

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

ONE HUNDRED SIXTH DAY

St. Paul, Minnesota, Tuesday, May 11, 2004

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

Prayer was offered by the Chaplain, Monsignor James D. Habiger.

RECESS

Senator Betzold moved that the Senate do now recess until 12:30 p.m. The motion prevailed.

The hour of 12:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

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

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

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.

May 10, 2004

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

On behalf of the people of Minnesota, I am honored to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1815 and 2422.

Sincerely,
Tim Pawlenty, Governor

May 10, 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
	2930	173	12:05 p.m. May 10	May 10
	2551	174	12:10 p.m. May 10	May 10
1815		175	12:35 p.m. May 10	May 10
2422		176	12:25 p.m. May 10	May 10

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. 1803, 1973, 2080, 2231, 2379 and 2620.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 2004

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2181: A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

There has been appointed as such committee on the part of the House:

Wilkin, Haas and Carlson.

Senate File No. 2181 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 10, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2577, 2561, 2737, 2078, 2217, 2642, 3061, 2334, 2864 and 3081.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 10, 2004

FIRST READING OF HOUSE BILLS

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

H.F. No. 2577: A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2002, sections 3.971, subdivision 8; 13.07; 13.461, by adding a subdivision; 13.465, subdivision 1, by adding a subdivision; 13.475, subdivision 4; 13.4965, by adding a subdivision; 13.4967, by adding a subdivision; 13.7411, subdivision 5; 15.0591, subdivision 2; 18F.02, subdivision 2a; 60A.23, subdivision 5; 82.34, subdivision 15; 85.053, subdivision 2; 89.391; 97A.055, subdivision 4; 103B.101, subdivision 10; 115B.16, subdivision 4; 115B.18, subdivision 1; 116A.11, subdivision 1; 119A.05, subdivision 1; 126C.48, subdivision 8; 162.081, subdivision 4; 163.16, subdivision 1; 163.161; 164.05, subdivision 3; 164.08, subdivision 1; 168.12, subdivision 2d; 181.953, subdivision 1; 214.03, subdivision 1; 237.39; 256D.03, subdivision 8; 260B.175, subdivision 1; 270B.01, subdivision 8; 272.0212, subdivision 2; 273.1398, subdivisions 1, 2d, 3; 275.07, subdivision 1; 276.04, subdivision 2; 290.191, subdivision 5; 290C.04; 306.32; 325F.19, subdivision 3; 325F.69, subdivisions 1, 4; 326.10, subdivisions 1, 7; 326.12, subdivision 2; 326.13; 326.15; 336.9-531; 344.20; 348.02; 357.021, subdivision 5; 365.59; 366.17; 368.85, subdivision 9; 385.09; 395.14; 477A.011, subdivisions 21, 27, 35; 477A.015; 609.3452, subdivision 2; Minnesota Statutes 2003 Supplement, sections 13.4963, subdivision 2; 18G.14, subdivisions 1, 8; 37.31, subdivision 4; 62J.692, subdivision 10; 62J.694, subdivision 1; 97A.482; 115B.31, subdivision 1; 116J.966, subdivision 1; 119B.125, subdivision 2; 127A.45, subdivision 10; 144.395, subdivision 1; 192.501, subdivision 2; 216C.41, subdivision 1; 246.014; 256.954, subdivision 3; 256B.0943, subdivisions 5, 7, 9, 12, by adding a subdivision; 270B.03, subdivision 6; 273.1392; 273.1398, subdivision 4c; 297A.668, subdivision 3; 297A.669, subdivision 16; 308B.201; 308B.311, subdivision 6; 308B.471, subdivision 2; 308B.735, subdivision 1; 365.52, subdivision 1; 469.177, subdivision 9; 469.339, subdivision 2; 473.253, subdivision 1; Laws 2003, First Special Session chapter 11, article 2, section 21; Laws 2003, First Special Session chapter 21, article 8, section 10; repealing Minnesota Statutes 2002, sections 18.79, subdivision 11; 115B.241; 273.1398, subdivisions 1a, 2e; 275.07, subdivisions 1a, 5; Laws 2001, chapter 161, section 29; Laws 2001, First Special Session chapter 5, article 3, section 9; Laws 2002, chapter 364, section 15; Laws 2002, chapter 380, article 4, section 1; Laws 2003, chapter 112, article 2, section 35; Laws 2003, chapter 127, article 5, section 19; Laws 2003, chapter 127, article 7, section 1; Laws 2003, chapter 128, article 2, section 13; Laws 2003, chapter 128, article 3, section 44; Laws 2003, First Special Session chapter 9, article 5, section 29; Minnesota Rules, parts 1220.0200; 1220.0300; 1220.0400; 1220.0500; 1220.0600; 1220.0700; 1220.0800; 1220.0900; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2131, now on General Orders.

H.F. No. 2561: A bill for an act relating to education; modifying certain training and transportation requirements; amending Minnesota Statutes 2002, sections 168.012, subdivision 10; 169.01, subdivisions 6, 75; 169.442, subdivisions 1, 5; 169.443, subdivisions 1, 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 11; 169.4503, subdivisions 5, 14, 16, 20, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 123B.90, subdivision 2; 171.321,

subdivision 5; repealing Minnesota Statutes 2002, sections 169.447, subdivision 6; 169.4502, subdivisions 7, 9, 13, 14; 169.4503, subdivisions 10, 10a, 21, 25.

Referred to the Committee on Finance.

