

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

NINETY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 3, 2002

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. William A. Watson, III.

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

Anderson	Frederickson	Krentz	Oliver	Sams
Bachmann	Higgins	Langseth	Olson	Samuelson
Belanger	Hottinger	Larson	Ourada	Scheevel
Berg	Johnson, Dave	Lesewski	Pariseau	Scheid
Berglin	Johnson, Dean	Lessard	Pogemiller	Schwab
Betzold	Johnson, Debbie	Limmer	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Lourey	Ranum	Stevens
Cohen	Kelley, S.P.	Marty	Reiter	Stumpf
Day	Kierlin	Metzen	Rest	Terwilliger
Dille	Kinkel	Moe, R.D.	Ring	Tomassoni
Fischbach	Kiscaden	Moua	Robertson	Vickerman
Foley	Kleis	Murphy	Robling	Wiener
Fowler	Knutson	Neuville	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 Orfield and Pappas 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 Senate Files, herewith returned: S.F. Nos. 2533, 2678, 3352, 2949 and 3322.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

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. 3054:** A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

Senate File No. 3054 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

### CONCURRENCE AND REPASSAGE

Senator Tomassoni moved that the Senate concur in the amendments by the House to S.F. No. 3054 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 3054:** A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11; Minnesota Statutes 2001 Supplement, section 115C.09, subdivision 1.

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

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 3298:** A bill for an act relating to transportation; regulating public works contracts; allowing commissioner of transportation to acquire land to preserve transportation corridors; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; modifying provisions regulating disposition of impounded vehicles; allowing limited use of highway shoulders by buses and vanpools; requiring parked vehicle to be parallel with curb; allowing limited regulation by local governments of train whistles; modifying motor carrier

provisions to reduce certain regulatory obligations; requiring commissioner of transportation to adopt rules to implement and administer training program for tow truck operators; modifying budget reduction of department of transportation construction district 1; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; removing sunset provision relating to determining city populations for state-aid street purposes; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; providing for resolution of dispute relating to Camp Coldwater Springs; establishing vanpool demonstration project, highway corridor-protection demonstration project, and commuter rail station working group; allowing use of trunk highway funds for certain transit operations; exempting certain federal funds from statutory matching requirements; making clarifying changes; providing for fees; appropriating money for various projects and activities; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 161.465; 168B.051, subdivisions 1a, 2; 169.35, subdivision 1; 169.86, subdivision 5; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 366.011; 366.012; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; Laws 2001, First Special Session chapter 8, article 2, section 6; proposing coding for new law in Minnesota Statutes, chapters 15; 168; 169; 174; 299A; repealing Minnesota Statutes 2000, section 221.0313.

Senate File No. 3298 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

Senator Johnson, Dean moved that the Senate do not concur in the amendments by the House to S.F. No. 3298, 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 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. 2674:** A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; restricting motorized use of state forest land; requiring new snowmobiles sold in the state to have emergency hazard lights; temporarily removing restrictions on the production of planting stock; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; prohibiting certain motorized decoys; modifying provisions for using lights to locate animals; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; requiring a study; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 84.821, by adding a subdivision; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

Senate File No. 2674 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

Senator Krentz moved that the Senate do not concur in the amendments by the House to S.F. No. 2674, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2908:** A bill for an act relating to data privacy; regulating electronic mail solicitations; protecting privacy of Internet consumers; regulating use of information about Internet users; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325F; 325M.

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

Pawlenty, Bradley, and Pelowski.

Senate File No. 2908 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2680, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2680:** A bill for an act relating to energy codes; adding a member to the construction codes advisory council; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1; Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1.

Senate File No. 2680 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2739, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2739:** A bill for an act relating to liquor; exempting hotel honor bars from hours of sale restrictions; modifying minimum distance from specified state universities; authorizing the cities of Proctor, Albert Lea, Eden Prairie, West St. Paul, Brainerd, and Coon Rapids to issue on-sale licenses; amending Minnesota Statutes 2000, section 340A.504, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 340A.412, subdivision 4; Laws 1999, chapter 202, section 12.

Senate File No. 2739 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 2, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3364:

**H.F. No. 3364:** A bill for an act relating to transportation; establishing major highway project account; authorizing bonding; exempting certain contracts from moratorium on state contracts for professional or technical services; appropriating money; amending Laws 2002, chapter 220, article 10, section 37; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Kuisle, Holberg, Workman, Kielkucki and Juhnke have been appointed as such committee on the part of the House.

House File No. 3364 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 2002

Senator Johnson, Dean moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3364, 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 File, herewith transmitted: H.F. No. 2970.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 2, 2002

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 2970:** A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; authorizing hiring of employees for operations and maintenance of a certain off-highway vehicle recreation area; providing that a certain speed limit set by rule for waters of the state does not apply in certain circumstances to snowmobiles; exempting all-terrain vehicles used exclusively on owners' or drivers' property from registration; authorizing the commissioner of natural resources to use grant money for snowmobile trail grooming equipment reimbursement; appropriating money for maintenance, monitoring, environmental review, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, sections 84.025, by adding a subdivision; 84.87, by adding a subdivision; 84.922, subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3010, now on General Orders.

### MOTIONS AND RESOLUTIONS

**Senators Moua; Anderson; Pappas; Solon, Y.P. and Higgins introduced--**

**Senate Resolution No. 206:** A Senate resolution commending Tou Lee for saving his family from their burning house on March 6, 2002.

Referred to the Committee on Rules and Administration.

**Senator Lessard introduced--**

**Senate Resolution No. 207:** A Senate resolution congratulating Patrick Kalmi of Pengilly, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**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:

H.F. Nos. 3125, 3359, 1517, 3031 and 3163.

**SPECIAL ORDER**

**H.F. No. 3125:** A bill for an act relating to telecommunications; authorizing periodic account statements in electronic format; changing name of telecommunications access for communication-impaired persons program to telecommunications access Minnesota program; modifying and clarifying provisions for contracting the telecommunication relay system; allowing the city of Alexandria to enter into a joint venture; amending Minnesota Statutes 2000, section 237.52, subdivision 1; Minnesota Statutes 2001 Supplement, sections 237.51, subdivision 1; 237.54, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 237.

