

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

SIXTY-THIRD DAY

St. Paul, Minnesota, Thursday, February 12, 2004

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Steve Sampson.

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

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

February 11, 2004

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment to the Gambling Control Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Howard Register
6601 Buckley Circle #101
Inver Grove Heights, Minnesota 55076
Dakota County

Effective July 1, 2003, for a four-year term expiring June 30, 2007.

(Referred to the Committee on Agriculture, Veterans and Gaming.)

Sincerely,
Rich Stanek
Commissioner

February 10, 2004

The Honorable James P. Metzen
President of the Senate

Re: Gambling Control Board Appointment

Dear Senator Metzen:

As required by Minnesota Statutes, section 15.066, this letter of appointment is to notify you that Pat Davies was reappointed as a member of the Minnesota Gambling Control Board by Attorney General Hatch on June 1, 2003, for a term beginning July 1, 2003 through June 30, 2007. Ms. Davies resides at 687 Woodridge Drive, Mendota Heights, Minnesota, in Dakota County. Pursuant to Minnesota Statutes, section 15.066, subd. 2(c), I hereby forward a copy of the Application provided by Minnesota Statutes, section 15.0597. I have also notified the Campaign Finance and Public Disclosure Board of the appointment in accordance with Minnesota Statutes, section 15.066, subd. 2(b).

Thank you for your attention to this matter and should you require anything further, please do not hesitate to contact me.

(Referred to the Committee on Agriculture, Veterans and Gaming.)

Sincerely,
JEFFERY F. LEBOWSKI
Assistant Attorney General

July 10, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as required by law:

**BOARD OF WATER AND SOIL RESOURCES
CHAIR**

Jerome Deal, 1501 - 2nd Ave. S., Wheaton, in the county of Traverse, effective July 8, 2003, for a term that expires on January 2, 2006.

(Referred to the Committee on Environment and Natural Resources.)

Sincerely,
Tim Pawlenty, Governor

REPORTS OF COMMITTEES

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

Senator Marty from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 401: A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, by adding a section to article XI; increasing the sales tax one-fourth of one percent on taxable sales for natural resource purposes; creating a heritage enhancement fund; amending Minnesota Statutes 2002, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

CONSTITUTIONAL AMENDMENT

Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2005, until June 30, 2025, the sales and use tax receipts equal to the state sales and use tax of one-fourth of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated as follows: 40 percent of the receipts shall be deposited in the heritage enhancement fund and may be spent only to improve, enhance, or protect the state's fish, wildlife, and habitat; 30 percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks, trails, and zoos in the state; 30 percent of the receipts shall be deposited in the clean water fund and may be spent only on protection and restoration of the state's water resources. A heritage enhancement fund, park and trail fund, and clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law and shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Land acquired by fee or easement with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 2004 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2005, to improve, enhance, or protect the state's fish, wildlife, and habitat; its parks, trails, and zoos; and its water resources by dedicating the sales and use tax receipts equal to the state sales and use tax of one-fourth of one percent on taxable sales until the year 2025?"

Yes.....
No....."

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 apply to sales and uses occurring after June 30, 2005.

ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 2002, section 10A.01, subdivision 35, is amended to read:

Subd. 35. [PUBLIC OFFICIAL.] "Public official" means any:

- (1) member of the legislature;

(2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Economic Security;

(12) member, regional administrator, division director, general counsel, or operations manager of the metropolitan council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.; or

(17) member of the board of directors or executive director of the Minnesota State High School League; or

(18) member of the heritage enhancement council.

Sec. 2. [85.0195] [PARKS AND TRAILS FUND; EXPENDITURES.]

Subdivision 1. [FUND.] The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. [EXPENDITURES.] Money in the parks and trails fund may be spent only on state and regional parks, trails, and zoos. Subject to appropriation by law, receipts to the fund must be allocated in separate accounts as follows:

(1) 38 percent of the receipts may be spent only for state park and recreation area purposes;

(2) 11 percent of the receipts may be spent only for state trail purposes;

(3) 30 percent of the receipts may be spent only for metropolitan area, as defined in section 473.121, regional park and trail grants;

(4) 18 percent of the receipts may be spent only for nonmetropolitan area regional park and trail grants; and

(5) three percent of the receipts may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

Sec. 3. [97A.056] [HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.]

Subdivision 1. [HERITAGE ENHANCEMENT FUND.] The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the heritage enhancement fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish and wildlife and habitat projects.

Subd. 2. [HERITAGE ENHANCEMENT COUNCIL.] (a) A heritage enhancement council of 15 members is created, on November 15, 2004, consisting of:

(1) two members of the senate appointed by the senate subcommittee on committees of the committee on rules and administration;

(2) two members of the house of representatives appointed by the speaker of the house;

(3) four public members representing hunting, fishing, and wildlife interests appointed by the senate subcommittee on committees of the committee on rules and administration;

(4) four public members representing hunting, fishing, and wildlife interests appointed by the speaker of the house; and

(5) three public members representing hunting, fishing, and wildlife interests appointed by the governor.

(b) Legislative members appointed under paragraph (a), clauses (1) and (2), serve as nonvoting members. One member from the senate and one member from the house of representatives must be from the minority caucus. Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2005, the compensation of public members are as provided in section 15.0575.

(c) Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(d) Membership terms are two years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a).

Subd. 3. [DUTIES OF THE COUNCIL.] (a) The council, in consultation with statewide and local fishing, hunting, and wildlife groups, shall develop a biennial budget plan for expenditures from the heritage enhancement fund. The biennial budget plan may include grants to statewide and local fishing, hunting, and wildlife groups to improve, enhance, or protect fish and wildlife resources.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the heritage enhancement fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the heritage enhancement fund to the members of the heritage enhancement council in the form determined by the council.

Subd. 4. [COUNCIL ADMINISTRATION.] (a) The council may employ personnel and contract with consultants as necessary to carry out functions and duties of the council. Permanent

employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2005, the administrative expenses of the council shall be paid from the heritage enhancement fund.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 5. [COUNCIL MEETINGS.] Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

Sec. 4. [103F.765] [CLEAN WATER FUND; EXPENDITURES.]

Subdivision 1. [FUND.] The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the clean water fund must be credited to the fund.

Subd. 2. [EXPENDITURES.] Subject to appropriation, money in the clean water fund may be spent only on:

- (1) monitoring, investigations, and analysis of the quality of Minnesota's water resources;
- (2) state and local activities to protect, preserve, and improve the quality of Minnesota's water resources; and
- (3) assistance to individuals and organizations for water quality improvement projects.

Sec. 5. [EFFECTIVE DATE.]

This article is effective November 15, 2004, if the constitutional amendment proposed in article 1 is adopted by the voters."

Delete the title and insert:

"A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of one-fourth of one percent on taxable sales for natural resource purposes; creating a heritage enhancement fund, a parks and trails fund, and a clean water fund; establishing a heritage enhancement council; amending Minnesota Statutes 2002, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F."

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

Senator Wiger from the Committee on Elections, to which was re-referred

S.F. No. 7: A bill for an act relating to elections; making it easier to vote by absentee ballot; prohibiting certain activities; providing for rules; providing for delivery of official supplemental ballots to voters on request; amending Minnesota Statutes 2002, sections 203B.02; subdivision 1; 203B.04, subdivisions 1, 4; 203B.06, subdivision 3; 203B.07, subdivision 2; 204B.41; proposing coding for new law in Minnesota Statutes, chapter 203B.

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 203B.02, subdivision 1, is amended to read:

Subdivision 1. [~~UNABLE TO GO TO POLLING PLACE~~ ELIGIBILITY FOR ABSENTEE VOTING.] Any eligible voter who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence ~~because of absence from the precinct, illness, disability, religious discipline, observance of a religious holiday, or service as an election judge in another precinct~~ may vote by absentee ballot as provided in sections 203B.04 to 203B.15.

Sec. 2. Minnesota Statutes 2002, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. [~~APPLICATION PROCEDURES.~~] Except as otherwise allowed by subdivision 2, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided in the rules of the secretary of state and shall furnish them to any person on request. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

- (a) (1) the county auditor of the county where the applicant maintains residence; or
- (b) (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot ~~for one of the reasons specified in section 203B.02~~. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 3. Minnesota Statutes 2002, section 203B.06, subdivision 3, is amended to read:

Subd. 3. [~~DELIVERY OF BALLOTS.~~] If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

- (a) (1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);
- (2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;
- (b) (3) deliver the absentee ballots directly to the voter if the application is submitted in person; or
- (c) (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots to a voter who is disabled or who is a patient in a health care facility or a participant in a residential program for adults, as provided in section 203B.11, subdivision 4.

