

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

SIXTY-FOURTH DAY

St. Paul, Minnesota, Monday, February 16, 2004

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Penny Fritze-Tietz.

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

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

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

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 communication was received.

February 16, 2004

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Pursuant to Senate Rule 8.2, the following appointment has been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on State and Local Government Operations, to which was referred the following appointment as reported in the Journal for February 13, 2003:

METROPOLITAN COUNCIL
CHAIR

Peter Bell

Sincerely,
Patrick E. Flahaven
Secretary of the Senate

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

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

H.F. No. 1064: A bill for an act relating to state employees; making technical and housekeeping changes; amending Minnesota Statutes 2002, sections 43A.08, subdivision 1a; 43A.30, subdivision 5; 43A.319.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the Departments of Administration; Agriculture; Commerce; Corrections; Education; Employee Relations; Employment and Economic Development; Finance; Health; Human Rights; Labor and Industry; Natural Resources; Public Safety; Human Services; Revenue; Transportation; and Veterans Affairs; the Housing Finance and Pollution Control Agencies; the State Lottery; the state Board of Investment; the Office of Administrative Hearings; the Office of Environmental Assistance; the Offices of the Attorney General, Secretary of State, and State Auditor; the Minnesota State Colleges and Universities; the Higher Education Services Office; the Perpich Center for Arts Education; and the Minnesota Zoological Board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or, deputy agency head, or assistant agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision."

Amend the title as follows:

Page 1, delete lines 4 and 5 and insert "2002, sections 43A.30, subdivision 5; 43A.319; Minnesota Statutes 2003 Supplement, section 43A.08, subdivision 1a."

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 1614: A bill for an act relating to animals; requiring restitution for harm done by dogs to service animals; amending Minnesota Statutes 2002, section 609.226, by adding a subdivision.

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

Page 1, line 16, delete "it" and insert "their dog"

Page 1, line 17, after "controlled" insert a comma

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

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

S.F. No. 1721: A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; regulating the disclosure of profiling data; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

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

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

S.F. No. 1748: A bill for an act relating to health; modifying provisions relating to emergency medical services; amending Minnesota Statutes 2002, sections 144E.01, subdivision 1; 144E.265, subdivision 2; 144E.27, subdivisions 1, 2; 144E.286, by adding a subdivision; 144E.305, subdivision 2; 144E.46; Minnesota Statutes 2003 Supplement, section 144E.41; repealing Minnesota Statutes 2002, sections 144E.27, subdivision 4; 144E.286, subdivisions 1, 2; Minnesota Rules, parts 4690.1500, subpart 3; 4690.7900, subpart 6.

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

Senator Betzold from the Committee on Judiciary, to which was re-referred

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.

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

Page 1, line 12, before the comma, insert "in excess of \$10,000"

Page 3, line 12, delete "less" and insert "more"

Page 4, delete lines 10 to 16

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

Senator Betzold from the Committee on Judiciary, to which was referred

S.F. No. 1653: A bill for an act relating to real property; clarifying plat and survey approval requirements; amending Minnesota Statutes 2002, section 389.09.

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

Senator Scheid from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for February 9, 2004:

DEPARTMENT OF COMMERCE

COMMISSIONER

Glenn Wilson, Jr.

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

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 1748 and 1121 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1064 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Saxhaug moved that the name of Senator Metzen be added as a co-author to S.F. No. 1672. The motion prevailed.

Senator Kierlin moved that the name of Senator Skoe be added as a co-author to S.F. No. 1761. The motion prevailed.

Senator Limmer moved that the name of Senator Anderson be added as a co-author to S.F. No. 1818. The motion prevailed.

Senator Scheid moved that her name be stricken as a co-author to S.F. No. 1832. The motion prevailed.

Senator Wiger moved that his name be stricken as chief author, and the name of Senator Kleis be shown as chief author to S.F. No. 1832. The motion prevailed.

Senator Berglin moved that the name of Senator Marty be added as a co-author to S.F. No. 1876. The motion prevailed.

Senator Skoglund moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 1892. The motion prevailed.

