

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

EIGHTY-NINTH DAY

St. Paul, Minnesota, Monday, April 12, 2004

The Senate met at 5:00 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, Tom Marsland.

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

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.

April 8, 2004

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. 1653.

Sincerely,
Tim Pawlenty, Governor

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. 1614.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 12, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2684 and 3141.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1828.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 12, 2004

FIRST READING OF HOUSE BILLS

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

H.F. No. 2684: A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; establishing the Fair Campaign Reform Act; modifying fair campaign practices; modifying teachers retirement provisions; providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; making certain changes in election administration; changing certain election dates, procedures, and requirements; amending Minnesota Statutes 2002, sections 3.23; 3.98, subdivision 3; 5.08; 10A.02, subdivisions 1, 2, 3, 7, 11, 12; 10A.31, subdivision 4; 11A.24, subdivision 6; 13.635, by adding a subdivision; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 15.16, subdivision 5; 16A.102, subdivision 2, by adding a subdivision; 16A.103, subdivision 1a; 16A.53, subdivision 1, by adding subdivisions; 16A.531, by adding a subdivision; 16A.641, subdivision 2; 16B.24, subdivision 3; 16B.31, subdivision 3; 16B.55, subdivision 3; 85A.02, subdivision 5a; 115A.557, subdivision 4; 116O.071, subdivision 3; 116P.08, subdivision 3; 123B.02, by adding a subdivision; 126C.17, subdivision 11; 144.701, subdivision 4; 193.29, subdivision 3; 193.30; 193.31; 200.02, subdivision 20; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.081; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.096; 201.11; 201.121, subdivision 1, by adding a subdivision; 201.13, subdivision 1; 201.14; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.211; 201.221, subdivisions 2, 3; 201.275; 202A.14, subdivision 3; 203B.02, by adding a subdivision; 203B.04, subdivisions 1, 4, 5, by adding a subdivision; 203B.06, subdivisions 4, 7; 203B.07; 203B.08, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.125; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.20; 203B.21, subdivision 3; 203B.22; 203B.24; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivisions 3, 5; 204B.18; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.25, subdivision 3; 204B.27, subdivision 3; 204B.36, subdivision 4; 204B.41; 204B.45, subdivision 2; 204B.47; 204C.05, by adding a subdivision; 204C.06, subdivision 2, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.13, by adding a subdivision; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.33,

subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.06; 204D.14, by adding a subdivision; 204D.23, subdivision 4; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.10, subdivision 3; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 206.56, subdivision 7; 206.57, by adding subdivisions; 206.64, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 211A.04; 211A.05; 211B.14; 211B.15, subdivisions 1, 12; 245.90; 270.063, subdivision 1; 270.71; 349.12, subdivision 34; 349.151, by adding a subdivision; 349.1711, subdivision 2; 349.211, by adding a subdivision; 351.01, subdivision 4; 354A.08; 354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivision 9; 365.51, subdivision 3; 367.12; 373.40, subdivision 2; 375.101, by adding a subdivision; 375.20; 383B.055, subdivision 2; 414.041, subdivision 1; 447.32, subdivisions 3, 4; 458.40; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 475.58, subdivisions 1, 1a; 475.59; Minnesota Statutes 2003 Supplement, sections 16A.102, subdivision 1; 16A.11, subdivision 3; 84.026; 116J.966, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 9; 192.501, subdivision 2; 204B.11, subdivision 1; 205A.07, subdivision 3; 354A.12, subdivision 3b; 465.82, subdivision 2; 465.84; 475.521, subdivision 2; Laws 2000, chapter 391, section 1, subdivisions 1, 2; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2002, chapter 365, section 9; Laws 2003, First Special Session chapter 1, article 2, section 123; Laws 2003, First Special Session chapter 11, article 3, section 13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 16A; 16B; 201; 203B; 204B; 204C; 204D; 205; 205A; 211A; 211B; 354A; repealing Minnesota Statutes 2002, sections 203B.02, subdivision 1a; 204C.05, subdivisions 1a, 1b; 205.175; 205A.09; 211A.08; 211B.16; 349.2127, subdivision 9; Minnesota Statutes 2003 Supplement, section 16A.151, subdivision 5; Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400; 8210.3000; 8230.3950; 8230.4050.

Senator Rest moved that H.F. No. 2684 be laid on the table. The motion prevailed.

