

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

THIRTEENTH DAY

St. Paul, Minnesota, Thursday, February 6, 2003

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Paul S. Volstad.

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

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

Daniel Salomone, 2734 Gerald Ave., North St. Paul, in the county of Ramsey, effective January 6, 2003, for a term that expires on January 1, 2007.

(Referred to the Committee on Taxes.)

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 TRANSPORTATION
COMMISSIONER

Lieutenant Governor Carol Molnau, 495 Pioneer Tr., Chaska, in the county of Carver, effective January 6, 2003, for a term that expires on January 1, 2007.

(Referred to the Committee on Finance.)

January 7, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Terri Ashmore, 54 Hilltop Ln., St. Paul, in the county of Ramsey, effective January 14, 2003, for a term that expires on January 1, 2007.

Bob Milbert, 308 Deerwood Ct., South St. Paul, in the county of Dakota, effective January 14, 2003, for a term that expires on January 1, 2007.

(Referred to the Committee on Rules and Administration.)

January 14, 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 EMPLOYEE RELATIONS
COMMISSIONER

Cal Ludeman, 3073 - 160th St., Tracy, in the county of Lyon, effective January 14, 2003, for a term that expires on January 1, 2007.

(Referred to the Committee on State and Local Government Operations.)

January 14, 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 TRADE AND ECONOMIC DEVELOPMENT
COMMISSIONER

Matt Kramer, 4308 Brigadoon Dr., Shoreview, in the county of Ramsey, effective January 21, 2003, for a term that expires on January 1, 2007.

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

Sincerely,
Tim Pawlenty, Governor

REPORTS OF COMMITTEES

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

Senator Anderson from the Committee on Commerce and Utilities, to which was referred

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.

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

Page 2, lines 23 and 24, delete the new language and insert:

"(8) as required by United States Code, title 42, section 13032."

Page 2, line 28, after "disclosure" insert ". This section does not require an Internet service provider to establish or maintain a system for retrieval of user communications that are retained and stored temporarily and are used only for system backup or other technical purposes"

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

MOTIONS AND RESOLUTIONS

Senator Ortman moved that the names of Senators McGinn and Kleis be added as co-authors to S.F. No. 170. The motion prevailed.

Senator Skoglund moved that the name of Senator Berglin be added as a co-author to S.F. No. 227. The motion prevailed.

Senator Marty moved that the name of Senator Berglin be added as a co-author to S.F. No. 240. The motion prevailed.

Senators Bachmann and Kleis introduced--

Senate Resolution No. 26: A Senate resolution relating to a reduction in per diem payments.

Referred to the Committee on Rules and Administration.

Remaining on the Order of Business of Motions and Resolutions, Senator Hottinger moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

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.

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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Frederickson	Kubly	Pappas	Skoglund
Belanger	Gaither	Langseth	Pariseau	Solon
Berglin	Hann	Larson	Ranum	Sparks
Betzold	Higgins	Lourey	Reiter	Stumpf
Cohen	Hottinger	Marko	Rosen	Tomassoni
Day	Johnson, D.E.	Marty	Ruud	Vickerman
Dibble	Jungbauer	Metzen	Sams	Wergin
Dille	Kierlin	Michel	Saxhaug	Wiger
Fischbach	Kiscaden	Nienow	Senjem	
Foley	Kleis	Ortman	Skoe	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Foley introduced--

S.F. No. 261: A bill for an act relating to sales tax; exempting construction materials for a pedestrian bridge; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Foley, Betzold, Chaudhary and Johnson, D.J. introduced--

S.F. No. 262: A bill for an act relating to motor vehicles; allowing sales to other dealers by limited used vehicle dealers; exempting donations of vehicles to individuals by a licensed limited used vehicle dealer from motor vehicle sales tax; amending Minnesota Statutes 2002, sections 168.27, subdivision 4a; 297B.01, subdivision 7.

Referred to the Committee on Finance.