H.F. No. 2737: A bill for an act relating to municipal airports; requiring notice to commissioner of transportation and public notice and hearing before final closure of municipal airport; proposing coding for new law in Minnesota Statutes, chapter 360.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2178, now on General Orders.

H.F. No. 2078: 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 Rules and Administration for comparison with S.F. No. 1904, now on General Orders.

H.F. No. 2217: A bill for an act relating to traffic regulations; requiring vehicles to wait at railroad crossings until roadway is clear; amending Minnesota Statutes 2002, section 169.26, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1852, now on General Orders.

H.F. No. 2642: A bill for an act relating to family law; requiring certain parent education programs; requiring a notice; amending Minnesota Statutes 2002, sections 518.091; 518.157, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1846, now on General Orders.

H.F. No. 3061: A bill for an act relating to the State Board of Investment; classifying data related to certain investments; amending Minnesota Statutes 2002, sections 11A.24, subdivision 6; 13.635, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2894.

H.F. No. 2334: A bill for an act relating to natural resources; modifying provisions for the sale and disposition of surplus state lands; modifying certain state land management provisions; adding to and removing from certain state forests, state parks, state wildlife management areas, and land use districts; authorizing public and private sales and exchanges of certain state lands; modifying prior sale authorization; appropriating money; amending Minnesota Statutes 2002, sections 15.054; 84.0272, by adding subdivisions; 84.033; 85.015, subdivision 1; 86A.05, subdivision 14; 89.01, by adding a subdivision; 92.02; 92.03; 92.04; 92.06, subdivisions 1, 2, 4, 5, by adding a subdivision; 92.08; 92.10, subdivision 2; 92.12, subdivisions 1, 2, 4, 5; 92.121; 92.14, subdivision 1; 92.16, by adding a subdivision; 92.28; 92.29; 92.321, subdivision 1; 94.09, subdivisions 1, 3; 94.10; 94.11; 94.12; 94.13; 94.16, subdivision 2; 164.08, subdivision 2; 282.01, subdivision 3; Minnesota Statutes 2003 Supplement, sections 525.161; 525.841; Laws 1999, chapter 161, section 31, subdivisions 3, 5, 8; Laws 2003, First Special Session chapter 13, section 16; proposing coding for new law in Minnesota Statutes, chapters 16B; 92; repealing Minnesota Statutes 2002, sections 92.09; 92.11; 94.09, subdivisions 2, 4, 5, 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2204, now on General Orders.

H.F. No. 2864: A bill for an act relating to food law; clarifying the basis on which food can be labeled as kosher; amending Minnesota Statutes 2002, sections 31.651, subdivision 1; 31.661.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2756, now on General Orders.

H.F. No. 3081: A bill for an act relating to public finance; modifying the authority of cities and counties to finance purchases of computers and related items; clarifying the financing of conservation easements; extending sunsets on establishment of special service districts and housing improvement areas; extending the maximum maturity of bonds for qualified housing development projects; revising time for certain notices of issues; modifying the authority to finance street reconstruction; modifying limits on city capital improvement bonds; changing the limits on city or county support of prevention of cruelty to animal societies; changing the definition of subsystems for purposes of the metropolitan area public safety radio system law and authorizing assistance to local government units for building subsystems in the State Patrol central district; authorizing certain nonprofit corporations for certain limited purposes; requiring housing improvement district ordinances to be filed with the state auditor; redefining housing development improvement project; authorizing property tax abatements to finance historic or heritage preservation; extending the authorized maximum length of some abatements; authorizing additional authority to issue obligations by the Metropolitan Council for bus transit and limiting some of its tax authority; changing punctuation; making technical corrections; making the Lakes Area Economic Development Authority a special taxing district; reestablishing the Aitkin Drainage and Conservancy District; permitting abatements in a tax increment financing district in the city of Fairmont; authorizing the transfer of certain bond allocation authority; amending Minnesota Statutes 2002, sections 343.11; 428A.02, subdivision 1; 428A.03, subdivision 1; 428A.101; 428A.21; 469.034, subdivision 2; 469.1813, subdivisions 1, 6; 473.39, by adding a subdivision; 473.446, subdivision 1; 474A.131, subdivision 1; 475.52, subdivisions 1, 3, 4; Minnesota Statutes 2003 Supplement, sections 373.01, subdivision 3; 373.40, subdivision 1; 403.21, subdivision 8; 403.27, subdivisions 1, 3; 410.32; 412.301; 475.521, subdivision 4; 475.58, subdivision 3b; Laws 2003, chapter 127, article 12, section 38; proposing coding for new law in Minnesota Statutes, chapters 373; 428A.

Senator Betzold, designee of the Chair of the Committee on Rules and Administration, moved that H.F. No. 3081 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Senator Johnson, D.E. moved that his name be stricken as a co-author to S.F. No. 986. The motion prevailed.

Senator Wiger moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Higgins be added as chief author to S.F. No. 986. The motion prevailed.

Senator LeClair introduced--

Senate Resolution No. 171: A Senate resolution honoring Barry P. Johnson on the occasion of his retirement from the city of Woodbury.

Referred to the Committee on Rules and Administration.

Senators Moua and Murphy introduced--

Senate Resolution No. 172: A resolution recognizing July 22 as National Lao-Hmong Recognition Day.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Reiter, LeClair, Hann, Michel and Pariseau introduced--

S.F. No. 3059: A bill for an act relating to the legislature; prohibiting per diem reimbursement for a certain period.

Referred to the Committee on Rules and Administration.

