

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

TWENTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, March 26, 2003

The Senate met at 12:00 noon 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 Senator Dean E. Johnson.

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

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

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.

March 20, 2003

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2003 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2003	Date Filed 2003
	273	2	9:30 a.m. March 20	March 20

Sincerely,
Mary Kiffmeyer
Secretary of State

March 24, 2003

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

On behalf of the people of Minnesota, I am honored to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 61.

Sincerely,
Tim Pawlenty, Governor

March 24, 2003

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2003 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2003	Date Filed 2003
61		3	11:00 a.m. March 24	March 24

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution herewith returned:

Senate Concurrent Resolution No. 4: A Senate concurrent resolution adopting deadlines for the 2003 regular session.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 24, 2003

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 195, 456 and 741.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 24, 2003

FIRST READING OF HOUSE BILLS

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

H.F. No. 195: A bill for an act relating to elections; establishing the voting integrity and voter access account; providing for funding and use of that account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 5.

Pursuant to Rule 45, placed on the Comparison Calendar.

H.F. No. 456: A bill for an act relating to historic districts; designating Victory Memorial Drive as a historic district; amending Minnesota Statutes 2002, section 138.73, by adding a subdivision.

Pursuant to Rule 45, placed on the Comparison Calendar.

H.F. No. 741: A bill for an act relating to commerce; regulating advertising by motor vehicle dealers; amending Minnesota Statutes 2002, section 168.27, subdivision 26.

Pursuant to Rule 45, placed on the Comparison Calendar.

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

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

S.F. No. 822: A bill for an act relating to agriculture; increasing the ethanol production goal; increasing the oxygen content requirement for gasoline; amending Minnesota Statutes 2002, sections 41A.09, subdivision 1a; 239.791, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 41A.09, subdivision 1a, is amended to read:

Subd. 1a. [ETHANOL PRODUCTION GOAL.] It is a goal of the state that ethanol production plants in the state attain a total annual production level of:

- (1) 240,000,000 gallons in 2003;
- (2) 300,000,000 gallons in 2004;
- (3) 360,000,000 gallons in 2005 and 2006;
- (4) 420,000,000 gallons in 2007; and

(5) 480,000,000 gallons in 2008 and subsequent years.

Sec. 2. Minnesota Statutes 2002, section 239.791, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM OXYGEN CONTENT REQUIRED.] (a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall comply with the following requirements:

~~(a) After October 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least 2.7 percent oxygen by weight.~~

~~(b) (1) after October 1, 1997, all gasoline sold or offered for sale in Minnesota must contain at least 2.7 percent oxygen by weight; and~~

(2) after January 1, 2004, all gasoline sold or offered for sale in Minnesota must contain at least 3.4 percent oxygen by weight.

~~(e) (b) For the purposes of this subdivision, the oxygenates listed in section 239.761, subdivision 6, paragraph (b), shall not be included in calculating the oxygen content of the gasoline."~~

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

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

S.F. No. 548: A bill for an act relating to natural resources; providing for control of chronic wasting disease and prevention or control of wildlife disease; appropriating money; amending Minnesota Statutes 2002, sections 17.451; 17.452, subdivisions 8, 10, 11, 12, 13, by adding subdivisions; 35.155; 84.027, subdivision 13; 97A.045, by adding a subdivision; 97A.075, subdivision 1; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.441, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; repealing Minnesota Statutes 2002, sections 97A.105, subdivisions 3a, 3b.

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

Page 8, line 2, reinstate the stricken "emergency deer feeding and"

Page 8, line 4, reinstate the stricken "emergency deer feeding and"

Page 8, lines 6 and 7, reinstate the stricken "emergency deer feeding and"

Page 8, line 13, after the stricken "disease" insert "emergency deer feeding and"

Page 8, line 16, reinstate the stricken "emergency deer feeding" and after the reinstated "feeding" insert "and"

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

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

S.F. No. 674: A bill for an act relating to commerce; regulating payment for certain warranty work by farm implement dealers; changing the definition of heavy and utility equipment; amending Minnesota Statutes 2002, section 325E.068, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Delete everything after the enacting clause and insert:

"Section 1. [325E.0631] [WARRANTIES.]

Subdivision 1. [APPLICATION.] The requirements of this section apply to all warranty claims submitted by a farm equipment dealer to a farm equipment manufacturer.

Subd. 2. [PROMPT PAYMENT.] Claims filed for payment under warranty agreements must be approved or disapproved within 30 days of receipt by the farm equipment manufacturer. Unless the farm equipment dealer agrees to a later date, approved claims for payment must be paid within 30 days of their approval. When a claim is disapproved, the farm equipment manufacturer shall notify the farm equipment dealer within the 30-day period stating the specific grounds on which the disapproval is based. Any claim not specifically disapproved within 30 days of receipt or a later date approved by the farm equipment dealer is deemed approved and must be paid within 30 days.

Subd. 3. [POST-TERMINATION CLAIMS.] If, after termination of a contract, a farm equipment dealer submits a warranty claim for warranty work performed before the effective date of the termination, the farm equipment manufacturer shall approve or disapprove the claim within 30 days of receipt.

Subd. 4. [COMPENSATION FOR WARRANTY WORK.] Warranty work performed by the farm equipment dealer must be compensated in accordance with the reasonable and customary amount of time required to complete the work, expressed in hours and fractions of hours multiplied by the dealer's established customer hourly retail labor rate, which the farm equipment dealer shall communicate to the farm equipment manufacturer before performing the warranty work.

Subd. 5. [EXPENSES.] Expenses expressly excluded under the farm equipment manufacturer's warranty to the customer must not be included in claims and are not required to be paid on requests for compensation from the farm equipment dealer for warranty work performed.

Subd. 6. [COMPENSATION FOR PARTS.] All parts used by the farm equipment dealer in performing warranty work must be paid to the farm equipment dealer in the amount equal to the farm equipment dealer's net price for the parts, plus a minimum of 15 percent to reimburse the farm equipment dealer for reasonable costs of doing business in performing warranty service on the farm equipment manufacturer's behalf, including but not limited to freight and handling costs.

Subd. 7. [ADJUSTMENT FOR ERRORS.] The farm equipment manufacturer may adjust for errors discovered during audit, and if necessary, to adjust claims paid in error.

Subd. 8. [ALTERNATE TERMS AND CONDITIONS.] A farm equipment dealer may choose to accept alternate reimbursement terms and conditions in lieu of the requirements of subdivisions 2 to 7, provided there is a written dealership agreement between the farm equipment manufacturer and the farm equipment dealer providing for compensation to the farm equipment dealer for warranty labor costs either as: (1) a discount in the pricing of the equipment to the farm equipment dealer; or (2) a lump sum payment to the farm equipment dealer. The discount or lump sum must be no less than five percent of the suggested retail price of the equipment. If the requirements of this subdivision are met and alternate terms and conditions are in place, subdivisions 2 to 7 do not apply and the alternate terms and conditions are enforceable.

