Robert Anderson

Reports the same back with the recommendation that the appointment be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Sams from the Committee on Health and Family Security, to which were referred the following appointments as reported in the Journal for April 18, 2001:

EMERGENCY MEDICAL SERVICES REGULATORY BOARDSteve Haavisto
Martin Scheerer
Linda Way

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF HOUSE BILLS

H.F. No. 1541 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Lourey introduced--

Senate Resolution No. 131: A Senate resolution honoring Katie Nelson and Cody Darwin.

Referred to the Committee on Rules and Administration.

Senator Lourey introduced--

Senate Resolution No. 132: A Senate resolution honoring William and Karla Kiheri and William and Denise Switzer for their contributions to the improvement of Trunk Highway 73.

Referred to the Committee on Rules and Administration.

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 House File No. 486, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 486 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 2001

CONFERENCE COMMITTEE REPORT ON H.F. NO. 486

A bill for an act relating to elections; requiring disclaimers in newspaper ads to be legible; amending Minnesota Statutes 2000, section 211B.05, subdivision 1.

May 14, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 486, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 486 be further amended as follows:

Page 1, line 14, delete the new language and insert "must be in a legible text size and font."

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

House Conferees: (Signed) Marty Seifert, Gary W. Kubly, Jim Rhodes

Senate Conferees: (Signed) Arlene J. Lesewski, Linda Scheid, Warren Limmer

Senator Lesewski moved that the foregoing recommendations and Conference Committee Report on H.F. No. 486 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.

H.F. No. 486 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Kleis	Olson	Sabo
Bachmann	Frederickson	Knutson	Orfield	Sams
Belanger	Higgins	Krentz	Ourada	Samuelson
Berg	Hottinger	Langseth	Pappas	Scheevel
Berglin	Johnson, Dean	Lesewski	Pariseau	Schwab
Betzold	Johnson, Debbie	Limmer	Pogemiller	Stevens
Chaudhary	Johnson, Doug	Lourey	Price	Stumpf
Cohen	Kelley, S.P.	Marty	Reiter	Tomassoni
Day	Kelly, R.C.	Metzen	Rest	Wiener
Dille	Kierlin	Moe, R.D.	Ring	Wiger
Fischbach	Kinkel	Neuville	Robertson	
Foley	Kiscaden	Oliver	Robling	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 704, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 704 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 2001

CONFERENCE COMMITTEE REPORT ON H.F. NO. 704

A bill for an act relating to health; creating exception from criminal rehabilitation provisions for emergency medical services personnel; amending Minnesota Statutes 2000, section 364.09.

May 10, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 704, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: (Signed) Doug Fuller, Dale Walz, Debra Hilstrom

Senate Conferees: (Signed) Becky Lourey, Dallas C. Sams, Sheila M. Kiscaden

Senator Lourey moved that the foregoing recommendations and Conference Committee Report on H.F. No. 704 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.

H.F. No. 704 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Olson	Sams
Bachmann	Higgins	Krentz	Orfield	Samuelson
Belanger	Hottinger	Langseth	Ourada	Scheevel
Berg	Johnson, Dave	Lesewski	Pappas	Schwab
Berglin	Johnson, Dean	Lessard	Pariseau	Stevens
Betzold	Johnson, Debbie	Limmer	Pogemiller	Stumpf
Chaudhary	Johnson, Doug	Lourey	Price	Tomassoni
Cohen	Kelley, S.P.	Marty	Reiter	Wiener
Day	Kelly, R.C.	Metzen	Rest	Wiger
Dille	Kierlin	Moe, R.D.	Ring	
Fischbach	Kinkel	Murphy	Robertson	
Foley	Kiscaden	Neuville	Robling	
Fowler	Kleis	Oliver	Sabo	

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

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

Pursuant to Rule 26, 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. 1082, H.F. Nos. 1051, 1407, S.F. No. 1387, H.F. Nos. 1828 and 1367.

SPECIAL ORDER

S.F. No. 1082: A bill for an act relating to natural resources; adding to and deleting from state parks and state recreation areas; redescribing a state park boundary and administration; modifying administration of certain boathouse lot leases in Soudan underground mine state park; amending Minnesota Statutes 2000, section 85.012, subdivision 17; Laws 2000, chapter 486, section 4.

