

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

NINETY-SECOND DAY

St. Paul, Minnesota, Thursday, April 15, 2004

The Senate met at 3:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Dr. Mark Herringshaw.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 15, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2004 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2004	Date Filed 2004
	2651	155	4:40 p.m. April 14	April 15
	2455	156	4:55 p.m. April 14	April 15
	1836	157	4:05 p.m. April 14	April 15
	3005	158	4:00 p.m. April 14	April 15

Sincerely,
Mary Kiffmeyer
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2626 and 2903.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1897, 2050, 2139, 2213, 2391 and 1838.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 2004

FIRST READING OF HOUSE BILLS

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

H.F. No. 1897: A bill for an act relating to water; providing for the consumptive use of groundwater.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1740, now on General Orders.

H.F. No. 2050: A bill for an act relating to health occupations; authorizing a physician application fee; requiring certain foreign medical school graduates to use a credentials verification service; amending Minnesota Statutes 2002, sections 147.01, by adding a subdivision; 147.037, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1715, now on General Orders.

H.F. No. 2139: A bill for an act relating to title insurance; providing for required premium reserves; defining a term; amending Minnesota Statutes 2002, sections 68A.02; 68A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 68A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2257, now on General Orders.

H.F. No. 2213: A bill for an act relating to natural resources; modifying requirements for certain equipment used by the department; exempting certain patrol vehicles from the security barrier requirement; providing for designation of certain enforcement personnel by commissioner's order; amending Minnesota Statutes 2002, section 84.025, subdivision 10; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 85.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2210, now on General Orders.

H.F. No. 2391: A bill for an act relating to health; modifying authority to dispense controlled substances; amending Minnesota Statutes 2002, section 152.11, subdivision 1; Minnesota Statutes 2003 Supplement, section 152.11, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2192, now on General Orders.

H.F. No. 1838: A bill for an act relating to traffic regulations; regulating uses of recreational vehicle combinations; authorizing motor carrier of passengers to operate articulated bus up to 61 feet in length without a permit; amending Minnesota Statutes 2002, sections 169.01, subdivision 78; 169.81, subdivision 3c, by adding a subdivision.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

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

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

S.F. No. 2423: A bill for an act relating to insurance; requiring discounts on commercial auto policies for taxi service operators whose drivers complete an accident prevention course; proposing coding for new law in Minnesota Statutes, chapter 65B.

Reports the same back with the recommendation that the report from the Committee on Commerce, shown in the Journal for April 1, 2004, be amended to read: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2423. Amendments adopted. Report adopted.

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

S.F. No. 2103: A bill for an act relating to health; modifying the nursing facility survey process; establishing a quality improvement program; requiring annual quality improvement reports; requiring the commissioner of health to seek federal waivers and approvals; amending Minnesota Statutes 2002, sections 144A.10, subdivision 1a, by adding a subdivision; 256.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144A.

Reports the same back with the recommendation that the report from the Committee on Health and Family Security, shown in the Journal for April 1, 2004, be adopted; that committee recommendation being: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2103. Amendments adopted. Report adopted.

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

S.F. No. 2080: A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring licensure of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; requiring rule amendments; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2; 144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the report from the Committee on Health and Family Security, shown in the Journal for March 31, 2004, be adopted; that committee recommendation being: "the bill be amended and when so amended the bill do pass," and that Joint Rule 2.03 be suspended for all further proceedings on S.F. No. 2080. Amendments adopted. Report adopted.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2378 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2378	2285				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2378 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2378 and insert the language after the enacting clause of S.F. No. 2285, the first engrossment; further, delete the title of H.F. No. 2378 and insert the title of S.F. No. 2285, the first engrossment.

And when so amended H.F. No. 2378 will be identical to S.F. No. 2285, and further recommends that H.F. No. 2378 be given its second reading and substituted for S.F. No. 2285, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Betzold from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for March 11, 2004:

BOARD ON JUDICIAL STANDARDS

Patrick D. Sexton

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.