Sec. 2. Minnesota Statutes 2002, section 325E.068, subdivision 2, is amended to read:

Subd. 2. [HEAVY AND UTILITY EQUIPMENT.] "Heavy and utility equipment," "heavy equipment," or "equipment" means equipment and parts for equipment including but not limited to:

(1) excavators, crawler tractors, wheel loaders, compactors, pavers, backhoes, hydraulic hammers, cranes, fork lifts, compressors, generators, attachments and repair parts for them, and other equipment, including attachments and repair parts, used in all types of construction of buildings, highways, airports, dams, or other earthen structures or in moving, stock piling, or distribution of materials used in such construction; or

(2) trucks and truck parts; or

(3) equipment used for, or adapted for use in, mining or forestry applications."

Delete the title and insert:

"A bill for an act relating to commerce; regulating payment for certain warranty work by farm equipment dealers; changing the definition of heavy and utility equipment; amending Minnesota Statutes 2002, section 325E.068, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E."

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

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

S.F. No. 692: A bill for an act relating to the city of Minneapolis; authorizing the creation of a community planning and economic development department of the city.

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

Page 3, line 3, after the period, insert "This election is irrevocable. An employee who was a member of the Minneapolis employees retirement fund on the date of the employee's transfer to the city of Minneapolis may continue as a member of that fund retaining all vested rights, constructive time, and employee and employer contributions made on the employee's behalf to that fund."

Page 3, line 5, after the period, insert "An employee electing to become a member of the public employees retirement association may enroll in the association with vested rights based upon the employee's current tenure as an employee of the Minneapolis community development agency, but that tenure does not constitute allowable service for purposes of determining benefits."

Page 3, after line 10, insert:

"Subd. 4. An employee electing under subdivision 2 to become a member of the public employees retirement association may purchase allowable service credit from the association by paying to the association an amount calculated under Minnesota Statutes, section 356.55. The service credit that is purchasable is a period or periods of employment by the Minneapolis community development agency that would have been eligible service for coverage by the general employees retirement plan of the public employees retirement association if the service had been rendered after the effective date of this act. A person electing to purchase service credit under this subdivision must provide any documentation of prior service required by the executive director of the public employees retirement association. Notwithstanding any provision of Minnesota Statutes, section 356.55, to the contrary, the prior service credit purchase payment may be made in whole or in part on an institution-to-institution basis from a plan qualified under the federal Internal Revenue Code, sections 401(a), 401(k), or 414(h), or from an annuity qualified under the federal Internal Revenue Code, section 403, or from a deferred compensation plan under the federal Internal Revenue Code, section 457, to the extent permitted by federal law. In no event may a prior service credit purchase transfer be paid directly to the person purchasing the service."

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

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

S.F. No. 179: A bill for an act relating to health occupations; requiring the commissioner of health to license denturists; permitting the practice of denturism in this state; establishing licensure and examination requirements; establishing a denture technology advisory council; creating fees; authorizing rulemaking; providing a penalty; amending Minnesota Statutes 2002, sections 116J.70, subdivision 2a; 144.335, subdivision 1; 150A.05, subdivision 2; 319B.40; proposing coding for new law as Minnesota Statutes, chapter 150B.

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

Page 2, line 17, delete "and who are cared for at" and insert ", including"

Page 2, line 18, after the second semicolon, insert "housing with services;"

Page 4, line 20, delete "licensed in Minnesota" and insert "servicing on the board of dentistry"

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

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

S.F. No. 397: A bill for an act relating to human services; expanding the alternative quality assurance licensing system; eliminating a sunset; appropriating money; amending Minnesota Statutes 2002, sections 256B.095; 256B.0951, subdivisions 1, 2, 3, 5, 7, 9; 256B.0952, subdivision 1; 256B.0953, subdivision 2; 256B.0955.

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

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

S.F. No. 805: A bill for an act relating to local government; providing for special assessments for reinspections; amending Minnesota Statutes 2002, section 429.101, subdivision 1.

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 re-referred

S.F. No. 381: A bill for an act relating to fire protection industry licensing; requiring certification for installers of multipurpose potable water piping systems; requiring licensing for multipurpose potable water piping system contractors; amending Minnesota Statutes 2002, sections 299M.01, by adding subdivisions; 299M.03, by adding subdivisions; 299M.04; 299M.11, subdivisions 1, 2.

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

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred

S.F. No. 355: A bill for an act relating to judiciary; providing a gross misdemeanor penalty for fifth degree arson when the conduct results in bodily harm to a person; updating the fine amount for a misdemeanor penalty; amending Minnesota Statutes 2002, section 609.5632.

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

Page 1, line 21, delete everything after the period

Page 1, delete line 22

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

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred

S.F. No. 960: A bill for an act relating to crime prevention; allowing aggregation of certain prostitution offense prosecutions; amending Minnesota Statutes 2002, section 609.322, by adding a subdivision.

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

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred

S.F. No. 926: A bill for an act relating to public safety; providing for property manager background checks on the Minnesota computerized criminal history system; amending Minnesota Statutes 2002, section 299C.68, subdivision 5.

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

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred

S.F. No. 735: A bill for an act relating to indoor fireworks displays; requiring a permit from the state fire marshal for indoor fireworks displays; requiring public notice to patrons of performances containing indoor fireworks displays; amending Minnesota Statutes 2002, section 624.22, subdivision 1.

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

Page 2, line 24, after "marshal" insert "by the operator of the facility in which the display is to occur"

Page 3, line 10, delete "owner" and insert "operator"

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

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was re-referred

S.F. No. 943: A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; making technical changes; amending Minnesota Statutes 2002, sections 169.686, subdivision 1; 171.055, subdivision 2.

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

Page 1, lines 21 and 22, strike "\$25" and insert "\$50"

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 2002, section 171.05, subdivision 2b, is amended to read:

Subd. 2b. [INSTRUCTION PERMIT USE BY PERSON UNDER AGE 18.] (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of

~~18 15 has a seat belt or child passenger restraint system properly fastened according to sections 169.685 and 169.686. A person who violates this paragraph is subject to a fine of \$25 \$50. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. A passenger who is at least 15 years of age is subject to the requirements and penalty of section 169.686. The commissioner shall not record a violation of this paragraph on a person's driving record.~~

(d) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated."

Page 2, line 12, strike "\$25" and insert "\$50"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 4, after the first semicolon, insert "increasing the fine for seat belt violations;"

Page 1, line 6, after the semicolon, insert "171.05, subdivision 2b;"

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

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

S.F. No. 958: A bill for an act relating to veterans; classifying military certificates of discharge as private data on individuals; providing procedures for their release; amending Minnesota Statutes 2002, sections 13.785, subdivision 2; 196.08; 386.20, subdivision 1.

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

Page 2, lines 32 and 33, delete "July 1, 2003" and insert "January 1, 2004"

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

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

S.F. No. 971: A bill for an act relating to the military; extending certain tuition reimbursement; deleting a reporting requirement; amending Minnesota Statutes 2002, section 192.501, subdivision 2.