Senator Frederickson moved to amend S.F. No. 1082 as follows:

Page 5, line 20, delete "deer"

The motion prevailed. So the amendment was adopted.

S.F. No. 1082 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Kleis	Olson	Sabo
Bachmann	Frederickson	Knutson	Orfield	Sams
Belanger	Higgins	Krentz	Ourada	Samuelson
Berg	Hottinger	Langseth	Pappas	Scheevel
Berglin	Johnson, Dean	Larson	Pariseau	Schwab
Betzold	Johnson, Debbie	Lesewski	Pogemiller	Stevens
Chaudhary	Johnson, Doug	Limmer	Price	Stumpf
Cohen	Kelley, S.P.	Lourey	Reiter	Tomassoni
Day	Kelly, R.C.	Marty	Rest	Vickerman
Dille	Kierlin	Metzen	Ring	Wiener
Fischbach	Kinkel	Neuville	Robertson	Wiger
Foley	Kiscaden	Oliver	Robling	

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

SPECIAL ORDER

H.F. No. 1051: A bill for an act relating to civil actions; regulating certifications of expert reviews in medical malpractice actions; clarifying a reference to the medical malpractice statute of limitations; amending Minnesota Statutes 2000, sections 145.682, subdivision 6; 573.02, subdivision 1.

Senator Neuville moved to amend H.F. No. 1051 as follows:

Page 3, after line 7, insert:

"Sec. 3. Laws 1999, chapter 23, section 3, is amended to read:

Sec. 3. [EFFECTIVE DATE; APPLICATION.]

Section 2 is effective August 1, 1999, ~~and applies to.~~ Notwithstanding Minnesota Statutes, section 645.21, actions commenced on or after that date are subject to the limitations period under section 2. Actions pending or commenced before August 1, 1999, are subject to the limitations period under Minnesota Statutes 1998, section 541.07."

Page 3, line 9, delete "Sections 1 and 2 are" and insert "Section 1 is" and delete "apply" and insert "applies"

Page 3, line 11, after the period, insert "Sections 2 and 3 are effective retroactive to August 1, 1999."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Neuville moved that H.F. No. 1051 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 1407: A bill for an act relating to health; modifying provisions for public health collaboration plans; modifying rural hospital programs eligibility; transferring certain enforcement authority related to the provision of funeral goods and services; repealing professional boxing regulation; amending Minnesota Statutes 2000, sections 62Q.075; 144.147, subdivision 1; 144.148, subdivision 1; 144.1483; 149A.01, by adding a subdivision; 149A.02, subdivision 14, by adding a subdivision; 149A.11; 149A.62; 149A.71, subdivision 4; 149A.97, subdivision 8; repealing Minnesota Statutes 2000, section 144.994; Laws 2000, chapter 488, article 2, section 26.

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	Frederickson	Krentz	Olson	Sams
Bachmann	Higgins	Langseth	Orfield	Samuelson
Belanger	Hottinger	Larson	Ourada	Schwab
Berg	Johnson, Dave	Lesewski	Pappas	Stevens
Berglin	Johnson, Dean	Lessard	Pariseau	Stumpf
Betzold	Johnson, Debbie	Limmer	Pogemiller	Tomassoni
Chaudhary	Johnson, Doug	Lourey	Price	Vickerman
Cohen	Kelly, R.C.	Marty	Reiter	Wiener
Day	Kierlin	Metzen	Rest	Wiger
Dille	Kinkel	Moe, R.D.	Ring	
Fischbach	Kiscaden	Murphy	Robertson	
Foley	Kleis	Neuville	Robling	
Fowler	Knutson	Oliver	Sabo	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1387: A bill for an act relating to natural resources; modifying provisions of the youth corps program; modifying provisions for decorative forest products; requiring a study of the vehicle use on state and county forest roads; delaying repeal of sustainable forest resources laws; amending Minnesota Statutes 2000, sections 84.0887, subdivisions 1, 2, 4, 5, 6, 9; 88.641, subdivision 2, by adding subdivisions; 88.642; 88.645; 88.647; 88.648; 256J.20, subdivision 3; Laws 1995, chapter 220, section 142, as amended; proposing coding for new law in Minnesota

Statutes, chapter 88; repealing Minnesota Statutes 2000, sections 88.641, subdivisions 4, 5; 88.644.