Senator Skoglund moved that the name of Senator Chaudhary be added as a co-author to S.F. No. 1893. The motion prevailed.

Senator Rest moved that the name of Senator Marty be added as a co-author to S.F. No. 1922. The motion prevailed.

Senator Dille moved that the name of Senator Skoe be added as a co-author to S.F. No. 2001. The motion prevailed.

Senator Kelley moved that S.F. No. 1842 be withdrawn from the Committee on Environment and Natural Resources and re-referred to the Committee on Finance. The motion prevailed.

Senator Wiger introduced--

Senate Resolution No. 100: A Senate resolution congratulating Bradley Koppen for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Wiger introduced--

Senate Resolution No. 101: A Senate resolution congratulating Michael Nelson for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Wiger introduced--

Senate Resolution No. 102: A Senate resolution congratulating Michael Ledo for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Rest introduced--

Senate Resolution No. 103: A Senate resolution congratulating Cleone Mary Quiggle on her 90th birthday.

Referred to the Committee on Rules and Administration.

Senator Higgins introduced--

Senate Resolution No. 104: A Senate resolution recognizing February 19, 2004, as Alpha Kappa Alpha Day at the State Capitol.

Referred to the Committee on Rules and Administration.

Senator Rest moved that the appointment withdrawn from committee and placed on the Confirmation Calendar under Senate Rule 8.2, reported in the Journal for February 16, 2004, be returned to the committee from which it was withdrawn:

Metropolitan Council Chair - Peter Bell to State and Local Government Operations. The motion prevailed.

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

CONSENT CALENDAR

S.F. No. 1621: A bill for an act relating to real estate; providing for a certificate of mortgage satisfaction; proposing coding for new law in Minnesota Statutes, chapter 507.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Johnson, D.E. moved that the Senate take up the Confirmation Calendar. The motion prevailed.

CONFIRMATION

Senator Marty moved that the reports from the Committee on Environment and Natural Resources, reported February 9, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing reports be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the reports from the Committee on Environment and Natural Resources, reported February 9, 2004, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER**

Gene Merriam, 12176 Bluebird Cir., Coon Rapids, Anoka County, effective January 27, 2003, for a term expiring on January 1, 2007.

The motion prevailed. So the appointment was confirmed.

Senator Marty moved that in accordance with the report from the Committee on Environment and Natural Resources, reported February 9, 2004, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA POLLUTION CONTROL AGENCY

Keith H. Langmo, 618 W. Crescent Ln., Litchfield, Meeker County, effective March 31, 2003, for a term expiring on January 2, 2006.

Marcus Marsh, 1172 - 8th Ave. N., Sauk Rapids, Benton County, effective March 31, 2003, for a term expiring on January 1, 2007.

Chester Wilander, 45454 U.S. Hwy. 71, Laporte, Hubbard County, effective March 31, 2003, for a term expiring on January 1, 2007.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Higgins moved that the report from the Committee on State and Local Government Operations, reported February 12, 2004, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Higgins moved that the foregoing report be now adopted. The motion prevailed.

Senator Higgins moved that in accordance with the report from the Committee on State and Local Government Operations, reported February 12, 2004, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF ADMINISTRATION COMMISSIONER

Brian Lamb, 305 W. Diamond Lake Rd., Minneapolis, Hennepin County, effective January 6, 2003, for a term expiring on January 1, 2007.

The motion prevailed. So the appointment was confirmed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Wiger introduced--

S.F. No. 2002: A bill for an act relating to education finance; authorizing a fund transfer for Intermediate School District No. 916, Northeast Metro.

Referred to the Committee on Finance.

Senators Scheid, Foley, Wiger and Sparks introduced--

S.F. No. 2003: A bill for an act relating to education; restoring funding for the basic community education program; appropriating money; amending Minnesota Statutes 2003 Supplement, section 124D.20, subdivision 3; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivision 2.

Referred to the Committee on Finance.

Senators Moua; Langseth; Johnson, D.E.; Murphy and Michel introduced--

S.F. No. 2004: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Central Corridor Transit Way.

Referred to the Committee on Finance.