H.F. No. 3141: A bill for an act relating to transportation; reducing certain appropriations to the Department of Transportation, Department of Public Safety, and Metropolitan Council; limiting certain deposits of revenue from the motor vehicle sales tax; temporarily allowing money for certain activities to be spent for bus transit; authorizing matching grant to Duluth Port Authority; requiring commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of second beltway; requiring evaluation of St. Cloud transportation plan; requiring future use of highway centerline rumble strips; providing for premium paratransit project; regulating toll facilities; requiring consideration of presence of bus shoulder lanes when implementing sound abatement measures for highways; modifying vehicle weight provisions; modifying interstate vehicle registration provisions; modifying bond requirements for trailer dealers; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; regulating uses of recreational vehicle combinations; regulating speed limits and driver's records; providing for duty of care by bus driver; regulating operation of articulated buses; regulating day activity center buses; extending duration of driver instruction permits to two years; modifying requirements for commercial vehicle drivers; modifying driver's license fee provisions; requiring background check for applicant for driver's license with hazardous materials endorsement; promoting commuting by bicycle; requiring plan for county ten-ton highway system; modifying provisions relating to public safety radio communications operators; regulating use of traffic citations; requiring preparation of 20-year state aviation plan; including the Division of Driver and Vehicle Services in the definition of appropriate agency for purposes of certain property forfeitures; authorizing rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 161.125, subdivision 3; 168.187, by adding a subdivision; 168.27, subdivision 24; 168A.11, subdivisions 1, 2; 169.01, subdivision 78; 169.14, by adding a subdivision; 169.448, by adding a subdivision; 169.81, subdivision 3c, by adding a subdivision; 169.824, subdivision 2; 169.87, subdivision 4; 169.99, subdivision 1b; 171.05, subdivisions 1, 2; 171.12, subdivision 6; 171.165, subdivisions 1, 4, by adding a subdivision; 174.03, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 299D.08; 360.015, by adding a subdivision; 609.531, subdivision 1; Minnesota Statutes 2003

Supplement, sections 168.013, subdivision 3; 169.86, subdivision 5; 171.20, subdivision 4; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; 174; repealing Minnesota Statutes 2002, sections 169.685, subdivision 4.

Senator Rest moved that H.F. No. 3141 be laid on the table. The motion prevailed.

H.F. No. 1828: A bill for an act relating to the Minnesota family investment program; adding county adoption assistance payments up to amount equal to state adoption assistance payments to income exclusions for purposes of MFIP-S eligibility; amending Minnesota Statutes 2003 Supplement, section 256J.21, subdivision 2.

Referred to the Committee on Health and Family Security.

MOTIONS AND RESOLUTIONS

SPECIAL ORDERS

Pursuant to Rule 26, Senator Rest, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. No. 1944, S.F. Nos. 1373, 1946, 1787, 1753, 2181, 1384, 1716, 2141 and 2222.

SPECIAL ORDER

H.F. No. 1944: A bill for an act relating to domestic abuse; providing another ground for extending an order for protection; amending Minnesota Statutes 2002, section 518B.01.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1373: A bill for an act relating to elections; requiring disclosures by certain persons conducting polls; proposing coding for new law in Minnesota Statutes, chapter 211B.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1946: A bill for an act relating to employment; directing the commissioner of employment and economic development to conduct an extended employment pilot project.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1787: A bill for an act relating to local government; authorizing mandatory direct deposit of payroll; proposing coding for new law in Minnesota Statutes, chapter 471.

Senator Tomassoni moved to amend S.F. No. 1787 as follows:

Page 1, line 10, after the period, insert "This section does not apply to employees covered by a collective bargaining agreement, unless the collective bargaining agreement specifically provides for mandatory direct deposit."

Senator Kleis moved that S.F. No. 1787 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 1753: A bill for an act relating to utilities; modifying low-income electric rate discount program; amending Minnesota Statutes 2002, section 216B.16, subdivision 14.

Senator Anderson moved to amend S.F. No. 1753 as follows:

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 2003 Supplement, section 216B.241, subdivision 1b, is amended to read:

Subd. 1b. [CONSERVATION IMPROVEMENT BY COOPERATIVE ASSOCIATION OR MUNICIPALITY.] (a) This subdivision applies to:

- (1) a cooperative electric association that provides retail service to its members;
- (2) a municipality that provides electric service to retail customers; and
- (3) a municipality with gross operating revenues in excess of \$5,000,000 from sales of natural gas to retail customers.

