

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

---

TWELFTH DAY

St. Paul, Minnesota, Tuesday, February 4, 2003

The Senate met at 11:30 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 Senator Dean E. Johnson.

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

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

The President declared a quorum present.

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

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate in Joint Convention at 11:45 a.m., on Thursday, February 6, 2003, to receive the message of the Honorable Tim Pawlenty, Governor of the State of Minnesota, said message to be delivered at 12:00 noon.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 3, 2003

Senator Hottinger moved that the Senate accept the invitation of the House of Representatives to meet in Joint Convention in the House Chamber at 11:45 a.m., Thursday, February 6, 2003, to receive the message of the Honorable Tim Pawlenty, Governor of the State of Minnesota. The motion prevailed.

Mr. President:

I have the honor to announce that the House has appointed a committee of five members of the House to act with a similar committee on the part of the Senate to escort the Governor to the Joint Convention to be held in the House Chamber. The Joint Convention has been rescheduled for Thursday, February 6, 2003. The Joint Convention will convene at 11:45 a.m., and the message of the Governor will be delivered at 12:00 noon.

Wilkin, Hackbarth, Soderstrom, Lindgren and Clark have been appointed as such committee on the part of the House.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 3, 2003

### REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Report at the Desk be now adopted. The motion prevailed.

#### **Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 85:** A resolution memorializing the President and Congress to carry through on their pledge to fund 40 percent of special education costs.

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

Page 1, line 15, delete "15" and insert "16.5"

Page 2, after line 12, insert:

"BE IT FURTHER RESOLVED that federal maintenance of effort requirements should only apply to state appropriations for special education and not to local school district subsidies for special education from general education funds."

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

### SECOND READING OF SENATE BILLS

S.F. No. 85 was read the second time.

### MOTIONS AND RESOLUTIONS

#### **Senator Sparks introduced--**

**Senate Resolution No. 23:** A Senate resolution congratulating John Jacob Register for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

#### **Senators Hottinger, Day, Metzen and Rest introduced--**

**Senate Resolution No. 24:** A Senate resolution honoring the memory of the crew members of the space shuttle Columbia.

WHEREAS, on Saturday, February 1, 16 minutes from its expected landing time, the space shuttle Columbia broke apart in the skies over Texas; and

WHEREAS, all on board - seven astronauts who were models of high aspirations and achievements - lost their lives in this tragedy; and

WHEREAS, we mourn these dead:

Michael P. Anderson of Spokane, Washington;

David M. Brown of Arlington, Virginia;

Kalpana Chawla of Karnal, India and Houston, Texas;

Laurel Blair Salton Clark of Racine, Wisconsin;

Rick Douglas Husband of Amarillo, Texas;

William C. McCool of San Diego, California and Lubbock, Texas;

Ilan Ramon of Tel Aviv, Israel; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it holds in honor the memory of the seven astronauts who died aboard the space shuttle Columbia and commends their effort, their courage, and their hope. It extends its sincere condolences to their families, to those who worked with them at NASA, and to all who knew them.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit them to the families of the astronauts.

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

#### **Senators Hottinger and Day introduced--**

**Senate Resolution No. 25:** A Senate resolution relating to appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

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

The President of the Senate shall appoint a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Tim Pawlenty, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Thursday, February 6, 2003, at 11:45 a.m.

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

### **APPOINTMENTS**

Pursuant to the foregoing resolution, the President made the following appointments:

Senators Frederickson, Higgins, Knutson, Sams and Scheid.

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

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

#### **Senators Johnson, D.J.; Robling; Day and Ourada introduced--**

**S.F. No. 248:** A bill for an act relating to highways; authorizing issuance of \$1,000,000,000 in state trunk highway bonds for trunk highway improvements; appropriating money.

Referred to the Committee on Finance.

**Senators Moua, Anderson, Dibble, Skoglund and Johnson, D.E. introduced--**

**S.F. No. 249:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Central Corridor Transit Way.

Referred to the Committee on Finance.