Senator Kiscaden introduced--

S.F. No. 3060: A bill for an act relating to gambling; creating a task force to study state-tribal gaming compacts.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Metzen introduced--

S.F. No. 3061: A bill for an act relating to human services; modifying the MFIP consolidated fund; amending Minnesota Statutes 2003 Supplement, section 256J.626, subdivision 6.

Referred to the Committee on Health and Family Security.

Senators Marty, Ranum and Cohen introduced--

S.F. No. 3062: A bill for an act relating to sports facilities; assisting the Minnesota Twins and the Minnesota Vikings in developing private financing plans for stadiums using revenue increment financing; expanding duties of the Metropolitan Sports Facilities Commission; amending Minnesota Statutes 2002, section 473.556, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

MOTIONS AND RESOLUTIONS - CONTINUED**SPECIAL ORDERS**

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 2175, 2207, 2386, 722, 1691, 2444, 2017, 1961, S.F. No. 2068, H.F. Nos. 1897, 2419, 1941 and S.F. No. 1790.

SPECIAL ORDER

H.F. No. 2175: A bill for an act relating to health; modifying requirements for various public health occupations; prescribing authority of speech-language pathology assistants; modifying requirements for physician assistants, acupuncture practitioners, licensed professional counselors, alcohol and drug counselors, dentists, dental hygienists, dental assistants, and podiatrists; modifying provisions for designating essential community providers; modifying certain immunization provisions; appropriating money; amending Minnesota Statutes 2002, sections 12.03, subdivision 4d; 12.39, subdivision 2; 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 3, 5; 147A.02; 147A.20; 147B.01, by adding a subdivision; 147B.06, subdivision 4; 148.211,

subdivision 1; 148.284; 148.512, subdivisions 9, 19, by adding a subdivision; 148.6402, by adding a subdivision; 148.6403, subdivision 5; 148.6405; 148.6428; 148.6443, subdivisions 1, 5; 150A.06, as amended; 150A.08, subdivision 1; 150A.09, subdivision 4; 153.01, subdivision 2; 153.16, subdivisions 1, 2; 153.19, subdivision 1; 153.24, subdivision 4; 153.25, subdivision 1; 192.502; Minnesota Statutes 2003 Supplement, sections 13.37, subdivision 3; 62Q.19, subdivision 2; 121A.15, subdivisions 3a, 12; 147A.09, subdivision 2; 148.212, subdivision 1; 148.511; 148.512, subdivisions 12, 13; 148.513, subdivisions 1, 2; 148.5161, subdivisions 1, 4, 6; 148.5175; 148.518; 148.5193, subdivisions 1, 6a; 148.5195, subdivision 3; 148.5196, subdivision 3; 148B.52; 148B.53, subdivisions 1, 3; 148B.54; 148B.55; 148B.59; 148C.04, subdivision 6; 148C.075, subdivision 2, by adding a subdivision; 148C.11, subdivision 6, by adding a subdivision; 148C.12, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapters 12; 144; 148; 148B; 197; repealing Minnesota Statutes 2002, sections 147B.02, subdivision 5; Laws 2002, chapter 402, section 21; Minnesota Rules, parts 6900.0020, subparts 3, 3a, 9, 10; 6900.0400.

Senator Kiscaden moved to amend H.F. No. 2175, as amended pursuant to Rule 45, adopted by the Senate May 7, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2351.)

Page 8, line 23, delete "has completed" and insert "completion of"

Page 8, line 26, delete "certified"

Page 10, line 5, delete "meet the" and insert a colon

Page 10, delete line 6

Page 10, line 20, after the second "work" insert "performed"

Page 15, line 25, delete the comma

Page 25, line 1, delete "as set forth in" and insert "under"

Page 25, line 5, after "province" insert a comma

Page 39, line 19, delete "determined necessary" and insert "requested"

Page 40, line 27, delete "set by the board"

Page 42, line 10, delete "registration" and insert "licensure"

Page 43, line 36, delete "pay"

Page 44, line 4, before the period, insert "must be paid to the board"

Page 45, line 29, strike "if the program is of" and insert ", be" and after "duration" insert a comma

Page 45, line 30, strike "includes" and insert "include"

Page 46, line 31, delete "their" and insert "the applicant's" and delete "a" and insert "an"

Page 46, line 32, delete "board-approved examination as defined in" and insert "examination approved by the board according to"

Page 48, line 25, after "CREDENTIALS" insert "FOR DENTAL ASSISTANTS"

Page 49, line 24, delete ", which" and insert "which,"

Page 63, line 11, before "other" insert "or"

Page 63, line 12, delete the comma

The motion prevailed. So the amendment was adopted.

Senator Kiscaden then moved to amend H.F. No. 2175, as amended pursuant to Rule 45, adopted by the Senate May 7, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2351.)

Page 67, after line 29, insert:

"Sec. 3. Minnesota Statutes 2003 Supplement, section 148C.11, subdivision 1, is amended to read:

Subdivision 1. [OTHER PROFESSIONALS.] (a) Nothing in this chapter prevents members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychological practitioners, members of the clergy, American Indian medicine men and women, licensed attorneys, probation officers, licensed marriage and family therapists, licensed social workers, licensed professional counselors, licensed school counselors, and registered occupational therapists or occupational therapy assistants, and until July 1, 2005, individuals providing integrated dual-diagnosis treatment in adult mental health rehabilitative programs certified by the Department of Human Services under section 256B.0622 or 256B.0623.

(b) Nothing in this chapter prohibits technicians and resident managers in programs licensed by the Department of Human Services from discharging their duties as provided in Minnesota Rules, chapter 9530.