Senators Wergin, Olson, Fischbach and Gaither introduced--

S.F. No. 2005: A bill for an act relating to education finance; providing for a balance requirement in general education revenue; amending Minnesota Statutes 2002, section 126C.10, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 126C.10, subdivision 1.

Referred to the Committee on Finance.

Senators Metzen, Ruud, Stumpf, Tomassoni and Pariseau introduced--

S.F. No. 2006: A bill for an act relating to education finance; expanding health and safety revenue to cover the costs of replacing certain school buses; amending Minnesota Statutes 2002, section 123B.57, subdivision 2; Minnesota Statutes 2003 Supplement, section 123B.57, subdivision 1.

Referred to the Committee on Finance.

Senator Sparks introduced--

S.F. No. 2007: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Riverland Community College.

Referred to the Committee on Finance.

Senators Foley, Neuville, Moua, Betzold and McGinn introduced--

S.F. No. 2008: A bill for an act relating to corrections; establishing a parole board; prescribing its membership, duties, and powers; prescribing when an individual is eligible to be considered for parole; authorizing the board to determine if selected Level III sex offenders should be referred to the county attorney for civil commitment; appropriating money; amending Minnesota Statutes 2002, section 244.05, subdivision 7; proposing coding for new law as Minnesota Statutes, chapter 244A.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Bakk, Ruud, Gaither, Sams and Higgins introduced--

S.F. No. 2009: A bill for an act relating to state government; transferring tourism functions from Department of Employment and Economic Development to Explore Minnesota Tourism; appropriating money; amending Minnesota Statutes 2002, sections 116J.01, subdivision 5; 160.276, subdivision 5; Minnesota Statutes 2003 Supplement, sections 15.057; 15.75, subdivision 5; 116J.011; 116J.60; 161.20, subdivision 3; 270B.14, subdivision 13; proposing coding for new law as Minnesota Statutes, chapter 116U; repealing Minnesota Statutes 2002, sections 116J.01, subdivision 4; 116J.036; 116J.615; 116J.616; 116J.63, subdivision 4.

Referred to the Committee on State and Local Government Operations.

Senators Kleis, Knutson, McGinn, Chaudhary and Foley introduced--

S.F. No. 2010: A bill for an act relating to traffic regulations; imposing petty misdemeanor penalty for certain motor vehicle hit-and-run offenses; amending Minnesota Statutes 2002, section 169.09, by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Metzen, Stumpf, Senjem, Langseth and Frederickson introduced--

S.F. No. 2011: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Inver Hills Community College.

Referred to the Committee on Finance.

Senator Berglin introduced--

S.F. No. 2012: A bill for an act relating to human services; modifying medical assistance estate recovery provisions; eliminating recoveries for alternative care costs; appropriating money; amending Minnesota Statutes 2003 Supplement, sections 256B.15, subdivisions 1, 1a, 2; 524.3-805; repealing Minnesota Statutes 2003 Supplement, sections 514.991; 514.992; 514.993; 514.994; 514.995.

Referred to the Committee on Health and Family Security.

Senator Pogemiller introduced--

S.F. No. 2013: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the University Research Park.

Referred to the Committee on Finance.

Senators Pappas, Cohen, Marko, Wiger and Murphy introduced--

S.F. No. 2014: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to acquire and refurbish the Union Depot concourse in the city of St. Paul.

Referred to the Committee on Finance.

Senators Pappas, Skoe, Metzen, Langseth and Tomassoni introduced--

S.F. No. 2015: A bill for an act relating to gambling; providing for lottery gaming machines; authorizing the director of the state lottery to contract for the placement of gaming machines at a gaming facility; imposing a tax on gaming machine revenue and providing for the use of gaming machine revenue; providing powers and duties to the director; providing for blackjack and other card games at a gaming facility; amending Minnesota Statutes 2002, sections 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; Minnesota Statutes 2003 Supplement, section 297A.94; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Murphy introduced--

S.F. No. 2016: A bill for an act relating to education; authorizing a levy for Independent School District No. 256, Red Wing.

Referred to the Committee on Finance.