(b) Each cooperative electric association and municipality subject to this subdivision shall spend and invest for energy conservation improvements under this subdivision the following amounts:

(1) for a municipality, 0.5 percent of its gross operating revenues from the sale of gas and 1.5 percent of its gross operating revenues from the sale of electricity, excluding gross operating revenues from electric and gas service provided in the state to large electric customer facilities; and

(2) for a cooperative electric association, 1.5 percent of its gross operating revenues from service provided in the state, excluding gross operating revenues from service provided in the state to large electric customer facilities indirectly through a distribution cooperative electric association.

(c) Each municipality and cooperative electric association subject to this subdivision shall identify and implement energy conservation improvement spending and investments that are appropriate for the municipality or association, except that a municipality or association may not spend or invest for energy conservation improvements that directly benefit a large electric customer facility for which the commissioner has issued an exemption under subdivision 1a, paragraph (b).

(d) Each municipality and cooperative electric association subject to this subdivision may spend and invest annually up to ten percent of the total amount required to be spent and invested on energy conservation improvements under this subdivision on research and development projects that meet the definition of energy conservation improvement in subdivision 1 and that are funded directly by the municipality or cooperative electric association.

(e) Load-management activities that do not reduce energy use but that increase the efficiency of the electric system may be used to meet the following percentage of the conservation investment and spending requirements of this subdivision:

- (1) 2002 - 90 percent;
- (2) 2003 - 80 percent;
- (3) 2004 - 65 percent; and
- (4) 2005 and thereafter - 50 percent.

(f) A generation and transmission cooperative electric association that provides energy services

to cooperative electric associations that provide electric service at retail to consumers may invest in energy conservation improvements on behalf of the associations it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis. A municipal power agency or other not-for-profit entity that provides energy service to municipal utilities that provide electric service at retail may invest in energy conservation improvements on behalf of the municipal utilities it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis, under an agreement between the municipal power agency or not-for-profit entity and each municipal utility for funding the investments.

(g) By June 1, 2002, and every two years thereafter, each municipality or cooperative shall file an overview of its conservation improvement plan with the commissioner. With this overview, the municipality or cooperative shall also provide an evaluation to the commissioner detailing its energy conservation improvement spending and investments for the previous period. The evaluation must briefly describe each conservation program and must specify the energy savings or increased efficiency in the use of energy within the service territory of the utility or association that is the result of the spending and investments. The evaluation must analyze the cost-effectiveness of the utility's or association's conservation programs, using a list of baseline energy and capacity savings assumptions developed in consultation with the department.

The commissioner shall review each evaluation and make recommendations, where appropriate, to the municipality or association to increase the effectiveness of conservation improvement activities. Up to three percent of a utility's conservation spending obligation under this section may be used for program pre-evaluation, testing, and monitoring and program evaluation. The overview and evaluation filed by a municipality with less than ~~\$2,500,000~~ 60,000,000 kilowatt hours in annual gross revenues from the retail sale sales of electric service may consist of a letter from the governing board of the municipal utility to the department providing the amount of annual conservation spending required of that municipality and certifying that the required amount has been spent on conservation programs pursuant to this subdivision.

(h) The commissioner shall also review each evaluation for whether a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. For the purposes of this subdivision and subdivision 2, "low-income" means an income at or below 50 percent of the state median income.

(i) As part of its spending for conservation improvement, a municipality or association may contribute to the energy and conservation account. A municipality or association may propose to the commissioner to designate that all or a portion of funds contributed to the account be used for research and development projects that can best be implemented on a statewide basis. Any amount contributed must be remitted to the commissioner by February 1 of each year.

(j) A municipality may spend up to 50 percent of its required spending under this section to refurbish an existing district heating or cooling system. This paragraph expires July 1, 2007.

Sec. 3. [REPEALER.]

Minnesota Statutes 2002, section 325E.015, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hann questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 1753 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2181: A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

Senator Reiter moved to amend S.F. No. 2181 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 245.98, is amended by adding a subdivision to read:

Subd. 6. [STATEWIDE TOLL-FREE TELEPHONE NUMBER.] Gambling establishments, as defined in section 256.9831, subdivision 1, that display the statewide compulsive gambling toll-free telephone number in advertisements or in gambling promotions must acknowledge that the toll-free telephone number is paid for in whole or in part with state funds."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Rest questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Hann moved to amend S.F. No. 2181 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [STATE LOTTERY ABOLISHED.]