If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed ~~or, shipped, or delivered~~ to an

applicant for any election, except as provided in section 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

Sec. 4. Minnesota Statutes 2002, section 203B.11, subdivision 4, is amended to read:

Subd. 4. [AGENT DELIVERY OF BALLOTS.] During the four days preceding an election and until 2:00 p.m. on election day, an eligible voter who is disabled or who is a patient of a health care facility or is a participant in a residential program for adults licensed under section 245A.02, subdivision 14, may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. A candidate at the election may not be designated as an agent. The voted ballots must be returned to the county auditor or municipal clerk no later than 3:00 p.m. on election day. The voter must complete an affidavit requesting the auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The affidavit must include a statement from the voter stating that the ballots were delivered to the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than three persons in any election. The secretary of state shall provide samples of the affidavit and transmission envelope for use by the county auditors.

Sec. 5. Minnesota Statutes 2002, section 204B.41, is amended to read:

204B.41 [VACANCY IN NOMINATION; CHANGING BALLOTS.]

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the three calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. ~~Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared. An official supplemental ballot and a replacement regular ballot from which the title of the office and the names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.~~

Delete the title and insert:

"A bill for an act relating to elections; making it easier to vote by absentee ballot; prohibiting certain activities; providing for delivery of official supplemental ballots to voters on request; amending Minnesota Statutes 2002, sections 203B.02, subdivision 1; 203B.04, subdivision 1; 203B.06, subdivision 3; 203B.11, subdivision 4; 204B.41."

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

Senator Wiger from the Committee on Elections, to which was referred

S.F. No. 1613: A bill for an act relating to elections; authorizing alternative forms of voting in city elections; requiring certain voting systems to support alternative forms of voting; amending Minnesota Statutes 2002, section 206.80; proposing coding for new law in Minnesota Statutes, chapter 205.

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

Pages 1 and 2, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2002, section 206.80, is amended to read:

206.80 [ELECTRONIC VOTING SYSTEMS.]

An electronic voting system may not be employed unless it:

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) provides for write-in voting when authorized;
- (4) rejects by means of the automatic tabulating equipment, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;
- (5) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and
- (6) rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when the voter votes for candidates of more than one party.

An electronic voting system purchased after July 1, 2004, may not be employed unless it supports cumulative voting and ranked-order voting.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

Senator Wiger from the Committee on Elections, to which was re-referred

S.F. No. 148: A bill for an act relating to elections; increasing disclosure of contributions and expenditures for local political campaigns; amending Minnesota Statutes 2002, section 211A.02, subdivisions 1, 2.

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

Page 2, line 10, after "amount" insert ", date,"

Page 2, line 14, before the period, insert ", and the amount and date of each contribution"

Page 2, line 16, delete "2003" and insert "2004"

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

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

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

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

Page 2, lines 28 and 29, delete "in the original principal amount of \$500,000 or less,"

Page 2, delete section 2 and insert:

"Sec. 2. [507.413] [AUTHORITY OF MORTGAGEE DESIGNATED AS NOMINEE OR AGENT.]

(a) An assignment, satisfaction, release, or power of attorney to foreclose is entitled to be recorded in the office of the county recorder or filed with the registrar of titles and is sufficient to assign, satisfy, release, or authorize the foreclosure of a mortgage if:

(1) a mortgage is granted to a mortgagee as nominee or agent for a third party identified in the mortgage, and the third party's successors and assigns;

(2) a subsequent assignment, satisfaction, release of the mortgage, or power of attorney to foreclose the mortgage, is executed by the mortgagee or the third party, its successors or assigns; and

(3) the assignment, satisfaction, release, or power of attorney to foreclose is in recordable form. The county recorder and registrar of titles shall rely upon this assignment, satisfaction, release, or power of attorney to foreclose to assign, satisfy, release, or foreclose the mortgage.

(b) This section applies to any mortgage, assignment, satisfaction, release, or power of attorney to foreclose executed, recorded, or filed before, on, or after the effective date of this section."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

H.F. No. 480: A bill for an act relating to civil actions; providing protection for disclosure of job reference information; requiring disclosure of data between school districts and charter schools relating to acts of violence or inappropriate sexual contact with students; amending Minnesota Statutes 2002, section 13.43, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 181.

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 13.43, subdivision 16, is amended to read:

Subd. 16. [SCHOOL DISTRICT OR CHARTER SCHOOL DISCLOSURE OF VIOLENCE OR INAPPROPRIATE SEXUAL CONTACT.] ~~With the written, informed consent of the subject of the data,~~ The superintendent of a school district or the superintendent's designee, or a person having administrative control of a charter school, must release to a requesting school district or charter school private personnel data on a current or former employee related to documented acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data. ~~Nothing in this subdivision affects or restricts the general requirements of this chapter governing the release of private data with the informed consent of the subject.~~

Sec. 2. Minnesota Statutes 2002, section 181.961, subdivision 1, is amended to read:

Subdivision 1. [RIGHT TO REVIEW; FREQUENCY.] Upon written request by an employee, the employer shall provide the employee with an opportunity to review the employee's personnel record. An employer is not required to provide an employee with an opportunity to review the employee's personnel record if the employee has reviewed the personnel record during the previous six months; except that, upon separation from employment, an employee may review the employee's personnel record only once at any time within one each year after separation for as long as the personnel record is maintained.

Sec. 3. [181.967] [EMPLOYMENT REFERENCES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "employee" means a person who performs services for hire and includes an officer of a corporation;

(2) "employer" means a person who has one or more employees and includes a designated employee or agent who discloses information on behalf of an employer;

(3) "personnel record" has the meaning given in section 181.960;

(4) "private employer" means an employer that is not a government entity, as defined in section 13.02; and

(5) "public employer" means an employer that is a government entity, as defined in section 13.02.

Subd. 2. [CAUSES OF ACTION LIMITED.] No action may be maintained against an employer by an employee or former employee for the disclosure of information listed in subdivisions 3 to 5 about the employee to a prospective employer or employment agency as provided under this section, unless the employee or former employee demonstrates by clear and convincing evidence that:

(1) the information was false and defamatory; and

(2) the employer knew or should have known the information was false and acted with malicious intent to injure the current or former employee.

Subd. 3. [EMPLOYMENT REFERENCE INFORMATION DISCLOSURE BY PRIVATE EMPLOYERS.] (a) Subdivision 2 applies to the disclosure of the following information by a private employer in response to a request for the information:

(1) dates of employment;

(2) compensation and wage history;

(3) job description and duties;

(4) training and education provided by the employer; and

(5) acts of violence, theft, harassment, or illegal conduct documented in the personnel record that resulted in disciplinary action or resignation and the employee's written response, if any, contained in the employee's personnel record.

A disclosure under clause (5) must be in writing with a copy sent contemporaneously by regular mail to the employee's last known address.

(b) With the written authorization of the current or former employee, subdivision 2 also applies to the written disclosure of the following information by a private employer:

(1) written employee evaluations conducted before the employee's separation from the employer, and the employee's written response, if any, contained in the employee's personnel record;

(2) written disciplinary warnings and actions in the five years before the date of the authorization, and the employee's written response, if any, contained in the employee's personnel record; and

(3) written reasons for separation from employment.

The employer must contemporaneously provide the employee or former employee with a copy of information disclosed under this paragraph and to whom it was disclosed by mailing the information to the employee or former employee.

(c) A prospective employer or employment agency shall not disclose written information received under this section without the written authorization of the employee.

Subd. 4. [DISCLOSURE OF PERSONNEL DATA BY PUBLIC EMPLOYER.] Subdivision 2 applies to the disclosure of all public personnel data and to the following private personnel data under section 13.43 by a public employer if the current or former employee gives written consent to the release of the private data:

(1) written employee evaluations conducted before the employee's separation from the employer, and the employee's written response, if any, contained in the employee's personnel record; and

(2) written reasons for separation from employment.

Subd. 5. [SCHOOL DISTRICT DISCLOSURE OF VIOLENCE OR INAPPROPRIATE SEXUAL CONTACT.] (a) Subdivision 2 applies to a disclosure by the superintendent of a school district or the superintendent's designee, or a person having administrative control of a charter school, to another school district or charter school of: (1) public personnel data under section 13.43, subdivision 2, relating to acts of violence toward or inappropriate sexual contact with a student that resulted in disciplinary action; and (2) private personnel data under section 13.43, subdivision 16.

(b) A disclosure under this subdivision must be in writing with a copy sent contemporaneously by regular mail to the employee's last known address.

Subd. 6. [APPLICATION; RELATION TO OTHER LAW.] (a) This section does not affect the availability of other limitations on liability under common law.

(b) This section does not apply to an action involving an alleged violation of chapter 363 or other statute.

(c) This section does not diminish or impair the rights of a person under a collective bargaining agreement.

Sec. 4. [EFFECTIVE DATE.]

Section 3 is effective August 1, 2004, and applies to disclosures of information made on or after that date."

Delete the title and insert:

"A bill for an act relating to civil actions; providing protection for disclosure of job reference information; requiring disclosure of data between school districts and charter schools relating to acts of violence or inappropriate sexual contact with students; regulating the right of an employee to inspect personnel records concerning the employee; amending Minnesota Statutes 2002, sections 13.43, subdivision 16; 181.961, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181."