Senators Higgins and Dibble introduced--

S.F. No. 263: A bill for an act relating to liquor; authorizing issuance of an on-sale intoxicating liquor license to the Historic Pantages Theatre; amending Minnesota Statutes 2002, section 340A.404, subdivision 2.

Referred to the Committee on Commerce and Utilities.

Senators Higgins, Pappas, Anderson and Sams introduced--

S.F. No. 264: A bill for an act relating to criminal justice; criminal records expungement; expanding the kinds of convictions for which a petition expungement may be brought; amending Minnesota Statutes 2002, section 609A.02, subdivision 2.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Pogemiller introduced--

S.F. No. 265: A bill for an act proposing an amendment to the Minnesota Constitution, article V, sections 1, 2, 3, 4, 5; article VIII, section 2; article XI, section 8; consolidating the offices of lieutenant governor, auditor, and secretary of state.

Referred to the Committee on State and Local Government Operations.

Senator Betzold introduced--

S.F. No. 266: A bill for an act relating to family law; changing certain procedures for removal of a child's residence from Minnesota; amending Minnesota Statutes 2002, sections 518.1705, subdivision 7; 518.175, subdivision 3; 518.18.

Referred to the Committee on Judiciary.

Senators Lourey, Fischbach and Kiscaden introduced--

S.F. No. 267: A bill for an act relating to health; modifying provisions relating to emergency medical services; amending Minnesota Statutes 2002, sections 144E.01, subdivision 1; 144E.27, subdivisions 1, 2, 4; 144E.286, by adding a subdivision; 144E.305, subdivision 2; 144E.41; 144E.50, subdivisions 5, 6; repealing Minnesota Statutes 2002, sections 144E.01, subdivision 3; 144E.286, subdivisions 1, 2; Minnesota Rules, parts 4690.1500, subpart 3; 4690.7900, subpart 6.

Referred to the Committee on Health and Family Security.

Senators Higgins, Cohen, Berglin, Hottinger and Langseth introduced--

S.F. No. 268: A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; appropriating money to the city of Minneapolis for empowerment zone subprojects; authorizing state bonds.

Referred to the Committee on Finance.

Senators Anderson, Pappas, Moua, Chaudhary and Rest introduced--

S.F. No. 269: A bill for an act relating to insurance; requiring coverage for prescription contraceptives; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce and Utilities.

Senators Pappas, Ranum, Higgins, Kiscaden and Chaudhary introduced--

S.F. No. 270: A bill for an act relating to health; requiring hospital emergency rooms to provide emergency contraception and information to sexual assault victims; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

Senators Higgins, Hottinger, Cohen, Berglin and Langseth introduced--

S.F. No. 271: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Minnesota planetarium.

Referred to the Committee on Finance.

Senators Berglin and Kiscaden introduced--

S.F. No. 272: A bill for an act relating to human services; expanding adult foster care license capacity; amending Minnesota Statutes 2002, section 245A.11, subdivision 2a.

Referred to the Committee on Health and Family Security.

Senator Skoglund introduced--

S.F. No. 273: A bill for an act relating to crime prevention; allowing city attorneys to prosecute the crime of contributing to delinquency of a minor; increasing the penalty for certain thefts and for contributing to the delinquency of a minor under certain circumstances; directing an aggravating factor to the sentencing guidelines commission; amending Minnesota Statutes 2002, sections 260B.425, subdivisions 1, 2; 609.035, by adding a subdivision; 609.494, subdivision 2, by adding a subdivision; 609.52, subdivision 3.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Skoglund and Foley introduced--

S.F. No. 274: A bill for an act relating to crime; authorizing a judge to set conditions of release that protects public safety; amending Minnesota Statutes 2002, section 629.715, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Skoglund and Foley introduced--

S.F. No. 275: A bill for an act relating to crime prevention; providing for the regulation of gang loitering; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Foley, Kleis, McGinn and Skoglund introduced--

S.F. No. 276: A bill for an act relating to criminal justice; providing that the bureau of criminal apprehension and local law enforcement agencies collect crime data utilizing the uniform offense codes; amending Minnesota Statutes 2002, sections 299C.05; 299C.06.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Tomassoni and Bakk introduced--

S.F. No. 277: A bill for an act relating to state lands; requiring a land exchange in St. Louis county.

