

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

---

ONE HUNDREDTH DAY

St. Paul, Minnesota, Monday, May 3, 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, Rabbi Adam Spilker.

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

The President declared a quorum present.

The reading of the Journal was dispensed with.

Senator LeClair moved that the Journal of the Senate for April 29, 2004, the Ninety-Ninth Day, be corrected.

The question was taken on the adoption of the motion.

Senator Pogemiller moved that those not voting be excused from voting. The motion prevailed.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail. So the Journal was approved.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

April 2, 2004

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

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

#### CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

A. Hilda Bettermann, 8435 Sara Rd. N.W., Brandon, in the county of Douglas, effective April 7, 2004, for a term that expires on January 7, 2008.

Felicia J. Boyd, 22399 Wagonwheel Tr., Lakeville, in the county of Scott, effective April 7, 2004, for a term that expires on January 7, 2008.

(Referred to the Committee on Elections.)

April 2, 2004

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

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

#### BOARD OF THE ARTS

Jane Belau, 916 - 4th St. S.W., Rochester, in the county of Olmsted, effective April 2, 2004, for a term that expires on January 7, 2008.

Corey Elmer, 4033 - 2 1/2 St. S.W., Moorhead, in the county of Clay, effective April 2, 2004, for a term that expires on January 7, 2008.

Ellen McInnis, 3406 - 46th Ave. N., Robbinsdale, in the county of Hennepin, effective April 2, 2004, for a term that expires on January 7, 2008.

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

Sincerely,  
Tim Pawlenty, Governor

April 29, 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. 2299.

Sincerely,  
Tim Pawlenty, Governor

April 29, 2004

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 2004 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 2004	Date Filed 2004
	1978	167	2:10 p.m. April 29	April 29
2299		169	2:20 p.m. April 29	April 29

Sincerely,  
Mary Kiffmeyer  
Secretary of State

April 30, 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. Nos. 2300 and 2009.

Sincerely,  
Tim Pawlenty, Governor

April 30, 2004

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 2004 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 2004	Date Filed 2004
2300		170	3:15 p.m. April 30	April 30

2009		171	3:05 p.m. April 30	April 30
	2521	172	1:10 p.m. April 30	April 30

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1645:

**H.F. No. 1645:** A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Urdahl, Gunther and Hilstrom have been appointed as such committee on the part of the House.

House File No. 1645 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 2004

Senator Higgins moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1645, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2991.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 2004

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 2991:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; making adjustments to previous bond authorizations; authorizing sale of state bonds; canceling an earlier appropriation and appropriating money; amending Minnesota Statutes 2002, sections 16A.661, by adding a subdivision; 16A.662, by adding a subdivision; 16A.671, subdivision 3; 16A.695, subdivision 3; 41B.03, subdivision 3; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b, by adding a subdivision; 41B.045, subdivision 2; 41B.046, subdivision 5; 41C.02, subdivision 12; 116J.571; 116J.572, subdivision 2; 116J.573, subdivisions 1, 2, 4, 5; 116J.575, subdivision 1; 116P.08, subdivision 2;

136F.60, by adding a subdivision; 446A.12, subdivision 1; 446A.14; 446A.17; 446A.19; Laws 1998, chapter 404, section 23, subdivision 17, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2003, First Special Session chapter 20, article 1, section 15; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2002, section 16B.325.

## REPORTS OF COMMITTEES

Senator Rest moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

### **Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 1835:** A bill for an act relating to health; providing for review of hospital moratorium exceptions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 1, delete lines 16 and 17 and insert "shall be deposited in the state government special revenue fund. The commissioner shall review plans only within the limits of appropriations made specifically for this purpose."

Page 2, after line 22, insert:

"(e) In order to be reviewed under this section, a plan must be submitted to the commissioner by December 31, 2005.

Sec. 2. [APPROPRIATION.]

For fiscal year 2005, \$38,000 is appropriated from the state government special revenue fund to the commissioner of health for the purposes of Minnesota Statutes, section 144.552."

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

### **Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 1957:** A bill for an act relating to motor vehicles; modifying vehicle certificate of title provisions affecting dealers; amending Minnesota Statutes 2002, sections 168A.02, subdivision 2; 168A.11, subdivision 1, by adding a subdivision.

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

Page 2, line 10, before the period, insert ", but may indicate on the title whether the vehicle is a new or used vehicle"

Page 2, line 27, delete "Two" and insert "Three" and after "more" insert "new"

Page 2, line 30, delete "some or all of" and before the period, insert "that are more than 12 months old"

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

### **Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 2889:** A bill for an act relating to the environment; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters; appropriating money; amending Minnesota Statutes 2002, section 290.06, subdivision 1;

Minnesota Statutes 2003 Supplement, section 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 1, line 11, delete "116.389" and insert "116.387"

Page 3, lines 15, 23, 26, and 28, delete "116.389" and insert "116.387"

Page 4, lines 3, 7, and 22, delete "116.389" and insert "116.387"

Page 6, line 10, delete "from the water protection account"

Page 7, lines 15, 16, and 27, delete "116.389" and insert "116.387"

Page 8, line 28, delete everything after "money"

Page 8, line 29, delete "account"

Page 8, line 30, delete everything before the period and insert "section 116.384"

Page 9, lines 4 and 5, delete "from the water protection account"

Page 9, lines 6 and 7, delete "from the account"

Page 9, line 10, delete "116.389" and insert "116.387"

Page 9, line 12, delete "such"

Page 9, line 17, delete "116.389" and insert "116.387"

Page 10, line 6, delete "116.389" and insert "116.387"

Page 12, line 13, delete "environmental" and insert "general"

Page 12, line 18, delete "\$....." and insert "\$7,100,000"

Page 12, line 19, delete "\$....." and insert "\$2,500,000"

Page 12, line 22, delete "\$....." and insert "\$5,800,000"

Page 12, line 25, delete "\$....." and insert "\$68,600,000"

Page 12, line 27, delete "\$....." and insert "\$10,000,000"

Page 12, line 29, delete "\$....." and insert "\$8,500,000"

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

**Senator Cohen from the Committee on Finance, to which was referred**

**Senate Resolution No. 156:** A Senate resolution expressing support for the revitalization of the Dakota and Ojibwe languages.

Reports the same back with the recommendation that the resolution be adopted. Report adopted.

Senator Rest moved that Senate Resolution No. 156 be laid on the table. The motion prevailed.

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 2112:** A bill for an act relating to human services; authorizing an exception to the

prohibition on asset transfers for certain charitable gifts; amending Minnesota Statutes 2003 Supplement, section 256B.0595, subdivision 1b.