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

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

S.F. No. 1745: A bill for an act relating to civil law; changing certain provisions of trust law; clarifying procedures and terms; providing an effective date; making technical changes to guardianship and conservatorship law and correcting certain references; amending Minnesota Statutes 2002, sections 144.343, subdivision 2; 145B.03, subdivision 3; 145C.05, subdivision 2; 145C.07, subdivisions 2, 4; 147.091, subdivision 2; 147A.13, subdivision 2; 148.10, subdivision 6; 148.75; 153.22, subdivision 4; 156.122; 176.092, subdivision 1; 196.051, subdivision 2; 252A.01, subdivision 1; 252A.03, subdivision 3; 252A.06, subdivision 2; 252A.081; 252A.111; 252A.171; 252A.19; 253B.03, subdivisions 4a, 6, 6a, 6d, 11; 257B.02; 257B.04, subdivision 4; 257B.06, subdivision 2; 257C.02; 260C.325, subdivision 3; 270B.03, subdivision 2; 501B.08; 501B.14,

subdivision 3; 501B.16; 501B.47; 501B.49, subdivision 2; 501B.50; 501B.51, subdivision 1; 501B.53, subdivision 4; 519.07; 523.03; 524.1-201; 524.2-606; 524.3-715; 525.71; 609.2325, subdivision 2; 609.233, subdivision 2; 626.557, subdivision 10; 626.5572, subdivision 17; Minnesota Statutes 2003 Supplement, sections 256J.14; 524.5-104; 524.5-118, subdivision 2; 524.5-304; 524.5-308; 524.5-406; 524.5-408; 524.5-417; Laws 2002, chapter 347, section 5; proposing coding for new law in Minnesota Statutes, chapter 501B.

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

Page 3, line 4, delete the first "must"

Pages 8 and 9, delete section 7

Page 9, line 10, delete "8" and insert "7"

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred the following appointment as reported in the Journal for February 9, 2004:

DEPARTMENT OF ADMINISTRATION
COMMISSIONER

Brian Lamb

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 7, 1613, 148, 1621 and 1745 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 480 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Gaither moved that his name be stricken as a co-author to S.F. No. 1800. The motion prevailed.

Senator Pappas moved that the name of Senator Jungbauer be added as a co-author to S.F. No. 1834. The motion prevailed.

Senator McGinn moved that his name be stricken as a co-author to S.F. No. 1860. The motion prevailed.

Senator Foley moved that the names of Senators Chaudhary and Kleis be added as co-authors to S.F. No. 1863. The motion prevailed.

Senator Scheid moved that S.F. No. 1660 be withdrawn from the Committee on Education and re-referred to the Committee on Elections. The motion prevailed.

Senator Rosen moved that S.F. No. 1690 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

Senator Johnson, D.E., for Senator Wiger, moved that S.F. No. 1786 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Finance. The motion prevailed.

Senators Johnson, D.E. and Day introduced--

Senate Resolution No. 97: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

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

That Senate Resolution No. 12 relating to mileage, Senate Permanent Journal pages 54-55, as amended Senate Permanent Journal page 119, be amended as follows:

Page 1, line 65, after "RUUD, Carrie" delete "334" and insert "340"

Senator Johnson, D.E. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Senator Betzold introduced--

Senate Resolution No. 98: A Senate resolution congratulating Bradley Weegman for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Rest, Hottinger, Scheid, Day and Michel introduced--

Senate Resolution No. 99: A Senate resolution honoring the Minnesota Society of Certified Public Accountants on the occasion of its 100th anniversary.

Referred to the Committee on Rules and Administration.

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 58 a Special Order to be heard immediately.

SPECIAL ORDER

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; appropriating money; 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.

Senator Foley moved to amend S.F. No. 58 as follows:

Pages 6 to 8, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2003 Supplement, section 169A.53, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL HEARING; ISSUES, ORDER, APPEAL.] (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. The judicial district administrator shall establish procedures to ensure

efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

(5) If the screening test was administered, did the test indicate an alcohol concentration of ≥ 0.10 0.08 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of ≥ 0.10 0.08 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

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

(g) The civil hearing under this section shall not give rise to an estoppel on any issues arising from the same set of circumstances in any criminal prosecution."

Page 14, lines 27 and 28, delete "in the years indicated" and insert ", 2005"

Page 14, delete lines 29 to 37

Page 15, delete lines 1 to 13 and insert:

" <u>Subd. 2. ATTORNEY GENERAL</u>	\$ <u>275,000</u>
<u>Subd. 3. DEPARTMENT OF PUBLIC SAFETY</u>	
<u>(a) General Fund</u>	<u>7,000</u>
<u>(b) Trunk Highway Fund</u>	<u>55,000</u>
<u>(c) Highway User Tax Distribution Fund</u>	<u>8,000</u>
<u>Subd. 4. SUPREME COURT</u>	<u>402,000</u>
<u>Subd. 5. BOARD OF PUBLIC DEFENSE</u>	<u>145,000</u>
<u>Subd. 6. DEPARTMENT OF CORRECTIONS</u>	<u>210,000</u>

\$146,000 is to increase the community corrections act subsidy.

\$32,000 is for county probation officer reimbursements.

\$32,000 is for probation and supervised release services."

Page 15, line 15, delete "2003" and insert "2004"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Sams moved to amend S.F. No. 58 as follows:

Pages 14 and 15, delete section 13

Page 15, line 15, delete "13" and insert "12" and delete "2003" and insert "2007"

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

Senator Neuville moved to amend the Sams amendment to S.F. No. 58 as follows:

Page 1, line 2, after "13" insert "and insert:

"Sec. 13. [COLLECTION OF INFORMATION; REPORT REQUIRED.]

(a) The chief law enforcement officer of each law enforcement agency shall report the following information to the commissioner of public safety relating to alcohol concentration tests, including chemical tests of a person's blood, breath, or urine, and preliminary screening tests, administered by peace officers in the agency and occurring from August 1, 2004, to July 31, 2005:

(1) the initial reason for the interaction between the officer and the person tested, including, but not limited to, such reasons as traffic violations, erratic driving, citizen tips, or traffic accidents; and

(2) the person's alcohol concentration.

(b) The chief law enforcement officer shall report the information specified in paragraph (a) in a manner specified by the commissioner.

(c) By January 15, 2006, the commissioner shall report a summary of the information collected from law enforcement agencies under this section to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy."

Page 1, after line 4, insert:

"Page 15, line 16, after the period, insert "Section 13 is effective the day following final enactment."

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

CALL OF THE SENATE

Senator Foley imposed a call of the Senate for the balance of the proceedings on S.F. No. 58. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Sams amendment.

The roll was called, and there were yeas 23 and nays 43, as follows:

Those who voted in the affirmative were:

Bakk	Kierlin	Nienow	Sams	Tomassoni
Day	Kiscaden	Olson	Saxhaug	Vickerman
Frederickson	Kleis	Ourada	Senjem	Wergin
Gaither	Metzen	Pariseau	Sparks	
Hann	Neuville	Reiter	Stumpf	

Those who voted in the negative were:

Anderson	Foley	Kubly	Michel	Rosen
Bachmann	Higgins	Langseth	Moua	Ruud
Belanger	Hottinger	Larson	Murphy	Scheid
Berglin	Johnson, D.E.	LeClair	Ortman	Skoe
Betzold	Johnson, D.J.	Limmer	Pappas	Skoglund
Chaudhary	Jungbauer	Lourey	Pogemiller	Solon
Cohen	Kelley	Marko	Ranum	Wiger
Dibble	Knutson	Marty	Rest	
Dille	Koering	McGinn	Robling	

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

Senator Neuville moved to amend S.F. No. 58 as follows:

Page 14, after line 22, insert:

"Sec. 13. [COLLECTION OF INFORMATION; REPORT REQUIRED.]

(a) The chief law enforcement officer of each law enforcement agency shall report the following information to the commissioner of public safety relating to alcohol concentration tests, including chemical tests of a person's blood, breath, or urine, and preliminary screening tests, administered by peace officers in the agency and occurring from August 1, 2004, to July 31, 2005:

(1) the initial reason for the interaction between the officer and the person tested, including, but not limited to, such reasons as traffic violations, erratic driving, citizen tips, or traffic accidents; and

(2) the person's alcohol concentration.

(b) The chief law enforcement officer shall report the information specified in paragraph (a) in a manner specified by the commissioner.

(c) By January 15, 2006, the commissioner shall report a summary of the information collected from law enforcement agencies under this section to the chairs and ranking minority members of the senate and house committees having jurisdiction over criminal justice policy."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kierlin moved to amend S.F. No. 58 as follows:

Page 9, after line 2, insert:

"Sec. 10. Minnesota Statutes 2002, section 169A.70, subdivision 2, is amended to read:

Subd. 2. [CHEMICAL USE ASSESSMENT REQUIREMENT.] A chemical use assessment must be conducted and an assessment report submitted to the court and to the Department of Public Safety by the county agency administering the alcohol safety program when:

(1) the defendant is convicted of an offense described in section 169A.20 (driving while impaired), 169A.31 (alcohol-related school bus and Head Start bus driving), or 360.0752 (impaired aircraft operation), except for a first offense under section 169A.20 (driving while impaired), subdivision 1, clause (1) or (5), that involved an alcohol concentration of 0.08 or more but less than 0.10; or

(2) the defendant is arrested for committing an offense described in clause (1) but is convicted of another offense arising out of the circumstances surrounding the arrest."

