

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SEVENTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, February 26, 2002

The Senate met at 8:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Paul Rogers.

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

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

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 Berglin, Dille, Metzen, Neuville, Oliver, Pappas and Terwilliger were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3196.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 25, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 3196: A bill for an act relating to state government; department of administration; clarifying ethical provisions in state procurement law; authorizing the commissioner of administration to adopt rules relating to state archaeology; repealing obsolete technology authority; repealing statutory authority for the citizens council on Voyageurs National Park; amending Minnesota Statutes 2000, sections 16C.04, subdivisions 1, 2; 138.31, by adding a subdivision; 138.36, by adding a subdivision; 138.38; 138.39; 138.41, subdivision 1; repealing Minnesota Statutes 2000, sections 13.6401, subdivision 3; 16B.415; 84B.11.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2966, now on the Consent Calendar.

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred

S.F. No. 3285: A bill for an act relating to taxation; exempting certain utility attached machinery from the property tax; exempting the purchase of construction materials used in constructing certain hydroelectric generating facilities from the sales tax; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision.

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

Page 1, after line 9, insert:

"Section 1. [177.436] [TAX-SUBSIDIZED ENERGY PROJECTS.]

Construction, erection, remodeling, or repair of an electric energy generating plant or other energy facility that is specifically identified by a law and granted special tax treatment by that law is a project as defined in section 177.42, subdivision 2. Contracts for such a project must comply with section 177.43."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring the prevailing wage to be paid on certain energy facility construction projects;"

Page 1, line 8, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 177"

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred

S.F. No. 3002: A bill for an act relating to telecommunications; prohibiting certain practices and requiring certain training for 911 calls in multiline telephone systems; proposing coding for new law in Minnesota Statutes, chapter 403.

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

Page 2, delete subdivision 2

Page 2, line 8, delete "3" and insert "2"

Page 2, line 30, delete "4" and insert "3"

Page 2, after line 32, insert:

"Subd. 4. [IMMUNITY.] A person or legal entity, including an end user and an agent or employee of a place of employment, school, permanent residence, temporary residence, or temporary lodging facility, acting in good faith, is immune from liability for claims arising out of the performance of duties created by this section."

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

Senator Marty from the Committee on Judiciary, to which was referred

S.F. No. 3097: A bill for an act relating to child support; changing certain procedures and requirements; extending a data exchange program; amending Minnesota Statutes 2000, sections 518.171, subdivision 3, by adding a subdivision; 518.6111, subdivision 8; 518.614, subdivisions 3, 4; 518.617, subdivision 2; 548.091, subdivisions 1, 2a; Minnesota Statutes 2001 Supplement, sections 256.979, subdivisions 5, 6; 518.171, subdivisions 1, 4, 5; 518.6196; 548.091, subdivision 1a; Laws 2001, chapter 202, section 19.

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

Page 5, line 31, after "court" insert "or" and after "484.702" insert "and the rules of the expedited child support process"

Page 9, line 4, delete "custodial" and after "parent" insert "with whom the child resides"

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

Senator Marty from the Committee on Judiciary, to which was re-referred

S.F. No. 3272: A bill for an act relating to telecommunications; enacting Telecommunications Consumer Privacy Act; providing for privacy of telecommunications customer information; requiring consent for disclosure of customer information; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 13; 237.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 3059: A bill for an act relating to youth employment; modifying the requirements for youth employment involvement in certain construction projects paid for with grant funds; amending Minnesota Statutes 2000, section 119A.45.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Murphy from the Committee on Agriculture, General Legislation and Veterans Affairs, to which was referred

