

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

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ELEVENTH DAY

St. Paul, Minnesota, Monday, February 3, 2003

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Fred Rodman.

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committee indicated.

January 6, 2003

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

DEPARTMENT OF FINANCE  
COMMISSIONER

Dan McElroy, 12805 Welcome Ln., Burnsville, in the county of Dakota, effective January 6, 2003, for a term that expires on January 1, 2007.

(Referred to the Committee on Finance.)

Sincerely,  
Tim Pawlenty, Governor

January 28, 2003

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

As Minority Leader of the Senate, I have made the following appointment:

Pursuant to Minnesota Statutes 2002

175.007: Advisory Council on Workers' Compensation - Senator Michel, serving as Caucus liaison to the Council and serving at the pleasure of the appointing authority, to replace Senator Lesewski who retired.

Respectfully,  
Dick Day  
Republican Leader

#### 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. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 30, 2003

#### FIRST READING OF HOUSE BILLS

Pursuant to Rule 45, the following bill was read the first time and placed on the Comparison Calendar.

**H.F. No. 1:** A bill for an act relating to public safety; regulating information on drivers' licenses, permits, and identification cards, and applications for them; adopting certain federal laws and regulations; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.14; 171.22, subdivision 2; 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 171.

#### REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 61:** A bill for an act relating to state government; specifying certain contents for a statement of need and reasonableness for proposed administrative rules; amending Minnesota Statutes 2002, section 14.131.

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

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

**S.F. No. 30:** A bill for an act relating to administrative rules; imposing notice requirements for use of the good cause exemption; amending Minnesota Statutes 2002, section 14.388.

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

Page 3, after line 2, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

**Senator Marty from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 94:** A bill for an act relating to state lands; correcting a land description; amending Laws 1993, chapter 64, section 1, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. Nos. 61, 30 and 94 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Vickerman moved that the name of Senator Sams be added as a co-author to S.F. No. 33. The motion prevailed.

Senator Skoglund moved that the name of Senator Marty be added as a co-author to S.F. No. 128. The motion prevailed.

Senator Rosen moved that the name of Senator Kiscaden be added as a co-author to S.F. No. 159. The motion prevailed.

Senator Wiger moved that the name of Senator Bachmann be added as a co-author to S.F. No. 163. The motion prevailed.

Senator Cohen moved that the name of Senator Berglin be added as a co-author to S.F. No. 165. The motion prevailed.

Senator Ruud moved that the name of Senator Belanger be added as a co-author to S.F. No. 168. The motion prevailed.

Senator Kelley moved that the name of Senator Berglin be added as a co-author to S.F. No. 175. The motion prevailed.

**Senator Johnson, D.J. introduced--**

**Senate Resolution No. 20:** A Senate resolution congratulating Clara Stoltz for receiving the Girl Scout Gold Award.

Referred to the Committee on Rules and Administration.

**Senator Johnson, D.J. introduced--**

**Senate Resolution No. 21:** A Senate resolution congratulating Howard Stoltz for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Moua introduced--**

**Senate Resolution No. 22:** A Senate resolution congratulating Devon Lundy of St. Paul, 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.

**Senators Sams, Stumpf and Jungbauer introduced--**

**S.F. No. 223:** A bill for an act relating to state government; regulating the state airports fund; providing for the restoration of any money that may be transferred.

Referred to the Committee on Finance.

**Senators Kiscaden, Lourey, Frederickson, Solon and Sams introduced--**

**S.F. No. 224:** A bill for an act relating to human services; modifying the purchasing alliance stop-loss fund; amending Minnesota Statutes 2002, sections 256.956, subdivisions 1, 2, 3, 9.

Referred to the Committee on Health and Family Security.

**Senators Marko, Foley, Skoglund and McGinn introduced--**

**S.F. No. 225:** A bill for an act relating to peace officers; authorizing the state fair police department to employ more part-time peace officers; amending Minnesota Statutes 2002, section 626.8468, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Skoglund and Foley introduced--**

**S.F. No. 226:** A bill for an act relating to firearms; increasing the lawful age from 18 to 21 for possessing a pistol or a semiautomatic military-style assault weapon; amending Minnesota Statutes 2002, section 624.713, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Skoglund and Foley introduced--**

**S.F. No. 227:** A bill for an act relating to public safety; regulating fireworks; amending Minnesota Statutes 2002, section 624.20, subdivision 1.

Referred to the Committee on Commerce and Utilities.

**Senators Tomassoni, Murphy, Fischbach, Pariseau and Kubly introduced--**

**S.F. No. 228:** A bill for an act relating to lawful gambling; permitting local regulation and investigation fees by townships; amending Minnesota Statutes 2002, sections 349.16, subdivision 8; 349.213, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senators Fischbach and Sams introduced--**

**S.F. No. 229:** A bill for an act relating to health; expanding authority of physician assistants; directing the commissioner of health to amend certain rules; amending Minnesota Statutes 2002, sections 147A.09, subdivision 2; 169.345, subdivision 2a; 253B.02, subdivision 7.

Referred to the Committee on Health and Family Security.

**Senator Skoglund introduced--**

**S.F. No. 230:** A bill for an act relating to landlords and tenants; modifying the time period for serving a summons and scheduling a hearing for a housing violation; amending Minnesota Statutes 2002, section 504B.401.

