

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

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FORTY-FIRST DAY

St. Paul, Minnesota, Wednesday, April 23, 2003

The Senate met at 12:30 p.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Lt. Col. Alan Johnson.

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

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

The President declared a quorum present.

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

## RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

## CALL OF THE SENATE

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

April 17, 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 Acts of the 2003 Session of the State Legislature have been received from the Office of the Governor and are 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
1001		13	10:40 a.m. April 17	April 17
790		15	10:35 a.m. April 17	April 17
	647	16	10:36 a.m. April 17	April 17
768		17	10:45 a.m. April 17	April 17
1095		18	10:40 a.m. April 17	April 17

Sincerely,  
Mary Kiffmeyer  
Secretary of State

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 578.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2003

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 129, 784, 1234, 258, 944, 1268, 433, 1251, 1257, 151, 628, 1317, 494, 1026, 1036, 700 and 894.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 2003

**FIRST READING OF HOUSE BILLS**

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

**H.F. No. 129:** A bill for an act relating to elections; requiring an affidavit of candidacy to include a candidate's residence address; providing for rejection of an affidavit that shows the candidate does not reside in the district for which election is sought; providing for elections of

certain council members in cities of the first class elected by ward after reapportionment; amending Minnesota Statutes 2002, sections 204B.06, subdivision 1; 205.84, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 334, now on General Orders.

**H.F. No. 784:** A bill for an act relating to crimes; prohibiting interfering with emergency communications; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Finance.

**H.F. No. 1234:** A bill for an act relating to cemeteries; providing for correction of interment errors; proposing coding for new law in Minnesota Statutes, chapters 306; 307.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1252, now on General Orders.

**H.F. No. 258:** A bill for an act relating to agriculture; prohibiting registration of certain fertilizers; amending Minnesota Statutes 2002, section 18C.401, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 680, now on General Orders.

**H.F. No. 944:** A bill for an act relating to local government; providing an exception to the priorities for designating a qualified newspaper; amending Minnesota Statutes 2002, section 331A.04, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1062, now on General Orders.

**H.F. No. 1268:** A bill for an act relating to traffic regulations; clarifying when vehicle lights must be displayed; amending Minnesota Statutes 2002, section 169.48, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 791, now on General Orders.

**H.F. No. 433:** A bill for an act relating to zoning; modifying deadlines for agency actions; amending Minnesota Statutes 2002, section 15.99.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 486, now on General Orders.

**H.F. No. 1251:** A bill for an act relating to health; excluding certain licensed home care agencies from supplemental nursing services law; requiring a review and report on certain home care provider laws; amending Minnesota Statutes 2002, section 144A.70, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1266, now on General Orders.

**H.F. No. 1257:** A bill for an act relating to natural resources; authorizing a drainage authority to compensate landowners for the removal of a bridge; amending Minnesota Statutes 2002, section 103E.701, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1195, now on General Orders.

**H.F. No. 151:** A bill for an act relating to human services; exempting children eligible for adoption assistance from the prepaid medical assistance program; amending Minnesota Statutes 2002, section 256B.69, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 396, now on General Orders.

**H.F. No. 628:** A bill for an act relating to civil actions; limiting liability for public notification of emergency; proposing coding for new law in Minnesota Statutes, chapter 604A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 673, now on General Orders.

**H.F. No. 1317:** A bill for an act relating to state government; extending the existence of the governor's residence council; amending Minnesota Statutes 2002, section 16B.27, subdivision 3.

Referred to the Committee on State and Local Government Operations.

**H.F. No. 494:** A bill for an act relating to education; allowing independent school district No. 709, Duluth, to reduce the number of atlarge school board members.

Referred to the Committee on Education.

**H.F. No. 1026:** A bill for an act relating to human services; authorizing a medical assistance capitated payment option for waived services, day training and habilitation services, and intermediate care facility services for persons with mental retardation or a related condition; amending Minnesota Statutes 2002, sections 252.46, by adding a subdivision; 256B.69, subdivisions 6a, 23; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 962, now on General Orders.

**H.F. No. 1036:** A bill for an act relating to corrections; requiring regular meals to be provided to inmates; proposing coding for new law in Minnesota Statutes, chapter 243.

Referred to the Committee on Finance.

**H.F. No. 700:** A bill for an act relating to civil actions; providing immunity for good faith reports to or requests for assistance from law enforcement; proposing coding for new law in Minnesota Statutes, chapter 604A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 722, now on General Orders.

**H.F. No. 894:** A bill for an act relating to property; modifying provisions relating to certificates of title to manufactured homes; amending Minnesota Statutes 2002, sections 168A.141; 507.24, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 878, now on General Orders.

## MOTIONS AND RESOLUTIONS

Senator Metzen moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Marko be shown as chief author to S.F. No. 219. The motion prevailed.

Senator Dibble moved that his name be stricken as a co-author to S.F. No. 1202. The motion prevailed.