Senator Metzen moved that the amendment made to H.F. No. 3125 by the Committee on Rules and Administration in the report adopted March 11, 2002, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 3125 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 3359:** A bill for an act relating to professions; modifying certain protocols for nurses; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; Minnesota Statutes 2001 Supplement, section 148.284.

Senator Wiener moved to amend H.F. No. 3359, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3005.)

Page 3, after line 20, insert:

"Sec. 4. Minnesota Statutes 2001 Supplement, section 148.284, is amended to read:

148.284 [CERTIFICATION OF ADVANCED PRACTICE REGISTERED NURSES.]

(a) No person shall practice advanced practice registered nursing or use any title, abbreviation, or other designation tending to imply that the person is an advanced practice registered nurse, clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner unless the person is certified for such advanced practice registered nursing by a national nurse certification organization.

(b) Paragraph (a) does not apply to an advanced practice registered nurse who is within six months after completion of an advanced practice registered nurse course of study and is awaiting certification, provided that the person has not previously failed the certification examination.

(c) An advanced practice registered nurse who has completed a formal course of study as an advanced practice registered nurse and has been certified by a national nurse certification organization prior to January 1, 1999, may continue to practice in the field of nursing in which the advanced practice registered nurse is practicing as of July 1, 1999, regardless of the type of certification held if the advanced practice registered nurse is not eligible for the proper certification.

(d) Prior to July 1, 2007, a clinical nurse specialist may petition for waiver from the certification requirement in paragraph (a) if the clinical nurse specialist is academically prepared as a clinical nurse specialist in a specialty area for which there is no certification within the clinical nurse specialist role and specialty or a related specialty. The board may determine that an available certification as a clinical nurse specialist in a related specialty must be obtained in lieu of the specific specialty or subspecialty. The petitioner must be academically prepared as a clinical nurse specialist in a specific field of clinical nurse specialist practice with a master's degree in nursing that included clinical experience in the clinical specialty, and have 1,000 hours of supervised clinical experience in the clinical specialty for which the individual was academically prepared with a minimum of 500 hours of supervised clinical practice after graduation. The board may grant a nonrenewable permit for no longer than 12 months for the supervised postgraduate clinical experience. The board may renew the waiver for three-year periods provided the clinical nurse specialist continues to be ineligible for certification as a clinical nurse specialist by an organization acceptable to the board."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend H.F. No. 3359, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3005.)

Page 4, after line 34, insert:

"Sec. 5. Minnesota Statutes 2001 Supplement, section 256B.437, is amended by adding a subdivision to read:

Subd. 9. [TRANSFER OF BEDS.] The board of commissioners of Saint Louis county may amend their planned closure rate adjustment application to allow up to 50 beds of a 159-licensed bed county-owned nursing facility that is in the process of closing to be transferred to a

hospital-attached nursing facility in Aurora and up to 50 beds to a 235-bed nursing facility in Duluth, and may also assign all or a portion of the planned closure rate adjustment that would be received as a result of closure to the Aurora facility or the Duluth facility."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wiener moved that H.F. No. 3359 be laid on the table. The motion prevailed.

### SPECIAL ORDER

**H.F. No. 1517:** A bill for an act relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; changing municipalities' immunity from liability for claims based upon a provider's failure to comply with requirements for swimming pools at family day care or group family day care homes; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision; 466.03, subdivision 6d.

Senator Lourey moved to amend H.F. No. 1517, as amended pursuant to Rule 45, adopted by the Senate March 21, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 1443.)

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2000, section 119A.37, subdivision 3, is amended to read:

Subd. 3. [FUNDING.] The commissioner may award grants to create or maintain parenting time centers.

In awarding grants to maintain a parenting time center, the commissioner may award a grant to a center that can demonstrate a ~~35~~ 25 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a parenting time center, the commissioner shall give priority to:

- (1) areas of the state where no other parenting time center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a parenting time center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Sec. 2. Minnesota Statutes 2000, section 119A.374, is amended by adding a subdivision to read:

Subd. 1a. [RULEMAKING.] The commissioner shall adopt rules necessary to implement sections 119A.374 to 119A.376.

Sec. 3. Minnesota Statutes 2000, section 119B.011, is amended by adding a subdivision to read:

Subd. 22. [SERVICE PERIOD.] "Service period" means the biweekly period used by the child care assistance program for billing and payment purposes.



Sec. 4. Minnesota Statutes 2000, section 119B.11, subdivision 2a, is amended to read:

Subd. 2a. [RECOVERY OF OVERPAYMENTS.] An amount of child care assistance paid to a recipient in excess of the payment due is recoverable by the county agency. If the family remains eligible for child care assistance, the overpayment must be recovered through recoupment as identified in Minnesota Rules, part 3400.0140, subpart 19, except that the recoupment amount must be calculated and collected on a service period, rather than monthly, basis. If the family no longer remains eligible for child care assistance, the county may choose to initiate efforts to recover overpayments from the family for overpayment less than \$50. If the overpayment is greater than or equal to \$50, the county shall seek voluntary repayment of the overpayment from the family. If the county is unable to recoup the overpayment through voluntary repayment, the county shall initiate civil court proceedings to recover the overpayment unless the county's costs to recover the overpayment will exceed the amount of the overpayment. A family with an outstanding debt under this subdivision is not eligible for child care assistance until: (1) the debt is paid in full; or (2) satisfactory arrangements are made with the county to retire the debt consistent with the requirements of this chapter and Minnesota Rules, chapter 3400, and the family is in compliance with the arrangements.

Sec. 5. Minnesota Statutes 2000, section 119B.12, subdivision 2, is amended to read:

Subd. 2. [PARENT FEE.] A family must be assessed a parent fee for each service period. A family's monthly parent fee must be a fixed percentage of its annual gross income. Parent fees must apply to families eligible for child care assistance under sections 119B.03 and 119B.05. Income must be as defined in section 119B.011, subdivision 15. The fixed percent is based on the relationship of the family's annual gross income to 100 percent of state median income. Beginning January 1, 1998, parent fees must begin at 75 percent of the poverty level. The minimum parent fees for families between 75 percent and 100 percent of poverty level must be \$5 \$2.50 per month service period. Parent fees must be established in rule and must provide for graduated movement to full payment.