Senators Robling and Day introduced--

S.F. No. 2017: A bill for an act relating to liquor; providing that the on-sale license for Elko Speedway authorizes sales on all days of the week; amending Laws 2003, chapter 126, section 28.

Referred to the Committee on Commerce.

Senators Saxhaug, Sams, Skoe, Foley and Ruud introduced--

S.F. No. 2018: A bill for an act relating to crime prevention and public safety; repealing certain

restrictions relating to part-time peace officers; amending Minnesota Statutes 2002, section 626.8465, subdivision 2; repealing Minnesota Statutes 2002, section 626.8465, subdivision 3; Minnesota Statutes 2003 Supplement, section 626.8468, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Rest, Kelley, Skoglund, Betzold and Gaither introduced--

S.F. No. 2019: A bill for an act relating to education finance; authorizing compensatory revenue to follow a compensatory student to a nonresident school district; amending Minnesota Statutes 2002, section 126C.10, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 126C.10, subdivision 4.

Referred to the Committee on Finance.

Senators Sparks, Foley, Higgins, Fischbach and Koering introduced--

S.F. No. 2020: A bill for an act relating to human services; providing an exemption to the moratorium on nursing home construction; appropriating money; amending Minnesota Statutes 2003 Supplement, section 144A.071, subdivision 4c.

Referred to the Committee on Health and Family Security.

Senators Vickerman, Frederickson and Kubly introduced--

S.F. No. 2021: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for floodwater retention systems in Area II of the Minnesota River Basin.

Referred to the Committee on Finance.

Senators Dille, Langseth, Sams, Murphy and Hann introduced--

S.F. No. 2022: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for University of Minnesota, Twin Cities Campus - St. Paul Dairy Barn.

Referred to the Committee on Finance.

Senators Lourey, Berglin and Saxhaug introduced--

S.F. No. 2023: A bill for an act relating to human services; providing annual rate increases for certain providers; terminating a rate reduction for certain providers; appropriating money; amending Minnesota Statutes 2002, section 256B.5012, by adding a subdivision; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Health and Family Security.

Senator Stumpf introduced--

S.F. No. 2024: A bill for an act relating to education finance; authorizing the sale of a school facility; forgiving any remaining balance on the maximum effort capital loan issued to former Independent School District No. 566, Askov.

Referred to the Committee on Finance.

Senators Bakk, Solon and Tomassoni introduced--

S.F. No. 2025: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for capital improvements to county court facilities; proposing coding for new law in Minnesota Statutes, chapter 373.

Referred to the Committee on Finance.

Senators Kelley and Olson introduced--

S.F. No. 2026: A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, and state agencies; providing for rulemaking; amending Minnesota Statutes 2002, sections 13.321, subdivision 1, by adding a subdivision; 13.46, subdivision 1; 122A.20, subdivision 2; 123B.143, subdivision 1; 123B.49, subdivision 4; 123B.53, subdivision 6; 123B.76, by adding a subdivision; 123B.82; 124D.59, as amended; 124D.61; 125A.023, subdivision 3; 125A.03; 127A.42, subdivision 6; 127A.47, subdivision 3; 134.31, by adding a subdivision; 134.45, subdivision 5; Minnesota Statutes 2003 Supplement, sections 120B.021, subdivision 3; 120B.024; 120B.36; 123B.77, subdivision 4; 124D.095, subdivision 4; 124D.11, subdivision 1; 124D.454, subdivision 2; 125A.023, subdivision 4; 127A.05, subdivision 4; 127A.42, subdivision 2; 275.065, subdivision 1; 475.61, subdivision 4; Laws 2003, First Special Session chapter 9, article 3, section 19; proposing coding for new law in Minnesota Statutes, chapters 120B; 127A; repealing Minnesota Statutes 2002, section 126C.23.

Referred to the Committee on Education.

Senators Metzen, Senjem, Langseth, Marko and Gaither introduced--

S.F. No. 2027: A bill for an act relating to capital investment; appropriating money for South St. Paul landfill reclamation and conversion to parkland; authorizing the issuance of state general obligation bonds.

Referred to the Committee on Finance.