Senator Hottinger moved that the name of Senator Marty be added as a co-author to S.F. No. 1504. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Senator Hottinger moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senator Pogemiller introduced--**

**S.F. No. 1505:** A bill for an act relating to taxation; extending the time for qualifying for sales and property tax exemptions for certain electric generating facilities; amending Minnesota Statutes 2002, section 272.02, subdivision 53; Laws 2002, chapter 377, article 3, section 15.

Referred to the Committee on Taxes.

**Senators Tomassoni, Langseth and Senjem introduced--**

**S.F. No. 1506:** A bill for an act relating to taxation; increasing the class rate on certain vacant commercial, industrial, or residential property; providing for appeals of classification; amending Minnesota Statutes 2002, sections 273.13, subdivisions 24, 25; 274.01, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Pogemiller introduced--**

**S.F. No. 1507:** A bill for an act relating to retirement; public employees police and fire retirement plan; providing a two-year modification in the reemployed annuitant earnings limit for certain metropolitan airport police officers.

Referred to the Committee on State and Local Government Operations.

**Senator Pogemiller introduced--**

**S.F. No. 1508:** A bill for an act relating to retirement; public employees police and fire retirement plan; providing a two-year exemption from reemployed annuitant earnings limitation for certain metropolitan airport police officers.

Referred to the Committee on State and Local Government Operations.

**Senators Dibble and Anderson introduced--**

**S.F. No. 1509:** A bill for an act relating to housing; appropriating money for the bridges rental housing assistance program.

Referred to the Committee on Finance.

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

**S.F. No. 1510:** A bill for an act relating to taxation; extending the construction date requirement applicable to a property tax exemption for a biomass electric generation facility; extending the duration of a sales tax exemption on construction materials for a biomass electric generation facility; amending Minnesota Statutes 2002, section 272.02, subdivision 47; Laws 2001, First Special Session chapter 5, article 12, section 67.

Referred to the Committee on Taxes.

**Senator Cohen, for the Committee on Finance, introduced--**

**S.F. No. 1511:** A bill for an act relating to higher education; appropriating money for educational and related purposes to the higher education services office, board of trustees of the



2007, the commissioner of finance shall return this amount to the SELF loan reserve fund. The amount necessary to make the return transfer is appropriated from the general fund to the commissioner of finance for the fiscal year ending June 30, 2007."

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 1511 as follows:

Page 14, after line 29, insert:

"Sec. 15. [LIMITS ON TUITION INCREASES.]

Public institutions of higher education shall limit the impact of budget reductions on students. To that end, the board of trustees of the Minnesota state colleges and universities shall limit tuition increases to a maximum of nine percent each year. The board of regents at the University of Minnesota is also encouraged to limit tuition increases to a maximum of nine percent each year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Neuville moved to amend the Kleis amendment to S.F. No. 1511 as follows:

Page 1, after line 10, insert:

"Sec. 16. [FREEZE ON SALARIES AND BENEFITS.]

The board of trustees of the Minnesota state colleges and universities shall freeze salaries and benefits in the aggregate for its employees at 2003 levels. The board of regents of the University of Minnesota is encouraged to freeze salaries and benefits in the aggregate for its employees at 2003 levels."

### CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 1511. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Neuville amendment to the Kleis amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The question recurred on the adoption of the Kleis amendment.

The roll was called, and there were yeas 29 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Larson moved to amend S.F. No. 1511 as follows:

Page 9, after line 26, insert:

"Sec. 3. [135A.157] [PENALTIES FOR RIOTING.]

If a student enrolled in a postsecondary institution is convicted of damage to property or violence to persons in connection with a riot, the student is not eligible for a state grant award under section 136A.121 after conviction and must pay the highest applicable tuition rate, including the nonresident tuition rate, to attend a public postsecondary institution in any subsequent enrollment periods. For the purpose of this section, "riot" means a first, second, or third degree riot as defined in section 609.71.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 57 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dibble	Moua	Ranum	Skoglund	Tomassoni
Kelley				

The motion prevailed. So the amendment was adopted.

S.F. No. 1511 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Hottinger moved that S.F. No. 1511 be laid on the table. The motion prevailed.

#### **MEMBERS EXCUSED**

Senators Jungbauer and Ourada were excused from the Session of today.

#### **ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Thursday, April 24, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



# INDEX TO DAILY JOURNAL

Wednesday, April 23, 2003

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Page 1334

## CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
1001		13 .....	1334
790		15 .....	1334
	647 .....	16 .....	1334
768		17 .....	1334
1095		18 .....	1334

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
578 .....	1334	129 .....	1334	1334
		151 .....	1334	1335
		258 .....	1334	1335
		433 .....	1334	1335
		494 .....	1334	1336
		628 .....	1334	1336
		700 .....	1334	1336
		784 .....	1334	1335
		894 .....	1334	1336
		944 .....	1334	1335
		1026 .....	1334	1336
		1036 .....	1334	1336
		1234 .....	1334	1335
		1251 .....	1334	1335
		1257 .....	1334	1335
		1268 .....	1334	1335
		1317 .....	1334	1336

## SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
1511 .....	1338		

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
219	.....1336		
1202	.....1336		
1504	.....1336		
1511	.....1338		

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F. Nos. 1505 to 1511	.....Page 1337
------------------------	----------------