(c) Any person who is exempt under this section but who elects to obtain a license under this chapter is subject to this chapter to the same extent as other licensees.

(d) These persons must not, however, use a title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of alcohol and drug counseling, or that they are licensed to engage in the practice of alcohol and drug counseling. Persons engaged in the practice of alcohol and drug counseling are not exempt from the commissioner's jurisdiction solely by the use of one of the above titles."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Rest moved to amend H.F. No. 2175, as amended pursuant to Rule 45, adopted by the Senate May 7, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2351.)

Page 76, after line 33, insert:

"ARTICLE 8
MISCELLANEOUS

Section 1. Minnesota Statutes 2002, section 147.01, subdivision 5, is amended to read:

Subd. 5. [EXPENSES; STAFF.] The Board of Medical Practice shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board. The expenses of administering this chapter shall be paid from the appropriations made to the Board of Medical Practice. The board shall appoint and employ an executive director in accordance with section 214.04, subdivision 2a.

Sec. 2. Minnesota Statutes 2002, section 148.191, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS; STAFF.] The board shall elect from its members a president, a vice-president, and a secretary-treasurer who shall each serve for one year or until a successor is elected and qualifies. The board shall appoint and employ an executive director in accordance with section 214.04, subdivision 2a, and may employ such persons as may be necessary to carry on its work. A majority of the board, including one officer, shall constitute a quorum at any meeting.

Sec. 3. Minnesota Statutes 2002, section 148.691, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS OF THE BOARD.] The board shall elect from its members a president, a vice-president, and a secretary-treasurer. Each shall serve for one year or until a successor is elected and qualifies. The board shall appoint and employ an executive secretary in accordance with section 214.04, subdivision 2a. A majority of the board, including one officer, constitutes a quorum at a meeting.

Sec. 4. Minnesota Statutes 2002, section 148B.19, subdivision 4, is amended to read:

Subd. 4. [OFFICERS AND EXECUTIVE DIRECTOR.] The board shall annually elect from its membership a chair, vice-chair, and secretary-treasurer, and shall adopt rules to govern its proceedings. In accordance with section 214.04, subdivision 2a, the board shall appoint and employ an executive director who is not a member of the board.

Sec. 5. Minnesota Statutes 2003 Supplement, section 148B.51, is amended to read:

148B.51 [BOARD OF BEHAVIORAL HEALTH AND THERAPY.]

The Board of Behavioral Health and Therapy consists of 13 members appointed by the governor. Five of the members shall be professional counselors licensed or eligible for licensure under sections 148B.50 to 148B.593. Five of the members shall be alcohol and drug counselors licensed under chapter 148C. Three of the members shall be public members as defined in section 214.02. The board shall annually elect from its membership a chair and vice-chair. In accordance with section 214.04, subdivision 2a, the board shall appoint and employ an executive director who is not a member of the board. Chapter 214 applies to the Board of Behavioral Health and Therapy unless superseded by sections 148B.50 to 148B.593.

Sec. 6. Minnesota Statutes 2002, section 214.04, is amended by adding a subdivision to read:

Subd. 2a. [APPOINTMENT OF EXECUTIVE DIRECTORS.] The members of each health-related licensing board shall appoint an individual to serve as the executive director of each respective board. The appointment of executive director shall be submitted to the governor. The appointment is not effective until it has been approved by the governor. The executive director serves at the pleasure of the governor.

Sec. 7. Minnesota Statutes 2003 Supplement, section 214.04, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; STAFF.] The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, ~~and~~ The appointment of the executive director is not effective until approved in accordance with subdivision 2a. The executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) Dentistry;
- (2) Medical Practice;
- (3) Nursing;
- (4) Pharmacy;

- (5) Accountancy;
- (6) Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design;
- (7) Barber Examiners;
- (8) Cosmetology;
- (9) Electricity;
- (10) Teaching;
- (11) Peace Officer Standards and Training;
- (12) Social Work;
- (13) Marriage and Family Therapy;
- (14) Dietetics and Nutrition Practice; and
- (15) Licensed Professional Counseling.

The executive directors or executive secretaries serving the boards ~~are hired by those boards and~~ are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved that H.F. No. 2175 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 2207: A bill for an act relating to health; clarifying that individuals may participate in pharmaceutical manufacturer's rebate programs; amending Minnesota Statutes 2002, section 62J.23, subdivision 2.

Senator Kiscaden moved to amend H.F. No. 2207, as amended pursuant to Rule 45, adopted by the Senate March 29, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2150.)

Page 2, line 1, after "drug" insert ", medical supply, or medical equipment"

Page 2, delete lines 9 and 10 and insert:

"(2) it otherwise comports with the requirements of state and federal law; and"

Page 2, delete lines 13 to 19 and insert:

"(c) Except as permitted under paragraph (b), no other benefit, reward, remuneration, or incentive for continued product use may be provided to an individual or an individual's family by

a pharmaceutical manufacturer, medical supply or device manufacturer, or pharmacy benefit manager."

The motion prevailed. So the amendment was adopted.

Senator LeClair moved to amend H.F. No. 2207, as amended pursuant to Rule 45, adopted by the Senate March 29, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2150.)

Page 2, line 4, delete ", so long as:" and insert a period

Page 2, delete lines 5 to 19

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Frederickson moved to amend H.F. No. 2207, as amended pursuant to Rule 45, adopted by the Senate March 29, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2150.)

Page 1, line 9, strike "INTERIM"

The motion prevailed. So the amendment was adopted.