Senator Betzold from the Committee on Judiciary, to which were referred the following appointments as reported in the Journal for February 9, 2004:

BOARD ON JUDICIAL STANDARDS

Martha Holton Dimick
Jacquelyn Hauser

Reports the same back with the recommendation that the appointments 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. 2423, 2103 and 2080 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 2378 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Scheid moved that the name of Senator Limmer be added as a co-author to S.F. No. 2127. The motion prevailed.

Senator Berglin moved that the names of Senators Hottinger and Solon be added as co-authors to S.F. No. 3036. The motion prevailed.

Senators Pogemiller, Pappas, Hottinger and Ruud introduced--

Senate Resolution No. 149: A Senate resolution congratulating the University of Minnesota Women's Basketball team on participating in the 2004 NCAA Final Four basketball tournament.

Referred to the Committee on Rules and Administration.

Senators Bachmann, Ourada, Pariseau, Wergin and Robling introduced--

Senate Resolution No. 150: A Senate resolution recognizing May 6, 2004, as a Day of Prayer in Minnesota.

Referred to the Committee on Rules and Administration.

Senator Stumpf introduced--

Senate Resolution No. 151: A Senate resolution congratulating Jed Roley of Warren, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Johnson, D.E. moved that H.F. No. 1681 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 1681: A bill for an act relating to operation of state government; making changes to encourage consumer-driven health plans; encouraging efficiency in providing health care; requiring disease management initiatives; implementing health care cost containment, cost-shifting provisions, and reduction of government mandates; implementing health plan competition and reform provisions; changing health maintenance organization regulatory authority; changing provisions related to child care, economic supports, health care, long-term care, continuing care, civil commitment, and program integrity and administration; making health and human services forecast adjustments and reductions; appropriating money; amending Minnesota Statutes 2002, sections 16A.10, by adding a subdivision; 43A.23, by adding a subdivision; 62A.02, subdivision 2; 62A.28; 62A.30, subdivision 2, by adding a subdivision; 62D.02, subdivision 4, by adding a subdivision; 62D.03, subdivision 1; 62D.04, subdivision 1; 62D.05, subdivision 1; 72A.20, by

adding a subdivision; 119B.13, by adding a subdivision; 144.148, by adding a subdivision; 144A.10, subdivision 1a, by adding a subdivision; 144D.025; 147.03, subdivision 1; 253B.02, by adding subdivisions; 253B.03, by adding a subdivision; 253B.185, by adding a subdivision; 256.01, by adding subdivisions; 256.9365, subdivision 1; 256.955, subdivisions 2b, 4, 6; 256B.02, subdivision 12; 256B.04, subdivision 14, by adding a subdivision; 256B.056, subdivision 5, by adding subdivisions; 256B.0916, subdivision 2; 256B.431, by adding subdivisions; 256B.49, by adding a subdivision; 256D.045; 256D.051, subdivisions 1a, 3a, 6c; 256I.04, subdivision 2a; 256L.01, subdivision 5; 256L.03, subdivision 5, by adding a subdivision; 256L.04, subdivision 2, by adding subdivisions; 256L.05, subdivision 3; 549.02, by adding a subdivision; 549.04; Minnesota Statutes 2003 Supplement, sections 62E.08, subdivision 1; 62E.091; 62J.26, by adding a subdivision; 119B.09, subdivision 9; 119B.13, subdivision 1; 144.7063, subdivision 3; 144A.071, subdivision 4c; 245A.10, subdivision 4; 246B.04, as amended; 252.27, subdivision 2a; 256.019, subdivision 1; 256.046, subdivision 1; 256.955, subdivisions 2a, 3; 256B.056, subdivision 3c; 256B.057, subdivision 9; 256B.0595, subdivision 2; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0631, subdivision 2; 256B.19, subdivision 1; 256B.434, subdivision 4; 256B.69, subdivision 2; 256D.03, subdivisions 3, 4; 256D.44, subdivision 5; 256J.24, subdivision 6; 256J.37, subdivision 3a; 256J.53, subdivision 1; 256L.03, subdivision 1; 256L.035; 256L.07, subdivisions 1, 3; 295.50, subdivision 9b; 295.53, subdivision 1; Laws 2003, First Special Session chapter 14, article 9, section 34; Laws 2003, First Special Session chapter 14, article 13C, section 1; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivisions 1, 3, 6, 7, 9, 11; Laws 2003, First Special Session chapter 14, article 13C, section 10, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 62J; 62L; 62Q; 144; 144A; 145; 151; 253B; 256B; repealing Minnesota Statutes 2002, sections 62A.309; 62J.17, subdivisions 1, 3, 4a, 5a, 6a, 7, 8; 256.955, subdivisions 1, 2, 2b, 4, 5, 6, 7, 9; 256L.04, subdivision 11; Minnesota Statutes 2003 Supplement, sections 62J.17, subdivision 2; 256.955, subdivisions 2a, 3, 4a; 256B.431, subdivision 36.