Page 9, after line 25, insert:

"Sec. 12. Minnesota Statutes 2002, section 171.12, subdivision 3, is amended to read:

Subd. 3. [APPLICATION AND RECORD, WHEN DESTROYED.] The department may cause applications for drivers' licenses, provisional licenses, and instruction permits, and related records, to be destroyed immediately after the period for which issued, except that:

(1) the driver's record pertaining to revocations, suspensions, cancellations, disqualifications, convictions, and accidents shall be cumulative and kept for a period of at least five years; ~~and~~

(2) the driver's record pertaining to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of sections 169A.31 and 171.24, subdivision 5, shall be cumulative and kept for a period of at least 15 years, except as provided in clause (3); and

(3) the driver's record pertaining to an offense, or a related licensing action, under section 169A.20, subdivision 1, clause (1) or (5), must be purged after ten years of any reference to the offense or action if (i) this offense or action involved an alcohol concentration of 0.08 or more but less than 0.10, (ii) this offense or action was a first impaired driving incident, and (iii) the driver has incurred no other impaired driving incident during the ten-year period. For purposes of this clause, "impaired driving incident" includes any incident that may be counted as a prior impaired driving conviction or a prior impaired driving-related loss of license, as defined in section 169A.03, subdivisions 20 and 21.

Sec. 13. Minnesota Statutes 2002, section 171.29, is amended by adding a subdivision to read:

Subd. 2a. [FEES AND SURCHARGE WAIVED FOR FIRST-TIME 0.08 TO 0.10 OFFENDERS.] Notwithstanding subdivision 2, a person whose driver's license has been revoked for driving with an alcohol concentration of 0.08 or more but less than 0.10 may not be charged a fee, surcharge, or handling charge to reinstate the driver's license if the incident was the person's first impaired driving incident. For purposes of this subdivision, "impaired driving incident" includes any incident that may be counted as a prior impaired driving conviction or a prior impaired driving-related loss of license, as defined in section 169A.03, subdivisions 20 and 21."

Page 9, after line 36, insert:

"Sec. 15. Minnesota Statutes 2003 Supplement, section 357.021, subdivision 7, is amended to read:

Subd. 7. [DISBURSEMENT OF SURCHARGES BY COMMISSIONER OF FINANCE.] (a) Except as provided in paragraphs (b) and (c), the commissioner of finance shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

~~(b) The commissioner of finance shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.~~

~~(e) In addition to any amounts credited under paragraph (a), the commissioner of finance shall credit \$32 \$35 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$3 parking surcharge, to the general fund.~~

~~(c) The amounts otherwise credited to the general fund under paragraph (a), clause (3), and paragraph (b) for a first offense under section 169A.20 (driving while impaired), subdivision 1, clause (1) or (5), that involved an alcohol concentration of 0.08 or more but less than 0.10, must instead be forwarded to the jurisdiction responsible for prosecuting the offense.~~

Sec. 16. Minnesota Statutes 2003 Supplement, section 609.101, subdivision 4, is amended to read:

Subd. 4. [MINIMUM FINES; OTHER CRIMES.] (a) Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law, unless the fine is set at a lower amount on a uniform fine schedule established by the conference of chief judges in consultation with affected state and local agencies. This schedule shall be promulgated not later than September 1 of each year and shall become effective on January 1 of the next year unless the legislature, by law, provides otherwise.

(b) The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

~~(c) The court shall collect the fines mandated in this subdivision and forward 20 percent of the revenues to the commissioner of finance for deposit in the general fund, except for fines for:~~

~~(1) traffic and motor vehicle violations governed by section 169.871 and section 299D.03;~~

~~(2) first offenses under section 169A.20 (driving while impaired), subdivision 1, clause (1) or (5), that involved an alcohol concentration of 0.08 or more but less than 0.10; and~~

~~(3) fish and game violations governed by section 97A.065, forward 20 percent of the revenues to the commissioner of finance for deposit in the general fund."~~

Pages 14 and 15, delete section 13

Page 15, line 15, delete "13" and insert "17" and delete "2003" and insert "2007"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kierlin moved to amend the Kierlin amendment to S.F. No. 58 as follows:

Page 4, lines 18 and 19, delete "and delete "2003" and insert "2007"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the first Kierlin amendment, as amended.

The roll was called, and there were yeas 23 and nays 43, as follows:

Those who voted in the affirmative were:

Bakk	Kierlin	Nienow	Sams	Tomassoni
Day	Kiscaden	Olson	Saxhaug	Vickerman
Dille	Larson	Ourada	Senjem	Wergin
Frederickson	Limmer	Pariseau	Skoe	
Gaither	Neuville	Rosen	Sparks	

Those who voted in the negative were:

Anderson	Hann	Koering	Michel	Robling
Bachmann	Higgins	Kubly	Moua	Ruud
Belanger	Hottinger	Langseth	Murphy	Scheid
Berglin	Johnson, D.E.	LeClair	Ortman	Skoglund
Betzold	Johnson, D.J.	Lourey	Pappas	Solon
Chaudhary	Jungbauer	Marko	Pogemiller	Stumpf
Cohen	Kelley	Marty	Ranum	Wiger
Dibble	Kleis	McGinn	Reiter	
Foley	Knutson	Metzen	Rest	

The motion did not prevail. So the first Kierlin amendment, as amended, was not adopted.

S.F. No. 58 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 48 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Larson	Nienow	Saxhaug
Bachmann	Gaither	LeClair	Olson	Scheid
Belanger	Hann	Limmer	Ortman	Senjem
Berglin	Higgins	Lourey	Pappas	Skoglund
Betzold	Hottinger	Marko	Pogemiller	Solon
Chaudhary	Johnson, D.E.	Marty	Ranum	Sparks
Cohen	Kelley	McGinn	Rest	Wergin
Day	Knutson	Michel	Robling	Wiger
Dibble	Kubly	Moua	Rosen	
Dille	Langseth	Neuville	Ruud	

Those who voted in the negative were:

Bakk	Kierlin	Metzen	Reiter	Tomassoni
Frederickson	Kiscaden	Murphy	Sams	Vickerman
Johnson, D.J.	Kleis	Ourada	Skoe	
Jungbauer	Koering	Pariseau	Stumpf	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Kubly and Johnson, D.E. introduced--

S.F. No. 1871: A bill for an act relating to retirement; Public Employees Retirement Association; adding employees of the RenVilla Nursing Home, in Renville, to privatization coverage; amending Minnesota Statutes 2003 Supplement, section 353E.02, subdivision 4.

Referred to the Committee on State and Local Government Operations.

Senators Wiger and Kleis introduced--

S.F. No. 1872: A bill for an act relating to elections; providing for periodic uniform election days for state and local elections, other than special elections to fill a vacancy; proposing coding for new law in Minnesota Statutes, chapter 204D.

Referred to the Committee on Elections.

Senators Kelley, Rest and Pappas introduced--

S.F. No. 1873: A bill for an act relating to education; expanding the list of eligible charter school sponsors to include the Perpich Center for Arts Education; amending Minnesota Statutes 2003 Supplement, section 124D.10, subdivision 3.

Referred to the Committee on Education.

Senators Anderson, Dibble and Marty introduced--

S.F. No. 1874: A bill for an act relating to environment; capping mercury emissions from electric generation facilities; prohibiting the pollution control agency from allowing an increase in the amount of mercury emitted from the generation of electricity in the state; requiring a reduction in mercury emissions from generation facilities in the future; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Senator Berglin introduced--

S.F. No. 1875: A bill for an act relating to child protection; modifying requirements for a relative search; amending Minnesota Statutes 2002, section 260C.212, subdivision 5.

Referred to the Committee on Health and Family Security.

Senator Berglin introduced--

S.F. No. 1876: A bill for an act relating to human services; modifying nursing facility case mix calculations; amending Minnesota Statutes 2002, sections 144.0724, subdivisions 3, 4; 256B.438, subdivision 4.

Referred to the Committee on Health and Family Security.

Senators Belanger and Michel introduced--

S.F. No. 1877: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Hyland K70 ski jump in Bloomington.

Referred to the Committee on Finance.

Senators Bakk and Pariseau introduced--

S.F. No. 1878: A bill for an act relating to game and fish; providing for certain trapping by nonresidents; providing for tending snares; amending Minnesota Statutes 2002, sections 97A.475, subdivision 20; 97B.601, subdivision 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Rules, part 6234.2400, subpart 10.

Referred to the Committee on Environment and Natural Resources.

