

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

EIGHTH DAY

St. Paul, Minnesota, Tuesday, January 28, 2003

The Senate met at 11:00 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, Monsignor James D. Habiger.

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

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

Anderson	Gaither	Larson	Ortman	Senjem
Bachmann	Hann	LeClair	Ourada	Skoe
Bakk	Higgins	Limmer	Pappas	Skoglund
Belanger	Hottinger	Lourey	Pariseau	Solon
Berglin	Johnson, D.J.	Marko	Pogemiller	Sparks
Betzold	Jungbauer	Marty	Ranum	Stumpf
Chaudhary	Kelley	McGinn	Reiter	Tomassoni
Cohen	Kierlin	Metzen	Rest	Vickerman
Day	Kiscaden	Michel	Robling	Wergin
Dibble	Kleis	Moua	Rosen	Wiger
Dille	Knutson	Murphy	Ruud	
Fischbach	Koering	Neuville	Sams	
Foley	Kubly	Nienow	Saxhaug	
Frederickson	Langseth	Olson	Scheid	

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

Senator Johnson, D.E. was 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. 74.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 27, 2003

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 74: A bill for an act relating to state government; appropriating money and reducing appropriations for educational, health, human services, corrections, economic development, transportation, public safety, environmental, natural resources, agricultural, and state government purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; providing for the payment of certain refunds; amending Minnesota Statutes 2002, sections 16A.17, by adding a subdivision; 16B.47; 16B.48, subdivision 2; 16B.49; 16C.08, subdivisions 2, 3; 16C.09; 16E.07, subdivision 9; 115A.908, subdivision 2; 116P.05, subdivision 2; 119B.011, by adding a subdivision; 119B.09, subdivisions 1, 2; 119B.12, subdivision 2; 124D.135, subdivision 8; 124D.16, subdivision 6; 124D.20, by adding subdivisions; 124D.52, subdivision 1; 124D.531, subdivisions 1, 5; 136F.77, subdivision 3; 252.27, subdivision 2a; 256.9657, subdivision 1; 256.969, subdivision 3a; 256B.056, subdivisions 1a, 4; 256B.057, subdivision 2; 256B.06, subdivisions 4, 5; 256B.0625, subdivision 13, by adding a subdivision; 256B.0635, subdivisions 1, 2; 256B.19, subdivision 1d; 256B.195, subdivision 4; 256B.32, subdivision 1; 256B.431, subdivision 23, by adding a subdivision; 256B.75; 256J.08, subdivision 85; 256J.11, subdivision 1; 256J.48, subdivision 1; 256J.52, subdivision 2; 256J.53, subdivision 1; 256L.07, subdivision 1; 256L.17, subdivision 2; 268.186; 289A.56, subdivision 4; 297A.75, subdivision 4; 297F.10, subdivision 1; 299A.42; 299A.44, subdivision 1; 299A.465, subdivisions 1, 4; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 2001, First Special Session chapter 3, article 1, section 17, subdivision 11, as amended; Laws 2001, First Special Session chapter 8, article 4, section 11, as amended; Laws 2001, First Special Session chapter 9, article 2, section 31; Laws 2002, chapter 220, article 13, section 9, subdivision 2, as amended; repealing Minnesota Statutes 2002, sections 16B.50; 16C.07; 43A.047; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 256.973; 256B.056, subdivisions 1c, 3c; 256B.195, subdivision 5; 256D.053; 256J.11, subdivisions 2, 3; Laws 1999, chapter 205, article 1, section 63.

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 74 and that the rules of the Senate be so far suspended as to give H.F. No. 74 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 74 was read the second time.

Senator Cohen moved to amend H.F. No. 74 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 74, and insert the language after the enacting clause, and the title, of S.F. No. 79, the second engrossment.