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

Page 2, line 24, after the semicolon, insert "or"

Page 2, delete lines 25 to 27

Page 2, line 28, delete "(3)" and insert "(2)"

Page 4, after line 16, insert:

"[EFFECTIVE DATE.] This section is effective upon publication of a notice in the State Register of receipt of federal approval for the 72-month lookback period described in paragraph (a)."

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

#### **Senator Cohen from the Committee on Finance, to which was referred**

**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.

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

Page 2, line 23, delete "that the Minnesota legislature" and insert "by the Legislature of the State of Minnesota that it"

Page 2, line 26, delete "this resolution be forwarded" and insert "the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them"

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

#### **Senator Cohen from the Committee on Finance, to which was referred**

**H.F. No. 2368:** A bill for an act relating to game and fish; modifying game and migratory waterfowl refuge provisions; providing for suspension of game and fish license and permit privileges under certain circumstances; modifying certain hearing provisions; modifying certain game license provisions; modifying shooting hours for migratory game birds; authorizing a hunting season for mourning doves; requiring reports; modifying deer hunting provisions and fees; modifying restriction on importation of cervidae carcasses; modifying restriction on the transport of game birds; providing for certain trapping by nonresidents; modifying dark house and fish house hours on ice; modifying turtle license requirements; eliminating prohibition on the use of vehicles for trapping beaver and otter; amending Minnesota Statutes 2002, sections 97A.015, subdivisions 24, 52; 97A.085, subdivisions 2, 3, 4; 97A.095, subdivisions 1, 2; 97A.420, subdivision 4; 97A.421, by adding a subdivision; 97A.435, subdivision 4; 97A.465, by adding a subdivision; 97A.475, subdivision 20; 97A.545, subdivision 5; 97B.075; 97B.301, subdivisions 6, 7; 97B.601, subdivision 3, by adding a subdivision; 97B.721; 97C.355, subdivision 7; 97C.605, subdivision 2; Minnesota Statutes 2003 Supplement, sections 97A.475, subdivision 2; 97A.505, subdivision 8; 97C.605, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2002, sections 97B.731, subdivision 2; 97B.935.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 97A.015, subdivision 24, is amended to read:

Subd. 24. [GAME BIRDS.] "Game birds" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, gray partridge, bob-white quail,

turkeys, coots, gallinules, sora and Virginia rails, mourning dove, American woodcock, and common snipe.

Sec. 2. Minnesota Statutes 2002, section 97A.085, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT BY COMMISSIONER.] The commissioner may designate a ~~contiguous area of at least 640 acres~~ as a game refuge if more than 50 percent of the area is in public ownership. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat.

Sec. 3. Minnesota Statutes 2002, section 97A.085, subdivision 3, is amended to read:

Subd. 3. [ESTABLISHMENT BY PETITION OF LAND HOLDERS.] The commissioner may designate a land area or portion of a land area described in a petition as a game refuge. The petition must be signed by the owner, the lessee, or the person in possession of each tract in the area. A certificate of the auditor of the county where the lands are located must accompany the petition stating that the persons named in the petition are the owners, lessees, or persons in possession of all of the land described according to the county records. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat.

Sec. 4. Minnesota Statutes 2002, section 97A.085, subdivision 4, is amended to read:

Subd. 4. [ESTABLISHMENT BY PETITION OF COUNTY RESIDENTS.] The commissioner may designate as a game refuge public waters or a contiguous area of at least 640 acres, described in a petition, signed by 50 or more residents of the county where the public waters or area is located. The game refuge must be a contiguous area of at least 640 acres unless it borders or includes a marsh, or other body of water or watercourse suitable for wildlife habitat. The game refuge may be designated only if the commissioner finds that protected wild animals are depleted and are in danger of extermination, or that it will best serve the public interest.

Sec. 5. Minnesota Statutes 2002, section 97A.095, subdivision 1, is amended to read:

Subdivision 1. [MIGRATORY WATERFOWL REFUGES SANCTUARY.] The commissioner ~~shall~~ may designate by rule any part of a state game refuge or any part of a public water that is designated for management purposes under section 97A.101, subdivision 2, as a migratory waterfowl refuge sanctuary if there is presented to the commissioner a petition signed by ten resident licensed hunters describing an area that is primarily a migratory waterfowl refuge. The commissioner shall post the area as a migratory waterfowl refuge sanctuary. A person may not enter a posted migratory waterfowl refuge sanctuary during the open migratory waterfowl season unless accompanied by or under a permit issued by a conservation officer or game refuge wildlife manager. Upon a request from a private landowner within a migratory waterfowl refuge sanctuary, an annual permit must be issued to provide access to the property during the waterfowl season. The permit shall include conditions that allow no activity which would disturb waterfowl using the refuge during the waterfowl season.

Sec. 6. Minnesota Statutes 2002, section 97A.095, subdivision 2, is amended to read:

Subd. 2. [WATERFOWL FEEDING AND RESTING AREAS.] The commissioner may, by rule, designate any part of a lake as a migratory feeding ~~or~~ and resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor of less than 30 pounds thrust. The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

Sec. 7. Minnesota Statutes 2002, section 97A.095, subdivision 4, is amended to read:

Subd. 4. [SWAN LAKE MIGRATORY WATERFOWL REFUGE SANCTUARY.] The land described in Laws 1999, chapter 81, section 2, is designated Swan Lake Migratory Waterfowl Refuge Sanctuary under subdivision 1.

Sec. 8. Minnesota Statutes 2002, section 97A.420, subdivision 4, is amended to read:

Subd. 4. [HEARING.] (a) A hearing under subdivision 3 must be before a district court judge in the county where the incident occurred giving rise to the license seizure. The hearing must be to the court and may be conducted at the same time as hearings upon pretrial motions in a related criminal prosecution. The commissioner must be represented by the county attorney.

(b) The hearing must be held at the earliest practicable date and in any event no later than 60 days following the filing of the petition for review.

(c) The scope of the hearing must be limited to the issue of whether there is probable cause to believe that the person ~~violated section 97A.338~~ had unlawfully taken, possessed, or transported wild animals with a restitution value over \$500.

(d) The court shall order that the license seizure be either sustained or rescinded. Within 14 days following the hearing, the court shall forward a copy of the order to the commissioner.

(e) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the Rules of Civil Appellate Procedure.

Sec. 9. Minnesota Statutes 2002, section 97A.421, is amended by adding a subdivision to read:

Subd. 4a. [SUSPENSION FOR FAILURE TO APPEAR IN COURT OR TO PAY A FINE OR SURCHARGE.] When a court reports to the commissioner that a person (1) has failed to appear in court under the summons issued for a violation of the game and fish laws or (2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence or to pay the fine or surcharge, the commissioner shall suspend the game and fish license and permit privileges of the person until notified by the court that the person has appeared in court under clause (1) or that any fine or surcharge due the court has been paid under clause (2).