H.F. No. 2207 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 52 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Larson	Pariseau	Skoglund
Bakk	Higgins	Lourey	Pogemiller	Solon
Belanger	Hottinger	Marko	Ranum	Sparks
Berglin	Johnson, D.E.	Marty	Rest	Stumpf
Betzold	Kelley	McGinn	Robling	Tomassoni
Chaudhary	Kierlin	Metzen	Rosen	Vickerman
Cohen	Kiscaden	Moua	Sams	Wergin
Dibble	Knutson	Murphy	Saxhaug	Wiger
Dille	Koering	Neuville	Scheid	
Foley	Kubly	Ortman	Senjem	
Frederickson	Langseth	Pappas	Skoe	

Those who voted in the negative were:

Bachmann	Hann	Kleis	Michel	Ourada
Day	Johnson, D.J.	LeClair	Nienow	Reiter
Fischbach	Jungbauer	Limmer	Olson	Ruud

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

MOTION AND RESOLUTIONS - CONTINUED

Senator Kiscaden moved that H.F. No. 2175 be taken from the table. The motion prevailed.

H.F. No. 2175: A bill for an act relating to health; modifying requirements for various public health occupations; prescribing authority of speech-language pathology assistants; modifying requirements for physician assistants, acupuncture practitioners, licensed professional counselors, alcohol and drug counselors, dentists, dental hygienists, dental assistants, and podiatrists; modifying provisions for designating essential community providers; modifying certain immunization provisions; appropriating money; amending Minnesota Statutes 2002, sections 12.03, subdivision 4d; 12.39, subdivision 2; 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 3, 5; 147A.02; 147A.20; 147B.01, by adding a subdivision; 147B.06, subdivision 4; 148.211, subdivision 1; 148.284; 148.512, subdivisions 9, 19, by adding a subdivision; 148.6402, by adding a subdivision; 148.6403, subdivision 5; 148.6405; 148.6428; 148.6443, subdivisions 1, 5; 150A.06, as amended; 150A.08, subdivision 1; 150A.09, subdivision 4; 153.01, subdivision 2; 153.16, subdivisions 1, 2; 153.19, subdivision 1; 153.24, subdivision 4; 153.25, subdivision 1; 192.502; Minnesota Statutes 2003 Supplement, sections 13.37, subdivision 3; 62Q.19, subdivision 2; 121A.15, subdivisions 3a, 12; 147A.09, subdivision 2; 148.212, subdivision 1; 148.511; 148.512, subdivisions 12, 13; 148.513, subdivisions 1, 2; 148.5161, subdivisions 1, 4, 6; 148.5175; 148.518; 148.5193, subdivisions 1, 6a; 148.5195, subdivision 3; 148.5196, subdivision 3; 148B.52; 148B.53, subdivisions 1, 3; 148B.54; 148B.55; 148B.59; 148C.04, subdivision 6; 148C.075, subdivision 2, by adding a subdivision; 148C.11, subdivision 6, by adding a subdivision; 148C.12, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapters 12; 144; 148; 148B; 197; repealing Minnesota Statutes 2002, sections 147B.02, subdivision 5; Laws 2002, chapter 402, section 21; Minnesota Rules, parts 6900.0020, subparts 3, 3a, 9, 10; 6900.0400.

Senator Kiscaden moved to amend H.F. No. 2175, as amended pursuant to Rule 45, adopted by the Senate May 7, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2351.)

Page 76, after line 33, insert:

"ARTICLE 8 MISCELLANEOUS

Section 1. Minnesota Statutes 2002, section 256F.10, subdivision 5, is amended to read:

Subd. 5. [CASE MANAGERS.] Case managers are individuals employed by and authorized by the certified child welfare targeted case management provider to provide case management services under section 256B.094 and this section. A case manager must have:

- (1) skills in identifying and assessing a wide range of children's needs;
- (2) knowledge of local child welfare and a variety of community resources and effective use of those resources for the benefit of the child; and
- (3) a bachelor's degree in social work, psychology, sociology, or a closely related field from an accredited four-year college or university; or a bachelor's degree from an accredited four-year college or university in a field other than social work, psychology, sociology or a closely related field, plus one year of experience in the delivery of social services to children as a supervised social worker in a public or private social services agency; or