S.F. No. 3145: A bill for an act relating to the military; revising the Minnesota code of military justice; amending Minnesota Statutes 2000, sections 192A.015; 192A.02, subdivision 3, by adding

a subdivision; 192A.025; 192A.045, subdivisions 2, 3; 192A.05; 192A.055; 192A.07; 192A.08, subdivision 1; 192A.085, subdivisions 1, 3, 5, 7; 192A.09; 192A.095; 192A.10; 192A.105; 192A.11, subdivisions 1, 3; 192A.115; 192A.13; 192A.135; 192A.14; 192A.15, subdivisions 3, 5; 192A.155; 192A.16; 192A.205; 192A.235, subdivision 3; 192A.25, subdivision 3; 192A.28; 192A.31, subdivision 1; 192A.384; 192A.385; 192A.39; 192A.415; 192A.43, subdivisions 1, 2; 192A.46; 192A.47; 192A.48; 192A.485; 192A.50; 192A.51; 192A.525; 192A.54; 192A.55; 192A.555; 192A.56; 192A.57; 192A.575; 192A.585; 192A.59; 192A.60; 192A.605; 192A.61, subdivision 3; 192A.612; 192A.615, subdivisions 1, 2; 192A.62; 192A.635; 192A.64, subdivisions 1, 2; 192A.645; 192A.65; 192A.66; 192A.665; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27; 192A.275; 192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision 2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; 192A.655.

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

Page 4, line 22, delete "a hostile group or body" and insert "the enemy"

Page 4, line 23, delete the second "a"

Page 4, line 24, delete "hostile group or body" and insert "the enemy"

Page 20, line 12, strike "A HOSTILE GROUP OR BODY" and insert "THE ENEMY"

Page 20, line 15, reinstate the stricken language and delete the new language

Page 22, line 14, reinstate the stricken language and delete the new language

Page 22, line 15, delete "BODY"

Page 22, line 17, reinstate the stricken language and delete the new language

Page 22, line 32, reinstate the stricken language and delete the new language

Page 22, line 33, delete "or body"

Page 23, line 9, delete "a hostile" and insert "the enemy"

Page 23, line 10, delete "group or body"

Page 23, line 19, reinstate the stricken language and delete the new language

Page 23, line 21, reinstate the stricken language and delete the new language

Page 23, line 22, delete "body"

Page 23, line 25, reinstate the stricken "the enemy" and delete "a hostile group or body"

Page 25, delete section 53

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, delete "192A.575;"

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

Senator Ranum from the Committee on Crime Prevention, to which was re-referred

S.F. No. 2678: A bill for an act relating to natural resources; making technical changes and clarifications; modifying certain requirements for nonresident youth small game hunting; modifying requirements for firearms safety certificate; modifying prohibitions of hunting while under the influence; providing for taking unprotected birds; making certain stamp exemptions; modifying certain report requirements; amending Minnesota Statutes 2000, sections 86B.311, subdivision 5; 97A.015, subdivisions 16, 17; 97A.085, subdivision 7; 97A.451, subdivision 3a; 97B.020; 97B.065, subdivision 1; 97B.651; 97B.655, subdivision 1; 97B.715, subdivision 1; 97B.801; 97C.031; 97C.317; 169A.03, subdivision 3; Minnesota Statutes 2001 Supplement, section 97C.305, subdivision 2; Laws 1989, chapter 335, article 1, section 21, subdivision 8.

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

Page 4, after line 21, insert:

"Sec. 8. Minnesota Statutes 2000, section 97B.065, subdivision 3, is amended to read:

Subd. 3. [PRELIMINARY SCREENING TEST.] When an officer authorized under subdivision 2 to make arrests has reason to believe that the person may be violating or has violated subdivision 1, paragraph (a) or (c), the officer may require the person to provide a breath sample for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of the preliminary screening test must be used for the purpose of deciding whether an arrest should be made under this section and whether to require the chemical tests authorized in section 97B.066, but may not be used in any court action except: (1) to prove that a test was properly required of a person under section 97B.066, or (2) in a civil action arising out of the operation of a firearm or bow and arrow. Following the preliminary screening test, additional tests may be required of the person as provided under section 97B.066. A person who refuses a breath sample is subject to the provisions of section 97B.066 unless, in compliance with that section, the person submits to a blood, breath, or urine test to determine the presence of alcohol or a controlled substance.

Sec. 9. Minnesota Statutes 2000, section 97B.065, subdivision 4, is amended to read:

Subd. 4. [EVIDENCE.] In a prosecution for a violation of subdivision 1, paragraph (a) or (c), or an ordinance in conformity with it, the admission of evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine is governed by section 169A.45.