Sec. 10. Minnesota Statutes 2002, section 97A.435, subdivision 4, is amended to read:

Subd. 4. [SEPARATE SELECTION OF ELIGIBLE LICENSEES.] (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of ~~agricultural or grazing~~ land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. The qualifying agricultural or grazing land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to the land owned or leased by the holder of the license within the permit area where the qualifying land is located.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

Sec. 11. Minnesota Statutes 2002, section 97A.435, is amended by adding a subdivision to read:

Subd. 5. [SPRING SEASON.] (a) A person who has not applied for a turkey license through the lottery or applied for a license and was unsuccessful in the lottery, may purchase a turkey hunting license to hunt by archery for the spring turkey season during a combined seventh and eighth time period. A turkey hunting license under this subdivision is separate from the normal lottery process and is effective for hunting only in a wild turkey permit area in the state where 50 or more licenses are issued during an established time period.

(b) Turkey lottery preference points shall not be reduced for a person purchasing a license under this subdivision.

(c) A person may take only one bearded turkey in a spring turkey season regardless whether the hunter purchased a license through the lottery system or as provided in this subdivision.

Sec. 12. Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) to take turkey, \$18;
- (4) for persons age ~~16~~ 18 or over to take deer with firearms, \$26;
- (5) for persons age ~~16~~ 18 or over to take deer by archery, \$26;
- (6) to take moose, for a party of not more than six persons, \$310;
- (7) to take bear, \$38;
- (8) to take elk, for a party of not more than two persons, \$250;
- (9) to take antlered deer in more than one zone, \$52;
- (10) to take Canada geese during a special season, \$4;
- (11) to take two deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;
- (12) to take prairie chickens, \$20;
- (13) for persons at least age 12 and under age ~~16~~ 18 to take deer with firearms, \$13; and
- (14) for persons at least age 12 and under age ~~16~~ 18 to take deer by archery, \$13.

Sec. 13. Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT HUNTING.] Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take small game, \$73;
- (2) to take deer with firearms, \$135;
- (3) to take deer by archery, the greater of:
  - (i) an amount equal to the total amount of license fees and surcharges charged to a Minnesota resident to take deer by archery in the person's state or province of residence; or
  - (ii) \$135;
- (4) to take bear, \$195;
- (5) to take turkey, \$73;
- (6) to take raccoon, bobcat, fox, coyote, or lynx, \$155;

(7) to take antlered deer in more than one zone, \$270; and

(8) to take Canada geese during a special season, \$4.

Sec. 14. Minnesota Statutes 2002, section 97A.475, subdivision 20, is amended to read:

Subd. 20. [TRAPPING LICENSE.] The fee for a license to trap fur-bearing animals is:

(1) for persons residents over age 13 and under age 18, \$6; ~~and~~

(2) for persons residents age 18 and older, \$20; and

(3) for nonresidents, \$73.

Sec. 15. Minnesota Statutes 2002, section 97A.475, is amended by adding a subdivision to read:

Subd. 25a. [LIVE BAIT RETAILER.] The fee for a live bait retailer license is \$15.

Sec. 16. Minnesota Statutes 2003 Supplement, section 97A.505, subdivision 8, is amended to read:

Subd. 8. [IMPORTATION OF HUNTER-HARVESTED CERVIDAE.] Importation into Minnesota of hunter-harvested cervidae carcasses from known chronic wasting disease endemic areas, as determined by the Board of Animal Health, is prohibited except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue. Hunter-harvested cervidae carcasses taken from chronic wasting disease endemic areas outside of Minnesota may be transported on a direct route through the state by nonresidents.

Sec. 17. Minnesota Statutes 2002, section 97A.545, subdivision 5, is amended to read:

Subd. 5. [BIRDS MUST BE IN UNDRESSED CONDITION; EXCEPTIONS.] (a) Except as provided in paragraph (b), a person may ship or otherwise transport game birds in an undressed condition only.

(b) Paragraph (a) does not apply if the birds being shipped or otherwise transported:

(1) were taken on a shooting preserve and are marked or identified in accordance with section 97A.121, subdivision 5; ~~or~~

(2) were taken, dressed, and lawfully shipped or otherwise transported in another state; or

(3) are migratory game birds that were lawfully tagged and packed by a federally permitted migratory bird preservation facility.

Sec. 18. Minnesota Statutes 2002, section 97B.015, subdivision 5, is amended to read:

Subd. 5. [FIREARMS SAFETY CERTIFICATE.] The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. ~~A certificate may not be issued to a person under age 12.~~ A person ~~that is~~ must be at least age 11 ~~may~~ to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid until the person is at least age 12. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 19. Minnesota Statutes 2002, section 97B.031, is amended by adding a subdivision to read:

Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be established by medical evidence verified in writing by a licensed physician. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this subdivision.

(c) A permit issued under this subdivision may be valid for up to five years.

(d) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(e) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 20. Minnesota Statutes 2002, section 97B.075, is amended to read:

97B.075 [HUNTING RESTRICTED BETWEEN EVENING AND MORNING.]

(a) A person may not take protected wild animals, except raccoon and fox, with a firearm between the evening and morning times established by commissioner's rule, except as provided in this section.

(b) Big game may be taken from one-half hour before sunrise until one-half hour after sunset, and,

(c) Except as otherwise prescribed by the commissioner during the first eight days of the season before the Saturday nearest October 8, until January 1, 2001, waterfowl may be taken from one-half hour before sunrise until sunset during the entire season prescribed by the commissioner. On the opening day of the duck season, shooting hours for migratory game birds, except woodcock, begin at 9:00 a.m.

Sec. 21. Minnesota Statutes 2002, section 97B.301, subdivision 6, is amended to read:

Subd. 6. [RESIDENTS UNDER AGE 16 18 MAY TAKE DEER OF EITHER SEX.] A resident under the age of 16 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents under age 16 18, under the procedures provided in section 97B.305, and may give preference to residents under the age of 16 18 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 22. Minnesota Statutes 2002, section 97B.301, subdivision 7, is amended to read:

Subd. 7. [ALL SEASON DEER LICENSE.] (a) A resident may obtain an all season deer license. This license authorizes the resident to take one buck by firearm or archery during any season statewide. In addition, a resident obtaining this license may take one antlerless deer:

(1) by firearms in the regular firearms season if the resident first obtains an antlerless deer permit or if the resident takes the antlerless deer in an area where the commissioner has authorized taking a deer of either sex without an antlerless permit;

(2) by archery in the archery season; or

(3) by muzzleloader in the muzzleloader season.