H.F. No. 1681 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 1681 be laid on the table. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 1793 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 1793: A bill for an act relating to education; providing for prekindergarten through grade 12 education and early childhood and family education including general education, special programs, academic excellence, facilities, nutrition, and accounting, other programs, libraries, early childhood programs, prevention, self-sufficiency and lifelong learning, state agencies, deficiencies, technical and conforming amendments, and academic standards; providing for higher education including extending sunset of education telecommunications council, requiring eligible institutions to provide certain data to the Higher Education Services Office, making changes relating to child care grants and the Minnesota College Savings Plan, modifying certain education benefits of public safety officers, making changes to tuition reciprocity, and authorizing planning for applied doctoral degrees; repealing obsolete rules; providing for rulemaking; reducing appropriations; appropriating money; amending Minnesota Statutes 2002, sections 13.321, subdivision 1, by adding subdivisions; 119A.46, subdivisions 2, 3, 8; 120A.05, by adding a subdivision; 120B.23, as amended; 120B.35, by adding a subdivision; 121A.22, subdivision 2; 121A.34, by adding subdivisions; 121A.45, subdivision 3; 121A.48; 121A.75, by adding a subdivision; 122A.06, subdivision 4; 122A.12, by adding a subdivision; 122A.16; 122A.18, subdivision 2a, by adding a subdivision; 122A.20, subdivision 2; 123A.05, subdivision 2; 123A.442, subdivision 2; 123A.443, subdivision 4; 123A.55; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.195; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.53, subdivision 6; 123B.58, subdivision 2; 123B.71, subdivision 9; 123B.75, by adding a subdivision; 123B.76, by adding a subdivision; 123B.82; 123B.92, subdivision 5; 124D.15, subdivisions 1, 3, 5, 8, 10, 12, by adding a subdivision; 124D.16, subdivision 2; 124D.19, subdivision 11; 124D.20, by adding a subdivision; 124D.59, as amended; 124D.61; 124D.68, subdivisions 3, 9; 124D.69, subdivision 1; 125A.023, subdivision 3; 125A.03; 125A.07; 125A.22; 125A.46; 125A.51; 125A.79, subdivisions 5, 7, by adding subdivisions; 125B.15; 126C.10, subdivision 2; 126C.15, subdivision 2, by adding a subdivision; 126C.21, subdivision 4; 126C.48, subdivision 8; 127A.42, subdivisions 4, 6;