Sec. 6. Minnesota Statutes 2001 Supplement, section 119B.13, subdivision 6, is amended to read:

Subd. 6. [PROVIDER PAYMENTS.] Counties or the state shall make vendor payments to the child care provider or pay the parent directly for eligible child care expenses. If payments for child care assistance are made to providers, the provider shall bill the county for services provided within ten days of the end of the month of service period. If bills are submitted in accordance with the provisions of this subdivision, a county or the state shall issue payment to the provider of child care under the child care fund within 30 days of receiving an invoice from the provider. Counties or the state may establish policies that make payments on a more frequent basis. A county's payment policies must be included in the county's child care plan under section 119B.08, subdivision 3. If payments are made by the state, in addition to being in compliance with this subdivision, the payments must be made in compliance with section 16A.124."

Page 5, after line 7, insert:

"Sec. 10. Laws 2001, First Special Session chapter 3, article 1, section 16, is amended to read:

Sec. 16. [CHILD CARE REPORT.]

The commissioner of children, families, and learning must report to house and senate committees with jurisdiction over child care by November and February of each year with information on the number of families served and the cost of direct services per family for each child care assistance program administered by the commissioner. The report must include the number of families being served and the number that would be served if entry income eligibility was set at 120 percent of the federal poverty guidelines and 30 percent of the state median income and continuing at reasonable increments, with an exit level of both 250 225 percent and 300 percent of the federal poverty guidelines and 63 percent and 5 percent of the state median income level.

The information must be provided for the same time periods for which the department of finance prepares the budget forecast.

Sec. 11. [ECFE RESERVE REDUCTION.]

Notwithstanding Minnesota Statutes, section 124D.135, subdivision 8, a district's early childhood family education excess reserve amount for fiscal year 2003 equals the lesser of the district's early childhood family education revenue for fiscal year 2003 under Minnesota Statutes, section 124D.135, subdivision 1, or the district's early childhood family education reserve account balance on June 30, 2002, in excess of the greater of \$18,000 or 25 percent of the district's early childhood family education annual revenue for fiscal year 2002. For fiscal year 2003, the amounts recovered from districts with early childhood family education excess reserves must not be reallocated to other eligible early childhood family education programs."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Knutson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 1517 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 3031:** A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; providing for declaration and termination of emergencies due to bioterrorism; granting certain emergency powers; preserving certain rights of refusal; providing for the isolation and quarantine of persons; requiring a study; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.31, subdivision 2; 12.32; 13.3806, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 144.

Senator Krentz moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 7, line 29, after the semicolon, insert "ways to preserve the effectiveness of fluoroquinolones and other antibiotics that are vital to protecting human health;"

**CALL OF THE SENATE**

Senator Krentz imposed a call of the Senate for the balance of the proceedings on H.F. No. 3031. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Krentz amendment.

Senator Kiscaden moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 41 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Limmer	Pariseau	Scheid
Berglin	Johnson, Dave	Lourey	Pogemiller	Solon, Y.P.
Betzold	Johnson, Debbie	Marty	Price	Tomassoni
Chaudhary	Johnson, Doug	Metzen	Ranum	Wiener
Cohen	Kelley, S.P.	Moe, R.D.	Rest	Wiger
Foley	Kinkel	Moua	Ring	
Fowler	Kleis	Oliver	Robertson	
Frederickson	Knutson	Olson	Robling	
Higgins	Krentz	Ourada	Sabo	

Those who voted in the negative were:

Belanger	Johnson, Dean	Lesewski	Sams	Stumpf
Berg	Kierlin	Lessard	Samuelson	Terwilliger
Day	Kiscaden	Murphy	Scheevel	Vickerman
Dille	Langseth	Neuville	Schwab	
Fischbach	Larson	Reiter	Stevens	

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 7, after line 9, insert:

"Sec. 9. [12.381] [TESTING AND TREATMENT.]

Subdivision 1. [REFUSAL OF TREATMENT.] Notwithstanding laws, rules, or orders made or promulgated in response to a national security emergency, peacetime emergency, or public health emergency, individuals have a fundamental right to refuse medical treatment, testing, physical or mental examination, and vaccination, and to refuse to participate in experimental procedures and protocols, the collection of specimens, and in preventive treatment programs. An individual who has been directed by the commissioner of health to submit to procedures and protocols because the individual is infected with or reasonably believed by the commissioner to be infected with or exposed to a communicable disease or toxic agent for which the emergency was declared and who refuses to submit to them may be ordered by the commissioner to be placed in isolation or quarantine as permitted by law.

Subd. 2. [INFORMATION GIVEN.] Where feasible, before performing, under subdivision 1, examinations, testing, treatment, or vaccination of an individual, a health care provider shall notify the individual of the right to refuse the examination, testing, treatment, or vaccination, and the consequences, including isolation or quarantine, upon refusal."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer then moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 5, line 35, after the period, insert "Upon enactment of a public health emergency, the governor and health department must immediately report to the leadership in the house of representatives and senate, as well as the chairs and ranking minority members of the judiciary and health committees, regarding the imposition of the public health emergency and how it may affect the public."

The motion prevailed. So the amendment was adopted.

Senator Limmer then moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 7, after line 34, insert:

"Sec. 10. [SUNSET.]

Sections 1 to 8 expire on January 30, 2004."

Senator Betzold moved to amend the third Limmer amendment to H.F. No. 3031 as follows:

Page 1, line 8, delete "January" and insert "April"

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

The question recurred on the adoption of the third Limmer amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Pariseau moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 1, delete section 2

Page 2, line 35, reinstate the stricken "and" and delete the new language

Page 3, line 30, delete "occupancy of facilities,"

Page 7, line 8, delete "medical supplies,"

Page 7, line 9, delete "and any facilities"

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 43, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Limmer	Reiter	Terwilliger
Belanger	Kierlin	Oliver	Robertson	
Berg	Knutson	Olson	Scheevel	
Day	Larson	Ourada	Schwab	
Fischbach	Lesewski	Pariseau	Stevens	

Those who voted in the negative were:

Anderson	Chaudhary	Foley	Higgins	Johnson, Dean
Berglin	Cohen	Fowler	Hottinger	Johnson, Doug
Betzold	Dille	Frederickson	Johnson, Dave	Kelley, S.P.