Sec. 10. Minnesota Statutes 2000, section 97B.066, subdivision 1, is amended to read:

Subdivision 1. [MANDATORY CHEMICAL TESTING.] A person who takes wild animals with a bow or firearm in this state or on a boundary water of this state is required, subject to the provisions of this section, to take or submit to a test of the person's blood, breath, or urine for the purpose of determining the presence and amount of alcohol or a controlled substance. The test shall be administered at the direction of an officer authorized to make arrests under section 97B.065, subdivision 2. Taking or submitting to the test is mandatory when requested by an officer who has probable cause to believe the person was hunting in violation of section 97B.065, subdivision 1, paragraph (a) or (c), and one of the following conditions exists:

(1) the person has been lawfully placed under arrest for violating section 97B.065, subdivision 1, paragraph (a) or (c);

(2) the person has been involved while hunting in an accident resulting in property damage, personal injury, or death;

(3) the person has refused to take the preliminary screening test provided for in section 97B.065, subdivision 3; or

(4) the screening test was administered and indicated an alcohol concentration of 0.10 or more."

Page 8, after line 9, insert:

"Sec. 20. [EFFECTIVE DATE.]

Sections 7 to 10 are effective August 1, 2002, and apply to crimes committed on or after that date. Section 18 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, delete the second "subdivision" and insert "subdivisions"

Page 1, line 13, before the first semicolon, insert ", 3, 4; 97B.066, subdivision 1"

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

Senator Ranum from the Committee on Crime Prevention, to which was referred

S.F. No. 3109: A bill for an act relating to public safety; permitting municipal police departments to utilize black patrol vehicles; amending Minnesota Statutes 2000, section 169.98, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 169.98, subdivision 1, is amended to read:

Subdivision 1. [COLORS AND MARKINGS.] (a) Except as provided in subdivisions 2 and 2a, all motor vehicles which are primarily used in the enforcement of highway traffic rules by the state patrol or for general uniform patrol assignment by any municipal police department or other law enforcement agency, except conservation officers, shall have uniform colors and markings as provided ~~herein~~ in this subdivision. Motor vehicles of:

(1) municipal police departments, including the University of Minnesota police department and park police units, ~~and constables~~ shall be predominantly blue, brown, green, black, or white;

(2) the state patrol shall be predominantly maroon; and

(3) the county sheriffs' office shall be predominantly brown or white.

(b) The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police," "sheriff," or the words "state patrol" or "conservation officer," as appropriate, with letters not less than 2-1/2 inches high, one-inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

[EFFECTIVE DATE.] This section is effective August 1, 2002.

Sec. 2. Minnesota Statutes 2000, section 169.98, subdivision 1a, is amended to read:

Subd. 1a. [VEHICLE STOP AUTHORITY.] Only a person who is licensed as a peace officer, ~~constable~~, or part-time peace officer under sections 626.84 to ~~section~~ 626.863 may use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.01, subdivision 2. In addition, a hazardous materials specialist employed by the department of transportation may, in the course of responding to an emergency, use a motor vehicle governed by subdivision 1 to stop a vehicle as defined in section 169.01, subdivision 2.

[EFFECTIVE DATE.] This section is effective August 1, 2002.

Sec. 3. Minnesota Statutes 2000, section 169.98, subdivision 1b, is amended to read:

Subd. 1b. [OPERATION OF MARKED VEHICLE.] Except as otherwise permitted under sections 221.221 and 299D.06, a motor vehicle governed by subdivision 1 may only be operated by a person licensed as a peace officer, ~~constable~~, or part-time peace officer under sections 626.84 to ~~section~~ 626.863. This prohibition does not apply to the following:

- (1) a marked vehicle that is operated for maintenance purposes only;
- (2) a marked vehicle that is operated during a skills course approved by the peace officers standards and training board;
- (3) a marked vehicle that is operated to transport prisoners or equipment; or
- (4) a marked vehicle that is operated by a reserve officer providing supplementary assistance at the direction of the chief law enforcement officer or the officer's designee, when a licensed peace officer as defined in section 626.84, subdivision 1, paragraph (c), who is employed by that political subdivision, is on duty within the political subdivision.