127A.45, subdivision 11; 127A.47, subdivision 3; 134.31, by adding a subdivision; 134.50; 136A.08, by adding a subdivision; 136A.121, subdivision 2, by adding a subdivision; 136G.11, by adding a subdivision; 169.451; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 171.19; 260A.01; 260A.03; 260C.163, subdivision 11; 299A.45, subdivision 4; 631.40, subdivision 4; Minnesota Statutes 2003 Supplement, sections 13.46, subdivision 2; 16A.152, subdivision 2; 119A.46, subdivision 1; 120B.021, subdivisions 1, 3, by adding a subdivision; 120B.022, subdivision 1; 120B.024; 120B.36; 121A.64; 122A.09, subdivision 4; 123B.54; 123B.77, subdivision 4; 123B.92, subdivision 1; 124D.095, subdivisions 4, 7, 8; 124D.10, subdivisions 3, 4, 8; 124D.11, subdivisions 1, 2, 9; 124D.20, subdivision 11; 124D.385, subdivision 2; 124D.42, subdivision 6; 124D.454, subdivision 2; 124D.531, subdivisions 1, 4; 124D.86, subdivisions 3, 4; 125A.023, subdivision 4; 125A.091, subdivision 5; 125A.75, subdivision 8; 125A.79, subdivision 1; 125B.21, subdivision 1; 126C.10, subdivisions 3, 31; 126C.15, subdivision 1; 126C.17, subdivision 9; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.63, subdivision 8; 127A.41, subdivision 9; 127A.42, subdivision 2; 127A.47, subdivisions 7, 8; 128C.05, subdivision 1a; 136A.121, subdivision 9; 136A.125, subdivision 2; 136G.11, subdivisions 1, 3; 136G.13, subdivision 1; 275.065, subdivision 1; 475.61, subdivision 4; 626.556, subdivision 2; Laws 2003, chapter 130, section 12; Laws 2003, First Special Session chapter 9, article 1, section 53, subdivisions 2, 3, 5, 6, 11, 12; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, 3, 4, 5, 7, 9, 12, 15, 16, 17, 19, 21, as amended; Laws 2003, First Special Session chapter 9, article 3, section 19; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 4, 5, 6, 7, 8, 9; Laws 2003, First Special Session chapter 9, article 4, section 29; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 6, section 4; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 3; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivisions 2, 5; Laws 2003, First Special Session chapter 9, article 10, section 10, subdivision 2; Laws 2003, First Special Session chapter 9, article 10, section 11; Laws 2003, First Special Session chapter 9, article 10, section 12; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123B; 125B; 127A; 135A; 171; repealing Minnesota Statutes 2002, sections 124D.15, subdivisions 2, 4, 6, 11, 13; 124D.16, subdivisions 1, 4; 124D.41; 124D.42, subdivisions 1, 2, 4, 5, 7; 124D.43; 124D.91; 124D.92; 126C.23; 134.47, subdivision 3; Minnesota Statutes 2003 Supplement, sections 124D.15, subdivision 7; 124D.42, subdivision 3; 124D.86, subdivision 5; 136G.11, subdivision 2; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

H.F. No. 1793 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 1793 be laid on the table. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 1867 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 1867: A bill for an act relating to state government; appropriating money for environmental and natural resources purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.125, by adding a subdivision; 84.83, subdivision 3; 84.9257; 84.928, subdivision 2; 84A.51, subdivision 2; 89.035; 97C.605, subdivision 2; 103F.225, subdivision 5; 115.06, subdivision 4; 115.55, subdivision 9; 115A.12; 116.92, subdivision 4; 116P.12, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 84.026; 115.551; 115A.072, subdivision 1; 115B.20, subdivision 2; 473.845, subdivision 1; Laws 2003, chapter 128, article 1, section 10; proposing coding for new law in Minnesota Statutes, chapters 84; 89; 103G; 115; 116; repealing Minnesota Statutes 2002, section 115.55, subdivision 10.