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

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

S.F. No. 990: A bill for an act relating to agriculture; changing certain procedures and requirements for organic food; providing for compliance with federal law; amending Minnesota Statutes 2002, sections 31.92, subdivision 3, by adding subdivisions; 31.94; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95.

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

Page 2, line 7, delete "The department adopts"

Page 2, line 8, before "as" insert "is adopted"

Page 4, line 22, delete "require" and insert "facilitate the"

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

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

S.F. No. 982: A bill for an act relating to veterans homes; clarifying use of certain funds; amending Minnesota Statutes 2002, section 198.261.

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

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

S.F. No. 717: A bill for an act relating to agriculture; modifying certain restrictions on the ownership of farm land; imposing a penalty; amending Minnesota Statutes 2002, section 500.221, subdivisions 1, 1a, 5.

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

Page 1, line 22, after "holder" insert "with nationality from Canada or a country on the European continent"

Page 2, line 1, after "States" insert "under clause (1)"

Page 2, line 4, after the period, insert "A person who qualifies as a permanent resident alien of the United States under clause (2) must also maintain that person's principal actual dwelling place in Minnesota for at least ten months out of every 12-month period, and is limited to dairy farming and up to 1,500 acres of agricultural land. The eligibility of a person under clause (2) is limited to three years, unless the commissioner waives the three-year limitation upon finding that the person is actively pursuing the status under clause (1) or United States citizenship."

Page 2, line 8, after "who" insert "qualifies under subdivision 1, clause (1), and"

Page 2, line 11, after the period, insert "An alien who qualifies under subdivision 1, clause (2), and has been physically absent from Minnesota for more than two months out of any 12-month period shall be presumed not to be a permanent resident alien."

Page 2, line 21, strike "six" and insert "two"

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

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

S.F. No. 414: A bill for an act relating to municipal contracts; permitting the awarding of attorney fees in certain cases; amending Minnesota Statutes 2002, section 471.345, subdivision 14.

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

Page 1, line 13, delete the new language

Page 1, line 14, delete the new language and after the period, insert "If the award of the bid is invalidated by the court as a result of fraud, collusion, or intentional violation of the law by the

municipality, the court may award reasonable attorney fees to an unsuccessful bidder. The court may award reasonable attorney fees to the municipality if the court rules that the action brought is in bad faith and frivolous."

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

Senator Kelley from the Committee on Education, to which was referred

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.

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

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

S.F. No. 420: A bill for an act relating to consumer protection; regulating travel clubs; prescribing penalties and remedies; amending Minnesota Statutes 2002, section 325G.51; proposing coding for new law in Minnesota Statutes, chapter 325G; repealing Minnesota Statutes 2002, section 325G.50.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 325G.50, is amended to read:

325G.50 [MEMBERSHIP TRAVEL CONTRACTS; CANCELLATION.]

Subdivision 1. [DEFINITIONS.] For purposes of ~~subdivision 2~~ this section and section 325G.505, the following terms have the meanings given them:

(a) "Membership travel contract" or "contract" means an agreement offered or sold in this state evidencing a buyer's right to make travel arrangements from or through a membership travel operator and includes a membership that provides for this use.

(b) "Membership travel operator" means a person offering or selling membership travel contracts paid for by a fee or periodic payments.

(c) "Travel arrangements" means travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations for members.

Subd. 2. [BUYER'S RIGHT TO CANCEL.] In addition to other rights the buyer may have, the buyer may cancel a membership travel contract until midnight of the ~~third~~ tenth business day after the day on which the contract was signed by the buyer.

To be effective, a notice of cancellation must be given by the buyer in writing to the membership travel operator at the operator's address. This address must be included in the membership travel contract. The notice, if given by mail, is effective upon deposit in a mailbox, properly addressed to the operator and postage prepaid. The notice is sufficient if it shows, by any form of written expression, the buyer's intention not to be bound by the membership travel contract.

Cancellation is without liability on the part of the buyer and the buyer is entitled to a refund, within ten days after notice of cancellation is given, of the entire consideration paid for the contract. Rights of cancellation may not be waived or otherwise surrendered.

Subd. 3. [WRITTEN NOTICE TO MEMBERS.] A copy of the contract must be delivered to the buyer at the time the contract is signed. The contract must be in writing, must be signed by the buyer, must designate the date on which the buyer signed the contract, and must state, clearly and conspicuously, in boldface type of a minimum size of 14 points immediately adjacent to the buyer's signature, the following:

"MEMBERS' RIGHT TO CANCEL

If you wish to cancel this contract, you may cancel by delivering or mailing a written notice to the membership travel operator. The notice must say that you do not wish to be bound by the contract and must be delivered or mailed before midnight of the ~~third~~ tenth business day after you sign this contract. The notice must be delivered or mailed to: (Insert name and mailing address of membership travel operator). If you cancel, the membership travel operator will return, within ten days of the date on which you give notice of cancellation, any payments you have made."

Subd. 3a. [ORAL NOTICE TO MEMBERS.] At the time the contract is signed by the buyer, the membership travel operator shall orally inform the buyer of the buyer's right to cancel the contract within ten business days of the contract signing.

Subd. 4. [CANCELLATION AT ANY TIME.] (a) A contract which does not contain the notice specified in subdivision 3 may be canceled by the buyer at any time by giving notice of cancellation by any means.

(b) If the oral notice required by subdivision 3a has not been given to the buyer at the time the contract was signed, the buyer may cancel the contract at any time by giving notice of cancellation by any means.

Sec. 2. [325G.505] [MEMBERSHIP TRAVEL CONTRACTS IN EXCESS OF \$500.]

Subdivision 1. [SCOPE.] This section applies to a membership travel operator who offers or sells membership travel contracts when the cost of the membership travel contract to the consumer is \$500 or more. This section does not apply to a membership travel club that offers travel benefits solely for motor vehicle use.

Subd. 2. [PUBLIC OFFERING STATEMENT.] A membership travel operator shall prepare and distribute to any prospective purchaser, before a membership travel contract is executed by the prospective purchaser, a public offering statement that clearly and prominently discloses the following:

- (1) the name and principal address of the membership travel operator;
- (2) the length of time that the membership travel operator has been in business and the length of time that the membership travel operator has been selling membership travel contracts substantially similar to the membership travel contracts offered to the prospective purchaser;
- (3) the percentage of purchasers during the previous two years who requested a refund or made a complaint, based on the information kept pursuant to subdivision 4;
- (4) to the extent applicable to either the membership travel operator, or any parent or controlling entity of the membership travel operator, or any executive, partner, director, or owner of a 20 percent or more interest in the membership travel operator or in any parent or controlling entity of the membership travel operator, or any other membership travel operator in this or any other state which has an executive, partner, director, or owner of a 20 percent or more interest in common with the membership travel operator or in any parent or controlling entity of the membership travel operator, the existence and nature of the following types of legal actions:
 - (i) any indictment, conviction, judgment, decree, assurance of discontinuance or similar settlement document, or order of any court or administrative agency for, or pending lawsuit alleging, violation of a federal or state law or regulation in connection with activities relating to the rendition of travel services or involving any criminal law or involving any consumer fraud, false advertising, deceptive trade practices, or similar consumer protection law; or

(ii) any unsatisfied judgments or bankruptcy filing; and

(5) if the membership travel operator uses a third-party travel agent or membership travel operator to make travel arrangements provided for in the contract, the name, physical and Internet address, and telephone number of the third party or parties, and a statement of the services provided by the third party or parties that can be purchased directly from the third party or parties.