Referred to the Committee on Environment and Natural Resources.

Senators Tomassoni, Murphy, Saxhaug and Johnson, D.E. introduced--

S.F. No. 278: A bill for an act relating to retirement; authorizing Vietnam veterans to purchase service credit in the public employees retirement association for certain periods for a defined amount; amending Minnesota Statutes 2002, section 353.01, subdivision 16a.

Referred to the Committee on State and Local Government Operations.

Senators Tomassoni and Bakk introduced--

S.F. No. 279: A bill for an act relating to local government; authorizing reimbursement by the city of Biwabik to the town of White according to their orderly annexation agreement.

Referred to the Committee on State and Local Government Operations.

Senators Tomassoni, Saxhaug, Bakk, Metzen and Hottinger introduced--

S.F. No. 280: A bill for an act relating to government; regulating state and local construction and infrastructure projects; regulating the use of certain iron and steel materials; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government Operations.

Senator Wiger introduced--

S.F. No. 281: A bill for an act relating to human services licensing; modifying requirements for location of adult foster care programs; amending Minnesota Statutes 2002, section 245A.11, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senator Wiger introduced--

S.F. No. 282: A bill for an act relating to human services licensing; modifying requirements for location of residential programs; amending Minnesota Statutes 2002, section 245A.11, subdivision 4.

Referred to the Committee on Health and Family Security.

Senators Sams, Vickerman and Kiscaden introduced--

S.F. No. 283: A bill for an act relating to emergency medical services; permitting four-year contracts for emergency medical services; modifying license plate provisions for volunteer ambulance attendants; permitting certain ambulance services to make claims against tax refunds; regulating use of police communication equipment; amending Minnesota Statutes 2002, sections 144E.50, subdivision 5; 168.12, subdivision 2e; 270A.03, subdivision 2; 299C.37, subdivision 1.

Referred to the Committee on Health and Family Security.

Senators Higgins and Pappas introduced--

S.F. No. 284: A bill for an act relating to government data practices; prohibiting the collection of certain data; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Senators Berglin, Langseth, Larson, Frederickson and Cohen introduced--

S.F. No. 285: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for construction of the Children's Theatre Company renovation and expansion; authorizing Hennepin county to undertake a program to provide certain facilities.

Referred to the Committee on Finance.

Senators Foley, Higgins, Solon, Berglin and Lourey introduced--

S.F. No. 286: A bill for an act relating to insurance; requiring coverage of acupuncture services by certain group policies and subscriber contracts; requiring claim determinations regarding

acupuncture services to be made or reviewed by acupuncture practitioners; requiring reporting on referrals to acupuncture practitioners and reimbursement rates; amending Minnesota Statutes 2002, section 62A.15, subdivision 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

Referred to the Committee on Commerce and Utilities.

Senators Murphy, Dille, Wiger, Sparks and Fischbach introduced--

S.F. No. 287: A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2002, sections 121A.11, by adding subdivisions; 124D.10, subdivision 8.

Referred to the Committee on Education.

Senators Ourada; Johnson, D.J.; Michel; Robling and Ortman introduced--

S.F. No. 288: A bill for an act relating to highways; authorizing issuance of \$1,000,000,000 in state trunk highway bonds for trunk highway improvements; appropriating money.

Referred to the Committee on Finance.

Senators Betzold, Limmer, Scheid and Ortman introduced--

S.F. No. 289: A bill for an act relating to real property; statutory home warranties; amending the exclusions for liability of the vendor and home improvement contractor; providing for a statutory cure of defects; specifying limitation of actions based on breach; amending Minnesota Statutes 2002, sections 327A.01, by adding a subdivision; 327A.03; 327A.05, by adding a subdivision; 515B.4-115; 541.051, subdivision 4.