H.F. No. 1867 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 1867 be laid on the table. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 2684 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 2684: A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government; modifying provisions related to state government operations; establishing the Fair Campaign Reform Act; modifying fair campaign practices; modifying teachers retirement provisions; providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; making certain changes in election administration; changing certain election dates, procedures, and requirements; amending Minnesota Statutes 2002, sections 3.23; 3.98, subdivision 3; 5.08; 10A.02, subdivisions 1, 2, 3, 7, 11, 12; 10A.31, subdivision 4; 11A.24, subdivision 6; 13.635, by adding a subdivision; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 15.16, subdivision 5; 16A.102, subdivision 2, by adding a subdivision; 16A.103, subdivision 1a; 16A.53, subdivision 1, by adding subdivisions; 16A.531, by adding a subdivision; 16A.641, subdivision 2; 16B.24, subdivision 3; 16B.31, subdivision 3; 16B.55, subdivision 3; 85A.02, subdivision 5a; 115A.557, subdivision 4; 116O.071, subdivision 3; 116P.08, subdivision 3; 123B.02, by adding a subdivision; 126C.17, subdivision 11; 144.701, subdivision 4; 193.29, subdivision 3; 193.30; 193.31; 200.02, subdivision 20; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.081; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.096; 201.11; 201.121, subdivision 1, by adding a subdivision; 201.13, subdivision 1; 201.14; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.211; 201.221, subdivisions 2, 3; 201.275; 202A.14, subdivision 3; 203B.02, by adding a subdivision; 203B.04, subdivisions 1, 4, 5, by adding a subdivision; 203B.06, subdivisions 4, 7; 203B.07; 203B.08, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.125; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.20; 203B.21, subdivision 3; 203B.22; 203B.24; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivisions 3, 5; 204B.18; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.25, subdivision 3; 204B.27, subdivision 3; 204B.36, subdivision 4; 204B.41; 204B.45, subdivision 2; 204B.47; 204C.05, by adding a subdivision; 204C.06, subdivision 2, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.13, by adding a subdivision; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.06; 204D.14, by adding a subdivision; 204D.23, subdivision 4; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.10, subdivision 3; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.05, subdivision 1; 205A.07, by adding a subdivision; 206.56, subdivision 7; 206.57, by adding subdivisions; 206.64, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 211A.04; 211A.05; 211B.14; 211B.15, subdivisions 1, 12; 245.90; 270.063, subdivision 1; 270.71; 349.12, subdivision 34; 349.151, by adding a subdivision; 349.1711, subdivision 2; 349.211, by adding a subdivision; 351.01, subdivision 4; 354A.08; 354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivision 9; 365.51, subdivision 3; 367.12; 373.40, subdivision 2; 375.101, by adding a subdivision; 375.20; 383B.055, subdivision 2; 414.041, subdivision 1; 447.32, subdivisions 3, 4; 458.40; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 475.58, subdivisions 1, 1a; 475.59; Minnesota Statutes 2003 Supplement, sections 16A.102, subdivision 1; 16A.11, subdivision 3; 84.026; 116J.966, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 9; 192.501, subdivision 2; 204B.11, subdivision 1; 205A.07, subdivision 3; 354A.12, subdivision 3b; 465.82, subdivision 2; 465.84; 475.521, subdivision 2; Laws 2000, chapter 391, section 1, subdivisions 1, 2; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2002, chapter 365, section 9; Laws 2003, First Special Session chapter 1, article 2, section 123; Laws 2003, First Special Session chapter 11, article 3, section 13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 16A; 16B; 201; 203B; 204B; 204C; 204D; 205; 205A; 211A; 211B; 354A; repealing Minnesota Statutes 2002, sections 203B.02, subdivision 1a; 204C.05, subdivisions 1a, 1b; 205.175; 205A.09; 211A.08; 211B.16; 349.2127, subdivision 9; Minnesota Statutes 2003 Supplement, section 16A.151, subdivision 5; Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400; 8210.3000; 8230.3950; 8230.4050.

H.F. No. 2684 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 2684 be laid on the table. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 2755 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 2755: A bill for an act relating to agriculture; changing certain duties, loan requirements, procedures, inspection requirements, and fees; regulating certain veterinary treatments; modifying provisions governing county and regional fairs; eliminating an ownership disclosure requirement; changing certain grain buyers' bond and financial reporting requirements; changing certain limits; establishing loan and grant programs; providing for faculty veterinary licensure; limiting certain nuisance claims; prohibiting intentional introduction of disease to domestic animals; prohibiting certain trespass on agricultural land; providing a civil remedy; providing criminal penalties; transferring certain funds; appropriating money; changing certain appropriations; amending Minnesota Statutes 2002, sections 16C.135, by adding subdivisions; 17.115, subdivisions 2, 3, 4, 5; 17B.03, subdivision 1; 17B.15, subdivision 1; 27.10; 35.243; 38.04; 38.12; 38.14; 38.15; 38.16; 41B.036; 41B.046, subdivision 5; 41B.049, subdivision 2; 41C.02, subdivision 12; 156.12, subdivision 2, by adding a subdivision; 223.17, subdivisions 3, 6; 231.16; 232.22, subdivision 3; 236.02, subdivision 4; 561.19, subdivision 2; 609.605, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 18G.10, subdivisions 5, 7; 38.02, subdivisions 1, 3; 41A.09, subdivision 3a; 223.17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 41B; 116J; 609; repealing Minnesota Statutes 2002, sections 18C.433; 38.02, subdivision 2; 38.13; 41B.046, subdivision 3.