Subd. 3. [ORAL DISCLOSURES.] A membership travel operator shall orally disclose to any prospective purchaser, before a membership travel contract is executed by the prospective purchaser, the information in the public offering statement as required in subdivision 2, clauses (1), (2), and (3), and whether the membership travel operator uses a third-party travel agent or membership travel operator to make travel arrangements provided for in the contract.

Subd. 4. [COMPLAINT RECORD KEEPING.] A membership travel operator shall keep written records of all buyers of a membership travel contract who either exercised their right to cancel, requested a partial or full refund of the price paid for the contract, or made a written or oral complaint about their purchase of the the contract or any aspect of the membership travel contract or service.

Subd. 5. [FAILURE TO PROVIDE DISCLOSURES.] The right to cancel provided under section 325G.50 shall continue until ten business days after the disclosures required under this section are fully provided to the purchaser.

Sec. 3. Minnesota Statutes 2002, section 325G.51, is amended to read:

325G.51 [PENALTIES; REMEDIES.]

A person who violates section 325G.50 or 325G.505 is subject to the penalties and remedies provided in section 8.31."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating membership travel contracts; amending Minnesota Statutes 2002, sections 325G.50; 325G.51; proposing coding for new law in Minnesota Statutes, chapter 325G."

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

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

S.F. No. 810: A bill for an act relating to consumer protection; providing consumers a right to privacy, confidentiality, and secrecy of their financial records; requiring consumer authorization for exchange or disclosure of their financial records; providing remedies; proposing coding for new law as Minnesota Statutes, chapter 13E.

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

Page 2, line 22, delete everything before "for" and insert " shall not be effective"

Page 3, line 2, before "nonaffiliated" insert "type of"

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

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

S.F. No. 716: A bill for an act relating to regulated occupations; requiring certain mechanical contractors to give bond to the state; authorizing a filing fee; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Page 1, line 14, delete "injured or"

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

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 360: A bill for an act relating to elections; providing that uncontested judicial offices must appear after all contested judicial offices on the canary ballot; amending Minnesota Statutes 2002, section 204D.14, by adding a subdivision.

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

Page 1, line 11, after "candidate" insert "filed"

Page 1, line 12, delete "contested" and delete "These offices"

Page 1, delete lines 13 and 14

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

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 329: A bill for an act relating to elections; providing procedures and criteria for calling special elections to fill vacancies in certain instances; amending Minnesota Statutes 2002, sections 365.52, subdivision 1, by adding a subdivision; 367.03, subdivision 6.

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

Page 1, line 15, strike the second comma

Pages 1 and 2, delete section 2

Page 3, lines 1 to 4, delete the new language and insert "When, for any reason, the town board or the appointment committee fails to fill a vacancy in the position of an elected town officer by appointment, a special election may be called. To call a special election, the supervisors and town clerk, or any two of them together with at least 12 other town freeholders, must file a statement in the town clerk's office. The statement must tell why the election is called and that the interests of the town require the election. When the town board or the appointment committee fails to fill a vacancy by appointment, a special town election may also be called on petition of 20 percent of the electors of the town. The percentage is of the number of voters at the last general election. A special town election must be conducted in the manner required for the annual town election."

Re-number the sections in sequence

Amend the title as follows:

Page 1, lines 5 and 6, delete ", by adding a subdivision"

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

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 152: A bill for an act relating to elections; establishing the voting integrity and voter access account; providing for funding and use of that account; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 5.

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

Delete everything after the enacting clause and insert:

"Section 1. [5.30] [HELP AMERICA VOTE ACT ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] The Help America Vote Act account is established as an account in the state treasury. Money received from the federal government under the Help America Vote Act, Public Law 107-252, must be deposited in the state treasury and credited to the account. Money appropriated from the general fund to meet the matching requirement of section 253(b)(5) of the Help America Vote Act must be transferred to the account. Money earned from investing the assets of the account must be credited to the account. Money in the account does not cancel but remains available until expended. The account is subject to the requirements of section 254(b) of the Help America Vote Act.

Subd. 2. [APPROPRIATION.] Notwithstanding section 4.07, money in the Help America Vote Act account may be spent only pursuant to direct appropriations enacted from time to time by law. Money in the account must be spent to improve administration of elections in accordance with the Help America Vote Act, the state plan certified by the governor under the act, and for reporting and administrative requirements under the act and plan. Money in the account must be used in a manner that is consistent with the maintenance of effort requirements of section 254(a)(7) of the Help America Vote Act, Public Law 107-252, based on the level of state expenditures for the fiscal year ending June 30, 2000.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective retroactively to the full extent permitted by the Help America Vote Act, Public Law 107-252."

Amend the title as follows:

Page 1, lines 2 and 3, delete "voting integrity and voter access" and insert "Help America Vote Act"

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

Senator Hottinger from the Committee on Rules and Administration, to which was referred

S.F. No. 334: A bill for an act relating to elections; requiring an affidavit of candidacy to include the candidate's residence address; providing for rejection of an affidavit that indicates the candidate does not reside in the district from which election is sought; amending Minnesota Statutes 2002, section 204B.06, subdivision 1.

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

Page 2, line 9, before the period, insert "and a telephone number where the candidate can be contacted"

Page 2, line 24, delete everything after the period

Page 2, delete lines 25 to 30

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

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

S.F. No. 790: A bill for an act relating to human services; recodifying and reorganizing the background study provisions in the Human Services Licensing Act; making conforming changes;

amending Minnesota Statutes 2002, sections 245A.04, subdivisions 1, 3, 3a, 3b, 3c, 3d, 3e, 3f; 245A.041; proposing coding for new law as Minnesota Statutes, chapter 245C.

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

Page 73, after line 32, insert:

"Sec. 10. [EFFECTIVE DATE.]

Article 2 is effective the day following final enactment."

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

Senator Lourey from the Committee on Health and Family Security, to which was re-referred

S.F. No. 782: A bill for an act relating to health; transferring the responsibility for monitoring agricultural chemicals in groundwater from the commissioner of agriculture to the commissioner of health; modifying the definition of pollutant; creating public access to certain pesticide application records; authorizing cities of the first and second class to adopt restrictions on pesticide sales, handling, use, application, and disposal; increasing the pesticide registration fee; appropriating money; amending Minnesota Statutes 2002, sections 18B.02; 18B.05, subdivision 1; 18B.26, subdivision 3; 18B.37, subdivisions 2, 5; 103H.005, subdivision 11; 103H.251.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 18B.02, is amended to read:

18B.02 [PREEMPTION OF LOCAL LAW.]