(4) be certified by a federally recognized tribal government within the state of Minnesota."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2175 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 2386: A bill for an act relating to state government; merging the Department of Economic Security and the Department of Employment and Economic Development; making corresponding technical and housekeeping changes; amending Minnesota Statutes 2002, sections 3.922, subdivision 10; 15.0591, subdivision 2; 116J.01, subdivisions 4, 5; 116J.035, subdivision 2; 116J.551; 116J.64, subdivisions 4, 5, 7, 8, 9, by adding a subdivision; 119A.46, subdivision 8; 144.9503, subdivision 1; 171.321, subdivision 2; 181.73, subdivision 1; 216C.10; 242.39, subdivision 3; 246.56, subdivision 1; 256J.08, subdivision 52; 268.001; 268.0111, subdivision 4; 268.0122, subdivision 1; 268.29; 268.66, as amended; 268.665, as amended; 268.976, subdivision 2; 268A.01, subdivision 5; Minnesota Statutes 2003 Supplement, sections 15.01; 15.057; 15.06, subdivision 1; 15A.0815, subdivision 2; 16C.05, subdivision 3; 116J.011; 116J.401; 116J.64, subdivision 6; 116J.966, subdivision 1; 116J.980, subdivision 1; 116J.994, subdivisions 9, 10; 116M.15, subdivision 1; 248.07, subdivision 8; 256.482, subdivision 1; 256C.233, subdivision 1; 268.014; 268.022, subdivision 1; 268.363; 462A.04, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 116J; 268A; repealing Minnesota Statutes 2002, sections 116J.036; 116J.414; 268.0111, subdivisions 1, 2, 3a, 4a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 2, 5, 6; 268.027; 268.028; 268.26, subdivisions 2, 3; 268.361, subdivision 3; 268.3661; 268.551; 268.552; 268.56, subdivision 2; 268.561, subdivision 10; 268.61, subdivision 2; 268.65, subdivisions 1, 3, 4, 5; 268.666, subdivision 5; 268.89; 268.918; 268.95, subdivisions 1, 2, 3, 5; Minnesota Statutes 2003 Supplement, sections 268.0122, subdivision 3; 268.029; 268.26, subdivision 1; 268.65, subdivision 2; 268.95, subdivision 4; 268.976, subdivision 1; Laws 2001, chapter 175, section 49; Minnesota Rules, parts 3300.0050; 3301.0180; 3301.0190; 3301.0200; 3301.0210; 3301.0220; 3301.0230; 3310.2903; 3310.2904; 3310.2905, subpart 1; 3310.2906; 3310.2907; 3310.2909; 3310.2918; 3315.0100; 3315.0202; 3315.0501, subparts 3, 4, 5; 3315.0510; 3315.0530, subpart 1; 3315.0535; 3315.0545; 3315.0555, subpart 5; 3315.0915; 3315.0920; 3315.1005, subpart 2; 3315.1015; 3315.1301, subparts 3, 6; 3315.1305; 3315.1310; 3315.1650, subpart 1; 3315.2410; 3315.2610; 3315.2750; 3315.2810, subparts 1, 3; 3315.3220, subpart 4; 3320.0010; 3320.0020; 3320.0030; 7380.0200; 7380.0210; 7380.0220; 7380.0230;

7380.0240; 7380.0500; 7380.0510; 7380.0520; 7380.0530; 7380.0540; 7380.0550; 7380.0560; 7380.0570; 7380.0580; 7380.0581; 7380.0582; 7380.0600; 7380.0610; 7380.0620; 7380.0630; 7380.0640; 7380.0650; 7380.0800; 7380.0810; 7380.0820; 7380.0830; 7380.0840.

Senator Rosen moved that the amendment made to H.F. No. 2386 by the Committee on Rules and Administration in the report adopted May 4, 2004, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2386 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 722: A bill for an act relating to traffic regulations; exempting garbage trucks and recycling vehicles from certain weight restrictions; amending Minnesota Statutes 2002, section 169.87, subdivision 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dibble Marko

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1691: A bill for an act relating to highways; modifying provisions relating to local government road construction and improvement contracts; amending Minnesota Statutes 2002, section 160.17, subdivision 3; repealing Minnesota Statutes 2002, section 160.17, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2444: 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.

Senator Rest moved that the amendment made to H.F. No. 2444 by the Committee on Rules and Administration in the report adopted May 7, 2004, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2444 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 50 and nays 11, as follows:

Those who voted in the affirmative were:

Bachmann	Higgins	Larson	Ortman	Saxhaug
Bakk	Johnson, D.J.	LeClair	Ourada	Scheid
Belanger	Jungbauer	Limmer	Pariseau	Senjem
Betzold	Kelley	Marko	Pogemiller	Skoe
Dille	Kierlin	McGinn	Reiter	Solon
Fischbach	Kiscaden	Metzen	Rest	Sparks
Foley	Kleis	Michel	Robling	Stumpf
Frederickson	Knutson	Neuville	Rosen	Vickerman
Gaither	Koering	Nienow	Ruud	Wergin
Hann	Kubly	Olson	Sams	Wiger

Those who voted in the negative were:

Anderson	Cohen	Hottinger	Moua	Ranum
Berglin	Dibble	Lourey	Pappas	Skoglund
Chaudhary				

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2017: 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1961: A bill for an act relating to crime prevention; expanding the crime of causing death while committing child abuse; amending Minnesota Statutes 2002, section 609.185.

Senator Kleis moved to amend H.F. No. 1961 as follows:

Page 1, line 10, after "and" insert ", notwithstanding any contrary provision of section 244.05 or 609.106,"

Page 1, line 11, before the colon, insert "without the possibility of release"

Page 2, after line 35, insert:

"Sec. 2. Minnesota Statutes 2002, section 609.342, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] ~~(a) Except as otherwise provided in section 609.109, Notwithstanding any contrary provision of section 244.05 or 609.109, a person convicted under subdivision 1 may shall be sentenced to life imprisonment for not more than 30 years or without the possibility of release. In addition, the person may be sentenced to a payment of a fine of not more than \$40,000, or both.~~

~~(b) Unless a longer mandatory minimum sentence is otherwise required by law or the Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 144 months must be imposed on an offender convicted of violating this section. Sentencing a person in a manner other than that described in this paragraph is a departure from the Sentencing Guidelines.~~

Sec. 3. [REPEALER.]

Minnesota Statutes 2002, section 609.342, subdivision 3, is repealed."

Page 3, line 1, delete "Section 1 is" and insert "Sections 1 to 3 are"

Page 3, line 2, delete "applies" and insert "apply"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on H.F. No. 1961. The Sergeant at Arms was instructed to bring in the absent members.

Senator Berglin questioned whether the Kleis amendment was germane.

The President ruled that the amendment was not germane.

Senator Kleis appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 38 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So the decision of the President was sustained.