Referred to the Committee on Judiciary.

**Senator Pappas introduced--**

**S.F. No. 231:** A bill for an act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

Referred to the Committee on State and Local Government Operations.

**Senators Kelley, Moua, Belanger and Rest introduced--**

**S.F. No. 232:** A resolution memorializing Congress to require Internet sellers to collect state and local taxes.

Referred to the Committee on Taxes.

**Senators Higgins, Lourey, Kiscaden and Fischbach introduced--**

**S.F. No. 233:** A bill for an act relating to health; modifying provisions relating to temporary licensure of nurses; use of titles; amending Minnesota Statutes 2002, sections 148.212; 148.281, subdivision 1.

Referred to the Committee on Health and Family Security.

**Senator Rest introduced--**

**S.F. No. 234:** A bill for an act relating to education; establishing a state board of education; amending Minnesota Statutes 2002, section 120A.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 127A.

Referred to the Committee on Education.

**Senators Solon, Foley and Fischbach introduced--**

**S.F. No. 235:** A bill for an act relating to insurance; eliminating mental health and substance abuse treatment carve-outs; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce and Utilities.

**Senator LeClair introduced--**

**S.F. No. 236:** A bill for an act relating to liquor; authorizing the city of Woodbury to issue additional on-sale licenses.

Referred to the Committee on Commerce and Utilities.

**Senators Day, Larson, Gaither, Jungbauer and Knutson introduced--**

**S.F. No. 237:** A bill for an act relating to public employment; instituting a freeze on salaries and wage rates for state and public employees.

Referred to the Committee on State and Local Government Operations.

**Senators Betzold and Reiter introduced--**

**S.F. No. 238:** A bill for an act relating to liquor; authorizing the city of Blaine to issue additional on-sale licenses.

Referred to the Committee on Commerce and Utilities.

**Senators Kleis, Foley and McGinn introduced--**

**S.F. No. 239:** A bill for an act relating to crime prevention; making the collection of biological specimens from offenders for the purpose of future DNA analysis permanent; amending Minnesota Statutes 2002, section 609.119.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Marty, Anderson, Kierlin and Foley introduced--**

**S.F. No. 240:** A bill for an act relating to telephone solicitations; closing loopholes in the do-not-call list; modifying a definition; amending Minnesota Statutes 2002, section 325E.311, subdivision 6.

Referred to the Committee on Commerce and Utilities.

**Senators Kleis, Koering, Nienow and Wergin introduced--**

**S.F. No. 241:** A bill for an act relating to crime prevention; eliminating the prohibition on double bunking inmates at custody level five and six state correctional institutions; amending Minnesota Statutes 2002, section 243.53, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Kleis, Koering, Nienow and Wergin introduced--**

**S.F. No. 242:** A bill for an act relating to crime prevention; requiring the commissioner of corrections to develop and report on a plan to increase state correctional capacity.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Kierlin introduced--**

**S.F. No. 243:** A bill for an act relating to appropriations; appropriating money for the Rushford Institute for Nanotechnology.

Referred to the Committee on Finance.

**Senators Pappas, Belanger, Higgins, Limmer and Dibble introduced--**

**S.F. No. 244:** A bill for an act relating to financial institutions; enacting restrictions on home loans; proposing coding for new law in Minnesota Statutes, chapter 58.

Referred to the Committee on Commerce and Utilities.

**Senators Johnson, D.J.; Olson; Jungbauer; Wergin and Knutson introduced--**

**S.F. No. 245:** A bill for an act relating to education; providing for school finance simplification, clarification, and equity; amending Minnesota Statutes 2002, sections 126C.05, subdivisions 1, 15, 16; 126C.10, subdivisions 1, 2; 126C.13, subdivision 5; repealing Minnesota Statutes 2002, sections 122A.60; 122A.61; 124D.081; 124D.65; 124D.86; 126C.01, subdivision 9; 126C.05, subdivisions 3, 17; 126C.10, subdivisions 3, 4, 5, 6, 7, 8, 13, 14, 16, 17, 18; 126C.12; 126C.125; 126C.15.

Referred to the Committee on Finance.

**Senator Pogemiller introduced--**

**S.F. No. 246:** A bill for an act relating to state government; reorganizing natural resources and environmental agencies; abolishing the department of natural resources, the board of water and soil resources, the office of environmental assistance, the pollution control agency, the environmental quality board, the petroleum tank release compensation board, and the agricultural chemical response board; establishing a task force to recommend a governmental structure for environmental and natural resource functions and services; requiring establishment of an employee participation committee before agency restructuring; providing for appointments.

Referred to the Committee on State and Local Government Operations.

**Senators Pappas, Moua, Cohen and Anderson introduced--**

**S.F. No. 247:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for capital improvements to Raspberry Island and the Upper Landing in St. Paul.

Referred to the Committee on Finance.

**MEMBERS EXCUSED**

Senators Dibble; Dille; Fischbach; Frederickson; Johnson, D.E.; Jungbauer; Knutson; Koering; Kubly; Limmer; Neville; Ourada and Scheid were excused from the Session of today.

**ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 11:30 a.m., Tuesday, February 4, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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