~~(b) A person obtaining an all season deer license does not qualify for hunting under subdivision 3.~~ The commissioner shall issue one tag for a buck and one tag for an antlerless deer when issuing a license under this subdivision.

Sec. 23. Minnesota Statutes 2003 Supplement, section 97B.311, is amended to read:

97B.311 [DEER SEASONS AND RESTRICTIONS.]

Subdivision 1. [RULEMAKING.] (a) The commissioner may, by rule, prescribe restrictions and designate areas where deer may be taken, including hunter selection criteria for special hunts established under section 97A.401, subdivision 4. The commissioner may, by rule, prescribe the open seasons for deer within the following periods:

(1) taking with firearms, other than muzzle-loading firearms, between November 1 and December 15;

(2) taking with muzzle-loading firearms between September 1 and December 31; and

(3) taking by archery between September 1 and December 31.

(b) Notwithstanding paragraph (a), the commissioner may establish special seasons within designated areas at any time of year.

Subd. 2. [ALBINO DEER PROTECTED.] A person may not take an albino deer.

Sec. 24. Minnesota Statutes 2002, section 97B.601, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENTS: RACCOON, BOBCAT, FOX, COYOTE, CANADA LYNX.] A nonresident may not take raccoon, bobcat, fox, coyote, or Canada lynx by firearms without a separate license to take that animal in addition to a small game license.

Sec. 25. Minnesota Statutes 2002, section 97B.601, is amended by adding a subdivision to read:

Subd. 3a. [NONRESIDENTS; TRAPPING SMALL GAME.] A nonresident may take small game by trapping only on land owned by the nonresident, if the nonresident possesses a trapping license and a small game license.

Sec. 26. Minnesota Statutes 2002, section 97B.721, is amended to read:

97B.721 [LICENSE AND STAMP VALIDATION REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.]

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license and a turkey stamp validation.

(b) The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18. An unlicensed adult age 18 or older may assist a licensed wild turkey hunter under the age of 16. The unlicensed adult may not shoot or possess a firearm or bow while assisting a youth under this paragraph.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

Sec. 27. Minnesota Statutes 2002, section 97B.901, is amended to read:

97B.901 [REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.]

(a) The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

(b) The pelt of each bobcat, fisher, pine marten, and otter must be presented, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for the species. ~~Until March 1, 2003, a possession or site tag is not required prior to registration of the fisher, pine marten, or otter.~~

Sec. 28. [97C.392] [SELLING LIVE BAIT.]

Subdivision 1. [LICENSE REQUIRED.] A person may not sell live bait at retail without a live bait retailer license. A person must purchase a live bait retailer license for each live bait retail outlet operated.

Subd. 2. [LICENSE APPLICATION.] (a) An applicant for a live bait retailer license must give the business name and address for the retail outlet. The address must include a street address or fire number.

(b) The retail outlet name and location may be changed for licensing purposes upon application to the commissioner.

Subd. 3. [EXEMPTIONS.] This section does not apply to:

- (1) a person who possesses a minnow retailer or dealer license; or
- (2) a resident under age 18 who does not buy bait for resale.

Sec. 29. Minnesota Statutes 2002, section 97C.605, subdivision 2, is amended to read:

Subd. 2. [TURTLE SELLER'S LICENSE.] (a) A person may not take, possess, buy, or transport turtles for sale; sell turtles; or take turtles for sale using commercial equipment without a turtle seller's license, except as provided in subdivision 2c.

(b) Except for renewals, no new turtle seller's licenses may be issued after August 1, 2002.

(c) A turtle seller's license is transferable by the turtle seller licensee by making application to the commissioner. A turtle seller's license may be transferred only once under this paragraph and the transfer must be to a child of the person holding the turtle seller's license.

Sec. 30. Minnesota Statutes 2003 Supplement, section 97C.605, subdivision 2c, is amended to read:

Subd. 2c. [LICENSE EXEMPTIONS.] A person does not need a turtle seller's license or an angling license:

- (1) when buying turtles for resale at a retail outlet;
- (2) when buying a turtle at a retail outlet;
- (3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller; or
- (4) to take, possess, and rent or sell up to 25 turtles greater than four inches in length for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles.

Sec. 31. [REPORT.]

By January 15, 2006, the commissioner shall report to the chairs of the senate and house committees having jurisdiction over natural resources policy, evaluating the impacts of the change in shooting hours, including harvest success and the effect on local waterfowl populations.

Sec. 32. [REPORTS AND COOPERATIVE EFFORTS REGARDING LEAD FISHING TACKLE.]

Subdivision 1. [MULTIJURISDICTIONAL COOPERATION FOR LEAD TACKLE RESTRICTIONS AND EDUCATION.] In order to promote consistent, nationally applicable

regulations and education, the commissioner of natural resources shall coordinate and participate in efforts to promote national laws and educational programs regarding lead fishing tackle. The commissioner may participate with other jurisdictions, including federal, state and international governments, in activities under this subdivision, including advocacy for uniform laws, educational efforts, and the creation of incentives to use nonlead tackle. The commissioner may solicit and involve tackle manufacturers, conservation organizations, and fishing associations in cooperative efforts under this subdivision.

Subd. 2. [LEAD TACKLE AWARENESS AND PUBLIC EDUCATION.] The commissioner of natural resources and the director of the Office of Environmental Assistance shall provide public education regarding concerns about lead fishing tackle and promote the availability of nonlead fishing tackle.

Subd. 3. [VOLUNTARY CONSERVATION OFFICER PARTICIPATION IN LEAD TACKLE AWARENESS CAMPAIGN.] Conservation officers in the Department of Natural Resources may provide information to anglers regarding lead tackle and may provide samples of lead-free sinkers and jigs.

Subd. 4. [REPORT ON HEALTH HAZARDS OF HOME MANUFACTURE OF FISHING TACKLE.] The commissioners of health and the Pollution Control Agency may provide a report to the legislative committees with jurisdiction over environmental and health policies regarding the health hazards associated with the home manufacture of lead fishing tackle. The report may make recommendations to mitigate the concerns associated with any identifiable health hazard discussed in the report.

#### Sec. 33. [GRANTS.]

The director of the Office of Environmental Assistance, in consultation with the commissioner of natural resources, may make grants under Minnesota Statutes, sections 115A.152 and 115D.04, to generators, conservation organizations, and angler associations to assist in reducing the use of lead fishing tackle, including grants for educational activities.

