

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

FOURTH DAY

St. Paul, Minnesota, Thursday, January 16, 2003

The Senate met at 12:00 noon and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Dr. Timothy D. Hart-Andersen.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Lance Teachworth, whom I have appointed Acting Commissioner of the Bureau of Mediation Services, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Jessie Montano, whom I have appointed Acting Commissioner of the Minnesota Department of Children, Families and Learning, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Dennis Benson, whom I have appointed Acting Commissioner of the Minnesota Department of Corrections, effective January 6, 2003, and expiring on January 20, 2003, when Joan Fabian will become Commissioner of Corrections.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Ann Schluter, whom I have appointed Acting Commissioner of the Minnesota Department of Employee Relations, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Aggie Leitheiser, whom I have appointed Acting Commissioner of the Minnesota Department of Health, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Brian Hiti, whom I have appointed Acting Commissioner of the Iron Range Resources and Rehabilitation Board, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Mary Hill Smith, whom I have appointed Acting Chair of the Metropolitan Council, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Brad Moore, whom I have appointed Acting Commissioner of the Minnesota Department of Natural Resources, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Mancel Mitchell, Jr., whom I have appointed Acting Commissioner of the Minnesota Department of Public Safety, effective January 6, 2003.

January 6, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Elaine Bliss, whom I have appointed Acting Commissioner of the Minnesota Department of Trade and Economic Development, effective January 6, 2003.

January 8, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for John Stavros, whom I have appointed Acting Commissioner of the Minnesota Department of Economic Security, effective January 9, 2003.

Sincerely,
Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

Senate Concurrent Resolution No. 1: A Senate concurrent resolution relating to the adoption of temporary joint rules.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 13, 2003

Mr. President:

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

Senate Concurrent Resolution No. 2: A Senate concurrent resolution relating to parking space in the capitol area for members of the legislature and staff.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 13, 2003

Mr. President:

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

Senate Concurrent Resolution No. 3: A Senate concurrent resolution relating to the adjournment of the Senate and House of Representatives on January 16, 2003.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned January 13, 2003

MOTIONS AND RESOLUTIONS

Senator Moua moved that the names of Senators Langseth, Cohen and Pappas be added as co-authors to S.F. No. 19. The motion prevailed.

Senator Pappas moved that the name of Senator Moua be added as a co-author to S.F. No. 37. The motion prevailed.

Senator Moua moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Wiger be added as chief author to S.F. No. 38. The motion prevailed.

Senators Hottinger and Day introduced--

Senate Resolution No. 12: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

Senator Hottinger moved that Senate Resolution No. 12 be laid on the table and printed in the Journal. The motion prevailed.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The miles traveled by members of the Senate for the 83rd Legislature in each round trip going to and returning from the Capitol to their places of residence are as follows:

MEMBER	MILEAGE
ANDERSON, Ellen R.	0
BACHMANN, Michele M.	44
BAKK, Thomas M.	470
BELANGER, William V., Jr.	46
BERGLIN, Linda	19
BETZOLD, Don	30
CHAUDHARY, Satveer	30
COHEN, Richard J.	15
DAY, Dick	140
DIBBLE, D. Scott	26
DILLE, Steve	150
FISCHBACH, Michelle L.	204
FOLEY, Leo T.	56
FREDERICKSON, Dennis R.	210
GAITHER, David	55
HANN, David	56
HIGGINS, Linda I.	24
HOTTINGER, John C.	160
JOHNSON, Dean E.	202
JOHNSON, Debbie J.	60
JUNGBAUER, Michael J.	76
KELLEY, Steve P.	36
KIERLIN, Bob	216
KISCADEN, Sheila M.	160
KLEIS, Dave	145
KNUTSON, David L.	38
KOERING, Paul	260
KUBLY, Gary W.	279

LANGSETH, Keith	472
LARSON, Cal	392
LECLAIR, Brian	22
LIMMER, Warren	50
LOUREY, Becky	236
MARKO, Sharon	38
MARTY, John	25
MCGINN, Mike	24
METZEN, James P.	15
MICHEL, Geoff	43
MOUA, Mee	12
MURPHY, Steve	102
NEUVILLE, Thomas M.	94
NIENOW, Sean	122
OLSON, Gen	70
ORTMAN, Julianne E.	59
OURADA, Mark	101
PAPPAS, Sandra L.	0
PARISEAU, Pat	64
POGEMILLER, Lawrence J.	18
RANUM, Jane B.	0
REITER, Mady	21
REST, Ann H.	44
ROBLING, Claire A.	76
ROSEN, Julie A.	325
RUUD, Carrie	334
SAMS, Dallas C. (air 264)	300
SAXHAUG, Tom	390
SCHEID, Linda	44
SENJEM, David H.	152
SKOE, Rod	560
SKOGLUND, Wesley J.	0
SOLON, Yvonne Prettner	330
SPARKS, Daniel	204
STUMPF, LeRoy A.	650
TOMASSONI, David J.	404
VICKERMAN, Jim	336
WERGIN, Betsy	123
WIGER, Charles W.	17

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Johnson, D.E. introduced--

S.F. No. 49: A bill for an act relating to economic development; authorizing Kandiyohi county to exercise the powers of a city for the purposes of establishing an economic development authority; permitting the joint exercise of powers by Kandiyohi county and the city of Willmar; creating a special taxing district as a political subdivision of the state.