Senator Tomassoni moved to amend S.F. No. 1387 as follows:

Page 13, after line 22, insert:

"Sec. 20. [WHITEFACE RESERVOIR DAM; STUDY OF OPERATING LICENSE AND AMENDMENT TO LICENSE.

Subdivision 1. [STUDY.] The commissioner of natural resources must study the watershed impacts of the federal energy regulatory commission license for the Whiteface reservoir dam in the St. Louis river system. The study must analyze the effects of the water level and drawdown requirements contained in the license on the probability and extent of downstream flooding, and must include a watershed-specific analysis. The study must also analyze the effect of a return to the historic level and timing of reservoir drawdowns on the likelihood of flooding in the affected watershed. The commissioner must report findings from the study to the chairs of the legislative committees with jurisdiction of natural resources policy and finance issues by December 15, 2001.

Subd. 2. [AMENDMENT TO OPERATING LICENSE.] If the study prepared by the commissioner establishes that a change in the level and timing of reservoir drawdowns would reduce the probability and severity of flooding, the commissioner must, within 30 days of completing the study, formally request the utility operating the dam to seek an amendment to the license that will implement the changes necessary to reduce flood hazards. Upon request of the utility, the commissioner must assist the utility in seeking the amendment to the license."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "requiring a study of the operating license for the Whiteface reservoir dam;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1387 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Kleis	Neuville	Robling
Bachmann	Frederickson	Knutson	Oliver	Sabo
Belanger	Higgins	Krentz	Olson	Sams
Berg	Johnson, Dave	Langseth	Orfield	Samuelson
Berglin	Johnson, Dean	Larson	Ourada	Schwab
Betzold	Johnson, Debbie	Lesewski	Pappas	Stevens
Chaudhary	Johnson, Doug	Lessard	Pariseau	Stumpf
Cohen	Kelley, S.P.	Limmer	Pogemiller	Tomassoni
Day	Kelly, R.C.	Lourey	Price	Vickerman
Dille	Kierlin	Marty	Reiter	Wiener
Fischbach	Kinkel	Metzen	Ring	Wiger
Foley	Kiscaden	Murphy	Robertson	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Neuville moved that H.F. No. 1051 be taken from the table. The motion prevailed.

H.F. No. 1051: A bill for an act relating to civil actions; regulating certifications of expert

reviews in medical malpractice actions; clarifying a reference to the medical malpractice statute of limitations; amending Minnesota Statutes 2000, sections 145.682, subdivision 6; 573.02, subdivision 1.

Senator Samuelson moved to amend H.F. No. 1051 as follows:

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 2000, section 481.13, is amended to read:

481.13 [LIEN FOR ATTORNEYS' FEES.]

Subdivision 1. [GENERALLY.] (a) An attorney has a lien for compensation whether the agreement therefor be for compensation is expressed or implied: (1) upon the cause of action from the time of the service of the summons therein in the action, or the commencement of the proceeding, and (2) upon the interest of the attorney's client in any money or property involved in or affected by any action or proceeding in which the attorney may have been employed, from the commencement of the action or proceeding, and, as against third parties, from the time of filing the notice of such the lien claim, as provided in this section.

(2) (b) An attorney has a lien for compensation upon a judgment, and whether there be is a special express or implied agreement as to compensation, or whether a lien is claimed for the reasonable value of the services. The lien shall extend extends to the amount thereof of the judgment from the time of giving notice of the claim to the judgment debtor, but this. The lien under this paragraph is subordinate to the rights existing between the parties to the action or proceeding.

(3) The liens (c) A lien provided by clauses (1) and (2) paragraphs (a) and (b) may be established, and the amount thereof of the lien may be determined, by the court, summarily, in the action or proceeding, by the court under this paragraph on the application of the lien claimant or of any person or party interested in the property subject to such the lien, on such notice to all parties interested therein as the court may, by order to show cause, prescribe, or such liens may be enforced, and the amount thereof determined, by the court, in an action for equitable relief brought for that purpose.