#### Sec. 34. [REPORT.]

By August 1, 2005, the commissioner shall report to the house and senate policy committees with jurisdiction over natural resources on the results of the mourning dove season authorized by this act. The report must include a description of the impact of the season on the mourning dove population in the state.

#### Sec. 35. [QUALITY DEER MANAGEMENT PILOT ZONE; YOUTH EARLY SEASON FIREARMS DEER HUNT.]

(a) The commissioner of natural resources may establish a quality deer management pilot zone, under Minnesota Statutes, section 97B.311, consisting of Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties. A person age 18 or older may not take an antlered deer by firearms in the quality deer management pilot zone with antlers that:

- (1) are less than the width of the ears when the ears are fully extended; and
- (2) have fewer than four points on one side.

(b) The commissioner shall establish an early season two-day, special firearms deer season, under Minnesota Statutes, section 97B.112, for youth residents that are at least age 12 and under age 15 to take an antlerless deer in Kittson, Lake of the Woods, Marshall, Pennington, and Roseau Counties. The two-day special season shall be established on the weekend following the third Thursday in October.

(c) A violation related to antler size in the quality deer management zone is not a crime and shall not result in a penalty, but is punishable only by a warning.

(d) If a quality deer management pilot zone is established, the commissioner shall annually

report to the senate and house of representatives committees with jurisdiction over natural resources policy on the quality deer management pilot zone. The report must include information on the number of antlered deer taken in the quality deer management pilot zone and estimates of the antlered deer population in the zone, including the quality of the population.

(e) This section expires on December 31, 2008.

Sec. 36. [REPEALER.]

Minnesota Statutes 2002, section 97B.731, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; modifying deer hunting provisions and fees; modifying restriction on importation of cervidae carcasses; modifying restrictions on the transport of game birds; clarifying validity of firearms safety certificates issued to youth; modifying turtle license requirements; eliminating prohibition on the use of vehicles for trapping beaver and otter; modifying waterfowl refuge provisions; providing for suspension of game and fish license and permit privileges under certain conditions; modifying shooting hours for migratory game birds; authorizing a season on mourning doves; prohibiting taking albino deer; modifying certain game license provisions; requiring public education efforts regarding lead tackle; authorizing grants; providing for the transfer of a turtle seller's license; authorizing a special permit for use of a scope when hunting with a muzzleloader; providing for a quality deer management pilot zone; requiring reports; amending Minnesota Statutes 2002, sections 97A.015, subdivision 24; 97A.085, subdivisions 2, 3, 4; 97A.095, subdivisions 1, 2, 4; 97A.420, subdivision 4; 97A.421, by adding a subdivision; 97A.435, subdivision 4, by adding a subdivision; 97A.475, subdivision 20, by adding a subdivision; 97A.545, subdivision 5; 97B.015, subdivision 5; 97B.031, by adding a subdivision; 97B.075; 97B.301, subdivisions 6, 7; 97B.601, subdivision 3, by adding a subdivision; 97B.721; 97B.901; 97C.605, subdivision 2; Minnesota Statutes 2003 Supplement, sections 97A.475, subdivisions 2, 3; 97A.505, subdivision 8; 97B.311; 97C.605, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2002, section 97B.731, subdivision 2."

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 2216:** A bill for an act relating to natural resources; modifying electronic licensing provisions; clarifying certain wild rice provisions; modifying disposition of certain proceeds; modifying snowmobile training and operating requirements; modifying certain fee provisions; eliminating RIM work plan requirement; modifying reporting requirements; modifying motorboat equipment and noise provisions; modifying provisions for cross-country ski passes; providing for certain refunds, fees, and commissions; modifying authority to issue and sell licenses and appoint agents; modifying nonresident minnow transport requirements; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 84.027, subdivision 15; 84.091, subdivision 1; 84.83, subdivision 2; 84.86, subdivision 1; 84.862, subdivisions 1, 3; 84.872, subdivision 1; 85.41, subdivisions 2, 4, 5; 85.43; 86B.321, subdivision 2; 86B.521, subdivisions 1, 2; 97A.055, subdivision 4; 97A.311, by adding a subdivision; 97A.434, subdivision 3; 97A.4742, subdivision 4; 97A.485, subdivisions 3, 4, 5, 7, 11; 97C.501, subdivision 4; 97C.525, subdivisions 3, 5; Minnesota Statutes 2003 Supplement, sections 84.862, subdivision 2a; 97A.475, subdivision 26; 97A.485, subdivision 6; 103G.615, subdivision 2; repealing Minnesota Statutes 2002, sections 84.862, subdivision 2; 84.95, subdivision 3; 97A.485, subdivisions 2, 8, 10; Minnesota Statutes 2003 Supplement, section 97A.475, subdivision 28.

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

Page 2, line 21, after the second semicolon, insert "85.41, subdivision 5;"

Page 2, line 24, delete "section" and insert "sections 85.43, paragraph (b), and"

Page 3, after line 8, insert:

"Sec. 3. Minnesota Statutes 2002, section 84.8205, subdivision 5, is amended to read:

Subd. 5. [~~AGENT'S FEE.~~] In addition to the fee for a sticker shall be increased by the amount of, an issuing fee of \$1 per sticker shall be charged. The issuing fee may be retained by the seller of the sticker. Issuing fees for stickers issued by the commissioner shall be deposited in the snowmobile trails and enforcement account in the natural resources fund and retained for the operation of the electronic licensing system."

Pages 8 and 9, delete sections 11 and 12 and insert:

"Sec. 12. Minnesota Statutes 2002, section 85.41, subdivision 5, is amended to read:

Subd. 5. [~~ISSUING FEE.~~] In addition to the fee for a cross-country ski pass shall be increased by the amount of, an issuing fee of \$1 per pass shall be charged. The issuing fee shall be retained by the seller of the pass. Issuing fees for passes issued by the commissioner shall be deposited in the cross-country ski account in the natural resources fund and retained for the operation of the electronic licensing system. A pass shall indicate the amount of the fee that is retained by the seller.

Sec. 13. Minnesota Statutes 2002, section 85.43, is amended to read:

85.43 [DISPOSITION OF RECEIPTS; PURPOSE.]

(a) Fees from cross-country ski passes shall be deposited in the state treasury and credited to a cross-country ski account in the natural resources fund and, except as provided in paragraph (b), are appropriated to the commissioner of natural resources for:

(a) (1) grants-in-aid for cross-country ski trails sponsored by local units of government and special park districts as provided in section 85.44; and

(b) (2) maintenance, winter grooming, and associated administrative costs for cross-country ski trails under the jurisdiction of the commissioner.

(b) The commissioner shall retain for the operation of the electronic licensing system a commission of 4.7 percent of all cross-country ski pass fees collected."