Senators Sams, Skoe and Bakk introduced--

S.F. No. 1879: A bill for an act relating to taxation; providing an income tax credit for investments in a regional angel investment network fund; amending Minnesota Statutes 2002, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Reiter and Kiscaden introduced--

S.F. No. 1880: A bill for an act relating to education; allowing students to carry nonsyringe injectors of epinephrine; amending Minnesota Statutes 2002, section 121A.22, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

Senators Reiter and Kiscaden introduced--

S.F. No. 1881: A bill for an act relating to education; permitting secondary students to carry and use nonprescription pain relief; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

Senators Tomassoni, Ranum, Michel, Gaither and Kelley introduced--

S.F. No. 1882: A bill for an act relating to education; requiring academic standards and instruction in physical education and health education; amending Minnesota Statutes 2003 Supplement, sections 120B.021; 120B.022, subdivision 1; 120B.024; 120B.30, subdivision 1a.

Referred to the Committee on Education.

Senator Koering introduced--

S.F. No. 1883: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a park-and-ride lot for the Soo Line Corridor on Highway 10 in Morrison County.

Referred to the Committee on Finance.

Senator Koering introduced--

S.F. No. 1884: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for improvements to the Pine Grove Park Zoo in Little Falls.

Referred to the Committee on Finance.

Senators Sams; Murphy; Langseth; Johnson, D.E. and Frederickson introduced--

S.F. No. 1885: A bill for an act relating to capital improvements; appropriating money for the greater Minnesota business development public infrastructure grant program and the greater Minnesota redevelopment account; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senators Solon, Bakk, Tomassoni, Pappas and Larson introduced--

S.F. No. 1886: A bill for an act relating to capital improvements; authorizing issuance of state bonds; appropriating money for certain projects at the University of Minnesota-Duluth.

Referred to the Committee on Finance.

Senators Pappas, Cohen, Solon, Tomassoni and Skoe introduced--

S.F. No. 1887: 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 for higher education with certain conditions; authorizing sale of state bonds; appropriating money.

Referred to the Committee on Finance.

Senators Koering, Berglin, Foley, Belanger and Rosen introduced--

S.F. No. 1888: A bill for an act relating to crime prevention; increasing the criminal penalties for interfering with privacy; increasing the age of protected minor victims for enhanced penalties for this crime; amending Minnesota Statutes 2002, section 609.746, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Skoglund, Betzold and Limmer introduced--

S.F. No. 1889: A bill for an act relating to government data practices; collection and dissemination of data; proposing classifications of data as private and nonpublic; amending Minnesota Statutes 2002, sections 13.3805, by adding a subdivision; 13.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

Referred to the Committee on Judiciary.

Senators Dille and Neuville introduced--

S.F. No. 1890: A bill for an act relating to education; authorizing a levy for Independent School District No. 2859, Glencoe-Silver Lake.

Referred to the Committee on Finance.

Senator Dille introduced--

S.F. No. 1891: A bill for an act relating to education; authorizing Independent School District No. 2859, Glencoe-Silver Lake, to recapture its early childhood family education revenue reduction due to the reserve account limit.

Referred to the Committee on Finance.

Senator Skoglund introduced--

S.F. No. 1892: A bill for an act relating to crime prevention and public safety; modifying

penalties for identity theft; requiring that mandatory restitution be awarded to victims of identity theft and that certain materials be provided to victims; amending Minnesota Statutes 2002, section 609.527, subdivision 4; Minnesota Statutes 2003 Supplement, section 609.527, subdivision 3.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Skoglund introduced--

S.F. No. 1893: A bill for an act relating to crime prevention and public safety; appropriating money for bracelets with tracking devices to monitor sex offenders.

Referred to the Committee on Finance.

Senator Hottinger introduced--

S.F. No. 1894: A bill for an act relating to bonds; authorizing bonding for road extension project in Mankato; appropriating money.

Referred to the Committee on Finance.

Senators Hottinger, Rosen and Frederickson introduced--

S.F. No. 1895: A bill for an act relating to capital investment; authorizing the issuance of state bonds; appropriating money for capital improvements at Minnesota State University Mankato.

Referred to the Committee on Finance.

Senators Hottinger and Frederickson introduced--

S.F. No. 1896: A bill for an act relating to capital investment; authorizing the issuance of state bonds; appropriating money for capital improvements at South Central Technical College.

Referred to the Committee on Finance.

Senators Hottinger and Frederickson introduced--

S.F. No. 1897: A bill for an act relating to bonds; authorizing the issuance of state trunk highway bonds for Department of Transportation headquarters building at Mankato; appropriating money.

Referred to the Committee on Finance.

Senators Pappas, Cohen, Higgins, Marty and Lourey introduced--

S.F. No. 1898: A bill for an act relating to air quality; providing authority for a city to suspend operations of a stationary source found to be a major source of hazardous air pollutants.

Referred to the Committee on Environment and Natural Resources.

Senators Jungbauer, Larson and Nienow introduced--

S.F. No. 1899: A bill for an act relating to appropriations; appropriating money for the Oliver Kelley Farm.

Referred to the Committee on Finance.

Senators Jungbauer, Nienow, Pariseau and Larson introduced--

S.F. No. 1900: A bill for an act relating to the environment; clarifying analysis of water table level for purposes of individual sewage treatment design.

Referred to the Committee on Environment and Natural Resources.

Senators Berglin, Metzen, Knutson, Langseth and Johnson, D.E. introduced--

S.F. No. 1901: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Colin Powell Youth Center in Hennepin County; providing for construction of the Colin Powell Youth Center.

Referred to the Committee on Finance.

Senators Rosen, Sams, Hann and Kubly introduced--

S.F. No. 1902: A bill for an act relating to agriculture; providing funding for county extension work; establishing an aid and grant program; establishing a statewide advisory committee; appropriating money; amending Minnesota Statutes 2002, sections 38.33; 38.331, subdivisions 1, 2, by adding a subdivision; 38.35; 38.36, subdivisions 2, 3; Laws 2003, chapter 133, article 1, section 4, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 38; repealing Minnesota Statutes 2002, sections 38.331, subdivision 3; 38.37.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Rosen, Vickerman, Wergin and Hottinger introduced--

S.F. No. 1903: A bill for an act relating to municipalities; including counties in the definition of municipality for purposes of removal of hazardous buildings or hazardous property; amending Minnesota Statutes 2002, sections 463.15, by adding a subdivision; 463.151; 463.152, subdivision 2; 463.16; 463.161; 463.25.

Referred to the Committee on State and Local Government Operations.

Senator Wiger introduced--

S.F. No. 1904: A bill for an act relating to public transit; clarifying railroad grade crossing requirements; clarifying crimes involving public transit; providing penalties; amending Minnesota Statutes 2002, section 609.855, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

Referred to the Committee on Finance.

Senators Koering, Larson, Cohen and Sams introduced--

S.F. No. 1905: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for construction of a wastewater collection system connection to the Mille Lacs wastewater treatment facility.

Referred to the Committee on Finance.

Senators Saxhaug and Pariseau introduced--

S.F. No. 1906: A bill for an act relating to game and fish; creating a mourning dove hunting season; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 97A.015, subdivision 24; 97A.045, subdivision 7; 97A.075, by adding a subdivision; 97A.411, subdivision 2; 97A.475, subdivision 5, as amended; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2002, section 97B.731, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Senators Higgins, Rest, Ortman, Limmer and Wiger introduced--

S.F. No. 1907: A bill for an act relating to elections; expanding membership and staff of the Campaign Finance and Public Disclosure Board; creating administrative remedy for violations of fair campaign practices in state and local elections; repealing mandate that county attorney investigate violations of voter registration laws and fair campaign practices; appropriating money; amending Minnesota Statutes 2002, sections 10A.02, subdivisions 1, 2, 3, 5, 7, 12; 201.27, subdivision 2; 211A.05, subdivision 2; Minnesota Statutes 2003 Supplement, section 204B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 211A; 211B; repealing Minnesota Statutes 2002, sections 201.275; 211A.08, subdivisions 1, 2; 211B.16, subdivisions 1, 2.

Referred to the Committee on Elections.

Senator Higgins introduced--

S.F. No. 1908: A bill for an act relating to drivers' licenses; modifying license reinstatement provisions; amending Minnesota Statutes 2003 Supplement, section 171.29, subdivision 2.

Referred to the Committee on Finance.

Senators Saxhaug and Ruud introduced--

S.F. No. 1909: A bill for an act relating to appropriations; appropriating money for a new Children's Discovery Museum in Grand Rapids.

Referred to the Committee on Finance.

Senators Ourada and Murphy introduced--

S.F. No. 1910: A bill for an act relating to motor carriers; making technical corrections to conform state law to amended federal regulations relating to truck driver hours; amending Minnesota Statutes 2002, section 221.0314, subdivision 9.

Referred to the Committee on Finance.

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

S.F. No. 1911: A bill for an act relating to predatory offenders; requiring offenders without a primary address to register under the predatory offender registration law; clarifying the disclosure of information on predatory offenders under the community notification law; moving definitions in the predatory offender registration law; making conforming changes; amending Minnesota Statutes 2002, sections 243.166, as amended; 244.052, subdivision 4; repealing Minnesota Statutes 2002, section 243.166, subdivisions 1, 8.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Senjem, Kiscaden, Rest, Metzen and Larson introduced--

S.F. No. 1912: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Phase II expansion of the National Volleyball Center in Rochester.