Kinkel	Lourey	Neuville	Robling	Tomassoni
Kiscaden	Marty	Pogemiller	Sabo	Vickerman
Kleis	Metzen	Price	Sams	Wiener
Krentz	Moe, R.D.	Ranum	Scheid	Wiger
Langseth	Moua	Rest	Solon, Y.P.	
Lessard	Murphy	Ring	Stumpf	

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

Senator Limmer moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 6, line 35, delete "peacetime emergency declared" and insert "national security emergency"

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

Senator Murphy moved to amend H.F. No. 3031, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2669.)

Page 7, line 13, after the second comma, insert "a member of the board of animal health,"

The motion prevailed. So the amendment was adopted.

H.F. No. 3031 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Wiener moved that H.F. No. 3359 be taken from the table. The motion prevailed.

**H.F. No. 3359:** A bill for an act relating to professions; modifying certain protocols for nurses; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; Minnesota Statutes 2001 Supplement, section 148.284.

Senator Anderson moved to amend H.F. No. 3359, as amended pursuant to Rule 45, adopted by the Senate March 26, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3005.)

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 144E.101, subdivision 6, is amended to read:

Subd. 6. [BASIC LIFE SUPPORT.] (a) Except as provided in paragraph (e), a basic life support ambulance shall be staffed by at least two ambulance service personnel, at least one of which must be an EMT, who provide a level of care so as to ensure that:

- (1) life-threatening situations and potentially serious injuries are recognized;
- (2) patients are protected from additional hazards;
- (3) basic treatment to reduce the seriousness of emergency situations is administered; and
- (4) patients are transported to an appropriate medical facility for treatment.

(b) A basic life support service shall provide basic airway management and administration of epinephrine to treat an allergic reaction according to subdivision 14.

(c) By January 1, 2001, a basic life support service shall provide automatic defibrillation, as provided in section 144E.103, subdivision 1, paragraph (b).

(d) A basic life support service licensee's medical director may authorize the ambulance service personnel to carry and to use medical antishock trousers and to perform intravenous infusion if the ambulance service personnel have been properly trained.

(e) Upon application from an ambulance service that includes evidence demonstrating hardship, the board may grant a temporary variance from the staff requirements in paragraph (a) and may authorize a basic life support ambulance to be staffed by one EMT and one first responder. The variance shall apply to basic life support ambulances operated by the ambulance service for up to one year from the date of the variance's issuance. When a variance expires, an ambulance service may apply for a new variance under this paragraph. For purposes of this paragraph, "ambulance service" means either an ambulance service whose primary service area is located outside the metropolitan counties listed in section 473.121, subdivision 4, and outside the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud; or an ambulance service based in a community with a population of less than 1,000.

Sec. 2. Minnesota Statutes 2000, section 144E.101, subdivision 7, is amended to read:

Subd. 7. [ADVANCED LIFE SUPPORT.] (a) An advanced life support ambulance shall be staffed by at least:

- (1) one EMT and one EMT-P;
- (2) one EMT and one registered nurse who is an EMT, is currently practicing nursing, and has passed a paramedic practical skills test approved by the board and administered by a training program; or
- (3) one EMT and one physician assistant who is an EMT, is currently practicing as a physician assistant, and has passed a paramedic practical skills test approved by the board and administered by a training program.

(b) An advanced life support service shall provide basic life support, as specified under subdivision 6, paragraph (a), advanced airway management, manual defibrillation, and administration of intravenous fluids and pharmaceuticals, including epinephrine to treat an allergic reaction according to subdivision 14.

(c) In addition to providing advanced life support, an advanced life support service may staff additional ambulances to provide basic life support according to subdivision 6. When routinely staffed and equipped as a basic life support service according to subdivision 6 and section 144E.103, subdivision 1, the vehicle shall not be marked as advanced life support.

(d) An ambulance service providing advanced life support shall have a written agreement with its medical director to ensure medical control for patient care 24 hours a day, seven days a week. The terms of the agreement shall include a written policy on the administration of medical control for the service. The policy shall address the following issues:

- (i) two-way communication for physician direction of ambulance service personnel;
- (ii) patient triage, treatment, and transport;
- (iii) use of standing orders; and
- (iv) the means by which medical control will be provided 24 hours a day.

The agreement shall be signed by the licensee's medical director and the licensee or the licensee's designee and maintained in the files of the licensee.

(e) When an ambulance service provides advanced life support, the authority of an EMT-P, Minnesota registered nurse-EMT, or Minnesota registered physician assistant-EMT to determine the delivery of patient care prevails over the authority of an EMT.

Sec. 3. Minnesota Statutes 2000, section 144E.101, is amended by adding a subdivision to read:

Subd. 14. [EPINEPHRINE ADMINISTRATION.] Notwithstanding any law regarding scope of practice or administration of drugs to the contrary, ambulance service personnel trained according to this subdivision may administer epinephrine to treat an allergic reaction. An ambulance service licensee's medical director shall ensure that:

(1) all ambulance service personnel who administer epinephrine have satisfactorily completed board-approved training in the administration of epinephrine to treat an allergic reaction;

(2) at least one ambulance service personnel who is trained to administer epinephrine is on duty at all times;

(3) ambulance service personnel who administer epinephrine receive, at least every two years, continuing education or clinical training in the administration of epinephrine to treat an allergic reaction; and

(4) the ambulance service maintains standing orders for the administration of epinephrine to treat an allergic reaction.

Sec. 4. Minnesota Statutes 2000, section 144E.28, subdivision 7, is amended to read:

Subd. 7. [RENEWAL.] (a) Before the expiration date of certification, an applicant for renewal of certification as an EMT shall:

(1) successfully complete a course in cardiopulmonary resuscitation that is approved by the board or the licensee's medical director; and

(2) take the United States Department of Transportation EMT refresher course and successfully pass the practical skills test portion of the course, or successfully complete 48 hours of continuing education in EMT programs that are consistent with the United States Department of Transportation National Standard Curriculum or its equivalent as approved by the board or as approved by the licensee's medical director and pass a practical skills test approved by the board and administered by a training program approved by the board. The cardiopulmonary resuscitation course and practical skills test may be included as part of the refresher course or continuing education renewal requirements. At least one of the 48 hours must include instruction in the administration of epinephrine to treat an allergic reaction. Twenty-four of the 48 hours must include at least four hours of instruction in each of the following six categories:

- (i) airway management and resuscitation procedures;
- (ii) circulation, bleeding control, and shock;

- (iii) human anatomy and physiology, patient assessment, and medical emergencies;
- (iv) injuries involving musculoskeletal, nervous, digestive, and genito-urinary systems;
- (v) environmental emergencies and rescue techniques; and
- (vi) emergency childbirth and other special situations.