Judgment shall be entered under the direction of the court, adjudging the amount due.

Subd. 2. [PERFECTION OF LIEN.] (4) (a) If the lien is claimed on the client's interest in real estate property involved in or affected by the action or proceeding, such a notice of intention to claim a lien thereon on the property shall must be filed in the office of the county recorder or registrar of titles, where appropriate, and therein noted on the certificate or certificates of title affected, in and for the county within which where the same real property is situated located. Within 30 days of filing a lien on real property, the claimant must prepare and deliver a written notice of the filing personally or by certified mail to the owner of the real property or the owner's authorized agent. A person who fails to provide the required notice shall not have the lien and remedy provided by this section. Upon receipt of payment in full of the debt which gave rise to the lien, the lienholder shall deliver within 30 days a recordable satisfaction and release of lien to the owner of the real property or the owner's authorized agent. No notice of intent to claim a lien may be filed more than 120 days after the last item of claim.

(b) If the lien is claimed on the client's interest in personal property involved in or affected by the action or proceeding, the notice shall must be filed in the same manner as provided by law for the filing of a security interest.

Subd. 3. [ONE-YEAR LIMITATION.] No lien against real property shall be enforced unless the lienholder, by filing either a complaint or an answer with the court administrator, asserts a lien within one year after the filing of the notice of intention to claim a lien, unless the owner has agreed to a longer time period to assert the lien. In no event may the lien be asserted more than three years after filing. No person is bound by any judgment in the action unless made a party to the action within the time limit. The absence from the record of a notice of lis pendens of an action after the expiration of the time limit in which the lien could be so asserted is conclusive evidence

that the lien may no longer be enforced as to a bona fide purchaser, mortgagee, or encumbrancer without notice. In the case of registered land, the registrar of titles shall refrain from carrying forward to new certificates of title the memorials of lien statements when no notice of lis pendens has been registered within the time limit."

Page 3, line 9, delete "2" and insert "3"

Page 3, line 11, after the period, insert "Section 2 is effective August 1, 2001, and applies to a notice of intention to claim a lien filed on or after that date."

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. 1051 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Knutson	Olson	Sabo
Bachmann	Higgins	Krentz	Orfield	Sams
Belanger	Johnson, Dave	Langseth	Ourada	Samuelson
Berg	Johnson, Dean	Larson	Pappas	Schwab
Berglin	Johnson, Debbie	Lesewski	Pariseau	Stevens
Betzold	Johnson, Doug	Limmer	Pogemiller	Stumpf
Chaudhary	Kelley, S.P.	Lourey	Price	Tomassoni
Cohen	Kelly, R.C.	Marty	Ranum	Vickerman
Day	Kierlin	Metzen	Reiter	Wiener
Dille	Kinkel	Murphy	Ring	Wiger
Fischbach	Kiscaden	Neuville	Robertson	
Foley	Kleis	Oliver	Robling	

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

SPECIAL ORDER

H.F. No. 1828: A bill for an act relating to water; modifying provisions relating to wetland classification and replacement; modifying provisions relating to consumptive use of water; amending Minnesota Statutes 2000, sections 103F.516, subdivisions 1, 2, 3; 103F.612, by adding a subdivision; 103G.201; 103G.2242, subdivisions 9, 12; 103G.2372, subdivision 1; 103G.245, subdivision 5.

Senator Stevens moved that the amendment made to H.F. No. 1828 by the Committee on Rules and Administration in the report adopted May 15, 2001, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1828 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	Chaudhary	Fowler	Kelley, S.P.	Knutson
Bachmann	Cohen	Frederickson	Kelly, R.C.	Krentz
Belanger	Day	Higgins	Kierlin	Langseth
Berg	Dille	Johnson, Dave	Kinkel	Larson
Berglin	Fischbach	Johnson, Dean	Kiscaden	Lesewski
Betzold	Foley	Johnson, Debbie	Kleis	Lessard

Limmer	Oliver	Price	Sabo	Vickerman
Lourey	Olson	Ranum	Sams	Wiener
Marty	Orfield	Reiter	Samuelson	Wiger
Metzen	Ourada	Rest	Schwab	
Moe, R.D.	Pappas	Ring	Stevens	
Murphy	Pariseau	Robertson	Stumpf	
Neuville	Pogemiller	Robling	Tomassoni	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1367: A bill for an act relating to energy; allowing owner-occupied residential housing to be served by an existing energy loan program.