Senator Kleis moved to amend H.F. No. 1961 as follows:

Page 1, line 10, after "and" insert ", notwithstanding any contrary provision of section 244.05 or 609.106,"

Page 1, line 11, before the colon, insert "without the possibility of release"

Amend the title accordingly

Senator Foley moved that H.F. No. 1961 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 2068: A bill for an act relating to drainage; prohibiting the planting of trees over certain public or private tile lines; amending Minnesota Statutes 2002, section 103E.081, by adding subdivisions.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Senator Dibble moved to amend H.F. No. 1897, as amended pursuant to Rule 45, adopted by the Senate April 19, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 1740.)

Page 1, line 11, delete "the approval" and insert "a determination by the commissioner of natural resources that the water remaining in the basin of origin will be adequate to meet the basin's need for water and subject to subsequent approval by the commissioner."

Page 1, delete line 12

The motion prevailed. So the amendment was adopted.

H.F. No. 1897 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 2419: A bill for an act relating to real property; providing for certain purchase money mortgages; amending Minnesota Statutes 2002, sections 507.02; 507.03.

Senator Neuville moved to amend H.F. No. 2419 as follows:

Page 2, after line 34, insert:

"Sec. 3. Minnesota Statutes 2002, section 580.04, is amended to read:

580.04 [REQUISITES OF NOTICE.]

Each notice shall specify:

(1) the name of the mortgagor ~~and of~~, the mortgagee, ~~and of the each~~ assignee of the mortgage, if any, and the original or maximum principal amount secured by ~~said~~ the mortgage;

(2) the date of the mortgage, and when and where recorded, except where the mortgage is upon registered land, in which case the notice shall state that fact, and when and where registered;

(3) the amount claimed to be due ~~thereon~~, and taxes, if any, ~~paid by the mortgagee at~~ on the mortgage on the date of the notice;

(4) a description of the mortgaged premises, conforming substantially to that contained in the mortgage;

(5) the time and place of sale;

(6) the time allowed by law for redemption by the mortgagor, the mortgagor's personal representatives or assigns; and

(7) if the party foreclosing the mortgage desires to preserve the right to reduce the redemption period under section 582.032 after the first publication of the notice, the notice must also state in capital letters: "THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED."

Sec. 4. Minnesota Statutes 2002, section 580.24, is amended to read:

580.24 [REDEMPTION BY CREDITOR.]

(a) If ~~no such~~ redemption ~~be~~ is made by the mortgagor, the mortgagor's personal representatives or assigns, the most senior creditor having a legal or equitable lien, legal or equitable, upon the mortgaged premises, or some part thereof of it, subsequent to the foreclosed mortgage, may redeem within seven days after the expiration of the redemption period ~~determined~~ under section 580.23 or 582.032, whichever is applicable; and each subsequent creditor having a lien may redeem, in succession, according to the order of priority of their respective liens, within seven days after the time allowed the prior lienholder, ~~respectively, may redeem~~ by paying the amount aforesaid ~~and all liens prior to the lienholder's own held by the person from whom redemption is made; provided that~~ required under this section. However, no creditor shall be entitled to redeem unless, within the period allowed for redemption by the mortgagor, the creditor file:

(1) files for record with each county recorder and registrar of titles where the foreclosed mortgage is recorded a notice of the creditor's intention to redeem with the county recorder or registrar of titles of each county where the mortgage is recorded;

(2) files for record in each office where the notice is filed all documents necessary to create the lien on the mortgaged premises and to evidence the creditor's ownership of the lien; and

(3) after complying with clauses (1) and (2), delivers to the sheriff who conducted the foreclosure sale or the sheriff's successor in office a copy of each of the documents required to be filed under clauses (1) and (2), with the office, date and time of filing for record stated on the first page of each document.

The sheriff shall maintain for public inspection all documents delivered to the sheriff and shall note the date of delivery on each document. The sheriff may charge a fee of \$100 for the documents delivered to the sheriff relating to each lien. The sheriff shall maintain copies of documents delivered to the sheriff for a period of six months after the end of the mortgagor's redemption period.

(b) Saturdays, Sundays, legal holidays, and the first day following the expiration of the prior redemption period must be included in computing the seven-day redemption period. When the last day of the period falls on Saturday, Sunday, or a legal holiday, that day must be omitted from the computation. All mechanic's lienholders who have coordinate liens shall have one combined seven-day period to redeem.

(c) The amount required to redeem from the holder of the sheriff's certificate of sale is the amount required under section 580.23. The amount required to redeem from a person holding a certificate of redemption is:

(1) the amount paid to redeem as shown on the certificate of redemption; plus

(2) interest on that amount to the date of redemption; plus

(3) the amount claimed due on the person's lien, as shown on the affidavit under section 580.25, clause (3).

The amount required to redeem may be paid to the holder of the sheriff's certificate of sale or the certificate of redemption, as the case may be, or to the sheriff for the holder.

Sec. 5. Minnesota Statutes 2002, section 580.25, is amended to read:

580.25 [REDEMPTION, HOW MADE.]

Redemption shall be made as follows provided in this section.