Except as specifically provided in this chapter, the provisions of this chapter preempt ordinances by local governments that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides. It is not the intent of this section to preempt local responsibilities for zoning, storm water, fire codes, or hazardous waste disposal.

Sec. 2. Minnesota Statutes 2002, section 18B.05, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A pesticide regulatory account is established in the agricultural fund. Fees and penalties collected under this chapter must be deposited in the agricultural fund and credited to the pesticide regulatory account. Money in the account, including interest, is appropriated to the commissioner for the administration and enforcement of this chapter. \$200,000 is annually appropriated from the pesticide regulatory account to the commissioner of health for evaluation of pesticide pollutants under section 103H.251.

Sec. 3. Minnesota Statutes 2002, section 18B.26, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FEE.] (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at ~~one-tenth of one percent for calendar year 1990, at one-fifth of one percent for calendar year 1991, and at two-fifths of one percent for calendar year 1992 and thereafter~~ of annual gross sales within the state and annual gross sales of pesticides used in the state, with a minimum nonrefundable fee of \$250. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the

state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors. A registrant paying more than the minimum fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due by December 31 preceding the year for which the application for registration is made. Of the amount collected after calendar year 1990, at least \$600,000 per fiscal year must be credited to the waste pesticide account under section 18B.065, subdivision 5.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed by March 1 for the previous year's registration. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The information required shall include the brand name, amount, and formulation of each pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

Sec. 4. Minnesota Statutes 2002, section 18B.37, subdivision 2, is amended to read:

Subd. 2. [COMMERCIAL AND NONCOMMERCIAL APPLICATORS.] (a) A commercial or noncommercial applicator, or the applicator's authorized agent, must maintain a record of pesticides used on each site. Noncommercial applicators must keep records of restricted use pesticides. The record must include the:

- (1) date of the pesticide use;
- (2) time the pesticide application was completed;
- (3) brand name of the pesticide, the United States Environmental Protection Agency registration number, and dosage used;
- (4) number of units treated;
- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name and signature of applicator, name of company, license number of applicator, and address of applicator company; and
- (9) any other information required by the commissioner.

(b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.

(c) All information for this record requirement must be contained in a single page document for each pesticide application, except a map may be attached to identify treated areas. For the rights-of-way and wood preservative categories, the required record may not exceed five pages. An invoice containing the required information may constitute the required record. The commissioner shall make sample forms available to meet the requirements of this paragraph.

(d) A commercial applicator must give a copy of the record to the customer.

(e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.

(f) Records must be filed with the commissioner at least twice annually. The information on

records filed with the commissioner under this paragraph is public and accessible through the commissioner, except for the names and addresses of customers.

Sec. 5. Minnesota Statutes 2002, section 18B.37, subdivision 5, is amended to read:

Subd. 5. [INSPECTION OF RECORDS.] The commissioner may enter a commercial, noncommercial, or structural pest control applicator's business and inspect the records required in this section at any reasonable time and may make copies of the records. ~~Unless~~ Except as provided in subdivision 2, paragraph (f), or when required for enforcement of this chapter, the information in the records in this section is private or nonpublic.

Sec. 6. Minnesota Statutes 2002, section 103H.005, subdivision 11, is amended to read:

Subd. 11. [POLLUTANT.] "Pollutant" means:

(1) a chemical or substance for which a health risk limit has been adopted that creates a nuisance or renders waters unclean, noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to:

(i) public health, safety, or welfare;

(ii) domestic, agricultural, commercial, industrial, recreational, or other legitimate uses; or

(iii) livestock, animals, birds, fish, or other aquatic life; or

(2) an alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state.

Sec. 7. Minnesota Statutes 2002, section 103H.251, subdivision 1, is amended to read:

Subdivision 1. [METHODS.] (a) The commissioner of ~~agriculture health~~ agriculture health for pollution resulting from agricultural chemicals and practices and the pollution control agency for other pollutants shall evaluate the detection of pollutants in groundwater of the state. Evaluation of the detection may include collection technique, sampling handling technique, laboratory practices, other quality control practices, climatological conditions, and potential pollutant sources.

(b) If conditions indicate a likelihood of the detection of the pollutant or pollutant breakdown product to be a common detection;

(1) the commissioner of agriculture for pollution resulting from agricultural chemicals and practices or the pollution control agency for other pollutants must begin development of best management practices; and

(2) the commissioner of agriculture for pollution resulting from agricultural chemicals and practices and the pollution control agency for other pollutants must continue to monitor for the pollutant or pollutant breakdown products."

Delete the title and insert:

"A bill for an act relating to health; transferring the responsibility for evaluating detection of agricultural chemicals in groundwater from the commissioner of agriculture to the commissioner of health; modifying the definition of pollutant; creating public access to certain pesticide application records; authorizing local regulation of pesticides relating to storm water purposes; increasing the pesticide registration fee; appropriating money; amending Minnesota Statutes 2002, sections 18B.02; 18B.05, subdivision 1; 18B.26, subdivision 3; 18B.37, subdivisions 2, 5; 103H.005, subdivision 11; 103H.251, subdivision 1."

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

Senator Lourey from the Committee on Health and Family Security, to which was re-referred

S.F. No. 972: A bill for an act relating to child support enforcement; classifying certain data; requiring additional information; clarifying and improving certain procedures and support enforcement provisions; clarifying a funding provision; amending Minnesota Statutes 2002, sections 13.69, subdivision 1; 97A.481; 171.06, subdivision 3; 518.551, subdivisions 5, 12, 13; 518.6111, subdivision 7; 518.68, subdivision 2; 548.091, subdivision 1a; 552.01, subdivisions 2, 3, 5, 7; 552.04, subdivision 15; 552.06, subdivisions 1, 2, 5, 6; 609.375, subdivision 2b; Laws 1997, chapter 245, article 2, section 11.

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

Page 2, delete section 2 and insert:

"Sec. 2. [97A.482] [LICENSE APPLICATIONS; COLLECTION OF SOCIAL SECURITY NUMBERS.]

(a) All individual noncommercial game and fish license applications under chapters 97A, 97B, and 97C, must include the applicant's social security number. If the applicant does not have a social security number, the applicant must certify that the applicant does not have a social security number.

(b) The social security numbers of individuals collected by the commissioner through game and fish license applications are private data under section 13.49, subdivision 1, and must be provided by the commissioner to the department of human services for the purpose of child support enforcement. The collection of social security numbers from game and fish license applications for the purpose of child support enforcement is required by section 446(a)(13) of the Social Security Act, United States Code, title 42, section 666(a)(13)."

Page 14, line 31, delete "it" and insert "the public authority"

Page 19, line 17, delete "it" and insert "the public authority"

Amend the title as follows:

Page 1, line 7, delete "97A.481;"

Page 1, line 13, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 97A"

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

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

S.F. No. 260: A bill for an act relating to employment; requiring the adoption of an occupational safety and health standard regulating ergonomic hazards.