[EFFECTIVE DATE.] This section is effective August 1, 2002."

Delete the title and insert:

"A bill for an act relating to public safety; permitting municipal police departments to utilize black patrol vehicles; striking references to constables in the law addressing the color of police vehicles; amending Minnesota Statutes 2000, section 169.98, subdivisions 1, 1a, 1b."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Ranum from the Committee on Crime Prevention, to which was re-referred

S.F. No. 3167: A bill for an act relating to corrections; providing access to data for purposes of the commissioner's preliminary determination whether a petition of civil commitment as a sexual psychopathic personality or sexually dangerous person is appropriate; amending Minnesota Statutes 2000, section 244.05, subdivision 7.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2752: A bill for an act relating to Hennepin county; providing for design-build contracts; proposing coding for new law in Minnesota Statutes, chapter 383B.

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

Page 2, delete lines 33 to 36 and insert:

"Subd. 3. [RESTRICTION.] (a) The authority granted in sections 383B.158 to 383B.1586 shall be to evaluate the effectiveness of the design-build process for county projects. The county shall select a sufficient variety of projects to appropriately evaluate the process under varying circumstances, provided that no more than five projects may be undertaken under this section."

Page 5, line 33, before "specifications" insert "minimum"

Page 6, line 15, delete the semicolon and insert a comma

Page 6, line 20, delete the second "construction" and insert "construction-related"

Page 6, line 21, after "costs" insert ", and all other costs of any kind"

Page 8, after line 9, insert:

"Sec. 8. [REPORT TO LEGISLATURE.]

Hennepin county must report to the legislature after the completion of up to five projects, but no later than June 1, 2007, on its evaluation of the effectiveness of the design-build process as applied to the varying circumstances of the projects."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a report;"

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 2622: A bill for an act relating to health; providing for the establishment of a volunteer health care provider program; specifying that health care providers providing volunteer services under the program are state employees for purposes of tort claims; requiring rules; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [144.751] [VOLUNTEER HEALTH CARE PROVIDER PROGRAM.]

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

(b) "Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code that has as a purpose the sponsorship or support of programs designed to improve the quality, awareness, and availability of health care services and that serves as a funding mechanism for providing those services.

(c) "Health care facility or organization" means a health care facility licensed under this chapter or chapter 144A, or a charitable organization, that meets the requirements of subdivision 3.

(d) "Health care provider" means a physician licensed under chapter 147, physician assistant registered and practicing under chapter 147A, nurse licensed and registered to practice under chapter 148, or dentist or dental hygienist licensed under chapter 150A.

(e) "Health care services" means health prevention, health monitoring, health education, diagnosis, or treatment other than the administration of anesthesia, surgical procedures except for minor surgical procedures and the administration of local anesthesia for the stitching of wounds, and primary dental services, including preventive, diagnostic, restorative, or emergency treatment.

Subd. 2. [ESTABLISHMENT.] The commissioner shall establish a volunteer health care provider program within the department for the purpose of facilitating the provision of health care services provided by volunteer health care providers through eligible health care facilities and organizations.

Subd. 3. [PARTICIPATION OF HEALTH CARE FACILITIES.] To participate in the program established in subdivision 2, a health care facility or organization must:

(1) be licensed to the extent required by law or regulation;

(2) register with the commissioner and demonstrate that the sponsorship or conduct of primary care or dental health care services to the uninsured or underinsured is central to the purpose and operation of the facility or organization;

(3) certify that it maintains adequate general liability and professional liability insurance for

program staff other than the volunteer health care provider or is properly and adequately self-insured;

(4) agree to cooperate with the state in defense of the health care provider providing services through it and shall not charge the state for its expenses, costs, and efforts in the defense of a claim or suit;

(5) agree that only the health care provider is afforded protection under section 3.736, and the state assumes no obligation to the facility or organization, its employees, officers, or agents; and

(6) agree to report annually to the commissioner the number of volunteers, number of volunteer hours provided, number of patients seen by volunteer providers, and types of services provided.