Senators Frederickson, Stumpf, Belanger, Olson and Kelley introduced--

S.F. No. 2028: A bill for an act relating to education; increasing levy amount for certain capital levies; amending Minnesota Statutes 2003 Supplement, section 126C.40, subdivision 1.

Referred to the Committee on Finance.

Senators Olson, Kelley, Hann, Ranum and Johnson, D.J. introduced--

S.F. No. 2029: A bill for an act relating to education; providing for a value added assessment program to measure growth in student academic achievement; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

Senator Hottinger introduced--

S.F. No. 2030: A bill for an act relating to education finance; modifying the alternative facilities program criteria; amending Minnesota Statutes 2002, section 123B.59, subdivision 1.

Referred to the Committee on Finance.

Senators Hottinger and Tomassoni introduced--

S.F. No. 2031: A bill for an act relating to taxation; individual income; providing that the education expense credit and deduction apply to certain expenditures for prekindergarten expenses

and museum memberships; amending Minnesota Statutes 2003 Supplement, sections 290.01, subdivision 19b; 290.0674, subdivision 1.

Referred to the Committee on Taxes.

Senators Hottinger and Tomassoni introduced--

S.F. No. 2032: A bill for an act relating to education finance; reinstating the after-school enrichment grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Finance.

Senators Hottinger and Tomassoni introduced--

S.F. No. 2033: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 1; providing for the education of young children through age five.

Referred to the Committee on Finance.

Senators Hottinger, Tomassoni and Lourey introduced--

S.F. No. 2034: A bill for an act relating to education; restoring funding for early childhood education programs; appropriating money; amending Minnesota Statutes 2003 Supplement, sections 124D.135, subdivision 1; 124D.20, subdivision 3; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 3, 5; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivision 2; repealing Laws 2003, First Special Session chapter 9, article 7, section 12.

Referred to the Committee on Finance.

Senator Hottinger introduced--

S.F. No. 2035: A bill for an act relating to education finance; establishing funding for voluntary, full-day kindergarten; appropriating money; amending Minnesota Statutes 2002, section 126C.05, subdivision 1.

Referred to the Committee on Finance.

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

S.F. No. 2036: A bill for an act relating to education; requiring persons under 18 years of age to attend school as a requirement to possessing a driver's permit or license; amending Minnesota Statutes 2002, sections 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 260A.03; Minnesota Statutes 2003 Supplement, section 13.32, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 171.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Kiscaden, Neuville, Murphy, Rest and Johnson, D.E. introduced--

S.F. No. 2037: A bill for an act relating to eminent domain; awarding attorney fees to landowner when damage award exceeds original offer by 20 percent; requiring primary necessity before property may be taken for public purpose; amending Minnesota Statutes 2002, section 117.075; Minnesota Statutes 2003 Supplement, section 117.036, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Skoglund, Chaudhary and Reiter introduced--

S.F. No. 2038: A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

Referred to the Committee on Finance.

Senator Betzold introduced--

S.F. No. 2039: A bill for an act relating to retirement; Teachers Retirement Association; authorizing the acquisition of allowable and formula service credit for a paid leave of absence period.

Referred to the Committee on State and Local Government Operations.

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

S.F. No. 2040: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for projects at the St. Paul Community and Technical College.

Referred to the Committee on Finance.

Senators Rosen, Senjem, Larson, Metzen and Michel introduced--

S.F. No. 2041: A bill for an act relating to real property; providing for recording and registration fees; amending Minnesota Statutes 2002, sections 357.18, subdivisions 1, 2, 5, by adding a subdivision; 505.08, subdivision 2; 507.093; 508.82, subdivision 2; Minnesota Statutes 2003 Supplement, sections 508.82, subdivision 1; 515B.1-116; repealing Minnesota Statutes 2002, section 357.18, subdivisions 3, 4.

Referred to the Committee on Judiciary.