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

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

S.F. No. 645: A bill for an act relating to landlords and tenants; providing for interest rates on security deposits; amending Minnesota Statutes 2002, section 504B.178, subdivision 2.

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

Senator Hottinger from the Committee on Rules and Administration, to which were referred the following appointments as reported in the Journal for February 6, 2003:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Terri Ashmore
Bob Milbert

Reports the same back with the recommendation that the appointments be confirmed.

Senator Hottinger moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 822, 674, 692, 805, 381, 926, 971, 990, 982, 296, 420, 360, 329, 334, 790, 260 and 645 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Saxhaug moved that his name be stricken as a co-author to S.F. No. 95. The motion prevailed.

Senator Betzold moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Neuville be added as chief author to S.F. No. 758. The motion prevailed.

Senator Lourey moved that the name of Senator Marty be added as a co-author to S.F. No. 797. The motion prevailed.

Senator Langseth moved that the names of Senators Johnson, D.E.; Marty and Pariseau be added as co-authors to S.F. No. 981. The motion prevailed.

Senator Langseth moved that the name of Senator Higgins be added as a co-author to S.F. No. 1082. The motion prevailed.

Senator Betzold, for Senator Metzen, moved that S.F. No. 878 be withdrawn from the Committee on Commerce and Utilities and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Chaudhary moved that S.F. No. 915 be withdrawn from the Committee on Crime Prevention and Public Safety and re-referred to the Committee on Finance. The motion prevailed.

Senator Hottinger moved that S.F. No. 998 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Day, for Senator Neuville, moved that S.F. No. 972 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Crime Prevention and Public Safety. The motion prevailed.

Senator Kelley moved that S.F. No. 684 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Ranum, Hottinger, Metzen, Vickerman and Knutson introduced--

S.F. No. 1106: A bill for an act relating to state government; providing for the reorganization of state government; establishing the positions of governor's secretaries; assigning their powers and

duties; assigning agencies to secretaries; providing for an implementation plan; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on State and Local Government Operations.

Senator Ourada introduced--

S.F. No. 1107: A bill for an act relating to metropolitan government; providing for the confirmation of the members of the metropolitan airports commission by the senate; clarifying the terms of office of the members of the metropolitan airports commission; removing the members appointed by the mayors of the cities of Minneapolis and St. Paul; providing for review of certain capital projects by the legislature and specific approval of them in a law; amending Minnesota Statutes 2002, sections 473.601, subdivision 4; 473.604, subdivisions 1, 2, by adding a subdivision; 473.621, subdivision 6.

Referred to the Committee on State and Local Government Operations.

Senators Michel, Olson and Gaither introduced--

S.F. No. 1108: A bill for an act relating to education finance; increasing the referendum revenue cap by the rate of inflation; amending Minnesota Statutes 2002, section 126C.17, subdivision 2.

Referred to the Committee on Finance.

Senator Pogemiller introduced--

S.F. No. 1109: A bill for an act relating to the city of Roseville; authorizing the city to extend the duration of a tax increment financing district.

Referred to the Committee on Taxes.

Senators Kelley, Moua, Skoglund, Wiger and Pogemiller introduced--

S.F. No. 1110: A bill for an act relating to education finance; authorizing special education revenue for a metropolitan magnet school; making metropolitan magnet schools eligible for certain levies; amending Minnesota Statutes 2002, sections 123B.57, subdivision 1; 124D.88, by adding a subdivision; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3.

Referred to the Committee on Finance.

Senators Foley, Lourey and Marty introduced--

S.F. No. 1111: A bill for an act relating to commerce; requiring security measures for convenience stores; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 299G.

Referred to the Committee on Commerce and Utilities.

Senator Kiscaden introduced--

S.F. No. 1112: A bill for an act relating to health; modifying data collection provisions; requiring approval of certain rules; extending certain rulemaking authority; classifying certain data; establishing a reporting system for adverse health care events; appropriating money; amending Minnesota Statutes 2002, sections 13.381, by adding a subdivision; 62J.301, subdivision 4; 62J.311, subdivision 1; 62J.321, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senator Sams introduced--

S.F. No. 1113: A bill for an act relating to traffic regulations; increasing maximum gross weight for certain vehicles and combinations on noninterstate trunk highways; amending Minnesota Statutes 2002, section 169.824, subdivision 2.

Referred to the Committee on Finance.

Senator Dibble introduced--

S.F. No. 1114: A bill for an act relating to natural resources; requiring operator certificates for certain motorized recreational vehicles; modifying the disposition of certain fees; modifying motorized recreational vehicle grants-in-aid; providing for enforcement; requiring reports and studies; providing civil penalties; appropriating money; amending Minnesota Statutes 2002, sections 84.791, subdivision 1; 84.794, subdivision 2, by adding a subdivision; 84.803, subdivision 2, by adding a subdivision; 84.922, subdivision 5; 84.925, subdivision 1; 84.927, subdivision 2, by adding a subdivision; 84.928, subdivision 1; 85.017; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Senators Sams, Scheid, Gaither, Ourada and Sparks introduced--

S.F. No. 1115: A bill for an act relating to telecommunications; modifying provisions for alternative forms of regulation of telephone companies; amending Minnesota Statutes 2002, sections 237.072; 237.774; Laws 1995, chapter 156, section 25; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 2002, section 237.773; Laws 1995, chapter 156, section 22.

Referred to the Committee on Commerce and Utilities.

Senator Anderson introduced--

S.F. No. 1116: A bill for an act relating to commerce; clarifying definition of budget billing plan; amending Minnesota Statutes 2002, section 216B.098, subdivision 2; repealing Minnesota Statutes 2002, section 325E.015.

Referred to the Committee on Commerce and Utilities.

Senator Ourada introduced--

S.F. No. 1117: A bill for an act relating to highways; exempting certain highway projects from wetland replacement requirements; amending Minnesota Statutes 2002, sections 103G.222, subdivisions 1, 3; 103G.2241, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Saxhaug introduced--

S.F. No. 1118: A bill for an act relating to transportation; authorizing commissioner to establish seasonal highway zones to allow operation of overweight vehicles; allowing vehicles weighing up to 100,000 pounds to travel on nine-ton roads in winter; regulating gross weights on vehicles and combinations hauling raw or unfinished farm or forest products under certain circumstances; amending Minnesota Statutes 2002, sections 169.826, subdivisions 1, 3; 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 2002, section 169.826, subdivision 6.

Referred to the Committee on Finance.

Senator Murphy introduced--

S.F. No. 1119: A bill for an act relating to human services; allowing a licensing change in Goodhue county to an existing ICF/MR.

Referred to the Committee on Health and Family Security.

Senator Murphy introduced--

S.F. No. 1120: A bill for an act relating to agriculture; suspending ethanol producer payments to certain producers after majority ownership of a plant is transferred; amending Minnesota Statutes 2002, section 41A.09, subdivision 3a, by adding a subdivision.