Senator Metzen moved that the amendment made to H.F. No. 1367 by the Committee on Rules and Administration in the report adopted April 25, 2001, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1367 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Krentz	Orfield	Sams
Bachmann	Frederickson	Larson	Ourada	Samuelson
Belanger	Higgins	Lesewski	Pappas	Scheevel
Berg	Johnson, Dave	Lessard	Pariseau	Schwab
Berglin	Johnson, Dean	Limmer	Pogemiller	Stevens
Betzold	Johnson, Debbie	Lourey	Price	Stumpf
Chaudhary	Kelley, S.P.	Marty	Reiter	Vickerman
Cohen	Kelly, R.C.	Metzen	Rest	Wiener
Day	Kierlin	Moe, R.D.	Ring	Wiger
Dille	Kinkel	Murphy	Robertson	
Fischbach	Kleis	Oliver	Robling	
Foley	Knutson	Olson	Sabo	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 174 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 174

A bill for an act relating to traffic regulations; allowing gross weight seasonal increase for transporting carrots; amending Minnesota Statutes 2000, section 169.825, subdivision 11.

May 4, 2001

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 174, 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. 174 be further amended as follows:

Page 2, lines 1 to 3, reinstate the stricken language and delete the new language and after the period, insert "Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading."

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

Senate Conferees: (Signed) Roger D. Moe, Keith Langseth, Claire A. Robling

House Conferees: (Signed) Larry Howes, Rod Skoe, William Kuisle

Senator Moe, R.D. moved that the foregoing recommendations and Conference Committee Report on S.F. No. 174 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. 174 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Krentz	Oliver	Sabo
Bachmann	Frederickson	Langseth	Olson	Sams
Belanger	Higgins	Larson	Orfield	Samuelson
Berg	Johnson, Dave	Lesewski	Ourada	Scheevel
Berglin	Johnson, Dean	Lessard	Pappas	Schwab
Betzold	Johnson, Debbie	Limmer	Pariseau	Stevens
Chaudhary	Kelley, S.P.	Lourey	Pogemiller	Stumpf
Cohen	Kelly, R.C.	Marty	Price	Vickerman
Day	Kierlin	Metzen	Rest	Wiener
Dille	Kinkel	Moe, R.D.	Ring	Wiger
Fischbach	Kleis	Murphy	Robertson	
Foley	Knutson	Neuville	Robling	

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

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. 1301 and 2033.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 2001

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. 179: A bill for an act relating to civil commitment; requiring certain hearings on neuroleptic medications to be combined with a civil commitment proceeding; amending Minnesota Statutes 2000, sections 253B.066, subdivision 1; 253B.07, subdivision 2.

Senate File No. 179 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 2001

Senator Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 179, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2328. The motion prevailed.

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 2045: A bill for an act relating to a new football stadium; creating a task force to study stadiums; assigning staff; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [TASK FORCE; FOOTBALL STADIUM REVIEW.]

Subdivision 1. [CREATION.] A task force is created to study issues related to proposals to construct a new sports facility or renovate an existing football facility. The task force shall limit its study to proposals for creating a joint facility for college and professional football or soccer or both on the Twin Cities campus of the University of Minnesota or renovating an existing sports facility. The task force shall report to the governor and the legislature. The task force shall have the following membership:

(1) three members of the Minnesota house of representatives, appointed by the speaker of the house, with two from the majority party and one from the largest minority party;

(2) three members of the Minnesota senate, appointed by the subcommittee on committees of the committee on rules and administration, with two from the majority party and one from the largest minority party;

(3) five members appointed by the governor, at least one of whom shall represent the views of those who are opposed to either direct state appropriations or tax incentives for new stadium construction;

(4) two members appointed by the University of Minnesota board of regents;

(5) two representatives of business interests, one appointed by the speaker of the house and one by the subcommittee on committees of the committee on rules and administration of the senate;

(6) two representatives of labor interests, one appointed by the speaker of the house and one by the subcommittee on committees of the committee on rules and administration of the senate; and

(7) two members, appointed by the mayor and city council of the city under consideration for the facility.