Senators Jungbauer, Scheid, Reiter, Michel and Robling introduced--

S.F. No. 2042: A bill for an act relating to education; providing for scholars of distinction program grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

Senator Olson introduced--

S.F. No. 2043: A bill for an act relating to education; modifying certain pupil transportation requirements; amending Minnesota Statutes 2002, sections 169.01, subdivision 6; 169.442, subdivisions 1, 5; 169.443, subdivisions 1, 2; 169.4503, subdivision 16; Minnesota Statutes 2003 Supplement, sections 123B.90, subdivision 2; 123B.93; 171.321, subdivision 5; repealing Minnesota Statutes 2002, section 169.4503, subdivision 21.

Referred to the Committee on Finance.

Senators Dibble, Anderson, Bakk, Hottinger and Pappas introduced--

S.F. No. 2044: A bill for an act relating to labor relations; prohibiting use of state funds to encourage or discourage union organizing; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 179.

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

Senators Tomassoni, Bakk, Kubly, Kierlin and Wergin introduced--

S.F. No. 2045: A bill for an act relating to townships; permitting towns to levy more than the amount authorized at the annual town meeting if authorized by law; amending Minnesota Statutes 2002, section 365.431; repealing Minnesota Statutes 2002, section 365.43.

Referred to the Committee on State and Local Government Operations.

Senator Sams introduced--

S.F. No. 2046: A bill for an act relating to human services; qualifying division of state and county cost share of medical assistance costs; amending Minnesota Statutes 2003 Supplement, section 256B.19, subdivision 1.

Referred to the Committee on Health and Family Security.

Senator Neuville introduced--

S.F. No. 2047: A bill for an act relating to civil actions; providing a factor for determining the amount of attorney fees awarded in certain actions; proposing coding for new law in Minnesota Statutes, chapter 549.

Referred to the Committee on Judiciary.

Senators Kelley, Stumpf, Moua, Dibble and Foley introduced--

S.F. No. 2048: A bill for an act relating to education; establishing the technology innovation grant program for schools to purchase or lease wireless computing devices for students; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125B.

Referred to the Committee on Education.

Senators Kiscaden, Senjem, Pogemiller, Belanger and Murphy introduced--

S.F. No. 2049: A bill for an act relating to taxation; providing for use of Rochester sales and use tax revenues; increasing bond authorization; amending Laws 1998, chapter 389, article 8, section 43, subdivisions 3, 4.

Referred to the Committee on Taxes.

Senator Langseth introduced--

S.F. No. 2050: A bill for an act relating to capital improvements; appropriating money for asset preservation at the Heritage Hjemkomst Center in the city of Moorhead; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senator Skoglund introduced--

S.F. No. 2051: A bill for an act relating to crime prevention and public safety; requiring that level III predatory offenders be photographed twice a year; amending Minnesota Statutes 2002, section 243.166, subdivision 4.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Skoglund introduced--

S.F. No. 2052: A bill for an act relating to crime prevention and public safety; providing for lifetime supervision of certain repeat sex offenders released from prison and increasing the period of supervision for other sex offenders; amending Minnesota Statutes 2002, section 609.109, subdivision 7.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Berglin, Higgins and Belanger introduced--

S.F. No. 2053: A bill for an act relating to capital improvements; appropriating money to renovate and expand the acute psychiatric service at Hennepin County Medical Center; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senators Kiscaden, Belanger, Senjem, Pogemiller and Tomassoni introduced--

S.F. No. 2054: A bill for an act relating to taxation; providing for uses of Rochester sales and use tax revenues; amending Laws 1998, chapter 389, article 8, section 43, subdivision 3.

Referred to the Committee on Taxes.

Senator Wiger introduced--

S.F. No. 2055: A bill for an act relating to public safety; requiring the commissioner of public safety to recognize certain accident prevention courses taken in other states; amending Minnesota Statutes 2002, section 65B.28, subdivision 2.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Pariseau, Metzen, McGinn, Knutson and Murphy introduced--

S.F. No. 2056: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Dakota County Technical College.

Referred to the Committee on Finance.

Senators Solon, Higgins, Rosen, Kelley and Ruud introduced--

S.F. No. 2057: A bill for an act relating to health; creating an Office of Mental Health; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

Senators Kleis; Johnson, D.E. and Wergin introduced--

S.F. No. 2058: A bill for an act relating to local government; appropriating money to the St. Cloud Area Planning Organization for further development of the transportation component of the St. Cloud area joint planning district plan.