Page 15, line 23, delete "4-7/10" and insert "4.7"

Page 17, after line 22, insert:

"Sec. 32. [ABOLISHMENT OF ACCOUNT; TRANSFER OF FUNDS.]

The cross-country ski account in the special revenue fund is abolished. All amounts remaining in the cross-country ski account in the special revenue fund are transferred to the cross-country ski account in the natural resources fund.

Sec. 33. [REPORT.]

By January 31, 2005, the commissioner of natural resources shall report to the chairs of the house Environment and Natural Resources Finance Committee and the senate Environment, Agriculture and Economic Development Budget Division on the amounts appropriated for the electronic licensing system under Minnesota Statutes, section 84.027, subdivision 15, paragraph (c), for fiscal years 2005, 2006, and 2007. The report shall identify estimated receipts for each individual fee and commission and estimated spending for transaction costs, system modifications costs, and any other costs for which the money is planned to be spent."

Page 17, line 35, delete "13" and insert "14" and after the period, insert "The remainder of this act is effective July 1, 2004."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete "appropriating money" and insert "requiring a report on the electronic licensing system"

Page 1, line 16, after "1;" insert "84.8205, subdivision 5;"

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**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.

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

Page 2, delete lines 9 to 17 and insert:

"(3) to license and certify a new 60-bed facility in Austin, provided that:

(i) 45 of the new beds are transferred from a 45-bed facility in Austin under common ownership that is closed, and 15 of the new beds are transferred from a 182-bed facility in Albert Lea under common ownership;

(ii) the commissioner of human services is authorized by the 2004 legislature to negotiate budget-neutral planned nursing facility closures; and

(iii) money is available from planned closures of facilities under common ownership to make implementation of this clause budget-neutral to the state.

The bed capacity of the Albert Lea facility shall be reduced to 167 beds following the transfer. Of the 60 beds at the new facility, 20 beds shall be used for a special care unit for persons with Alzheimer's disease or related dementias."

Page 2, delete section 2

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

Without objection, the Senate reverted to the Order of Business of First Reading of House Bills.

**FIRST READING OF HOUSE BILLS**

Senator Rest moved that H.F. No. 2991 be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 1835, 2112, 3036, 2216 and 2020 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 2368 was read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Fischbach moved that the name of Senator Limmer be added as a co-author to S.F. No. 1835. The motion prevailed.

Senator Kelley moved that the name of Senator Stumpf be added as a co-author to S.F. No. 2629. The motion prevailed.

**Senators Bachmann, LeClair and Marko introduced--**

**Senate Resolution No. 164:** A Senate resolution recognizing Judge Mary E. Carlson on the occasion of her retirement.

Referred to the Committee on Rules and Administration.

**Senator Lourey introduced--**

**Senate Resolution No. 165:** A Senate resolution honoring the sacrifice of United States Marine Pfc. Matthew Milczark of Kettle River, Minnesota.

Referred to the Committee on Rules and Administration.

**Senator Lourey introduced--**

**Senate Resolution No. 166:** A Senate resolution honoring the sacrifice of United States Marine Lance Corporal Levi Angell of Cloquet, Minnesota.

Referred to the Committee on Rules and Administration.

**Senator Lourey introduced--**

**Senate Resolution No. 167:** A Senate resolution honoring the sacrifice of United States Marine Pfc. Moises A. Langhorst of Moose Lake, Minnesota.

Referred to the Committee on Rules and Administration.

**Senators Metzen, Pappas, Pogemiller and Knutson introduced--**

**Senate Resolution No. 168:** A Senate resolution congratulating the University of Minnesota Women's Hockey Team on winning the 2004 NCAA championship.

WHEREAS, the University of Minnesota varsity women's hockey team spent much of the 2003-04 season ranked number one in the nation; and

WHEREAS, the Golden Gophers won the Western Collegiate Hockey Association's regular season championship this season; and

WHEREAS, the Gophers defeated their arch-rivals, the Minnesota-Duluth Bulldogs, 4-2, to claim the WCHA Playoff Championship; and

WHEREAS, the Gophers traveled to Providence, Rhode Island, where, on March 28, they defeated Harvard University 6-2 to win the NCAA title; and

WHEREAS, the Gophers became the first women's varsity team from the University of Minnesota to win a national championship; and

WHEREAS, Gophers coach Laura Halldorson was named the national coach of the year after guiding the team to a record of 30 wins, four losses, and two ties; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that congratulations are extended to Coach Halldorson and her team for winning the national championship in women's hockey and keeping the trophy within the state of Minnesota for the fourth consecutive year.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Senate Majority Leader, and transmit it to Laura Halldorson.

Senator Pappas moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

### RECESS

Senator Rest 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.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that S.F. No. 1384 be taken from the table. The motion prevailed.

**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 Knutson moved to amend S.F. No. 1384 as follows:

Page 1, line 25, delete "the condition of being" and insert "a reasonable period of time during which a person is"

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

S.F. No. 1384 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 35 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

**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:

S.F. Nos. 2231, 2778, 2437, 2455, H.F. No. 2930 and S.F. No. 1530.

**SPECIAL ORDER**

**S.F. No. 2231:** A bill for an act relating to peace officers; clarifying when a peace officer may recoup attorney fees and costs in a civilian complaint proceeding; amending Minnesota Statutes 2002, section 471.44, subdivision 2.

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2778:** A bill for an act relating to Hennepin County; eliminating duplicate campaign finance filings; making other technical changes to the county campaign finance provisions; amending Minnesota Statutes 2002, sections 383B.042, subdivisions 13, 14, 16; 383B.046; 383B.047; 383B.048; 383B.049; 383B.05; 383B.053, subdivision 1.

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

Solon  
SparksStumpf  
Tomassoni

Vickerman

Wergin

Wiger

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2437:** A bill for an act relating to farm products; regulating liens and financing statements; establishing filing requirements; setting fees; appropriating money; amending Minnesota Statutes 2002, sections 336A.01; 336A.02; 336A.03; 336A.04; 336A.05; 336A.06; 336A.07; 336A.08; 336A.09; 336A.10; 336A.11, subdivisions 1, 2; 336A.12; 336A.13; proposing coding for new law in Minnesota Statutes, chapter 336A; repealing Minnesota Rules, parts 8265.0100; 8265.0200; 8265.0300; 8265.0400; 8265.0500; 8265.0600.