Referred to the Committee on Finance.

Senators Foley, Metzen and Marty introduced--

S.F. No. 1913: A bill for an act relating to insurance; prohibiting automobile insurers from owning repair facilities; amending Minnesota Statutes 2002, section 72A.20, by adding a subdivision.

Referred to the Committee on Commerce.

Senators Marty and Chaudhary introduced--

S.F. No. 1914: A bill for an act relating to transportation; authorizing issuance of \$20,000,000 in state general obligation bonds; appropriating proceeds to commissioner of transportation for grants to political subdivisions or a joint powers board for engineering, design, and construction of personal rapid transit system; appropriating money.

Referred to the Committee on Finance.

Senators Fischbach, Kiscaden, LeClair, Nienow and Rosen introduced--

S.F. No. 1915: A bill for an act relating to health; conforming to federal tax changes to encourage consumer-driven health plans; encouraging efficiency in providing health care; reforming medical malpractice liability; reducing and providing a moratorium on state-imposed private-sector health coverage mandates; providing a pilot project for health plans that do not cover all mandated benefits; eliminating capital expenditure reporting requirements; permitting nonprofit hospitals to garnish state tax refunds; permitting file-and-use for health insurance policy forms; permitting for-profit health maintenance organizations; transferring regulatory authority for health maintenance organizations; addressing the cost-shifting impacts of public sector health care programs; amending Minnesota Statutes 2002, sections 16A.10, by adding a subdivision; 62A.02, subdivision 2; 62D.02, subdivision 4, by adding a subdivision; 62D.03, subdivision 1; 62D.04, subdivision 1; 147.03, subdivision 1; 256B.04, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 62J.26, by adding a subdivision; 144.7063, subdivision 3; 270A.03, subdivision 2; 290.01, subdivisions 19, 31; proposing coding for new law in Minnesota Statutes, chapters 3; 62L; 147; 604; repealing Minnesota Statutes 2002, sections 62A.309; 62J.17, as amended; 62Q.65.

Referred to the Committee on Health and Family Security.

Senators Neuville, Ortman and Robling introduced--

S.F. No. 1916: A bill for an act relating to human services; modifying division of cost for certain intermediate care facilities for persons with mental retardation; amending Minnesota Statutes 2003 Supplement, section 256B.19, subdivision 1.

Referred to the Committee on Health and Family Security.

Senators Neuville and Hann introduced--

S.F. No. 1917: A bill for an act relating to family law; modifying provisions relating to custody and parenting time; requiring courts to consider specified factors in making decisions related to custody and parenting time; mandating compensatory parenting time in certain cases; amending Minnesota Statutes 2002, sections 518.175, subdivision 6; 518.18; Minnesota Statutes 2003 Supplement, section 518.17, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

Senators Neuville, Day and Larson introduced--

S.F. No. 1918: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Phase 1 of the expansion at MCF-Faribault and for the addition of a prison industries building at MCF-Faribault.

Referred to the Committee on Finance.

Senator Hottinger introduced--

S.F. No. 1919: A bill for an act relating to taxation; extending an exemption from property taxation for certain electric generation facilities; amending Minnesota Statutes 2003 Supplement, section 272.02, subdivision 56.

Referred to the Committee on Taxes.

Senator Pogemiller introduced--

S.F. No. 1920: A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for completion of the Grand Rounds National Scenic Byway trail in the city of Minneapolis.

Referred to the Committee on Finance.

Senators Bachmann and Ranum introduced--

S.F. No. 1921: A bill for an act relating to education; requiring legislative affirmation of implementation of No Child Left Behind.

Referred to the Committee on Education.

Senators Rest and Kelley introduced--

S.F. No. 1922: A bill for an act relating to insurance; regulating nonrenewals and underwriting of homeowner's insurance; prohibiting various discriminatory practices in automobile and homeowner's insurance; amending Minnesota Statutes 2002, sections 65A.29, subdivisions 8, 11; 65A.30; 72A.20, subdivisions 13, 23.

Referred to the Committee on Commerce.

Senators Cohen, Kelley, Kiscaden, Larson and Pogemiller introduced--

S.F. No. 1923: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for purchase of a medical research facility.

Referred to the Committee on Finance.

Senators Sams, Lourey and Fischbach introduced--

S.F. No. 1924: A bill for an act relating to health occupations; authorizing physician assistant registration before the completion of a physician and physician assistant agreement; permitting a physician assistant to perform radiography to administer anesthetic agents in emergency situations and to rapid sequence intubation; amending Minnesota Statutes 2002, sections 147A.02; 147A.20; Minnesota Statutes 2003 Supplement, section 147A.09, subdivision 2.

Referred to the Committee on Health and Family Security.

Senator Kleis introduced--

S.F. No. 1925: A bill for an act relating to the city of Waite Park; authorizing the city to impose a local sales tax.

Referred to the Committee on Taxes.

Senators Day and Neuville introduced--

S.F. No. 1926: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Phase 1 of the expansion at MCF-Faribault, for a new Rice County jail, and for the addition of a prison industries building at MCF-Faribault.

Referred to the Committee on Finance.

Senators Kiscaden and Rosen introduced--

S.F. No. 1927: A bill for an act relating to human services; placing limitations on scholarship recipients; amending Minnesota Statutes 2003 Supplement, section 256B.431, subdivision 36.

Referred to the Committee on Health and Family Security.

Senator Dille introduced--

S.F. No. 1928: A bill for an act relating to commerce; requiring the commissioner of commerce to approve changes in the writing carrier for MCHA; requiring nonmetropolitan board representation for MCHA; amending Minnesota Statutes 2002, sections 62E.09; 62E.10, subdivision 2; Minnesota Statutes 2003 Supplement, section 62E.13, subdivision 2.

Referred to the Committee on Commerce.

Senators Sams, Murphy, Higgins, Senjem and Langseth introduced--

S.F. No. 1929: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a water treatment facility in Burnsville.

Referred to the Committee on Finance.

Senator Dibble introduced--

S.F. No. 1930: A bill for an act relating to capital improvements; authorizing the sale of state bonds; appropriating money to mitigate flooding at Lake of the Isles.

Referred to the Committee on Finance.

Senators Ruud and Skoe introduced--

S.F. No. 1931: A bill for an act relating to capital investment; appropriating money for Bemidji State University-Northwest Technical College; authorizing the issuance of general obligation bonds.

Referred to the Committee on Finance.

Senators Ruud and Skoe introduced--

S.F. No. 1932: A bill for an act relating to capital investment; appropriating money for development of the Paul Bunyan State Trail; authorizing the issuance of state general obligation bonds.

Referred to the Committee on Finance.

Senator Lourey introduced--

S.F. No. 1933: A bill for an act relating to retirement; authorizing purchase of service credit in the Minnesota State Retirement System.

Referred to the Committee on State and Local Government Operations.

Senators Dibble, Frederickson, Rosen, Lourey and Marty introduced--

S.F. No. 1934: A bill for an act relating to the environment; requiring motor vehicle manufacturers to establish a mercury switch collection program; amending Minnesota Statutes 2002, section 116.92, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Senators Dibble, Frederickson, Rosen and Lourey introduced--

S.F. No. 1935: A bill for an act relating to the environment; requiring motor vehicle manufacturers to establish a mercury switch collection program; amending Minnesota Statutes 2002, section 116.92, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Natural Resources.

Senators Dibble and Kelley introduced--

S.F. No. 1936: A bill for an act relating to telecommunication; charges after cancellation; amending Minnesota Statutes 2002, section 237.74, by adding a subdivision.

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

Senators Dibble and Kelley introduced--

S.F. No. 1937: A bill for an act relating to telecommunications; prohibiting billing for unauthorized charges on telephone bills; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Senators Kubly and Johnson, D.E. introduced--

S.F. No. 1938: A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 2180, M.A.C.C.R.A.Y.

Referred to the Committee on Finance.

Senators Sams, Skoe, Vickerman, Kubly and Dille introduced--

S.F. No. 1939: A bill for an act relating to agriculture; appropriating money for the dairy development and profitability enhancement program.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Sams, Skoe, Vickerman, Dille and Kubly introduced--

S.F. No. 1940: A bill for an act relating to taxation; providing an individual income and corporate franchise tax credit for qualifying investments in dairy operations; amending Minnesota Statutes 2002, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Dille, Skoe, Sams, Vickerman and Kubly introduced--

S.F. No. 1941: A bill for an act relating to economic development; providing for a grant program to promote modernization of dairy equipment; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Sams, Skoe, Vickerman, Kubly and Koering introduced--

S.F. No. 1942: A bill for an act relating to agriculture; extending the interest-free status of manure digester loans; amending Minnesota Statutes 2002, section 41B.049, subdivision 4.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Metzen, Ruud, McGinn, Sparks and Sams introduced--

S.F. No. 1943: A bill for an act relating to crimes; prohibiting using audiovisual recording devices in motion picture theaters; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Sparks, Scheid, Lourey, Neuville and Berglin introduced--

S.F. No. 1944: A bill for an act relating to insurance; regulating the joint underwriting association; modifying coverage; amending Minnesota Statutes 2002, section 62F.04, by adding a subdivision.