Referred to the Committee on Finance.

Senators Stumpf, Rest, Kelley, Skoglund and Hann introduced--

S.F. No. 2059: A bill for an act relating to education finance; simplifying referendum revenue ballot questions; restoring certain school district levy authority; restoring building lease levy authority; restoring authority to levy for the full cost of judgments and employment insurance costs; restoring the safe schools levy to \$30 per pupil; amending Minnesota Statutes 2003

Supplement, sections 126C.17, subdivision 9; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44.

Referred to the Committee on Finance.

Senators Solon, Bakk, Saxhaug and Lourey introduced--

S.F. No. 2060: A bill for an act relating to economic development; authorizing the Iron Range Resources and Rehabilitation Board to pay the citizen and legislator board members per diem and expenses for attendance at board meetings; amending Minnesota Statutes 2003 Supplement, section 298.22, subdivision 2.

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

Senators Tomassoni, Lourey, Solon and Kiscaden introduced--

S.F. No. 2061: A bill for an act relating to human services; expanding the exemption from medical assistance co-payments; appropriating money; amending Minnesota Statutes 2003 Supplement, section 256B.0631, subdivision 2.

Referred to the Committee on Health and Family Security.

Senators Neville, Michel, Knutson, Pogemiller and Marty introduced--

S.F. No. 2062: A bill for an act relating to corrections; creating a Conditional Release Board with the authority to order the conditional release of certain nonviolent controlled substance possessors, if the release of these offenders does not pose a danger to the public or any individual; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Metzen, Kierlin, Rosen, Sams and Higgins introduced--

S.F. No. 2063: A bill for an act relating to local government; clarifying certain collateralization requirements; amending Minnesota Statutes 2002, section 118A.03, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senator Hottinger introduced--

S.F. No. 2064: A bill for an act relating to education; expanding the Minnesota State Colleges and Universities demonstration project to provide college readiness information to high school students; requiring a report to the legislature by the P-16 partnership.

Referred to the Committee on Education.

Senators Chaudhary, Foley, Jungbauer and Anderson introduced--

S.F. No. 2065: A bill for an act relating to municipal tort liability; providing immunity from tort liability for a limited partnership in which a community action agency is a general partner; amending Minnesota Statutes 2003 Supplement, section 466.01, subdivision 1.

Referred to the Committee on Judiciary.

Senator Nienow introduced--

S.F. No. 2066: A bill for an act relating to education; authorizing Independent School District No. 138, North Branch, to start the 2004-2005 school year before September 1.

Referred to the Committee on Education.

Senator Vickerman introduced--

S.F. No. 2067: A bill for an act relating to official publications; changing provisions for publication of public notices in newspapers; requiring a report; amending Minnesota Statutes 2002, sections 279.09; 279.092; 331A.01, subdivisions 2, 3, 6, 9, 10; 331A.02, subdivisions 1, 3, 4, by adding a subdivision; 331A.03, subdivision 1, by adding a subdivision; 331A.04, as amended; 331A.05, subdivisions 3, 4, 5, 7, by adding a subdivision; 331A.06, subdivision 3, by adding a subdivision; 331A.07; 331A.08, by adding a subdivision; 331A.09; 331A.10, subdivision 1; 331A.11, subdivisions 1, 2; 375.12, subdivision 2; 375.17, subdivision 1; 412.191, subdivision 3; 471.698, subdivision 1; repealing Minnesota Statutes 2002, sections 331A.01, subdivision 5; 331A.02, subdivision 2.

Referred to the Committee on State and Local Government Operations.

Senators Dille, Sams, Nienow and Neuville introduced--

S.F. No. 2068: A bill for an act relating to drainage; prohibiting the planting of trees over certain public or private tile lines; amending Minnesota Statutes 2002, section 103E.081, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Larson introduced--

S.F. No. 2069: A bill for an act relating to education; providing for the assignment of teachers; amending Minnesota Statutes 2002, sections 123B.09, subdivision 8; 123B.143, subdivision 1.