Subd. 2. [ORGANIZATION OF TASK FORCE.] Appointing authorities and the task force shall comply with the following requirements:

(1) each appointing authority shall make all appointments required under this act by June 15, 2001;

(2) the task force shall meet at a date and place determined by the governor, and shall meet thereafter at the call of the chair;

(3) each appointing authority shall consider a geographical balance in making appointments;

(4) the chair shall be elected by the members of the task force at their first meeting;

(5) task force members shall receive payment for expenses as provided in Minnesota Statutes, section 15.059, subdivision 6; and

(6) staff from the University of Minnesota and the governor's office may provide staffing assistance for the task force at the direction of the chair.

Subd. 3. [STUDY MANDATE.] The task force shall issue a report on all matters under the purview of the task force, by October 31, 2001. In evaluating proposals for construction of a joint facility on the Twin Cities campus of the University of Minnesota, the task force must study the following issues:

(1) issues associated with the design, construction, and operation of a joint football and/or soccer facility on the Twin Cities campus of the University of Minnesota, including, but not limited to, unique or conflicting programmatic requirements of a joint facility, revenue generating opportunities, opportunities for joint marketing, governance, and day-to-day operational management of the facility, parking, infrastructure and transportation impacts, neighborhood and community concerns related to issues of noise, design aesthetics, and life disruption, and methods to mitigate these issues, direct and indirect economic benefits, opportunities for leveraging other business development, long-term financial viability, opportunities for nonfootball events, and analysis of comparable projects at other Big Ten and Division I NCAA schools;

(2) financial considerations and options associated with stadium construction in Minnesota and elsewhere, including methods used to finance and construct facilities, arenas, and associated development;

(3) examples in other states of stadiums shared between an academic institution and a professional sports franchise;

(4) methods used to construct, finance, and operate new football stadiums for professional sports use;

(5) the amount of enhanced revenue that will be generated from a new stadium for the Minnesota Vikings, and the amount that the team value will increase through the existence of a new stadium; and

(6) the amount of enhanced revenues that will be generated from a new stadium for the Minnesota Gophers, and the proposed uses for that enhanced revenue, including expenditures on other sports programs, and proposals for expenditures on nonsports university needs.

Subd. 4. [SUBMISSIONS TO TASK FORCE.] (a) Any person may submit a proposal for review by the task force, prior to August 1, 2001. Such proposals shall be the subject of the report required under subdivision 3. As an alternative, the task force may choose to evaluate each proposal as a separate chapter in the overall report. The task force shall review a proposal that, in the judgment of the task force, complies with the requirements of paragraph (b) and report to the legislature and governor by October 31, 2001, on the merits of the proposal, including the financing that might be necessary to complete the proposed stadium. The report shall include the dissenting views of commission members, if any, relating to the evaluation or rejection of any specific proposal. The task force may reject any proposal it deems to be incomplete or untenable.

(b) At a minimum, any proposal to the task force must include the following:

(1) a credible estimate of total costs of the proposal, including construction, land, adjacent parking, and other costs;

(2) an analysis that provides a reasonable conclusion that a substantial market exists for the sport proposed for the stadium;

(3) a stipulation by potential users of the proposed stadium that each user would cooperate if such a stadium were constructed;

(4) a financing plan that identifies adequate funding sources for construction, operation, and maintenance of the stadium, including at least a \$150,000,000 contribution from nonpublic funds; and

(5) a proposed site, or an appropriate site selection process.

(c) The task force shall report on the forms and amounts of financial assistance necessary to complete each submitted proposal. The report shall include all other information and recommendations deemed necessary by the task force.

Subd. 5. [RENOVATION OF EXISTING FACILITIES.] The metropolitan sports facilities commission may submit a proposal for the renovation of the Hubert H. Humphrey Metrodome. The task force shall compare any proposal it receives for new stadium construction with the plan for the renovation of the Metrodome. The comparison must include the estimated total costs, including land and improvements, the proposed finance plan for construction and operation, the public benefits gained or lost, compatibility with the programmatic requirements of the University of Minnesota and a professional football team, and the amount of public financial assistance required. The task force's comparison under this subdivision shall be included in any report it issues under subdivision 4.