Pursuant to Rule 41, Senator Koering moved that he be excused from voting on all questions pertaining to H.F. No. 74. The motion prevailed.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 74. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 34 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Marko	Ranum	Solon
Bakk	Higgins	Marty	Rest	Sparks
Berglin	Hottinger	Metzen	Sams	Stumpf
Betzold	Kelley	Moua	Saxhaug	Tomassoni
Chaudhary	Kubly	Murphy	Scheid	Vickerman
Cohen	Langseth	Pappas	Skoe	Wiger
Dibble	Lourey	Pogemiller	Skoglund	

Those who voted in the negative were:

Bachmann	Hann	Larson	Olson	Ruud
Belanger	Johnson, D.J.	LeClair	Ortman	Senjem
Day	Jungbauer	Limmer	Ourada	Wergin
Dille	Kierlin	McGinn	Pariseau	
Fischbach	Kiscaden	Michel	Reiter	
Frederickson	Kleis	Neuville	Robling	
Gaither	Knutson	Nienow	Rosen	

The motion prevailed. So the amendment was adopted.

H.F. No. 74 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 35 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Lourey	Pogemiller	Skoglund
Bakk	Frederickson	Marko	Ranum	Solon
Berglin	Higgins	Marty	Rest	Sparks
Betzold	Hottinger	Metzen	Sams	Stumpf
Chaudhary	Kelley	Moua	Saxhaug	Tomassoni
Cohen	Kubly	Murphy	Scheid	Vickerman
Dibble	Langseth	Pappas	Skoe	Wiger

Those who voted in the negative were:

Bachmann	Hann	Knutson	Neuville	Reiter
Belanger	Johnson, D.J.	Larson	Nienow	Robling
Day	Jungbauer	LeClair	Olson	Rosen
Dille	Kierlin	Limmer	Ortman	Ruud
Fischbach	Kiscaden	McGinn	Ourada	Senjem
Gaither	Kleis	Michel	Pariseau	Wergin

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

MOTIONS AND RESOLUTIONS

Senator Hottinger moved that Senate Resolution No. 12 be taken from the table. The motion prevailed.

Senate Resolution No. 12: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

Senator Hottinger moved to amend Senate Resolution No. 12 as follows:

Page 2, line 5, delete "0" and insert "18"

The motion prevailed. So the amendment was adopted.

Senator Hottinger then moved the adoption of Senate Resolution No. 12. The motion prevailed. So the resolution was adopted.

Senator Wiger moved that the name of Senator Bachmann be added as a co-author to S.F. No. 154. The motion prevailed.

Senator Hann introduced--

Senate Resolution No. 17: A Senate resolution congratulating Joseph Bradley Schroeder of Eden Prairie, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Wiger introduced--

S.F. No. 155: A bill for an act relating to insurance; regulating coverage for communication aids or devices; amending Minnesota Statutes 2002, sections 62A.042, subdivision 2; 62E.06, subdivision 1; 62L.05, subdivision 4.

Referred to the Committee on Commerce and Utilities.

Senators Kelley, Foley, Limmer, Saxhaug and Ortman introduced--

S.F. No. 156: A bill for an act relating to commerce; clarifying provisions regulating data on Internet consumers; amending Minnesota Statutes 2002, sections 325M.01, subdivision 5; 325M.03; 325M.09.

Referred to the Committee on Commerce and Utilities.

Senator Scheid introduced--

S.F. No. 157: A bill for an act relating to insurance; requiring notice to the homeowner prior to cancellation of homeowner's insurance for nonpayment of premium by a mortgage escrow servicer; amending Minnesota Statutes 2002, section 65A.01, subdivision 3c.

Referred to the Committee on Commerce and Utilities.

Senators Scheid, Marty, Hottinger and Higgins introduced--

S.F. No. 158: A bill for an act relating to elections; providing an instant runoff for presidential, congressional, and statewide elections; permitting a municipal governing body to adopt the instant runoff for municipal offices; proposing coding for new law in Minnesota Statutes, chapter 204B.

Referred to the Committee on Rules and Administration.

Senators Rosen, Olson, Wergin and Hann introduced--

S.F. No. 159: A bill for an act relating to education; removing certain restrictions on distribution of staff development revenue; amending Minnesota Statutes 2002, sections 122A.60, subdivisions 1, 3; 122A.61, subdivision 1.

Referred to the Committee on Education.

Senators Chaudhary, Saxhaug, Berglin, Sparks and Kubly introduced--

S.F. No. 160: A bill for an act relating to employment; providing for elder care leave; amending Minnesota Statutes 2002, sections 181.9412; 181.9413.