Referred to the Committee on Education.

Senator Kubly introduced--

S.F. No. 2070: A bill for an act relating to education; amending the cap on school district earnings for a school board member; amending Minnesota Statutes 2002, section 123B.195.

Referred to the Committee on Education.

Senator Kubly introduced--

S.F. No. 2071: A bill for an act relating to capital improvements; appropriating money to acquire an excursion boat and landing for the Bonanza Education Center; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senators Bakk, Saxhaug and Solon introduced--

S.F. No. 2072: A bill for an act relating to state lands; authorizing private sale of certain surplus state land bordering public water.

Referred to the Committee on Environment and Natural Resources.

Senator Stumpf introduced--

S.F. No. 2073: A bill for an act relating to state lands; authorizing private sale or conveyance of certain tax-forfeited land that borders public water in Roseau County.

Referred to the Committee on Environment and Natural Resources.

Senators Ruud, Larson and Skoe introduced--

S.F. No. 2074: A bill for an act relating to capital investment; appropriating money for a hockey arena at Bemidji State University; authorizing the issuance of state general obligation bonds.

Referred to the Committee on Finance.

Senators Dibble, Anderson, Moua, Skoe and Marty introduced--

S.F. No. 2075: A bill for an act relating to taxation; exempting certain hybrid vehicles from the motor vehicle sales tax; amending Minnesota Statutes 2002, section 297B.01, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 297B.03.

Referred to the Committee on Taxes.

Senator Berglin introduced--

S.F. No. 2076: A bill for an act relating to human services; modifying the MinnesotaCare tax for patient services provided to certain facilities; amending Minnesota Statutes 2003 Supplement, sections 295.50, subdivision 9b; 295.53, subdivision 1.

Referred to the Committee on Health and Family Security.

Senators Kelley, Cohen, Kiscaden, Lourey and Pappas introduced--

S.F. No. 2077: A bill for an act relating to health; establishing state policy for stem cell research; providing criminal penalties; amending Minnesota Statutes 2002, section 145.422, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

Senators Sams, Wergin, Skoe, Fischbach and Scheid introduced--

S.F. No. 2078: A bill for an act relating to insurance; permitting service cooperatives to provide group health coverage to private employers; proposing coding for new law in Minnesota Statutes, chapter 123A.

Referred to the Committee on Commerce.

Senators Ortman, Kiscaden, Marko, McGinn and Foley introduced--

S.F. No. 2079: A bill for an act relating to crime prevention; authorizing the commissioner of public safety to impose fees on local users of CriMNet to support the capital cost of its development; authorizing the issuance of state revenue bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Higgins, Lourey, Berglin, Fischbach and Day introduced--

S.F. No. 2080: A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring licensure of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; requiring rule amendments; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2;

144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senators Higgins, Pappas, Foley, Vickerman and Sams introduced--

S.F. No. 2081: A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring licensure of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; requiring rule amendments; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2; 144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senators Higgins, Marty, Scheid, Anderson and Murphy introduced--

S.F. No. 2082: A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring licensure of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; requiring rule amendments; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2; 144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senators Higgins, Ortman, Wergin and Nienow introduced--

S.F. No. 2083: A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring licensure of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; requiring rule amendments; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2; 144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

MEMBERS EXCUSED

Senators Fischbach, Frederickson, Limmer and Saxhaug were excused from the Session of today.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 19, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Monday, February 16, 2004

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 2429 to 2430

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1121	2431	2432	1064	2430	2432
1614	2431				
1653	2432				
1721	2431				
1748	2431	2432			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
1672	2432		
1761	2432		
1818	2432		
1832	2432		
1842	2433		
1876	2432		
1892	2432		
1893	2433		
1922	2433		
2001	2433		
Sen. Res. No . 100	2433		
Sen. Res. No . 101	2433		
Sen. Res. No . 102	2433		
Sen. Res. No . 103	2433		
Sen. Res. No . 104	2433		

CONSENT CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
1621	2434		

CONFIRMATION

Pages Nos. 2434 - 2435

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 2002 to 2083 Pages 2435 to 2447