(a) The director of the state lottery shall not enter into any new retailer or procurement contracts that extend beyond June 30, 2005. The director shall not adopt rules or game procedures for any new lottery games. The director must arrange for the withdrawal of the state from any joint lotteries by July 1, 2005.

(b) Lottery retailers shall not sell tickets for the state lottery after June 30, 2005. The director must make arrangements with retailers for the return of any unsold lottery tickets, on-line terminal equipment, advertising and promotional materials, or any other property of the state to the commissioner of administration by August 1, 2005.

Sec. 2. [LOTTERY FUND.]

(a) The director of the state lottery shall transfer all money in the state lottery fund to the state treasury by June 30, 2005. The commissioner of finance shall establish one or more separate accounts or funds in the state treasury from which to make payments required, if any, of prizes, accounts payable, payroll, bonus payments, or any other outstanding financial obligations of the lottery. The commissioner of finance shall make arrangements for the collection of any outstanding balances due the state lottery.

(b) When the commissioner of finance determines that all accounts of the lottery have been settled, the commissioner shall prepare a report to the governor and the legislature on the balance remaining, if any, of money transferred under paragraph (a). Forty percent of the net proceeds of the lottery, as determined by the commissioner of finance, must be credited to the environment and natural resources trust fund.

Sec. 3. [REPEALER.]

(a) Minnesota Statutes 2002, sections 349A.01; 349A.02; 349A.04; 349A.05; 349A.06; 349A.07; 349A.08, subdivisions 1, 2, 3, 4, 6, 7, and 8; 349A.09; 349A.10; 349A.11; 349A.12; 349A.13; 349A.14; 349A.15; 349A.16; and Minnesota Statutes 2003 Supplement, section 349A.08, subdivisions 5 and 9, are repealed.

(b) Minnesota Rules, parts 7856.1000; 7856.1010; 7856.1020; 7856.2010; 7856.2020; 7856.3010; 7856.3011; 7856.3020; 7856.3030; 7856.4010; 7856.4020; 7856.4030; 7856.4050; 7856.5010; 7856.5020; 7856.6010; 7856.7010; 7856.7020; 7856.7030; 7856.7040; 7856.7050; 7856.7060; 7856.7070; 7857.2000; 7857.2010; 7857.3000; 7857.3010; 7857.4000; 7857.4010; 7857.4020; 7857.4030; 7857.4040; 7857.4041; 7857.4050; 7857.5000; 7857.5010; 7857.6000; 7857.6020; and 7857.7000, are repealed.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment. Sections 2 and 3 are effective July 1, 2005."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 44, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Kiscaden	Marko	Skoglund
Berglin	Frederickson	Kubly	Marty	Solon
Betzold	Hann	LeClair	Nienow	Wiger
Cohen	Jungbauer	Limmer	Sams	

Those who voted in the negative were:

Anderson	Johnson, D.E.	Lourey	Pappas	Saxhaug
Bachmann	Johnson, D.J.	McGinn	Pariseau	Scheid
Belanger	Kelley	Metzen	Pogemiller	Senjem
Day	Kierlin	Michel	Ranum	Skoe
Fischbach	Kleis	Moua	Reiter	Sparks
Foley	Knutson	Murphy	Rest	Stumpf
Gaither	Koering	Neuville	Robling	Tomassoni
Higgins	Langseth	Ortman	Rosen	Wergin
Hottinger	Larson	Ourada	Ruud	

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

Senator Ranum moved to amend S.F. No. 2181 as follows:

Page 1, line 22, before "of" insert "and profitability"

Page 2, line 13, before "The" insert "(a)"

Page 2, after line 20, insert:

"(b) The task force shall also examine the feasibility and desirability of establishing measurable performance goals for lottery proceeds and operations."

Page 2, line 21, before "The" insert "(c)"

The motion prevailed. So the amendment was adopted.

S.F. No. 2181 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Kleis moved that S.F. No. 1787 be taken from the table. The motion prevailed.

S.F. No. 1787: A bill for an act relating to local government; authorizing mandatory direct deposit of payroll; proposing coding for new law in Minnesota Statutes, chapter 471.