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

Senator Foley introduced--

S.F. No. 1121: A bill for an act relating to operation of state government; establishing the Minnesota False Claims Act; assessing penalties; proposing coding for new law as Minnesota Statutes, chapter 12A.

Referred to the Committee on State and Local Government Operations.

Senator Robling introduced--

S.F. No. 1122: A bill for an act relating to highways; requiring that highway 62 be treated as interstate system highway for purposes of municipal approval.

Referred to the Committee on Finance.

Senators Moua, Skoglund, Chaudhary, Foley and Dibble introduced--

S.F. No. 1123: A bill for an act relating to corrections; requiring a biennial performance report from the department of corrections; amending Minnesota Statutes 2002, section 241.016, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Dibble, Lourey and Fischbach introduced--

S.F. No. 1124: A bill for an act relating to health occupations; modifying the temporary practice requirements for alcohol and drug counselors; amending Minnesota Statutes 2002, section 148C.04, subdivision 6.

Referred to the Committee on Health and Family Security.

Senators Ranum, Pappas, Kelley, Stumpf and Skoe introduced--

S.F. No. 1125: A bill for an act relating to education; allowing students to skip grade 9 upon completion of certain graduation requirements; allowing students access to above grade-level courses; requiring reading intervention methods for pupils of limited English proficiency who are enrolled in a school district in the United States for the first time; requiring school districts to use compensatory revenue for reading intervention programs; requiring staff development expenditures to be used for qualified training programs; allowing school districts to use alternative class size ratios in the subjects of reading and math; amending Minnesota Statutes 2002, sections 120B.07; 120B.12, subdivisions 1, 2, 3; 122A.60, subdivisions 1, 3; 122A.61, subdivision 1;

126C.12, by adding a subdivision; 126C.15, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

Senators Michel and Kiscaden introduced--

S.F. No. 1126: A bill for an act relating to public employees; limiting the state contribution for hospital, medical, and dental premiums; reducing local government aid to cities and counties; reducing state aid payments to school districts; amending Minnesota Statutes 2002, section 43A.29; proposing coding for new law in Minnesota Statutes, chapter 477A.

Referred to the Committee on State and Local Government Operations.

Senators Michel, Reiter, Fischbach and Neuville introduced--

S.F. No. 1127: A bill for an act relating to officials; limiting the state contribution for hospital, medical, and dental premiums; amending Minnesota Statutes 2002, section 43A.29.

Referred to the Committee on State and Local Government Operations.

Senators Ranum, Metzen, Neuville, Kelley and Vickerman introduced--

S.F. No. 1128: A bill for an act relating to public safety; increasing the 911 emergency telephone service fee to cover the cost of the third phase of the public safety radio communication system; authorizing the sale of revenue bonds by the metropolitan council; appropriating money; amending Minnesota Statutes 2002, sections 403.11, subdivision 1; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901, subdivision 1; 473.902, subdivisions 1, 3, 5.

Referred to the Committee on State and Local Government Operations.

Senators Moua, Skoglund, Chaudhary, Foley and Dibble introduced--

S.F. No. 1129: A bill for an act relating to public safety; directing commissioner of administration to initiate 911-access cell phones for seniors program.

Referred to the Committee on State and Local Government Operations.

Senators Kubly and Neuville introduced--

S.F. No. 1130: A bill for an act relating to corrections; directing the commissioner of administration to issue a request for proposals relating to prison privatization; establishing certain standards when contracting for prison services; requiring the commissioner of corrections to issue a report.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Ranum, Foley, Kelley, Kiscaden and Metzen introduced--

S.F. No. 1131: A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5, providing for public debt to be incurred for public information technology systems, licenses, and infrastructure.

Referred to the Committee on Finance.

Senators Knutson and Metzen introduced--

S.F. No. 1132: A bill for an act relating to public employees; transferring duties relating to exceptions to the political subdivision compensation limit; authorizing the state auditor to charge a fee; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 2002, section 43A.17, subdivision 9.

Referred to the Committee on State and Local Government Operations.

Senators Limmer, Nienow and Ortman introduced--

S.F. No. 1133: A bill for an act relating to health; prohibiting the use of a patient's social security number to identify the patient; amending Minnesota Statutes 2002, section 62J.54, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Health and Family Security.

Senator Pogemiller introduced--

S.F. No. 1134: A bill for an act relating to alcoholic beverages; authorizing Minneapolis to issue an on-sale wine license and on-sale malt beverage license to the Southern Theatre; amending Minnesota Statutes 2002, section 340A.404, subdivision 2.

Referred to the Committee on Commerce and Utilities.

Senators Lourey and Murphy introduced--

S.F. No. 1135: A bill for an act relating to subdivision regulation; requiring disclosure on conveyances as to compliance with subdivision regulations; proposing coding for new law in Minnesota Statutes, chapters 394; 462.

Referred to the Committee on Judiciary.

Senators Dibble, Moua, Knutson, Berglin and Pariseau introduced--

S.F. No. 1136: A bill for an act relating to transportation; requiring the department of transportation and the metropolitan council to conduct a study of bus rapid transit on I-35W between Minneapolis and Lakeville; requiring creation of a study advisory committee; specifying membership; requiring a report of recommendations.

Referred to the Committee on Finance.

Senators Kleis, Tomassoni, Saxhaug and Robling introduced--

S.F. No. 1137: A bill for an act relating to transportation; requiring establishment of cartway where landowner's access is limited to navigable waterway; amending Minnesota Statutes 2002, section 164.08, subdivision 2.

Referred to the Committee on Finance.

Senators Lourey, Stumpf, Berglin and Pappas introduced--

S.F. No. 1138: A bill for an act relating to Head Start; transferring the Head Start program from the department of children, families, and learning to the department of human services.

Referred to the Committee on Health and Family Security.

Senators Hann, Pariseau, Michel, Reiter and Nienow introduced--

S.F. No. 1139: A bill for an act relating to transportation; prohibiting commissioner of

transportation, metropolitan council, and Hennepin county regional rail authority from taking certain actions relating to rail and bus transit in southwest metropolitan area transit corridor.

Referred to the Committee on Finance.

Senators Pappas, Knutson, McGinn, Skoglund and Moua introduced--

S.F. No. 1140: A bill for an act relating to crime prevention; prohibiting children under the age of 17 from possessing certain video games; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Pogemiller introduced--

S.F. No. 1141: A bill for an act relating to taxation; regulating the transportation of cigarettes for sale; amending Minnesota Statutes 2002, section 297F.08, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Tomassoni, Kierlin, Olson and Pappas introduced--

S.F. No. 1142: A bill for an act relating to higher education; adding students to the regent advisory council; amending Minnesota Statutes 2002, section 137.0245, subdivision 2.

Referred to the Committee on Education.