Subd. 4. [HEALTH CARE PROVIDER REGISTRATION.] To be eligible for protection as an employee of the state for a claim arising from the provision of unpaid health care services through the program established in subdivision 2, a health care provider must register with the commissioner. Registration shall be approved if the provider has submitted a certified statement on forms provided by the department attesting that the health care provider agrees to:

(1) cooperate fully with the state in the defense of any claim or suit relating to participation in the volunteer health care provider program, including attending hearings, depositions, and trials and assisting in securing and giving evidence, responding to discovery, and obtaining the attendance of witnesses;

(2) receive no direct monetary compensation of any kind for services provided in the program;

(3) submit a sworn statement attesting that the license to practice is free of restrictions. The statement shall describe any disciplinary action which has ever been initiated against the health care provider by a professional licensing authority or health care facility, including any voluntary surrender of license or other agreement involving the health care provider's license to practice or any restrictions on practice, suspension of privileges, or other sanctions. The statement shall also describe any malpractice suits which have been filed against the health care provider and state whether any complaints involving professional competence have been filed against the health care provider with any licensing authority or health care facility;

(4) submit any additional materials requested by the commissioner; and

(5) identify the eligible program through which the health services will be provided and identify the sites at which the free health services will be provided.

Subd. 5. [DURATION AND RENEWAL.] The certification of eligibility and agreement with the commissioner shall expire two years from the date of certification by the applicable state licensing board. Health care providers may apply for renewal by filing an application at least 60 days prior to expiration of the agreement.

Subd. 6. [REVOCAION OF ELIGIBILITY AND REGISTRATION.] The commissioner may suspend, revoke, or condition the eligibility of a health care provider for cause, including, but not limited to: the failure to comply with the agreement with the commissioner; and the imposition of disciplinary action by the licensing board that regulates the health care provider.

Subd. 7. [BOARD NOTICE OF DISCIPLINARY ACTION.] The applicable state licensing board shall immediately notify the commissioner of the initiation of a contested case against a registered health care provider or the imposition of disciplinary action, including copies of any contested case decision or settlement agreement with the health care provider.

Subd. 8. [HEALTH CARE PROVIDER; EMPLOYEE OF STATE.] A health care provider who provides health care services under the volunteer health care provider program under this section is an employee of the state for purposes of section 3.736 while acting in the provision of those services, provided that:

(1) the provider registered with the commissioner in accordance with subdivision 4;

(2) the health care services were provided through an eligible health care facility or organization;

(3) the services were provided without compensation to the provider; and

(4) the services were otherwise provided in compliance with this section."

Amend the title as follows:

Page 1, line 6, delete "requiring rules;"

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred the following appointment as reported in the Journal for January 29, 2002:

PUBLIC UTILITIES COMMISSION

Phyllis Reha

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 Metzen from the Committee on Telecommunications, Energy and Utilities, to which was re-referred

S.F. No. 2683: A bill for an act relating to public safety; enacting various antiterrorism measures; authorizing public meetings to be closed under certain circumstances to discuss security issues; limiting duration of drivers' licenses and Minnesota identification cards for noncitizens with short-term admission authorization; expanding first-degree murder to include death resulting from an act of terrorism and imposing a term of life imprisonment without release for this; establishing crimes relating to the use of biological agents, toxic chemicals, toxins, or radioactive materials; modifying and expanding provisions relating to terroristic threats; increasing penalties for trespass on a public utility or a critical public service facility; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; providing criminal penalties for certain persons who aid others to commit terrorism; increasing criminal penalties for giving false information to law enforcement officers relating to terrorism; increasing the emergency telephone service fee; imposing criminal penalties; creating and modifying grant programs for emergency preparedness training and equipment purchases and other expenses related to terrorism; appropriating money for various emergency response and antiterrorism measures; amending Minnesota Statutes 2000, sections 13D.05, subdivision 3; 171.07, subdivision 4; 171.27; 299A.62, subdivision 1; 299F.72, subdivision 1; 609.106, subdivision 2; 609.185; 609.505; 609.605, by adding a subdivision; 609.713, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 403.11, subdivision 1; 473.901, subdivision 1; 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 299A; 609.