Referred to the Committee on State and Local Government Operations.

Senator Johnson, D.E. introduced--

S.F. No. 50: A bill for an act relating to motor vehicles; providing tax exemptions for emergency medical service vehicles; amending Minnesota Statutes 2002, sections 168.012, subdivision 1; 297B.03.

Referred to the Committee on Taxes.

Senators Bakk, Knutson and Solon introduced--

S.F. No. 51: A bill for an act relating to natural resources; appropriating money and authorizing bonds for Lake Superior safe harbors.

Referred to the Committee on Finance.

Senators Bakk, Knutson and Solon introduced--

S.F. No. 52: A bill for an act relating to natural resources; appropriating money and authorizing bonds for the development of the Gitchi-Gami state trail.

Referred to the Committee on Finance.

Senators Bakk, Knutson and Solon introduced--

S.F. No. 53: A bill for an act relating to the environment; appropriating money and authorizing bonds for wastewater infrastructure grants to the Larsmont portion of the Knife River-Larsmont sanitary district.

Referred to the Committee on Finance.

Senator Betzold introduced--

S.F. No. 54: A bill for an act relating to education; authorizing a levy for independent school district No. 14, Fridley.

Referred to the Committee on Education.

Senators Tomassoni and Bakk introduced--

S.F. No. 55: A bill for an act relating to retirement; providing benefit increases for retired Eveleth police officers and firefighters and their surviving spouses.

Referred to the Committee on State and Local Government Operations.

Senators Tomassoni and Bakk introduced--

S.F. No. 56: A bill for an act relating to capital improvements; providing for science laboratories and other facilities at the Northeast Higher Education District-Virginia; appropriating money.

Referred to the Committee on Finance.

Senators Tomassoni and Bakk introduced--

S.F. No. 57: A bill for an act relating to unemployment insurance; modifying deductibility of pensions; amending Minnesota Statutes 2002, section 268.085, subdivisions 3, 4.

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

Senators Foley, Knutson, Limmer, Chaudhary and Marty introduced--

S.F. No. 58: A bill for an act relating to crimes; reducing from 0.10 to 0.08 the per se alcohol concentration level for impairment offenses involving driving a motor vehicle, criminal vehicular homicide and injury, operating recreational vehicles or watercraft, hunting, or operating military vehicles while impaired; amending Minnesota Statutes 2002, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169A.20, subdivision 1; 169A.51, subdivision 1; 169A.52, subdivisions 2, 4, 7; 169A.53, subdivision 3; 169A.54, subdivision 7; 169A.76; 192A.555; 609.21.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Johnson, D.J.; Jungbauer; Reiter; Langseth and Bachmann introduced--

S.F. No. 59: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a park-and-ride lot in Anoka county.

Referred to the Committee on Finance.

Senators Olson, Bachmann, Hann, Michel and Rosen introduced--

S.F. No. 60: A bill for an act relating to education; repealing and replacing the profile of learning; requiring legislative review of proposed statewide rigorous core academic standards in language arts, mathematics, science, and history and geography; repealing portions of Minnesota Rules, chapter 3501; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

Senator Betzold introduced--

S.F. No. 61: A bill for an act relating to state government; specifying certain contents for a statement of need and reasonableness for proposed administrative rules; amending Minnesota Statutes 2002, section 14.131.

Referred to the Committee on State and Local Government Operations.

Senator Koering introduced--

S.F. No. 62: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to the city of Little Falls for environmental cleanup of the Hennepin Paper Company property.

Referred to the Committee on Finance.

Senator Koering introduced--

S.F. No. 63: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Crow Wing county.

Referred to the Committee on Environment and Natural Resources.

Senator Kubly introduced--

S.F. No. 64: A bill for an act relating to education; authorizing a severance levy for independent school district No. 2853, Lac qui Parle Valley.

Referred to the Committee on Education.

Senator Rest introduced--

S.F. No. 65: A bill for an act relating to insurance; regulating nonrenewals of homeowner's

insurance; prohibiting various discriminatory practices in automobile and homeowner's insurance; amending Minnesota Statutes 2002, sections 65A.29, subdivision 8; 65B.28, subdivision 1; 72A.20, subdivisions 13, 23.

Referred to the Committee on Commerce and Utilities.