Referred to the Committee on Commerce.

Senators Foley, Marty, Skoglund, McGinn and Knutson introduced--

S.F. No. 1945: A bill for an act relating to crime prevention; clarifying DWI plate impoundment law; amending Minnesota Statutes 2002, section 169A.60, subdivision 11.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Stumpf and Tomassoni introduced--

S.F. No. 1946: A bill for an act relating to employment; regulating vocational rehabilitation and supported employment; expanding what activities qualify as supported employment; amending Minnesota Statutes 2002, section 268A.01, subdivision 13.

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

Senators Berglin, Ranum, Dille and Fischbach introduced--

S.F. No. 1947: A bill for an act relating to human services; modifying parental contributions for the cost of services for children with mental retardation; amending Minnesota Statutes 2003 Supplement, section 252.27, subdivision 2a.

Referred to the Committee on Health and Family Security.

Senators Rosen, Murphy, Ortman, Dibble and Koering introduced--

S.F. No. 1948: A bill for an act relating to traffic regulations; allowing permit for articulated buses up to 60 feet in length when operated by a motor carrier of passengers; amending Minnesota Statutes 2002, section 169.86, subdivision 6.

Referred to the Committee on Finance.

Senators Kleis, Olson and Robling introduced--

S.F. No. 1949: A bill for an act relating to higher education; providing the option for a state college or university to elect self-governance; providing for the administration of an independent state college or university; providing state aid for higher education; appropriating money; amending Minnesota Statutes 2002, sections 135A.053, subdivision 2; 136F.16, subdivision 1; 179A.10, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 135A; proposing coding for new law as Minnesota Statutes, chapter 136H; repealing Minnesota Statutes 2002, sections 135A.01; 135A.031; 135A.032; 135A.033.

Referred to the Committee on Finance.

Senators Dibble, Higgins and Pariseau introduced--

S.F. No. 1950: A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for the J.D. Rivers Urban Agricultural Awareness Center.

Referred to the Committee on Finance.

Senators Fischbach, Wergin, Koering and Neuville introduced--

S.F. No. 1951: A bill for an act relating to traffic regulations; authorizing counties and cities to impose administrative penalties on certain speed limit law violators; amending Minnesota Statutes 2002, sections 169.022; 169.99, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Finance.

Senators Langseth; Johnson, D.E.; Hottinger; Murphy and Robling introduced--

S.F. No. 1952: A bill for an act relating to capital improvements; authorizing \$83,500,000 in state transportation bonds for local bridge replacement, rehabilitation, and repair; appropriating money.

Referred to the Committee on Finance.

Senators Rest; Johnson, D.E.; Murphy; Robling and Ortman introduced--

S.F. No. 1953: A bill for an act relating to highways; repealing requirement that designation of natural preservation routes on county state-aid highways be reviewed by advisory committee; amending Minnesota Statutes 2002, section 162.021, subdivision 5.

Referred to the Committee on Finance.

Senators Rest; Johnson, D.E.; Murphy; Robling and Ortman introduced--

S.F. No. 1954: A bill for an act relating to bridges; deleting requirement for Regional Development Commission or Metropolitan Council approval of projects funded from state transportation fund; repealing Minnesota Statutes 2002, section 174.50, subdivision 4.

Referred to the Committee on Finance.

Senators Langseth; Johnson, D.E.; Rest; Murphy and Ourada introduced--

S.F. No. 1955: A bill for an act relating to capital improvements; authorizing \$125,000,000 in general obligation bonds for the local road improvement program; abolishing authority to use program money for loans; establishing a rural road safety program in the local road improvement fund; appropriating money; amending Minnesota Statutes 2002, sections 174.52, subdivisions 2, 4, 5, by adding a subdivision.

Referred to the Committee on Finance.

Senators Kiscaden, Frederickson, Kubly, Vickerman and Senjem introduced--

S.F. No. 1956: A bill for an act relating to taxation; providing a sales tax exemption for certain construction materials for certain resource recovery facilities; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Moua and Murphy introduced--

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.

Referred to the Committee on Finance.

Senators Tomassoni, Wiger, Vickerman, Robling and Day introduced--

S.F. No. 1958: A bill for an act relating to local government; authorizing townships to make payments by electronic or wire transfer, and accept payment by credit card or other methods; authorizing townships to use electronic approvals; amending Minnesota Statutes 2002, section 471.381.

Referred to the Committee on State and Local Government Operations.

Senators Johnson, D.J.; Olson; Scheid; Hann and Stumpf introduced--

S.F. No. 1959: A bill for an act relating to state government; adding to the priorities for uses of a net unrestricted budgetary general fund balance; amending Minnesota Statutes 2003 Supplement, section 16A.152, subdivision 2.

Referred to the Committee on Finance.

Senators Kiscaden, Belanger, Scheid and LeClair introduced--

S.F. No. 1960: A bill for an act relating to commerce; regulating franchise agreements between outdoor power and sport equipment dealers and manufacturers; proposing coding for new law as Minnesota Statutes, chapter 80G.

Referred to the Committee on Commerce.

Senator Wiger introduced--

S.F. No. 1961: A bill for an act relating to human services; changing parent eligibility for MinnesotaCare; amending Minnesota Statutes 2003 Supplement, section 256L.04, subdivision 1.

Referred to the Committee on Health and Family Security.

Senator Wiger introduced--

S.F. No. 1962: A bill for an act relating to state government; restricting reverse auction procurement authority for the commissioner of administration; amending Minnesota Statutes 2003 Supplement, section 16C.10, subdivision 7.

Referred to the Committee on State and Local Government Operations.

Senator Wiger introduced--

S.F. No. 1963: A bill for an act relating to waste management; requiring the manufacturer of a smoke detector containing radioactive material to provide for the safe disposal of that smoke detector; amending Minnesota Statutes 2002, section 115A.9155, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Senator Solon introduced--

S.F. No. 1964: A bill for an act relating to real property; modifying provisions relating to survey and monument requirements; amending Minnesota Statutes 2002, sections 160.15; 389.09.

Referred to the Committee on Finance.

Senators Kleis, Sams, Fischbach, Tomassoni and Wergin introduced--

S.F. No. 1965: A bill for an act relating to natural resources; providing for state regional park funding; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

Senators Solon, Lourey, Hottinger, Koering and Kiscaden introduced--

S.F. No. 1966: A bill for an act relating to human services; providing for prescription drug bulk purchasing; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Family Security.

Senators Sams, Marty, Saxhaug and Frederickson introduced--

S.F. No. 1967: A bill for an act relating to game and fish; authorizing the commissioner of natural resources to establish special seasons for persons with a physical disability to take fish by angling; amending Minnesota Statutes 2002, section 97C.301, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97C.

Referred to the Committee on Environment and Natural Resources.

Senators Lourey and Kiscaden introduced--

S.F. No. 1968: A bill for an act relating to health; modifying dentistry licensure; requiring malpractice insurance; amending Minnesota Statutes 2002, sections 150A.06, as amended; 150A.08, subdivision 1; 150A.09, subdivision 4.

Referred to the Committee on Health and Family Security.

Senators Lourey and Berglin introduced--

S.F. No. 1969: A bill for an act relating to human services; transferring a fetal alcohol appropriation; requiring prevention and intervention services; requiring reports.

Referred to the Committee on Finance.

Senators Lourey, Hottinger and Solon introduced--

S.F. No. 1970: A bill for an act relating to human services; authorizing the commissioner to collect interest on rebates from the drug rebate program; amending Minnesota Statutes 2003 Supplement, section 256.01, subdivision 2.

Referred to the Committee on Health and Family Security.

Senators Lourey, Hottinger and Solon introduced--

S.F. No. 1971: A bill for an act relating to human services; providing for prescription drug marketing expense reporting; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Family Security.

Senators Ranum, Foley, Metzen, Kelley and Knutson introduced--

S.F. No. 1972: A bill for an act relating to public safety; increasing the 911 emergency telephone service fee to eliminate a deficit and to help defray the cost of operating public safety answering points; expanding the jurisdiction and membership of the Metropolitan Radio Board; authorizing the sale of revenue bonds by the Metropolitan Council for phases 2 and 3 of the 800 MHz public safety radio communication system; repealing the sunset of the Metropolitan Radio Board; appropriating money; amending Minnesota Statutes 2003 Supplement, sections 403.11, subdivision 1; 403.113, subdivision 1; 403.21, subdivision 3; 403.22, subdivisions 1, 2; 403.27, subdivisions 1, 3; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

Referred to the Committee on State and Local Government Operations.

Senators Ranum, Kelley, Betzold, Knutson and Metzen introduced--

S.F. No. 1973: A bill for an act relating to metropolitan government; changing the composition of the Metropolitan Radio Board; providing for requests to the Metropolitan Council for authorization and issuance of revenue bonds for certain purposes; amending Metropolitan Council bond authorization; repealing the sunset of the Metropolitan Radio Board; amending Minnesota Statutes 2003 Supplement, section 403.21, subdivision 3; 403.22, subdivisions 1, 2; 403.27, subdivisions 1, 3; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

Referred to the Committee on State and Local Government Operations.