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

Page 4, line 34, strike "is" and delete "49" and insert "may not be less than eight cents nor more than 52"

Page 5, line 2, after the first period, insert "With the approval of the commissioner of finance, the commissioner of administration shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change."

Page 5, line 15, delete "20" and insert "17" and after "month" insert "in fiscal years 2003 and 2004 and 20 cents thereafter"

Page 8, after line 19, insert:

"Sec. 7. [DEPARTMENT OF ADMINISTRATION; APPROPRIATIONS.]

\$...... is appropriated from the 911 account of the special revenue fund to the commissioner of administration for the fiscal year ending June 30, 2003, for the purposes described in sections 3 and 4."

Pages 8 to 11, delete sections 1 to 3

Page 17, line 25, delete "OR" and after "TOXINS" insert ", OR RADIOACTIVE MATERIALS"

Page 17, delete line 34 and insert "agent, toxic chemical, toxin, or radioactive material, as these terms are defined in section 609.712,"

Page 18, delete line 6 and insert "chemical, toxin, or radioactive material."

Page 18, line 8, delete "4 to 14" and insert "1 to 11"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 to 7

Page 1, line 29, delete "13D.05, subdivision 3; 171.07,"

Page 1, line 30, delete "subdivision 4; 171.27;"

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

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred

S.F. No. 3190: A bill for an act relating to taxation; production tax; exempting wind energy conversion systems installed after January 1, 2002, from the property tax; providing for a production tax on electricity from wind energy conversion systems installed after January 1, 2002; amending Minnesota Statutes 2001 Supplement, section 272.02, subdivision 22; proposing coding for new law in Minnesota Statutes, chapter 272; repealing Minnesota Statutes 2001 Supplement, section 272.028.

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

Page 2, lines 12, 15, and 19, after "produced" insert "and sold"

Page 2, line 21, after "systems" insert "(i)"

Page 2, line 22, after "less" insert "and (ii) small scale wind energy conversion systems owned by a political subdivision,"

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

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 3085: A bill for an act relating to health; providing employer immunity for reference checks for certain health care providers and facilities; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Delete everything after the enacting clause and insert:

"Section 1. [604A.33] [REFERENCE CHECKS BY CERTAIN HEALTH CARE PROVIDERS AND FACILITIES.]

Subdivision 1. [APPLICATION.] This section applies to residential treatment programs for children or group homes for children licensed under chapter 245A, residential services and programs for juveniles licensed under section 241.021, providers licensed pursuant to sections 144A.01 to 144A.33 or sections 144A.43 to 144A.48, providers of day training and habilitation services under sections 252.40 to 252.46, board and lodging facilities licensed under chapter 157, intermediate care facilities for persons with mental retardation or related conditions, and other facilities licensed to provide residential services to persons with developmental disabilities.

Subd. 2. [CAUSES OF ACTION.] (a) No action may be brought against a provider or facility listed in subdivision 1 or a designated employee or agent of such a provider or facility who discloses information regarding a former or current employee to a prospective employer as provided under this section. This subdivision does not preclude a charge or action under chapter 363, or an action arising from a disclosure that the plaintiff proves, by a preponderance of the evidence, was made fraudulently or with deliberate disregard as to its truth or falsity.

(b) This subdivision does not preclude an action against a prospective employer for disclosing information received under this section.

Subd. 3. [REFERENCE CHECKS.] (a) Upon written request, a provider or facility listed in subdivision 1 or a designated employee or agent of such a provider or facility may disclose the following information about a current or former employee to a prospective employer:

(1) dates of employment;

(2) compensation and wage history;

(3) job description and duties;

(4) training and education provided by the employer; and

(5) all acts of violence, theft, harassment, or illegal conduct documented in the personnel record which resulted in disciplinary action or resignation, and the employee's written response, if necessary, contained in the personnel record.