Senator Saxhaug introduced--

S.F. No. 66: A bill for an act relating to counties; requiring each county to adopt an emergency management plan by January 2005; amending Minnesota Statutes 2002, section 12.25, subdivision 2.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Saxhaug introduced--

S.F. No. 67: A bill for an act relating to economic development; authorizing the county of Koochiching to establish a port authority; authorizing local units of government to apply for foreign trade zone powers; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Senator Saxhaug introduced--

S.F. No. 68: A bill for an act relating to the legislature; providing for the organization of the house of representatives in case of tie vote for a house officer; amending Minnesota Statutes 2002, section 3.06, by adding a subdivision.

Referred to the Committee on Rules and Administration.

Senators Saxhaug, Anderson and Kelley introduced--

S.F. No. 69: A bill for an act relating to telecommunications; prohibiting toll charges for telephone calls originating and terminating within a school district; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Commerce and Utilities.

Senator Saxhaug introduced--

S.F. No. 70: A bill for an act relating to state land; requiring a land exchange in Lake of the Woods county.

Referred to the Committee on Environment and Natural Resources.

Senator Saxhaug introduced--

S.F. No. 71: A bill for an act relating to lawful gambling; defining lawful purpose to include certain expenditures by fraternal organizations; amending Minnesota Statutes 2002, section 349.12, subdivision 25.

Referred to the Committee on State and Local Government Operations.

Senator Saxhaug introduced--

S.F. No. 72: A bill for an act relating to higher education; restoring funds to the post-secondary work study and child care grant programs; appropriating money.

Referred to the Committee on Finance.

Senators Marko, Pappas, Kierlin, Michel and Rest introduced--

S.F. No. 73: A bill for an act relating to education; requiring a school district policy on student-on-student abuse; amending Minnesota Statutes 2002, section 121A.03, subdivisions 2, 3, by adding a subdivision.

Referred to the Committee on Education.

Senators Rest, Gaither, Kelley and Scheid introduced--

S.F. No. 74: A bill for an act relating to education; creating an exception to levy authority for new construction based on emergency closing of an operating school building; amending Minnesota Statutes 2002, section 123B.59, subdivision 5.

Referred to the Committee on Education.

Senators Sams; Johnson, D.E.; Murphy; Day and Ruud introduced--

S.F. No. 75: A bill for an act relating to natural resources; increasing certain issuance and filing fees for the registration and licensure of certain recreational vehicles and watercraft; amending Minnesota Statutes 2002, sections 84.788, subdivision 3; 84.798, subdivision 3; 84.82, subdivision 2; 84.8713, subdivisions 3, 4; 84.922, subdivision 2; 86B.415, subdivision 8; 86B.870, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senators Langseth, Higgins, Larson and Hottinger introduced--

S.F. No. 76: A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for the wastewater infrastructure program.

Referred to the Committee on Finance.

Senators Marty and Reiter introduced--

S.F. No. 77: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for reconstruction of the Edgerton Street bridge over highway I-694 in Ramsey county.

Referred to the Committee on Finance.

Senators Stumpf; Vickerman; Langseth; Johnson, D.E. and Day introduced--

S.F. No. 78: A bill for an act relating to local government; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; appropriating money; amending Minnesota Statutes 2002, sections 161.465; 366.011; 366.012.

Referred to the Committee on State and Local Government Operations.

Senators Cohen, Hottinger, Rest and Frederickson introduced--

S.F. No. 79: A bill for an act relating to state government; appropriating money and reducing appropriations for educational, health, human services, corrections, economic development, transportation, public safety, environmental, natural resources, agricultural, and state government purposes; establishing and modifying certain programs; providing for regulation of certain

activities and practices; providing for accounts, assessments, and fees; providing for the payment of certain refunds; amending Minnesota Statutes 2002, sections 16A.17, by adding a subdivision; 16B.47; 16B.48, subdivision 2; 16B.49; 16C.08, subdivisions 2, 3; 16C.09; 116P.05, subdivision 2; 116P.09, subdivisions 4, 5, 7; 116P.10; 116P.14, subdivision 2; 124D.135, subdivision 8; 124D.16, subdivision 6; 124D.20, by adding subdivisions; 136A.121, subdivision 7; 256.9657, subdivision 1; 256.969, subdivision 3a; 256B.0625, subdivision 13; 256B.19, subdivision 1d; 256B.195, subdivision 4; 256B.32, subdivision 1; 256B.431, subdivision 23, by adding a subdivision; 256B.75; 268.186; 289A.50, subdivision 2a; 289A.56, subdivision 4; 297A.75, subdivisions 2, 4; 297F.10, subdivision 1; Laws 2002, chapter 220, article 13, section 9, subdivision 2, as amended; repealing Minnesota Statutes 2002, sections 1.31; 16B.50; 16C.07; 43A.047; 115A.908, subdivision 2; 116P.13; 256.973; 256B.195, subdivision 5.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Senators Higgins; Johnson, D.E.; Metzen and Sams were excused from the Session of today.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 10:00 a.m., Tuesday, January 21, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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