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

Senator Bakk introduced--

S.F. No. 161: A bill for an act relating to taxation; providing that the Cook county hospital district levy may be adjusted for inflation; amending Laws 1989, chapter 211, section 8, subdivision 4, as amended.

Referred to the Committee on Taxes.

Senators Wergin, Neuville, Gaither, Knutson and Larson introduced--

S.F. No. 162: A bill for an act relating to education; repealing and replacing the profile of learning; requiring legislative review of proposed statewide rigorous core academic standards in language arts, mathematics, science, and history and geography; repealing portions of Minnesota Rules, chapter 3501; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

Senator Wiger introduced--

S.F. No. 163: A bill for an act relating to Washington county; requiring disclosure of the Baytown special well construction area and its construction code before real property sales and development within that area.

Referred to the Committee on State and Local Government Operations.

RECESS

Senator Hottinger 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 Orders of Business of Executive and Official Communications and Messages From the House.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

January 28, 2003

Mr. President:

I hereby appoint the following members to the Rules and Administration Subcommittee on Committees: Senators Hottinger, Berglin, Metzen, Rest and Day.

Sincerely,
John C. Hottinger, Chair
Committee on Rules
and Administration

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. 74:

H.F. No. 74: A bill for an act relating to state government; appropriating money and reducing appropriations for educational, health, human services, corrections, economic development, transportation, public safety, environmental, natural resources, agricultural, and state government purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; providing for the payment of certain refunds; amending Minnesota Statutes 2002, sections 16A.17, by adding a subdivision; 16B.47; 16B.48, subdivision 2; 16B.49; 16C.08, subdivisions 2, 3; 16C.09; 16E.07, subdivision 9; 115A.908, subdivision 2; 116P.05, subdivision 2; 119B.011, by adding a subdivision; 119B.09, subdivisions 1, 2; 119B.12, subdivision 2; 124D.135, subdivision 8; 124D.16, subdivision 6; 124D.20, by adding subdivisions; 124D.52, subdivision 1; 124D.531, subdivisions 1, 5; 136F.77, subdivision 3; 252.27, subdivision 2a; 256.9657, subdivision 1; 256.969, subdivision 3a; 256B.056, subdivisions 1a, 4; 256B.057, subdivision 2; 256B.06, subdivisions 4, 5; 256B.0625, subdivision 13, by adding a subdivision; 256B.0635, subdivisions 1, 2; 256B.19, subdivision 1d; 256B.195, subdivision 4; 256B.32, subdivision 1; 256B.431, subdivision 23, by adding a subdivision; 256B.75; 256J.08, subdivision 85; 256J.11, subdivision 1; 256J.48, subdivision 1; 256J.52, subdivision 2; 256J.53, subdivision 1; 256L.07, subdivision 1; 256L.17, subdivision 2; 268.186; 289A.56, subdivision 4; 297A.75, subdivision 4; 297F.10, subdivision 1; 299A.42; 299A.44, subdivision 1; 299A.465, subdivisions 1, 4; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 2001, First Special Session chapter 3, article 1, section 17, subdivision 11, as amended; Laws 2001, First Special Session chapter 8, article 4, section 11, as amended; Laws 2001, First Special Session chapter 9, article 2, section 31; Laws 2002, chapter 220, article 13, section 9, subdivision 2, as amended; repealing Minnesota Statutes 2002, sections 16B.50; 16C.07; 43A.047; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 256.973; 256B.056, subdivisions 1c, 3c; 256B.195, subdivision 5; 256D.053; 256J.11, subdivisions 2, 3; Laws 1999, chapter 205, article 1, section 63.

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

Knoblach, Bradley, Kuisle, Ozment and Lenczewski have been appointed as such committee on the part of the House.

House File No. 74 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 January 28, 2003

Senator Rest, for Senator Cohen, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 74, 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 Rest 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 Hottinger from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 74: Senators Cohen, Sams, Berglin, Ranum and Frederickson.

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

ADJOURNMENT

Senator Rest moved that the Senate do now adjourn until 9:00 a.m., Thursday, January 30, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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