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 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	LeClair
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2455:** A bill for an act relating to public safety; removing sunset date on propane education and research council established under federal law; repealing Laws 2001, chapter 130, sections 5, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kelley	Limmer	Neuville
Bachmann	Fischbach	Kierlin	Lourey	Nienow
Bakk	Foley	Kiscaden	Marko	Olson
Belanger	Frederickson	Kleis	Marty	Ortman
Berglin	Gaither	Knutson	McGinn	Ourada
Betzold	Hann	Koering	Metzen	Pappas
Cohen	Higgins	Kubly	Michel	Pariseau
Day	Johnson, D.E.	Langseth	Moua	Pogemiller
Dibble	Jungbauer	LeClair	Murphy	Ranum

Reiter	Ruud	Senjem	Sparks	Wergin
Rest	Sams	Skoe	Stumpf	Wiger
Robling	Saxhaug	Skoglund	Tomassoni	
Rosen	Scheid	Solon	Vickerman	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2930:** A bill for an act relating to state government; requiring flags in the Capitol area to be flown at half-staff following death of a public safety officer or Minnesota military personnel killed in the line of duty; proposing coding for new law in Minnesota Statutes, chapter 1.

Senator Reiter moved that the amendment made to H.F. No. 2930 by the Committee on Rules and Administration in the report adopted March 31, 2004, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2930 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	Gaither	Langseth	Olson	Saxhaug
Bachmann	Hann	LeClair	Ortman	Scheid
Bakk	Higgins	Limmer	Ourada	Senjem
Belanger	Johnson, D.E.	Lourey	Pappas	Skoe
Berglin	Johnson, D.J.	Marko	Pariseau	Skoglund
Betzold	Jungbauer	Marty	Pogemiller	Solon
Cohen	Kelley	McGinn	Ranum	Sparks
Day	Kierlin	Metzen	Reiter	Stumpf
Dibble	Kiscaden	Michel	Rest	Tomassoni
Dille	Kleis	Moua	Robling	Vickerman
Fischbach	Knutson	Murphy	Rosen	Wergin
Foley	Koering	Neuville	Ruud	Wiger
Frederickson	Kubly	Nienow	Sams	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1530:** A bill for an act relating to animals; imposing limits on ownership and possession of certain dangerous animals; requiring registration; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 346.

Senator Betzold moved to amend S.F. No. 1530 as follows:

Page 6, line 12, delete everything after "property"

Page 6, line 13, delete "possible"

Page 6, line 16, delete everything after the semicolon

Page 6, delete line 17

The motion prevailed. So the amendment was adopted.

Senator Betzold then moved to amend S.F. No. 1530 as follows:

Page 3, delete lines 27 to 29

The motion prevailed. So the amendment was adopted.

Senator McGinn moved to amend S.F. No. 1530 as follows:

Page 7, line 36, before the semicolon, insert "or the United Zoological Association"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Kiscaden moved to amend S.F. No. 1530 as follows:

Page 8, line 9, delete "Minnesota"

The motion prevailed. So the amendment was adopted.

S.F. No. 1530 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 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Kleis	LeClair	Senjem	Skoe
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So the bill, as amended, was passed and its title was agreed to.

## RECESS

Senator Johnson, D.E. 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.

### APPOINTMENTS

Senator Johnson, D.E. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 1645: Senators Higgins, Moua and Wergin.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

### REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### **Senator Cohen from the Committee on Finance, to which was referred**

**H.F. No. 2040:** A bill for an act relating to water; modifying provisions relating to warrantied sewage treatment systems; creating a certification program for new wastewater treatment technology; appropriating money; amending Minnesota Statutes 2002, section 115.55, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 115; repealing Minnesota Statutes 2002, section 115.55, subdivision 10.

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

Page 2, line 16, strike "\$1,000" and insert "\$2,000"

Page 3, delete lines 2 to 4

Page 4, line 6, delete "(3)" and insert "(4)"

Page 4, line 9, delete "(4)" and insert "(5)"

Page 4, after line 10, insert:

"Subd. 3. [EXPIRATION.] This section expires May 1, 2014."

Page 4, line 11, delete "; EXPIRATION"

Page 4, line 12, delete "and expires May 1, 2014"

Page 5, after line 32, insert:

"Subd. 5. [EXPIRATION.] This section expires May 1, 2014."

Page 5, line 33, delete "; EXPIRATION"

Page 5, line 34, delete "and expires May 1, 2014"

Pages 5 and 6, delete section 4

Amend the title as follows:

Page 1, lines 8 and 9, delete "; repealing Minnesota Statutes 2002, section 115.55, subdivision 10"

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

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 2613:** A bill for an act relating to Minnesota Comprehensive Health Association; increasing the minimum premium rate; authorizing enrollee incentives for participation in a disease management program; phasing out Medicare-extended basic supplement plans; modifying eligibility requirements; amending Minnesota Statutes 2002, sections 62E.10, subdivisions 2, 10; 62E.141; Minnesota Statutes 2003 Supplement, sections 62E.08, subdivision 1; 62E.091; 62E.12; 62E.14, subdivision 5.

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

Pages 1 to 5, delete sections 1 and 2

Page 8, delete section 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "increasing the minimum premium rate;"

Page 1, lines 9 and 10, delete "sections 62E.08, subdivision 1; 62E.091; 62E.12; 62E.14, subdivision 5" and insert "section 62E.12"

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

**Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 2178:** A bill for an act relating to municipal airports; prohibiting closure without approval of the legislature; proposing coding for new law in Minnesota Statutes, chapter 360.

Reports the same back with the recommendation that the report from the Committee on State and Local Government Operations, shown in the Journal for April 1, 2004, be adopted; that committee recommendation being: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2178. Amendments adopted. Report adopted.

**Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 2646:** A bill for an act relating to employment; modifying state dislocated worker program provisions; amending Minnesota Statutes 2002, section 116L.17, subdivisions 1, 4, 5, 6; Minnesota Statutes 2003 Supplement, section 116L.17, subdivisions 2, 3; repealing Minnesota Statutes 2002, section 116L.17, subdivision 7.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 5, 2004, be adopted; that committee recommendation being: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2646. Amendments adopted. Report adopted.

**Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 2350:** A bill for an act relating to state government; merging the Department of Economic Security and the Department of Employment and Economic Development; making corresponding technical and housekeeping changes; amending Minnesota Statutes 2002, sections 3.922, subdivision 10; 15.0591, subdivision 2; 116J.01, subdivisions 4, 5; 116J.035, subdivision 2; 116J.551; 116J.64, subdivisions 4, 5, 7, 8, 9, by adding a subdivision; 116L.01, subdivision 1; 116L.05, subdivision 4; 119A.46, subdivision 8; 144.9503, subdivision 1; 171.321, subdivision 2; 181.73, subdivision 1; 216C.10; 242.39, subdivision 3; 246.56, subdivision 1; 256J.08, subdivision 52; 268.001; 268.0111, subdivision 4; 268.0122, subdivision 1; 268.29; 268.66, as amended; 268.665, as amended; 268.976, subdivision 2; 268A.01, subdivisions 5, 13; Minnesota Statutes 2003 Supplement, sections 15.01; 15.057; 15.06, subdivision 1; 15A.0815, subdivision 2; 16C.05, subdivision 3; 116J.011; 116J.401; 116J.64, subdivision 6; 116J.966, subdivision 1; 116J.980, subdivision 1; 116J.994, subdivisions 9, 10; 116M.15, subdivision 1; 248.07, subdivision 8; 256.482, subdivision 1; 256C.233, subdivision 1; 268.014; 268.022, subdivision 1; 268.363; Laws 2003, chapter 128, article 10, section 2, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapters 116J; 116L; 268A; repealing Minnesota Statutes 2002, sections 116J.036; 116J.414; 116L.04, subdivision 4; 268.0111, subdivisions 1, 2, 3a, 4a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 2, 5, 6; 268.027; 268.028; 268.029; 268.26, subdivisions 2, 3; 268.361, subdivision 3; 268.3661; 268.551; 268.552; 268.56, subdivision 2; 268.561, subdivision 10; 268.61, subdivision 2; 268.65, subdivisions 1, 3, 4, 5; 268.666, subdivision 5; 268.89; 268.918; 268.95; Minnesota Statutes 2003 Supplement, sections 268.0122, subdivision 3; 268.26, subdivision 1; 268.65, subdivision 2; 268.95, subdivision 4; 268.976, subdivision 1; Laws 2001, chapter 175, section 49; Minnesota Rules, parts 3300.0050; 3301.0180; 3301.0190; 3301.0200; 3301.0210; 3301.0220; 3301.0230; 3310.2903; 3310.2904; 3310.2905, subpart 1; 3310.2906; 3310.2907; 3310.2909; 3310.2918; 3315.0100; 3315.0202; 3315.0501, subparts 3, 4, 5; 3315.0510; 3315.0530, subpart 1; 3315.0535; 3315.0545; 3315.0555, subpart 5; 3315.0915; 3315.0920; 3315.1005, subpart 2; 3315.1015; 3315.1301, subparts 3, 6; 3315.1305; 3315.1310; 3315.1650, subpart 1; 3315.2410; 3315.2610; 3315.2750; 3315.2810, subparts 1, 3; 3315.3220, subpart 4; 3320.0010; 3320.0020; 3320.0030; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240; 7380.0500; 7380.0510; 7380.0520; 7380.0530; 7380.0540; 7380.0550; 7380.0560; 7380.0570; 7380.0580; 7380.0581; 7380.0582; 7380.0600; 7380.0610; 7380.0620; 7380.0630; 7380.0640; 7380.0650; 7380.0800; 7380.0810; 7380.0820; 7380.0830; 7380.0840.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for April 5, 2004, be adopted; that committee recommendation being: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2350. Amendments adopted. Report adopted.

**Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 2561:** A bill for an act relating to government data practices; providing for compliance with law by information management systems; providing for classification of, and access to, CriMNet and other criminal justice agency information systems data; amending Minnesota Statutes 2002, sections 13.02, subdivision 18, by adding subdivisions; 13.82, subdivision 24; proposing coding for new law in Minnesota Statutes, chapter 13.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for March 25, 2004, be amended to read: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2561. Amendments adopted. Report adopted.

**Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,**

**S.F. No. 2844:** A bill for an act relating to workers' compensation; making technical changes; modifying the definition of "personal injury" to include injury or disease resulting from certain vaccines; authorizing qualifying employees to opt to receive alternative workers' compensation benefits; amending Minnesota Statutes 2002, sections 176.011, subdivisions 15, 16; 176.081, subdivision 1; 176.092, subdivision 1a; 176.102, subdivision 3a; 176.129, subdivisions 1b, 2a, 13; 176.135, subdivisions 1, 7; 176.1351, subdivisions 3, 5, by adding a subdivision; 176.181, by adding a subdivision; 176.1812, subdivision 6; 176.185, subdivision 1; 176.231, subdivision 5; 176.238, subdivision 10; 176.391, subdivision 2; 176.83, subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Health and Family Security, shown in the Journal for March 29, 2004, be amended to read: "the bill be re-referred to the Committee on State and Local Government Operations without recommendation," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2844. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 2613, 2178, 2646, 2350 and 2561 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 2040 was read the second time.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Rest moved that S.F. No. 1603, No. 13 on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Berglin moved that S.F. No. 2360, No. 40 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Berglin moved that S.F. No. 2460, No. 46 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bill was read the first time and referred to the committee indicated.

#### **Senator Skoe introduced--**

**S.F. No. 3056:** A bill for an act relating to natural resources; providing for the management of Upper Rice and Minerva Lakes in Clearwater County.

Referred to the Committee on Environment and Natural Resources.

### **MEMBERS EXCUSED**

Senators Hottinger and Larson were excused from the Session of today. Senator Koering was excused from the Session of today from 1:00 to 1:10 p.m.

**ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 1:00 p.m., Tuesday, May 4, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

**PROTEST AND DISSENT**

May 3, 2004

The Honorable James P. Metzen  
President of the Senate

Dear Mr. President:

Greetings!! Under the Constitution of the State of Minnesota, Article IV, Section 11, we wish to express our dissent and protest against H.F. No. 2540, and the manner in which an amendment thereto has been reported, or rather not reported, in the Journal of the Senate on Thursday, April 29, 2004.

On that day, Senator LeClair introduced an amendment relating to Health Savings Accounts (HSA's) and our state's taxation thereof. The LeClair HSA amendment was reported to the full Senate by the Secretary, and thus it became the property of the Senate itself. Senator Murphy questioned the germaneness of the HSA Amendment, and then later withdrew that challenge. A full debate on the floor of the Senate served to highlight the importance of, and the bi-partisan support for, HSA's. Finally, Senator LeClair moved to withdraw the HSA amendment before any vote was taken, so that the Senate did not establish a negative position going into conference committee with the House.

None of this important floor activity is reflected in the Journal of the Senate, Eighty-third Legislature, Ninety-ninth Day.

We believe that H.F. 2540, and the manner in which it is reported by the Journal of the Senate, is highly injurious to the public, who depend on the Journal of the Senate to keep and hold their elected officials accountable. We expect that this letter, explaining our reasons for dissent, will be reprinted in the Journal, as provided for in the Constitution of the State of Minnesota. All the best!

Very truly yours,

Brian LeClair  
State Senator, District 56

David Hann  
State Senator, District 42



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