(b) Before the expiration date of certification, an applicant for renewal of certification as an EMT-I or EMT-P shall:

(1) for an EMT-I, successfully complete a course in cardiopulmonary resuscitation that is approved by the board or the licensee's medical director and for an EMT-P, successfully complete a course in advanced cardiac life support that is approved by the board or the licensee's medical director; and

(2) successfully complete 48 hours of continuing education in emergency medical training programs, appropriate to the level of the applicant's EMT-I or EMT-P certification, that are consistent with the United States Department of Transportation National Standard Curriculum or its equivalent as approved by the board or as approved by the licensee's medical director. An applicant may take the United States Department of Transportation Emergency Medical Technician refresher course or its equivalent without the written or practical test as approved by the board, and as appropriate to the applicant's level of certification, as part of the 48 hours of continuing education. Each hour of the refresher course, the cardiopulmonary resuscitation course, and the advanced cardiac life support course counts toward the 48-hour continuing education requirement. At least one of the 48 hours must include instruction in the administration of epinephrine to treat an allergic reaction.

(c) Certification shall be renewed every two years.

(d) If the applicant does not meet the renewal requirements under this subdivision, the applicant's certification expires."

Page 4, after line 34, insert:

"Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 4 are effective July 1, 2003."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Sams questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Senator Kinkel moved to amend the Anderson amendment to H.F. No. 3359 as follows:

Page 5, line 29, delete "July" and insert "September"

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

The question recurred on the Anderson amendment, as amended.

The roll was called, and there were yeas 37 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Hottinger	Kleis	Metzen
Bachmann	Fischbach	Johnson, Debbie	Krentz	Moua
Belanger	Foley	Johnson, Doug	Limmer	Neuville
Berglin	Frederickson	Kelley, S.P.	Lourey	Pogemiller
Chaudhary	Higgins	Kinkel	Marty	Price



Ranum	Sabo	Solon, Y.P.	Terwilliger	Wiener
Rest	Scheevel	Stumpf	Tomassoni	Wiger
Robling	Scheid			

Those who voted in the negative were:

Berg	Johnson, Dean	Lesewski	Reiter	Stevens
Betzold	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kiscaden	Oliver	Robertson	
Dille	Knutson	Olson	Sams	
Fowler	Langseth	Ourada	Samuelson	
Johnson, Dave	Larson	Pariseau	Schwab	

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

H.F. No. 3359 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, Dean moved that H.F. No. 2214 be taken from the table. The motion prevailed.

**H.F. No. 2214:** A bill for an act relating to a baseball park; providing for financing of a major league baseball park; providing a site selection process; authorizing state revenue bonds; establishing a baseball park gift fund; authorizing a state loan to the site city; requiring local government body approval; establishing a sports facilities fund; imposing certain obligations on the major league baseball team; requiring a use agreement and a guaranty from major league baseball; providing a property tax exemption for the baseball park; exempting sales of construction materials for the park from the sales tax; requiring payment of the prevailing wage rate to ballpark construction workers; requiring the state executive council to select a city for the site; requiring the legislative commission on planning and fiscal policy to make a recommendation to the council; providing an opportunity for community ownership if the baseball team is sold; requiring a donation from private sources as a precondition to issuing bonds or loaning state money; authorizing certain temporary city taxes and an admission tax if approved by referendum; authorizing parking surcharges; authorizing issuance of an additional liquor license; authorizing a condominium; requiring evaluation of an olympic bid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

### CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2214. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kinkel	Moua	Solon, Y.P.
Belanger	Higgins	Kiscaden	Murphy	Stumpf
Betzold	Hottinger	Langseth	Oliver	Terwilliger
Cohen	Johnson, Dave	Lesewski	Pogemiller	Tomassoni
Dille	Johnson, Dean	Lessard	Price	Vickerman
Foley	Johnson, Doug	Metzen	Sabo	Wiener
Fowler	Kelley, S.P.	Moe, R.D.	Scheid	Wiger

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Limmer	Pariseau	Robling
Berg	Kierlin	Lourey	Ranum	Sams
Berglin	Kleis	Marty	Reiter	Samuelson
Chaudhary	Knutson	Neuville	Rest	Scheevel
Day	Krentz	Olson	Ring	Schwab
Fischbach	Larson	Ourada	Robertson	Stevens

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

### RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 3298: Senators Johnson, Dean; Murphy; Robling; Higgins and Belanger.

H.F. No. 3364: Senators Johnson, Dean; Johnson, Dave; Sabo; Terwilliger and Ourada.

S.F. No. 2674: Senators Krentz, Price and Frederickson.

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1811.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

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. 2150:** A bill for an act relating to professions; modifying electrician licensing; requiring rulemaking; amending Minnesota Statutes 2000, sections 326.01, subdivisions 5, 6g, by adding subdivisions; 326.241, subdivision 1; 326.242, subdivisions 1, 2, 3, 5, 6, 6a, 6b, 6c, 7, 8, 10, 12, by adding a subdivision; 326.2421, subdivisions 2, 9; 326.244, subdivisions 1a, 2, 5, 6; 326.245; Minnesota Statutes 2001 Supplement, section 326.243; repealing Minnesota Statutes 2000, sections 326.01, subdivision 6d; 326.2421, subdivisions 3, 4, 6, 8; Minnesota Rules, part 3800.3500, subpart 12.