Sec. 2. [COST OF ADMINISTRATION; APPROPRIATION.]

\$150,000 is appropriated from the general fund for fiscal year 2002 to the legislative coordinating commission acting as fiscal agent for the task force to pay the cost of operating the task force.

Sec. 3. [EFFECTIVE DATE; SUNSET.]

This act is effective the day after final enactment. The task force created under this act shall cease operation upon submission of a final report to the legislature and governor."

Delete the title and insert:

"A bill for an act relating to a new sports stadium; creating a task force to study stadiums; mandating issues to be studied; imposing a deadline; inviting proposals; requiring a report; appropriating money."

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

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 1857: A bill for an act relating to a stadium; financing a major league professional baseball stadium; requiring private funding; providing for an interest-free loan; providing for a temporary tax-free zone on certain retail sales; creating a site selection commission; providing for the issuance of bonds; providing for disposition of the metrodome and the land it occupies under certain conditions; transferring funds from the assigned risk plan; requiring enhanced revenue sharing by major league baseball for act to take effect; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.67, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 4A.

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

Page 2, line 2, delete "interest-free" and after "loan" insert "at a rate of three percent"

Page 3, line 4, delete "council" and insert "area as defined in section 473.121, subdivision 2"

Page 3, line 5, delete "minimum" and insert "maximum"

Page 3, line 8, after "team" insert "on game days"

Page 3, line 9, delete everything after "may" and insert "not include other subsidies except private"

Page 3, delete lines 11 to 13

Page 3, line 14, delete "(5)" and insert "(4)"

Page 3, line 17, delete "(6)" and insert "(5)"

Page 3, line 26, after "government" insert "and private investors" and after "shall" insert "jointly"

Page 3, line 27, after "park" insert a period and delete "and" and insert "The local unit of government"

Page 3, lines 28 and 29, delete "other private investors and"

Page 3, line 32, delete "INTEREST-FREE"

Page 3, line 33, delete "an interest-free" and insert "a" and delete the comma

Page 3, line 34, after "\$100,000,000," insert "bearing interest at the rate of three percent per year"

Page 4, line 5, after the period, insert "The local unit of government may enter into an agreement with another government body or a nonprofit corporation to act as the fiscal agent for purposes of this act."

Page 5, line 10, delete "stadium account" and insert "revolving stadium loan fund"

Page 6, line 31, delete "and"

Page 6, line 33, delete the period and insert "; and

(4) all construction materials for the baseball park produced from or containing steel must use steel produced in the United States.

Subd. 3. [OPERATIONS AND MAINTENANCE.] The major league baseball team must operate and maintain the stadium in excellent condition during the duration of the lease. The local unit of government where the stadium is located shall verify that the team complies with this requirement.

Subd. 4. [MAJOR LEAGUE BASEBALL GUARANTY.] Before making a loan under section 4A.12, the director of the office of strategic and long-range planning must execute an agreement with the major league of which the baseball team is a member and with major league baseball that, to the extent applicable under federal law, guarantees the continuance of a major league franchise in the metropolitan area for at least the term of the loan under section 4A.12, subdivision 2."

Page 7, delete section 8 and insert:

"Sec. 8. [4A.16] [GOVERNOR'S DETERMINATION; AUTHORIZATION OF LOAN.]

(a) The governor shall appoint a special panel consisting of three retired state court judges. The

special panel shall review information from major league baseball to determine if major league baseball and the major league baseball players' association have agreed upon a new economic system, including enhanced revenue sharing that makes baseball more competitive, protects the financial interest of teams with below average revenues, and enhances the viability of any new baseball park. The special panel shall provide its determination to the governor and to the legislative commission on planning and fiscal policy.