H.F. No. 2755 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 2755 be laid on the table. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 3090 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 3090: A bill for an act relating to economic development; reducing appropriations for economic development and certain other programs; appropriating money for economic development and other programs; modifying programs and practices; modifying provisions governing barbers and cosmetologists; regulating petroleum testing and fees; creating a revolving fund; modifying tobacco sales penalty provisions; granting extra unemployment benefits for certain military reservists; transferring powers and funds; renumbering sections; amending Minnesota Statutes 2002, sections 60A.14, subdivision 1; 154.01; 154.02; 154.03; 154.04; 154.06; 154.07, as amended; 154.08; 154.11; 154.12; 154.161, subdivisions 2, 4, 5, 7; 154.18; 154.19; 154.21; 154.22; 154.23; 154.24; 154.25; 155A.01; 155A.02; 155A.03, subdivisions 1, 2, 7, by adding subdivisions; 155A.045, subdivision 1; 155A.05; 155A.07, subdivisions 2, 8, by adding a subdivision; 155A.08, subdivisions 1, 2, 3; 155A.09; 155A.095; 155A.10; 155A.135; 155A.14; 155A.15; 155A.16; 177.23, subdivision 7; 182.653, subdivision 9; 214.01, subdivision 3; 239.011, by adding a subdivision; 239.101, subdivision 3; 326.975, subdivision 1; 327C.01, by adding a subdivision; 327C.02, subdivision 2; 327C.04, by adding a subdivision; 461.12, subdivision 2; 461.19; 462A.05, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 116J.70, subdivision 2a; 116J.8731, subdivision 5; 214.04, subdivision 3; 462A.03, subdivision 13; Laws 2003, chapter 128, article 10, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 446A; repealing Minnesota Statutes 2002, sections 155A.03, subdivisions 11, 13; 155A.04; 155A.06; Minnesota Statutes 2003 Supplement, section 239.101, subdivision 7; Minnesota Rules, part 2100.9300, subpart 1.

H.F. No. 3090 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 3090 be laid on the table. The motion prevailed.

Senator Johnson, D.E. moved that H.F. No. 3141 be taken from the table and given a second reading. The motion prevailed.

H.F. No. 3141: A bill for an act relating to transportation; reducing certain appropriations to the

Department of Transportation, Department of Public Safety, and Metropolitan Council; limiting certain deposits of revenue from the motor vehicle sales tax; temporarily allowing money for certain activities to be spent for bus transit; authorizing matching grant to Duluth Port Authority; requiring commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of second beltway; requiring evaluation of St. Cloud transportation plan; requiring future use of highway centerline rumble strips; providing for premium paratransit project; regulating toll facilities; requiring consideration of presence of bus shoulder lanes when implementing sound abatement measures for highways; modifying vehicle weight provisions; modifying interstate vehicle registration provisions; modifying bond requirements for trailer dealers; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; regulating uses of recreational vehicle combinations; regulating speed limits and driver's records; providing for duty of care by bus driver; regulating operation of articulated buses; regulating day activity center buses; extending duration of driver instruction permits to two years; modifying requirements for commercial vehicle drivers; modifying driver's license fee provisions; requiring background check for applicant for driver's license with hazardous materials endorsement; promoting commuting by bicycle; requiring plan for county ten-ton highway system; modifying provisions relating to public safety radio communications operators; regulating use of traffic citations; requiring preparation of 20-year state aviation plan; including the Division of Driver and Vehicle Services in the definition of appropriate agency for purposes of certain property forfeitures; authorizing rulemaking; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 161.125, subdivision 3; 168.187, by adding a subdivision; 168.27, subdivision 24; 168A.11, subdivisions 1, 2; 169.01, subdivision 78; 169.14, by adding a subdivision; 169.448, by adding a subdivision; 169.81, subdivision 3c, by adding a subdivision; 169.824, subdivision 2; 169.87, subdivision 4; 169.99, subdivision 1b; 171.05, subdivisions 1, 2; 171.12, subdivision 6; 171.165, subdivisions 1, 4, by adding a subdivision; 174.03, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 299D.08; 360.015, by adding a subdivision; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, sections 168.013, subdivision 3; 169.86, subdivision 5; 171.20, subdivision 4; 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; 174; repealing Minnesota Statutes 2002, sections 169.685, subdivision 4.