Senate File No. 2150 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

### CONCURRENCE AND REPASSAGE

Senator Stevens moved that the Senate concur in the amendments by the House to S.F. No. 2150 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2150 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3174, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 3174:** A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

Senate File No. 3174 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

## MOTIONS AND RESOLUTIONS - CONTINUED

### SPECIAL ORDER

**H.F. No. 3163:** A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain legislation; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2000, sections 13.04, subdivision 2; 13.461, subdivision 7; 13.4963, subdivision 2; 13.4967, subdivision 3; 13.741, subdivision 1; 13.7411, subdivision 5; 13D.05, subdivision 2; 15A.086; 16D.11, subdivision 6; 17A.04, subdivision 1; 31.51, subdivision 3; 32.073; 41A.09, subdivision 8; 41B.045, subdivision 2; 41B.046, subdivision 5; 41B.047, subdivision 4; 48.24, subdivision 5; 115A.06, subdivision 5a; 115A.59; 115A.9157, subdivision 6; 115B.20, subdivisions 1, 2, 5; 115B.25, subdivision 2; 115B.26; 115B.28, as amended; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.31, subdivisions 1, 2, 4; 115B.32; 115B.33; 115B.34; 115B.35, subdivisions 2, 3, 4, 8, 9; 115B.36; 115B.37; 115C.08, subdivisions 4, 5; 116J.615; 116J.616; 119A.11, subdivision 3; 119A.20, subdivision 1; 119A.37, subdivision 3; 119A.46, subdivision 6; 122A.20, subdivision 1; 126C.10, subdivision 26; 144E.43, subdivision 1; 148.71, subdivision 3; 219.98; 221.185, subdivision 5a; 222.631, subdivision 1; 260B.171, subdivision 5; 270.708, subdivision 1; 270B.15; 297B.035, subdivision 3; 297I.05, subdivision 12; 297I.30, subdivisions 1, 5; 299F.11, subdivision 2; 349.163, subdivision 6; 349A.10, subdivision 5; 352D.02, subdivision 1; 383C.19; 401.05, subdivision 3; 437.08; 437.09; 437.10; 458D.02, subdivisions 2, 3; 458D.23; 469.110, subdivision 2; 469.116, subdivision 7; 469.118, subdivisions 1, 2, 4; 469.119, subdivision 1; 469.122; 469.154, subdivision 5; 471.415, subdivision 2; 501B.61, as amended; 514.94; 524.2-301; 524.2-604; 524.2-609; 583.24, subdivision 4; 609.26, subdivision 5; 609.341, subdivision 17; Minnesota Statutes 2001 Supplement, sections 16A.151, by adding a subdivision; 17B.15, subdivision 1; 60K.31, subdivision 1; 60K.32; 60K.34, subdivision 1; 60K.39, subdivisions 5, 6; 60K.48; 60K.51, subdivision 6; 60K.52, subdivision 1; 61B.23, subdivision 15; 119A.22; 126C.10, subdivision 4; 136G.03, subdivision 20; 144.057, subdivision 4; 169.073; 214.01, subdivision 3; 216B.098, subdivision 2; 216B.2424, subdivision 5; 216B.2425, subdivision 3; 268.052, subdivision 1; 270.07, subdivision 3a; 275.28, subdivision 1; 275.70, subdivision 5; 290A.03, subdivision 13; 297A.668, subdivision 3; 336.9-334; 356.62; 376.08, subdivision 2; 501B.60, subdivision 3; 514.661, subdivision 5; 626.556, subdivision 11; Laws 1995, chapter 220, sections 141, 142, as amended; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 2000, chapter 399, article 1, section 139; Laws 2001, chapter 171, section 12; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2000, sections 115B.27; 115B.35, subdivisions 1, 5, 6; 116.19; 221.0315; 437.11; 462A.072; 557.11; Minnesota Statutes 2001 Supplement, sections 16A.1286, subdivisions 4, 5; Laws 1997, chapter 85, article 4, section 28; Laws 1999, chapter 159, section 79; Laws 1999, chapter 231, section 180; Laws 2001, chapter 161, section 4; Laws 2001, chapter 162, section 4; Laws 2001, First Special Session chapter 2, section 103; Laws 2001, First Special Session chapter 8, article 7, section 1; Minnesota Rules, parts 5300.0360; 7021.0001, subparts 2, 4; 7190.0002; 7190.0003; 7190.0004; 7190.0008, subparts 1, 2; 7190.0015, subparts 1, 2; 7190.0100, subpart 2; 7190.1000, subpart 1.

Senator Betzold moved to amend H.F. No. 3163, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2792.)

Page 21, after line 7, insert:

"Sec. 41. Minnesota Statutes 2001 Supplement, section 136G.03, subdivision 20, is amended to read:

Subd. 20. [MAXIMUM ACCOUNT BALANCE LIMIT.] "Maximum account balance limit" means the amount established by the office under section ~~136.2441~~ 136G.09, subdivision 8, paragraph (d)."

Page 31, after line 23, insert:

"Sec. 54. Minnesota Statutes 2001 Supplement, section 268.052, subdivision 1, is amended to read:

Subdivision 1. [PAYMENTS.] In lieu of taxes payable on a quarterly basis, the state of Minnesota or its political subdivisions shall pay into the fund the amount of unemployment benefits charged to its reimbursable account under section 268.047. Payments in the amount of unemployment benefits charged to the reimbursable account during a calendar quarter shall be made on or before the last day of the month following the month that the notice of unemployment benefits paid is sent pursuant to section 268.047, subdivision 6 5. Past due payments in lieu of taxes shall be subject to the same interest charges and collection procedures that apply to past due taxes."

Page 58, line 1, after the semicolon, insert "and"

Page 58, line 3, strike "; and"

Page 58, strike line 4

Page 58, line 32, strike everything after "(9)"

Page 58, line 33, strike the semicolon

Page 58, line 34, strike "(10)"

Page 58, line 36, strike "(11)" and insert "(10)"

Page 62, after line 8, insert:

"Sec. 98. Minnesota Statutes 2000, section 609.26, subdivision 5, is amended to read:

Subd. 5. [DISMISSAL OF CHARGE.] A felony charge brought under this section shall be dismissed if:

(a) the person voluntarily returns the child within 48 hours after taking, detaining, or failing to return the child in violation of this section; or

(b)(1) the person taking the action and the child have not left the state of Minnesota; and (2) within a period of seven days after taking the action, (i) a motion or proceeding under chapter 518, ~~518A, 518B, or 518C,~~ or 518D is commenced by the person taking the action, or (ii) the attorney representing the person taking the action has consented to service of process by the party whose rights are being deprived, for any motion or action pursuant to chapter 518, ~~518A, 518B, or 518C.~~

Clause (a) does not apply if the person returns the child as a result of being located by law enforcement authorities.