Senator Vickerman introduced--

S.F. No. 1974: A bill for an act relating to natural resources; extending the availability of appropriations from the Minnesota future resources fund and the environment and natural resources trust fund.

Referred to the Committee on Finance.

Senator Cohen introduced--

S.F. No. 1975: A bill for an act relating to energy; providing funding for certain biomass-fueled community energy systems; authorizing the sale of state bonds; appropriating money.

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

Senator Rest introduced--

S.F. No. 1976: A bill for an act relating to civil actions; regulating limitation periods of certain actions; enacting a uniform conflict of laws-limitations act; proposing coding for new law in Minnesota Statutes, chapter 541.

Referred to the Committee on Judiciary.

Senator Cohen introduced--

S.F. No. 1977: A bill for an act relating to finance; requiring reports and recommendations to bring the state budget into compliance with generally accepted governmental accounting principles; requiring disclosure of the impact of inflation on state expenditures; amending Minnesota Statutes 2002, sections 16A.055, subdivision 1; 16A.103, subdivisions 1a, 1b; 16A.11, subdivision 2.

Referred to the Committee on Finance.

Senator Cohen introduced--

S.F. No. 1978: A bill for an act relating to the state budget; making technical and clarifying changes to provisions related to the budget process; amending Minnesota Statutes 2002, sections 3.23; 3.98, subdivision 3; 15.16, subdivision 5; 16A.102, subdivision 2, by adding a subdivision; 16A.641, subdivision 2; 16B.24, subdivision 3; 16B.31, subdivision 3; 85A.02, subdivision 5a; 115A.557, subdivision 4; 116O.071, subdivision 3; 116P.08, subdivision 3; 144.701, subdivision 4; 245.90; 270.063, subdivision 1; 270.71; Minnesota Statutes 2003 Supplement, sections 16A.102, subdivision 1; 84.026; 116J.966, subdivision 1.

Referred to the Committee on Finance.

Senators Marko, Dibble, Murphy, Kleis and Rest introduced--

S.F. No. 1979: A bill for an act relating to public safety; requiring rules of Department of Public Safety governing colors of Sam Browne belts and school safety patrol flags to allow certain colors.

Referred to the Committee on Education.

Senators Marko, Dibble, Murphy, Rest and Kleis introduced--

S.F. No. 1980: A bill for an act relating to traffic regulations; restricting sale and possession of traffic signal-override device; amending Minnesota Statutes 2002, section 169.06, by adding a subdivision.

Referred to the Committee on Finance.

Senators Marko, Murphy, Rest, Kleis and Ortman introduced--

S.F. No. 1981: A bill for an act relating to highways; limiting costs incurred by road authorities for reimbursements to public utilities for infrastructure displaced by highway construction; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on Finance.

Senator Betzold introduced--

S.F. No. 1982: A bill for an act relating to retirement; correctional state employees retirement plan; revising various membership provisions; amending Minnesota Statutes 2002, sections

352.90; 352.91, subdivisions 1, 2, 2a, 3c, 3d, 3e, 3f, 3g, 5, by adding subdivisions; repealing Minnesota Statutes 2002, section 352.91, subdivisions 3a, 3b.

Referred to the Committee on State and Local Government Operations.

Senator Scheid introduced--

S.F. No. 1983: A bill for an act relating to the city of Brooklyn Center; extending time to expend tax increments.

Referred to the Committee on Taxes.

Senators Kiscaden, Murphy, Solon and Kleis introduced--

S.F. No. 1984: A bill for an act relating to metropolitan government; expanding and changing composition of membership of the Metropolitan Airports Commission; amending Minnesota Statutes 2002, section 473.604, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senators Ranum, Skoglund and Gaither introduced--

S.F. No. 1985: A bill for an act relating to health; providing an exemption from certain requirements for registration of physician assistants.

Referred to the Committee on Health and Family Security.

Senators Skoglund, Anderson, Ranum, Kiscaden and Senjem introduced--

S.F. No. 1986: A bill for an act relating to education finance; removing the limit on funding for limited English proficiency programs; amending Minnesota Statutes 2003 Supplement, sections 124D.59, subdivision 2; 124D.65, subdivision 5; 126C.10, subdivision 4.

Referred to the Committee on Finance.

Senator Skoglund introduced--

S.F. No. 1987: A bill for an act relating to crime prevention; imposing lifetime conditional release on sex offenders who fail to register as predatory offenders; amending Minnesota Statutes 2002, section 243.166, by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Frederickson; Kubly; Johnson, D.E. and Dille introduced--

S.F. No. 1988: A bill for an act relating to state lands; authorizing conveyance of surplus state land in Redwood County.

Referred to the Committee on Environment and Natural Resources.

Senators Bakk, Belanger, Kelley and Ruud introduced--

S.F. No. 1989: A bill for an act relating to education; requiring students under the age of seven to complete kindergarten prior to being admitted to first grade in the 2005-2006 school year and thereafter; authorizing waivers; amending Minnesota Statutes 2002, section 120A.22, subdivision 5.

Referred to the Committee on Education.

Senators Dille and Lourey introduced--

S.F. No. 1990: A bill for an act relating to health; providing information on FDA-approved methods of contraception and natural family planning; amending Minnesota Statutes 2003 Supplement, section 256J.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

Senators Berlin; Kiscaden; Pogemiller; Johnson, D.E. and Dille introduced--

S.F. No. 1991: A bill for an act relating to the operation of state government; modifying parental contributions; modifying medical assistance estate recovery provisions; eliminating recoveries for alternative care costs; removing liens against life estates and joint tenant interests; limiting income tax deductions; appropriating money; amending Minnesota Statutes 2002, sections 290.01, subdivision 6b; 290.17, subdivisions 2, 4; Minnesota Statutes 2003 Supplement, sections 252.27, subdivision 2a; 256B.15, subdivisions 1, 1a, 2; 256J.21, subdivision 2; 256J.95, subdivision 9; 290.01, subdivision 19d; 514.981, subdivision 6; 524.3-805; repealing Minnesota Statutes 2003 Supplement, sections 256B.15, subdivisions 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k; 256J.37, subdivisions 3a, 3b; 514.991; 514.992; 514.993; 514.994; 514.995.

Referred to the Committee on Health and Family Security.

Senators Berglin; Johnson, D.E.; Lourey; Kiscaden and Dille introduced--

S.F. No. 1992: A bill for an act relating to public assistance; amending laws that reduce an MFIP grant for rental subsidies and Supplemental Security Income; amending Minnesota Statutes 2003 Supplement, section 256J.37, subdivisions 3a, 3b.

Referred to the Committee on Health and Family Security.

Senators Dibble, Pogemiller, Ranum and Skoglund introduced--

S.F. No. 1993: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a Minnesota planetarium.

Referred to the Committee on Finance.

Senators Berglin, Hottinger and Cohen introduced--

S.F. No. 1994: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a Minnesota planetarium.

Referred to the Committee on Finance.

Senators Higgins; Gaither; Johnson, D.E.; Michel and Langseth introduced--

S.F. No. 1995: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for a Minnesota planetarium.

Referred to the Committee on Finance.

Senators Higgins, Frederickson, Dibble, Stumpf and Langseth introduced--

S.F. No. 1996: A bill for an act relating to capital improvements; appropriating money to create the Minnesota Shubert Center in the city of Minneapolis; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senator Ruud introduced--

S.F. No. 1997: A bill for an act relating to the environment; modifying project environmental review; amending Minnesota Statutes 2002, section 116D.04, subdivision 5a; Minnesota Statutes 2003 Supplement, section 116D.04, subdivision 2a.

Referred to the Committee on Environment and Natural Resources.

Senator Wergin introduced--

S.F. No. 1998: A bill for an act relating to game and fish; requiring certain meetings to be open to the public; amending Minnesota Statutes 2002, section 97C.401, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senators Sparks, Dille, Ruud and Sams introduced--

S.F. No. 1999: A bill for an act relating to the environment; extending the restriction on phosphorus use in fertilizers; amending Minnesota Statutes 2002, section 18C.60, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Senators Moua and Rosen introduced--

S.F. No. 2000: A bill for an act relating to education; restoring cuts to lease levy authority; amending Minnesota Statutes 2003 Supplement, section 126C.40, subdivision 1.

Referred to the Committee on Finance.

Senators Dille, Bakk, Sams and Frederickson introduced--

S.F. No. 2001: A bill for an act relating to animals; imposing restrictions on the possession of certain animals; requiring licensure and registration; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 35.

Referred to the Committee on Agriculture, Veterans and Gaming.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Senator Neuville moved that H.F. No. 778 be taken from the table and re-referred to the Committee on Judiciary. The motion prevailed.

MEMBERS EXCUSED

Senator Fischbach was excused from the Session of today.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, February 16, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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