H.F. No. 3141 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 3141 be laid on the table. The motion prevailed.

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2413 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2413: A bill for an act relating to employment; regulating payment for overtime work; amending Minnesota Statutes 2002, section 177.25, subdivision 1.

Senator Kleis moved to amend S.F. No. 2413 as follows:

Page 2, after line 25, insert:

"Sec. 3. [OVERTIME PER DIEM LEGISLATIVE REIMBURSEMENT; PROHIBITED.]

Notwithstanding Minnesota Statutes, sections 3.099, 3.101, and 3.103, during any special session held on a day falling between May 18, 2004, and January 3, 2005, members of the legislature must not be paid per diem reimbursement for living expenses incurred during that overtime."

Page 2, line 26, delete "3" and insert "4"

Page 2, line 27, delete "and 2" and insert "to 3"

Amend the title accordingly

Senator Murphy questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Nienow moved to amend S.F. No. 2413 as follows:

Page 2, delete lines 27 and 28 and insert:

"Section 1 is effective May 15, 2005. Section 2 is effective the day following final enactment."

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2413. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Senjem moved to amend S.F. No. 2413 as follows:

Pages 1 and 2, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Berglin	Chaudhary	Dibble	Higgins
Bakk	Betzold	Cohen	Foley	Hottinger

Johnson, D.E.	Marko	Ortman	Sams	Solon
Kelley	Marty	Pappas	Saxhaug	Sparks
Kubly	Metzen	Pogemiller	Scheid	Stumpf
Langseth	Moua	Ranum	Skoe	Tomassoni
Lourey	Murphy	Rest	Skoglund	Wiger

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

S.F. No. 2413 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Rest moved that the vote whereby S.F. No. 2413 was passed by the Senate on April 15, 2004, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 2413 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2009 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2009: A bill for an act relating to state government; transferring tourism functions from Department of Employment and Economic Development to Explore Minnesota Tourism; appropriating money; amending Minnesota Statutes 2002, sections 116J.01, subdivision 5; 160.276, subdivision 5; Minnesota Statutes 2003 Supplement, sections 15.057; 15.75, subdivision 5; 116J.011; 116J.60; 161.20, subdivision 3; 270B.14, subdivision 13; proposing coding for new law as Minnesota Statutes, chapter 116U; repealing Minnesota Statutes 2002, sections 116J.01, subdivision 4; 116J.036; 116J.615; 116J.616; 116J.63, subdivision 4.

Senator Bakk moved to amend S.F. No. 2009 as follows:

Pages 3 and 4, delete section 4

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bakk then moved to amend S.F. No. 2009 as follows:

Page 9, delete section 17

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2009 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Betzold moved that S.F. No. 2165, No. 18 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Betzold moved that S.F. No. 2332, No. 30 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Bakk introduced--

S.F. No. 3039: A bill for an act relating to sales and use taxes; authorizing the city of Ely to impose a local sales tax.

Referred to the Committee on Taxes.

Senators Senjem and Kiscaden introduced--

S.F. No. 3040: A bill for an act relating to sales and use tax; providing for a sales tax exemption for the Rochester wastewater treatment plant; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Senators Reiter, Ruud, Vickerman and Wergin were excused from the Session of today. Senator Frederickson was excused from the Session of today from 3:00 to 3:50 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 19, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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