This subdivision does not prohibit the filing of felony charges or an offense report before the expiration of the 48 hours."

Page 66, after line 16, insert:

"Sec. 105. Laws 1997, chapter 202, article 2, section 61, as amended by Laws 1999, chapter 250, article 1, section 106, and Laws 2001, First Special Session chapter 10, article 2, section 85, is amended to read:

Sec. 61. [VOLUNTARY UNPAID LEAVE OF ABSENCE.]

Appointing authorities in state government may allow each employee to take an unpaid leave of

absence for up to 160 hours during the period ending June 30, 2003, and up to 160 hours during the period ending June 30, 2005. Each appointing authority approving such a leave shall allow the employee to continue accruing vacation and sick leave, be eligible for paid holidays and insurance benefits, accrue seniority, and accrue service credit in state retirement plans permitting service credits for authorized leaves of absence as if the employee had actually been employed during the time of the leave. If the leave of absence is for one full pay period or longer, any holiday pay shall be included in the first payroll warrant after return from the leave of absence. The appointing authority shall attempt to grant requests for unpaid leaves of absence consistent with the need to continue efficient operation of the agency. However, each appointing authority shall retain discretion to grant or refuse to grant requests for leaves of absence and to schedule and cancel leaves, subject to applicable provisions of collective bargaining agreements and compensation plans."

Page 82, line 12, delete "7021.0001" and insert "7190.0001"

Amend the memorandum of explanation as follows:

Page 5, after line 8, insert:

"Sec. 41. Explanation. This amendment corrects an erroneous cross-reference."

Page 6, after line 9, insert:

"Sec. 54. Explanation. This amendment corrects an erroneous cross-reference."

Page 10, after line 5, insert:

"Sec. 98. Explanation. This amendment replaces a reference to a repealed chapter with the chapter that replaces it."

Page 10, after line 23, insert:

"Sec. 105. Explanation. This amendment corrects an oversight that occurred in the extension of the state employee salary savings plan. The plan was created in 1997 to last two years and to provide for unpaid leaves of absences of up to 160 hours every two years. The plan was extended for two years in 1999 and for four years in 2001. The intent of the 2001 amendment was not to change the program but to extend it; however, the amendment failed to increase the number of hours to correspond to the two additional years. This amendment corrects the oversight."

Renumber the sections in sequence and correct the internal references

Renumber the sections of the memorandum of explanation in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Betzold then moved to amend H.F. No. 3163, as amended pursuant to Rule 45, adopted by the Senate April 2, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2792.)

Page 20, after line 33, insert:

"Sec. 40. Minnesota Statutes 2000, section 119A.37, subdivision 3, is amended to read:

Subd. 3. [FUNDING.] The commissioner may award grants to create or maintain parenting time centers.

In awarding grants to maintain a parenting time center, the commissioner may award a grant to a center that can demonstrate a ~~35~~ 25 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a parenting time center, the commissioner shall give priority to:

- (1) areas of the state where no other parenting time center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a parenting time center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children."

Page 21, after line 7, insert:

"Sec. 42. Minnesota Statutes 2000, section 123B.61, is amended to read:

123B.61 [PURCHASE OF CERTAIN EQUIPMENT.]

The board of a district may issue general obligation certificates of indebtedness or capital notes subject to the district debt limits to: (a) purchase vehicles, computers, telephone systems, cable equipment, photocopier and office equipment, technological equipment for instruction, and other capital equipment having an expected useful life at least as long as the terms of the certificates or notes; (b) purchase computer hardware and software, without regard to its expected useful life, whether bundled with machinery or equipment or unbundled, together with application development services and training related to the use of the computer; and (c) prepay special assessments. The certificates or notes must be payable in not more than five years and must be issued on the terms and in the manner determined by the board, except that certificates or notes issued to prepay special assessments must be payable in not more than 20 years. The certificates or notes may be issued by resolution and without the requirement for an election. The certificates or notes are general obligation bonds for purposes of section 126C.55. A tax levy must be made for the payment of the principal and interest on the certificates or notes, in accordance with section 475.61, as in the case of bonds. The sum of the tax levies under this section and section 123B.62 for each year must not exceed the lesser of the amount of the district's total operating capital revenue or the sum of the district's levy in the general and community service funds excluding the adjustments under this section for the year preceding the year the initial debt service levies are certified. The district's general education fund levy for each year must be reduced by the sum of (1) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on the certificates or notes issued under this section as required by section 475.61, (2) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on bonds issued under section 123B.62, and (2) (3) any excess amount in the debt redemption fund used to retire bonds, certificates, or notes issued under this section or section 123B.62 after April 1, 1997, other than amounts used to pay capitalized interest. If the district's general fund levy is less than the amount of the reduction, the balance shall be deducted first from the district's community service fund levy, and next from the district's general fund or community service fund levies for the following year. A district using an excess amount in the debt redemption fund to retire the certificates or notes shall report the amount used for this purpose to the commissioner by July 15 of the following fiscal year. A district having an outstanding capital loan under section 126C.69 or an outstanding debt service loan under section 126C.68 must not use an excess amount in the debt redemption fund to retire the certificates or notes.

Sec. 43. Minnesota Statutes 2000, section 123B.62, is amended to read:

123B.62 [BONDS FOR CERTAIN CAPITAL FACILITIES.]

(a) In addition to other bonding authority, with approval of the commissioner, a district may issue general obligation bonds for certain capital projects under this section. The bonds must be used only to make capital improvements including:

(1) under section 126C.10, subdivision 14, total operating capital revenue uses specified in clauses (4), (6), (7), (8), (9), and (10);

(2) the cost of energy modifications;

(3) improving handicap accessibility to school buildings; and

(4) bringing school buildings into compliance with life and safety codes and fire codes.

(b) Before a district issues bonds under this subdivision, it must publish notice of the intended projects, the amount of the bond issue, and the total amount of district indebtedness.

(c) A bond issue tentatively authorized by the board under this subdivision becomes finally authorized unless a petition signed by more than 15 percent of the registered voters of the district is filed with the school board within 30 days of the board's adoption of a resolution stating the board's intention to issue bonds. The percentage is to be determined with reference to the number of registered voters in the district on the last day before the petition is filed with the board. The petition must call for a referendum on the question of whether to issue the bonds for the projects under this section. The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this section.