The question recurred on the Tomassoni amendment.

Senator Day moved to amend the Tomassoni amendment to S.F. No. 1787 as follows:

Page 1, after line 5, insert:

""Sec. 2. [UNION DUES AUTHORIZATION.]

Notwithstanding any law to the contrary, an exclusive representative of an employee of a municipality as defined in section 471.425 may not collect a fee from the employee for representing the employee unless the employee authorizes the collection of the fee in a separate signed writing."

Amend the title accordingly"

Senator Tomassoni questioned whether the Day amendment was germane.

The President ruled that the amendment was not germane.

Senator Kleis questioned whether the Tomassoni amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the adoption of the Tomassoni amendment. The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 1787 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 16A.17, subdivision 10, is amended to read:

Subd. 10. [DIRECT DEPOSIT.] Notwithstanding section 177.23, the commissioner may require direct deposit for all state employees who are being paid by the state payroll system. If a state employee who is paid through the state payroll system requests the commissioner to provide payment by payroll check, the commissioner must process the pay of the employee by payroll check within 30 days after receipt of the request."

Page 1, line 10, after the period, insert "If the employee of a municipality who is paid by direct deposit under this section requests the municipality to provide payment by payroll check, the municipality must process the pay of the employee by payroll check within 30 days after receipt of the request."

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 60 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kierlin	Kleis	Larson
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The motion prevailed. So the amendment was adopted.

S.F. No. 1787 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 1384: A bill for an act relating to human rights; including status with regard to adoption in the definition of familial status; prohibiting discrimination based on status with regard to adoption by employers; modifying the definition of familial status; amending Minnesota Statutes 2003 Supplement, sections 363A.03, subdivision 18, by adding a subdivision; 363A.08, subdivision 2.

Senator Pogemiller moved that S.F. No. 1384 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 1716: A bill for an act relating to health; providing an exemption from the hospital construction moratorium; amending Minnesota Statutes 2003 Supplement, section 144.551, subdivision 1.

Senator Saxhaug moved to amend S.F. No. 1716 as follows:

Page 4, line 10, delete "or"

Page 4, line 13, before the period, insert "; or

(18) a project to add 20 licensed beds in existing space at a hospital in Hennepin County that closed 20 rehabilitation beds in 2002, provided that the beds are used only for rehabilitation in the hospital's current rehabilitation building. If the beds are used for another purpose or moved to another location, the hospital's licensed capacity is reduced by 20 beds"

The motion prevailed. So the amendment was adopted.

S.F. No. 1716 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 2141: A bill for an act relating to education; modifying the membership of the Commission on National and Community Service; amending Minnesota Statutes 2003 Supplement, section 124D.385, subdivision 2; repealing Minnesota Statutes 2002, sections

124D.41; 124D.42, subdivisions 1, 2, 4, 5, 7; 124D.43; Minnesota Statutes 2003 Supplement, section 124D.42, subdivisions 3, 6.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2222: A resolution memorializing Minnesota's Congressional Delegation to authorize an increase in the existing Boundary Waters Canoe Area Wilderness (BWCAW) reservation fee to be allocated to Minnesota's Permanent School Fund.

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 53 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jungbauer	Langseth	LeClair	Pogemiller	Skoe
Kleis	Larson	Limmer	Reiter	Tomassoni

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Berglin introduced--

S.F. No. 3036: A resolution memorializing the Center for Medicaid and Medicare services to designate the state of Minnesota as a single-state region under the Medicare Modernization Act.

Referred to the Committee on Finance.

Senator Pogemiller introduced--

S.F. No. 3037: A bill for an act relating to tax increment financing; making technical and minor policy changes; amending Minnesota Statutes 2002, sections 469.174, subdivision 11; 469.175, subdivision 4a; 469.176, subdivision 4d; 469.1761, subdivision 1; 469.1771, subdivision 5; 469.178, subdivision 1; Minnesota Statutes 2003 Supplement, sections 116J.556; 469.174, subdivision 25; 469.177, subdivision 1; repealing Minnesota Statutes 2002, sections 469.176, subdivision 1a; 469.1766.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Senators Chaudhary and Vickerman were excused from the Session of today. Senator Sams was excused from the Session of today from 5:00 to 5:30 p.m. Senator Dille was excused from the Session of today from 5:00 to 6:30 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Tuesday, April 13, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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