Senator Johnson, D.E. introduced--

S.F. No. 1143: A bill for an act relating to health; directing the commissioner of health to establish separate certification requirements for small environmental laboratories; modifying fees; providing for rulemaking; amending Minnesota Statutes 2002, sections 144.97, by adding a subdivision; 144.98, subdivisions 2, 3, by adding subdivisions.

Referred to the Committee on Health and Family Security.

Senators Johnson, D.J.; Bachmann and Pariseau introduced--

S.F. No. 1144: A bill for an act relating to health; directing the commissioner of health not to adopt certain rules; repealing certain data collection and research initiative provisions; amending Minnesota Statutes 2002, sections 43A.24, subdivision 2; 62J.04, subdivision 3; 62J.55; 270B.14, subdivision 11; repealing Minnesota Statutes 2002, sections 13.717, subdivisions 5, 6, 7, 8, 9; 62J.301; 62J.311; 62J.321; 62J.322; 62J.38; 62J.381; 62J.40; 62J.41; 62J.42; 62J.451; 62J.452; 144.335, subdivision 3b.

Referred to the Committee on Health and Family Security.

Senator Tomassoni introduced--

S.F. No. 1145: A bill for an act relating to municipalities; extending the terms for which certain certificates of indebtedness may be issued; amending Minnesota Statutes 2002, section 412.301.

Referred to the Committee on Taxes.

Senator Tomassoni introduced--

S.F. No. 1146: A bill for an act relating to economic development; appropriating money for a grant; authorizing the sale of bonds.

Referred to the Committee on Finance.

Senator Pappas introduced--

S.F. No. 1147: A bill for an act relating to liquor; authorizing the city of St. Paul to issue an on-sale intoxicating liquor license for the Minnesota Centennial Showboat.

Referred to the Committee on Commerce and Utilities.

Senator Betzold introduced--

S.F. No. 1148: A bill for an act relating to government data practices; clarifying that schools may report certain alleged juvenile offenses to the juvenile justice system; amending Minnesota Statutes 2002, section 13.32, subdivision 8.

Referred to the Committee on Judiciary.

Senators Skoe and Stumpf introduced--

S.F. No. 1149: A bill for an act relating to capital improvements; appropriating money for the Marsh Creek flood mitigation project in the Wild Rice River watershed district in Mahnomon county; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senator Fischbach introduced--

S.F. No. 1150: A bill for an act relating to education; allowing tenth grade students to participate in the post-secondary enrollment options program; amending Minnesota Statutes 2002, section 124D.09, subdivisions 4, 5, 7, 8, 9.

Referred to the Committee on Education.

Senators Fischbach, Wergin, Day, Senjem and Robling introduced--

S.F. No. 1151: A bill for an act relating to local government; providing for local government pay equity reports to be filed with the commissioner of employee relations every five years; amending Minnesota Statutes 2002, section 471.999.

Referred to the Committee on State and Local Government Operations.

Senators Fischbach, Koering and Johnson, D.E. introduced--

S.F. No. 1152: A bill for an act relating to health; requiring a study of the need for an additional hospital in central Minnesota.

Referred to the Committee on Health and Family Security.

Senator Vickerman introduced--

S.F. No. 1153: A bill for an act relating to lawful gambling; making various clarifying and technical changes; providing and modifying definitions; permitting resale of certain gambling equipment; providing for fees, prices, and prize limits; clarifying requirements for gambling managers and employees, premises, records and reports; clarifying conduct of high school raffles and social dice games; amending Minnesota Statutes 2002, sections 349.12, subdivisions 19, 25, by adding subdivisions; 349.151, subdivision 4b; 349.161, subdivision 5; 349.166, subdivision 1; 349.167, subdivisions 4, 7; 349.168, subdivisions 1, 2, 6; 349.169, subdivisions 1, 3; 349.18, subdivision 1; 349.19, subdivision 3; 609.761, subdivisions 4, 5; repealing Minnesota Statutes 2002, section 349.168, subdivision 9.

Referred to the Committee on State and Local Government Operations.

Senator Tomassoni introduced--

S.F. No. 1154: A bill for an act relating to sanitary sewer districts; establishing the central iron range sanitary sewer district.

Referred to the Committee on Environment and Natural Resources.

Senator Pogemiller introduced--

S.F. No. 1155: A bill for an act relating to retirement; individual retirement account plan; including the plan in the combined service annuity portability provision; amending Minnesota Statutes 2002, section 356.30, subdivision 3.

Referred to the Committee on State and Local Government Operations.

Senator Pogemiller introduced--

S.F. No. 1156: A bill for an act relating to retirement; Minnesota state colleges and universities system; authorizing early separation incentive programs; proposing coding for new law in Minnesota Statutes, chapter 354B.

Referred to the Committee on State and Local Government Operations.

Senator Pogemiller introduced--

S.F. No. 1157: A bill for an act relating to retirement; the Minnesota state colleges and universities system individual retirement account plan; permitting a revision in prior retirement benefit coverage elections; amending Minnesota Statutes 2002, section 354B.21, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senator Betzold introduced--

S.F. No. 1158: A bill for an act relating to public safety; modifying provisions relating to DWI breath-testing instruments; amending Minnesota Statutes 2002, sections 169A.03, subdivision 11; 169A.45, subdivision 4; 169A.51, subdivision 5; 169A.75; 360.0753, subdivision 4; 634.16.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Tomassoni introduced--

S.F. No. 1159: A bill for an act relating to higher education; requiring an evaluation of teaching experience.

Referred to the Committee on Education.

Senators Michel, Hann, Olson, Larson and Kierlin introduced--

S.F. No. 1160: A bill for an act relating to education; establishing learning scholarships for students with disabilities; proposing coding for new law in Minnesota Statutes, chapter 125A.

Referred to the Committee on Education.

Senators LeClair and Wergin introduced--

S.F. No. 1161: A bill for an act relating to public contracting; prohibiting the use of certain agreements; amending Minnesota Statutes 2002, sections 16C.06, subdivision 6; 471.345, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16C.

Referred to the Committee on State and Local Government Operations.

Senator Kelley introduced--

S.F. No. 1162: A bill for an act relating to highways; authorizing state trunk highway bonds for reconstruction and expansion of marked trunk highway 100 in St. Louis Park; appropriating money.

Referred to the Committee on Finance.

Senator Dibble introduced--

S.F. No. 1163: A bill for an act relating to natural resources; restricting the use of off-highway vehicles; modifying education and training requirements for off-highway vehicles; modifying the disposition of certain fees; increasing certain fees; modifying off-highway vehicle grants-in-aid; requiring registry of off-highway vehicle trails; providing for enforcement; requiring studies and reports; appropriating money; amending Minnesota Statutes 2002, sections 84.791; 84.794, subdivision 2, by adding a subdivision; 84.803, subdivision 2, by adding a subdivision; 84.922, subdivision 5; 84.925, subdivision 1; 84.927, subdivision 2, by adding a subdivision; 84.928, subdivisions 1, 2; 85.017; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

MEMBERS EXCUSED

Senators Cohen, Limmer and Ruud were excused from the Session of today.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 27, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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