(d) The bonds must be paid off within ten years of issuance. The bonds must be issued in compliance with chapter 475, except as otherwise provided in this section. A tax levy must be made for the payment of principal and interest on the bonds in accordance with section 475.61. The sum of the tax levies under this section and section 123B.61 for each year must not exceed the amount of the district's total operating capital revenue for the year the initial debt service levies are certified limit specified in section 123B.61. The district's general education levy for each year must be reduced by the sum of (1) the amount of the tax levies for debt service certified for each year for payment of the principal and interest on the bonds, and (2) any excess amount in the debt redemption fund used to retire bonds issued after April 1, 1997, other than amounts used to pay capitalized interest as provided in section 123B.61. A district using an excess amount in the debt redemption fund to retire the bonds shall report the amount used for this purpose to the commissioner by July 15 of the following fiscal year. A district having an outstanding capital loan under section 126C.69 or an outstanding debt service loan under section 126C.68 must not use an excess amount in the debt redemption fund to retire the bonds.

(e) Notwithstanding paragraph (d), bonds issued by a district within the first five years following voter approval of a combination according to section 123A.37, subdivision 2, must be paid off within 20 years of issuance. All the other provisions and limitation of paragraph (d) apply.

Sec. 44. Minnesota Statutes 2001 Supplement, section 126C.10, subdivision 4, is amended to read:

Subd. 4. [BASIC SKILLS REVENUE.] (a) For fiscal year 2002, a school district's basic skills revenue equals the sum of:

(1) compensatory revenue under subdivision 3; plus

(2) limited English proficiency revenue according to section 124D.65, subdivision 5; plus

(3) \$190 times the limited English proficiency pupil units according to section 126C.05, subdivision 17; plus

(4) \$22.50 times the number of adjusted marginal cost pupil units in kindergarten to grade 8.

(b) For fiscal year 2003 and later, a school district's basic skills revenue equals the sum of:

(1) compensatory revenue under subdivision 3; plus

(2) limited English proficiency revenue under section 124D.65, subdivision 5; plus

(3) \$190 times the limited English proficiency pupil units under section 126C.05, subdivision 17.



Sec. 45. Minnesota Statutes 2000, section 126C.10, subdivision 26, is amended to read:

Subd. 26. [DISTRICT EQUITY GAP.] A district's equity gap equals the greater of zero or the difference between the district's adjusted general revenue and the value of the school district at or immediately above the regional 90<sup>th</sup> 95<sup>th</sup> percentile of adjusted general revenue per adjusted marginal cost pupil unit.

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2002."

Amend the memorandum of explanation as follows:

Page 5, after line 5, insert:

"Sec. 40. Explanation. This amendment corrects the parenting time center match requirement to correspond with other sections of law."

Page 5, after line 8, insert:

"Sec. 42. Explanation. This amendment corrects an oversight relating to eliminating the general education levy regarding reduction of other levies.

Sec. 43. Explanation. This amendment corrects an oversight relating to eliminating the general education levy regarding reduction of other levies.

Sec. 44. Explanation. This amendment corrects an oversight regarding calculation of basic skills revenue. The calculation applies to fiscal year 2003 and later.

Sec. 45. Explanation. This amendment corrects a reference to the district equity gap."

Renumber the sections in sequence and correct the internal references

Renumber the sections of the memorandum of explanation in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3163 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

So the bill, as amended, was 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 bill was read the first time and referred to the committee indicated.

**Senators Larson, Vickerman, Stumpf, Bachmann and Stevens introduced--**

**S.F. No. 3456:** A bill for an act relating to retirement; providing an additional benefit for teachers previously covered by the money purchase program; proposing coding for new law in Minnesota Statutes, chapter 354.

Referred to the Committee on State and Local Government Operations.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Johnson, Doug moved that S.F. No. 2604, No. 10 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Kiscaden moved that S.F. No. 2622, No. 46 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Robertson moved that S.F. No. 2753, No. 8 on General Orders, be stricken and re-referred to the Committee on Education. The motion prevailed.

Senator Sabo moved that S.F. No. 3118, No. 7 on General Orders, be stricken and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

Senator Hottinger, for Senator Samuelson, moved that S.F. No. 3193, No. 32 on General Orders, be stricken and returned to its author. The motion prevailed.

**RECESS**

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**CALL OF THE SENATE**

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2214:

**H.F. No. 2214:** A bill for an act relating to a baseball park; providing for financing of a major

league baseball park; providing a site selection process; authorizing state revenue bonds; establishing a baseball park gift fund; authorizing a state loan to the site city; requiring local government body approval; establishing a sports facilities fund; imposing certain obligations on the major league baseball team; requiring a use agreement and a guaranty from major league baseball; providing a property tax exemption for the baseball park; exempting sales of construction materials for the park from the sales tax; requiring payment of the prevailing wage rate to ballpark construction workers; requiring the state executive council to select a city for the site; requiring the legislative commission on planning and fiscal policy to make a recommendation to the council; providing an opportunity for community ownership if the baseball team is sold; requiring a donation from private sources as a precondition to issuing bonds or loaning state money; authorizing certain temporary city taxes and an admission tax if approved by referendum; authorizing parking surcharges; authorizing issuance of an additional liquor license; authorizing a condominium; requiring evaluation of an olympic bid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Mares, Goodno, Abrams, McElroy and Milbert have been appointed as such committee on the part of the House.

House File No. 2214 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 2002

Senator Johnson, Dean moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2214, 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.

### **RECESS**

Senator Wiener 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. 2214: Senators Johnson, Dean; Scheid; Terwilliger; Kelley, S.P. and Metzen.

Senator Wiener moved that the foregoing appointments be approved. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Stevens was excused from the Session of today from 9:00 to 9:45 a.m. Senator Lessard was excused from the Session of today from 9:00 to 9:45 a.m. and 12:00 noon to 12:30 p.m. Senator Scheevel was excused from the Session of today from 9:00 to 10:30 a.m. Senator Lourey was excused from the Session of today at 12:40 p.m. Senator Day was excused from the Session of today at 1:10 p.m. Senator Johnson, Doug was excused from the Session of today at 3:10 p.m.

**ADJOURNMENT**

Senator Wiener moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 4, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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