(b) With the written authorization of the current or former employee, a provider or facility listed in subdivision 1 or a designated employee or agent of such a provider or facility may also disclose the following information in writing to a prospective employer:

(1) written employee evaluations conducted prior to the employee's separation from the employer and the employee's written response, if any, contained in the employee's personnel record;

(2) disciplinary warnings and actions in the five years before the date of the authorization and the employee's written response, if any, contained in the employee's personnel record; and

(3) reasons for separation from employment.

(c) The provider, facility, designated employee, or agent must provide a written copy of a disclosure made under this subdivision and information on to whom the disclosure was made to the current or former employee upon request.

[EFFECTIVE DATE.] This section is effective July 1, 2002, and applies to causes of action arising on or after that date."

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Housing and Community Development. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 3272, 3059, 3145, 2678, 3109, 3167 and 2752 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Oliver moved that the name of Senator Kiscaden be added as a co-author to S.F. No. 3201. The motion prevailed.

Senator Cohen moved that the name of Senator Kiscaden be added as a co-author to S.F. No. 3246. The motion prevailed.

Senator Hottinger moved that the name of Senator Ourada be added as a co-author to S.F. No. 3384. The motion prevailed.

Senator Johnson, Dave moved that S.F. No. 2856, No. 69 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Johnson, Dave moved that S.F. No. 2857, No. 70 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Senator Larson moved that S.F. No. 3258 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Transportation. The motion prevailed.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 3019 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 3019: A bill for an act relating to public safety; expanding those persons who are required to register as a predatory offender for their lifetime after a second conviction; amending Minnesota Statutes 2001 Supplement, section 243.166, subdivision 6.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate 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 Betzold introduced--

S.F. No. 3390: A bill for an act relating to taxation; conforming certain tax provisions to changes in the Internal Revenue Code; amending Minnesota Statutes 2000, section 290.067, subdivision 1; Minnesota Statutes 2001 Supplement, sections 289A.02, subdivision 7; 290.01, subdivisions 19, 31; 290A.03, subdivision 15.

Referred to the Committee on Taxes.

Senator Tomassoni introduced--

S.F. No. 3391: A bill for an act relating to taxation; providing a low-income housing tax credit; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senators Pappas, Fowler, Scheid, Rest and Kelley, S.P. introduced--

S.F. No. 3392: A bill for an act relating to taxation; conforming certain tax provisions to changes in the Internal Revenue Code relating to victims of terrorism; amending Minnesota Statutes 2001 Supplement, section 290.01, subdivisions 19, 31.

Referred to the Committee on Taxes.

Senator Oliver introduced--

S.F. No. 3393: A bill for an act relating to tax; property; providing that certain property used for licensed child care shall be classified as class 4c; amending Minnesota Statutes 2001 Supplement, section 273.13, subdivision 25.

Referred to the Committee on Taxes.

Senator Day introduced--

S.F. No. 3394: A bill for an act relating to health; eliminating the tobacco use prevention and local public health endowment fund; amending Minnesota Statutes 2000, section 144.395, subdivision 3; Minnesota Statutes 2001 Supplement, section 16A.87, subdivision 3; repealing Minnesota Statutes 2000, sections 144.395, as amended; 144.396.

Referred to the Committee on Health and Family Security.

Senators Pappas; Moe, R.D. and Berg introduced--

S.F. No. 3395: A resolution relating to industrial hemp.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

RECESS

Senator Moe, R.D. moved that the Senate do now recess until 12:00 noon. The motion prevailed.

The hour of 12:00 noon having arrived, the President called the Senate to order.

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.

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Marty from the Committee on Judiciary, to which was re-referred

S.F. No. 2611: A bill for an act relating to crime prevention; adopting a new compact for interstate adult offender supervision and repealing the existing compact; creating an advisory council on interstate adult offender supervision; requiring the appointment of a compact administrator; imposing criminal penalties for a violation of the new compact; appropriating money; amending Minnesota Statutes 2000, section 243.161; proposing coding for new law in Minnesota Statutes, chapter 243; repealing Minnesota Statutes 2000, section 243.16.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on State and Local Government Operations. Report adopted.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 8:30 a.m., Wednesday, February 27, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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