(b) The panel may not make these findings under paragraph (a), unless the agreement between major league baseball and the major league baseball players' association is estimated to satisfy at least one of the following:

(1) the increases in revenue sharing among major league baseball teams is estimated, after full implementation of the agreement, to reduce the disparity in team revenues so that the revenues of the teams with revenues in the top quartile will be, on average, no more than 40 percent higher than the average revenues of teams in the bottom quartile (ranked by total revenues);

(2) as a result of increases in revenue sharing, limitations on payrolls, or other elements of the agreement, the ratio of payrolls of the teams in the top quartile to teams in the bottom quartile (ranked by payrolls) is estimated, after full implementation of the agreement, to average 2:1 or less; or

(3) the agreement substantially implements four or more of the recommendations, excluding the recommendation that teams be allowed to move if they cannot succeed economically, of "The Report of the Independent Members of the Commissioner's Blue Ribbon Panel on Baseball Economics," dated July 2000.

The estimates under this paragraph must be made by either the commissioner of finance or an independent consultant retained by the commissioner of finance.

(c) The legislative commission on planning and fiscal policy shall review the determination and make its advisory recommendation to the governor on whether to authorize the director of strategic and long-range planning to make a loan under this act. The governor may authorize the director to make a loan under this act only after considering the recommendations and determining that major league baseball and the major league baseball players' association have agreed upon a new economic system, including enhanced revenue sharing that makes baseball more competitive, protects the financial interests of teams with below average revenues, and enhances the viability of any new baseball park."

Page 7, delete lines 20 to 22 and insert:

"Subd. 45. [BASEBALL PARK.] If a major league baseball team acquires, owns, leases, controls, uses, or occupies a stadium site, the stadium's real or personal property is"

Page 8, line 3, delete "BASEBALL PARK TAX-FREE ZONE" and insert "TAX EXEMPTIONS AT STADIUM SITE"

Page 8, line 8, after the period, insert "The lease agreement must provide that an amount equal to seven percent of the sale price of the items exempted under this subdivision must be used by the team for payment of costs of operation and maintenance of the stadium."

Page 8, delete section 12 and insert:

"Sec. 12. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 8, are effective the day following final enactment. Sections 4 to 7 and 9 to 11 are effective upon the determination under section 8."

Amend the title as follows:

Page 1, line 4, delete "interest-free" and insert "interest-bearing"

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2328: A resolution urging the United States Congress to amend the Railroad Unemployment Insurance Act.

Reports the same back with the recommendation that the resolution do pass and be re-referred to the Committee on Rules and Administration.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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 Lesewski introduced--

S.F. No. 2383: A bill for an act relating to capital improvements; providing for a grant to the county of Pipestone for capital improvements to the regional museum; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

Senators Betzold, Neuville and Orfield introduced--

S.F. No. 2384: A bill for an act relating to trusts; enacting the Uniform Trust Code; proposing coding for new law as Minnesota Statutes, chapter 518E; repealing Minnesota Statutes 2000, sections 501B.01; 501B.02; 501B.03; 501B.04; 501B.05; 501B.06; 501B.07; 501B.08; 501B.09; 501B.12; 501B.13; 501B.14; 501B.15; 501B.152; 501B.31; 501B.32; 501B.46; 501B.47; 501B.48; 501B.49; 501B.50; 501B.51; 501B.52; 501B.53; 501B.54; 501B.55; 501B.56; 501B.57; 501B.79; 501B.80; 501B.81; 501B.82; 501B.86; 501B.87; 501B.88; 501B.89; and 501B.90.

Referred to the Committee on Judiciary.

Senators Vickerman, Robertson, Rest, Wiener and Stumpf introduced--

S.F. No. 2385: A bill for an act relating to education; establishing a committee to study bargaining unit issues of instructional employees in residential facilities; appropriating money.

Referred to the Committee on Education.

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. 2498: Senators Pogemiller, Samuelson, Betzold, Rest and Lessard.

S.F. No. 179: Senators Betzold, Berglin and Kiscaden.

H.F. No. 1155: Senators Sams, Belanger and Hottinger.

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

MEMBERS EXCUSED

Senator Lessard was excused from the Session of today from 10:00 to 10:50 a.m. Senators Johnson, Doug and Tomassoni were excused from the Session of today from 11:30 a.m. to 12:00 noon.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 12:30 p.m., Thursday, May 17, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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