Referred to the Committee on Commerce and Utilities.

Senator Murphy introduced--

S.F. No. 290: A bill for an act relating to capital improvements; appropriating money to construct the National Eagle Center in the city of Wabasha; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senators Marko, Murphy, Skoe, Sams and Vickerman introduced--

S.F. No. 291: A bill for an act relating to commerce; eliminating an archaic prohibition on misrepresenting the size of certain items; repealing Minnesota Statutes 2002, section 325F.38.

Referred to the Committee on Commerce and Utilities.

Senators Ourada, Scheid, Dille and McGinn introduced--

S.F. No. 292: A bill for an act relating to energy; authorizing the continued operation of the Prairie Island and Monticello nuclear generating plants; requiring a nuclear waste escrow account; amending Minnesota Statutes 2002, sections 116C.77; 116C.771; 116C.774; 116C.779; proposing coding for new law in Minnesota Statutes, chapter 116C.

Referred to the Committee on Commerce and Utilities.

Senators Hottinger, Kierlin, Frederickson, Rest and Scheid introduced--

S.F. No. 293: A bill for an act relating to state government; ratifying certain state employee labor agreements and compensation plans with certain exceptions; specifying terms and conditions of employment in certain circumstances.

Referred to the Committee on State and Local Government Operations.

Senators Pariseau, Rosen, Frederickson, Nienow and Saxhaug introduced--

S.F. No. 294: A bill for an act relating to game and fish; modifying shooting hours for migratory game birds; amending Minnesota Statutes 2002, section 97B.075.

Referred to the Committee on Environment and Natural Resources.

Senators Murphy, Anderson, Day, Vickerman and Belanger introduced--

S.F. No. 295: A bill for an act relating to public safety; requiring installation of automatic sprinkler systems in certain existing high-rise buildings; allowing subtraction from taxable income; amending Minnesota Statutes 2002, sections 290.01, subdivisions 19b, 19d; 299F.362, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 299F.

Referred to the Committee on State and Local Government Operations.

Senators Michel, Olson, Hann, Tomassoni and Stumpf introduced--

S.F. No. 296: A bill for an act relating to education; renaming the department of children, families, and learning to department of education; making conforming changes to reflect the department name change; amending Minnesota Statutes 2002, sections 15.01; 119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119B.011, subdivisions 8, 10; 120A.02; 120A.05, subdivisions 4, 7; 127A.05, subdivisions 1, 3; repealing Minnesota Statutes 2002, section 119A.01, subdivision 1.

Referred to the Committee on Education.

Senators Dille, Sams, Skoe, Murphy and Koering introduced--

S.F. No. 297: A bill for an act relating to agriculture; clarifying the definition of pastures for the purpose of animal feedlot regulation; amending Minnesota Statutes 2002, section 116.07, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

Senator Wiger introduced--

S.F. No. 298: A bill for an act relating to taxation; sales and use; exempting the purchase of certain property used in constructing a municipal building in the city of North St. Paul; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Sams introduced--

S.F. No. 299: A bill for an act relating to ambulance service liability insurance; requiring a study.

Referred to the Committee on Commerce and Utilities.

RECESS

Senator Hottinger moved that the Senate do now recess until 11:30 a.m. The motion prevailed. The hour of 11:30 a.m. having arrived, 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.

RECESS

Senator Betzold moved that the Senate do now recess until immediately after the conclusion of the Joint Convention. The motion prevailed.

The Senate reconvened at the appropriate time.

MEMBERS EXCUSED

Senators Anderson, Kelley, Knutson and Neuville were excused from the Session of today. Senators Bachmann; Chaudhary; Johnson, D.J.; Koering; LeClair; Limmer; McGinn; Moua; Murphy; Olson; Ourada; Pogemiller; Rest; Robling and Scheid were excused from the Session of today from 9:00 to 9:20 a.m.

ADJOURNMENT

Senator Rest moved that the Senate do now adjourn until 10:00 a.m., Friday, February 7, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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