**Senators LeClair, Day, McGinn, Reiter and Ortman introduced--**

**S.F. No. 250:** A bill for an act relating to comprehensive local planning; reestablishing local control of comprehensive planning; repealing metropolitan land use planning and metropolitan council review of local comprehensive plans; making conforming changes; amending Minnesota Statutes 2002, sections 103B.231, subdivision 7; 103B.255, subdivision 8; 462.355, subdivision 1a; 473.146, subdivision 1; 473.1551, subdivision 1; 473.173, subdivisions 3, 4; 473.867, subdivisions 1, 6; 473.871; 473H.02, subdivisions 4, 7; repealing Minnesota Statutes 2002, sections 103B.205, subdivisions 6, 7, 10; 473.175; 473.851; 473.852; 473.853; 473.854; 473.856; 473.857; 473.858; 473.859; 473.86; 473.861; 473.862; 473.863; 473.864; 473.865; 473.866; 473.868; 473.869; 473.87.

Referred to the Committee on State and Local Government Operations.

**Senators Foley, Scheid, Betzold and Jungbauer introduced--**

**S.F. No. 251:** A bill for an act relating to education finance; expanding the referendum equalization aid program; eliminating alternative facilities aid; amending Minnesota Statutes 2002, sections 123B.59, subdivision 5; 126C.17, subdivision 6; repealing Minnesota Statutes 2002, section 123B.59, subdivisions 6, 7.

Referred to the Committee on Finance.

**Senators Scheid, Kelley, Rest and Gaither introduced--**

**S.F. No. 252:** A bill for an act relating to education finance; allowing an intermediate school district to receive proceeds of the safe schools levy; amending Minnesota Statutes 2002, section 126C.44.

Referred to the Committee on Finance.

**Senator Berglin introduced--**

**S.F. No. 253:** A bill for an act relating to taxation; exempting construction materials for a Minneapolis library and planetarium from the sales tax; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Foley, Ranum, Skoglund, Marty and Chaudhary introduced--**

**S.F. No. 254:** A bill for an act relating to crime prevention; increasing criminal penalties for the crime of identity theft; requiring sentencing guidelines modifications related to aggravating factors and consecutive sentences; amending Minnesota Statutes 2002, section 609.527, subdivision 3.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Wiger introduced--**

**S.F. No. 255:** A bill for an act relating to commerce; providing for portable fuel container spillage control; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Utilities.

**Senators McGinn; Kleis; Foley; Johnson, D.J. and Moua introduced--**

**S.F. No. 256:** A bill for an act relating to crime prevention; making changes related to search warrants; amending Minnesota Statutes 2002, sections 626.11; 626.13.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Neuville and Pariseau introduced--**

**S.F. No. 257:** A bill for an act relating to the city of Northfield; authorizing the city to establish and operate related medical facilities in conjunction with its municipal hospital at a site outside the city limits; authorizing Northfield to acquire real or personal property for the related medical facilities.

Referred to the Committee on State and Local Government Operations.

**Senators Skoe and Stumpf introduced--**

**S.F. No. 258:** A bill for an act relating to government operations; transferring authority over certain Indian scholarship programs from the commissioner of children, families, and learning to the higher education services office.

Referred to the Committee on State and Local Government Operations.

**Senators Ruud and Skoe introduced--**

**S.F. No. 259:** A bill for an act relating to intergovernmental contracts; permitting Beltrami county to contract with the state department of corrections for the cost of secretarial support for juvenile probation and parole services of the county.

Referred to the Committee on State and Local Government Operations.

**Senators Higgins, Tomassoni, Bakk, Anderson and Skoglund introduced--**

**S.F. No. 260:** A bill for an act relating to employment; requiring the adoption of an occupational safety and health standard regulating ergonomic hazards.

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

**MEMBERS EXCUSED**

Senators Anderson, Hann, Kelley and Marko were excused from the Session of today.

**ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 6, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



# INDEX TO DAILY JOURNAL

Tuesday, February 4, 2003

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
85 .....	148	148			

## MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
Sen. Res. No . 23 .....	148		
Sen. Res. No . 24 .....	148		
Sen. Res. No . 25 .....	149		

## INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 248 to 260 .....	Pages 149 to 151
----------------------------	------------------