~~The person desiring to redeem shall pay to the person holding the right acquired under such sale, or for that person to the sheriff who made the sale, or a successor in office, the amount required by law for such the redemption, and shall produce to such the person or officer receiving the redemption payment:~~

~~(1) a copy of the docket of the judgment, or of the deed or mortgage, or of the record or files evidencing any other lien under which the person claims a right to redeem, certified by the officer in whose with custody such of the docket, record, or files shall be, or the original deed or mortgage, with the certificate of record endorsed thereon on it;~~

~~(2) a copy of any assignment necessary to establish evidence the person's claim, verified by the affidavit of that person or a subscribing witness thereto, or some person acquainted with the signature of the assignor ownership of the lien, certified by the officer with custody of the assignment, or the original of each instrument of assignment with the certificate of record endorsed on it. If the redemption is under an assignment of a judgment, the assignment shall be filed in the court rendering entering the judgment, as provided by law, and the person so redeeming shall produce a certified copy thereof of it and of the record of its filing, and the copy of the docket shall show that the proper entry was made upon the docket. No further evidence of the assignment of the judgment is required unless the mortgaged premises or part of it is registered property, in which case the judgment and all assignments of the judgment must be entered as a memorial upon the certificate of title to the mortgaged premises and the original judgment and~~

each assignment with the certificate of record endorsed on it, or a copy certified by the registrar of titles, must be produced; and

(3) an affidavit of the person or the person's agent, showing the amount then actually claimed due on the person's lien and required to be paid on the lien in order to redeem from the person.

If redemption is made to the sheriff, the sheriff may charge a fee of \$250 for issuing the certificate of redemption and any related service. No other fee may be charged by the sheriff for a redemption.

Within 24 hours after such a redemption is made, the person redeeming shall cause the documents so required to be produced to be filed with the county recorder, or registrar of titles, who shall be entitled to may receive fees as prescribed in section 357.18 or 508.82. If such the redemption shall be is made at any place other than the county seat, it shall be is sufficient forthwith to deposit such the documents in the nearest post office, addressed to such the recorder or registrar of titles, with the postage prepaid. A person recording documents produced for redemption shall, on the same day, deliver copies of the documents to the sheriff for public inspection. The sheriff may receive a fee of \$20 for the documents delivered following a redemption. The sheriff shall note the date of delivery on the documents and shall maintain for public inspection all documents delivered to the sheriff for a period of six months after the end of the mortgagor's redemption period.

Sec. 6. [EFFECTIVE DATE; APPLICATION.]

Sections 3 to 5 are effective January 1, 2005, and apply to foreclosures where the mortgagor's period of redemption expires on or after the effective date."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2419 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Larson	Ortman	Senjem
Bachmann	Hann	LeClair	Ourada	Skoe
Bakk	Higgins	Limmer	Pappas	Skoglund
Belanger	Hottinger	Lourey	Pariseau	Solon
Berglin	Johnson, D.E.	Marko	Pogemiller	Sparks
Betzold	Johnson, D.J.	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	
Fischbach	Koering	Neuville	Sams	
Foley	Kubly	Nienow	Saxhaug	
Frederickson	Langseth	Olson	Scheid	

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

SPECIAL ORDER

H.F. No. 1941: A bill for an act relating to Anoka County; authorizing the county to establish a Personnel Board of Appeals.

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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1790: A bill for an act relating to local government; increasing the flexibility of local government contracting; increasing the purchasing authority of city managers in plan B cities; increasing the competitive bidding threshold for small cities; authorizing the use of reverse auction and electronic bidding and selling; amending Minnesota Statutes 2002, sections 373.01, subdivision 1; 412.691; 429.041, subdivisions 1, 2; 469.015, subdivisions 1, 3; 471.345, subdivisions 3, 4, by adding subdivisions.

Senator Higgins moved to amend S.F. No. 1790 as follows:

Page 8, line 31, after the period, insert "Nothing in this subdivision must be construed to prohibit a municipality from adopting a resolution, rule, regulation, or ordinance relating to minimum labor standards under subdivision 7, or procurement from economically disadvantaged persons under subdivision 8."

Page 9, line 11, delete "require" and insert "allow"

Page 9, line 12, delete "that" and before "be" insert "to"

Page 9, after line 13, insert:

"Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 11 are effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Senator Wiger moved to amend S.F. No. 1790 as follows:

Page 1, after line 12, insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 16C.10, subdivision 7, is amended to read:

Subd. 7. [REVERSE AUCTION.] (a) For the purpose of this subdivision, "reverse auction" means a purchasing process in which vendors compete to provide goods ~~or engineering design or computer services~~ at the lowest selling price in an open and interactive environment.

(b) The provisions of sections 13.591, subdivision 3, and 16C.06, subdivision 2, do not apply when the commissioner determines that a reverse auction is the appropriate purchasing process."

Page 9, after line 13, insert:

"Sec. 13. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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 41 and nays 24, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Larson	Ortman	Rosen
Belanger	Jungbauer	LeClair	Ourada	Ruud
Fischbach	Kierlin	McGinn	Pariseau	Senjem
Gaither	Kleis	Michel	Reiter	Wergin
Hann	Koering	Nienow	Robling	

The motion prevailed. So the amendment was adopted.

S.F. No. 1790 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 61 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Kleis	LeClair	Reiter	Ruud
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So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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

Senate File No. 1530 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2004

Senator Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 1530, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1645, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1645 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 10, 2004

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1645

A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

May 6, 2004

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H.F. No. 1645, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1645 be further amended as follows:

Page 6, line 24, delete "After the"

Page 6, line 25, delete everything before the comma and insert "Effective August 1, 2004"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Dean Urdahl, Bob Gunther, Debra Hilstrom

Senate Conferees: (Signed) Linda Higgins, Mee Moua, Betsy L. Wergin

Senator Higgins moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1645 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1645 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1753 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1753

A bill for an act relating to utilities; modifying low-income electric rate discount program; amending Minnesota Statutes 2002, section 216B.16, subdivision 14.

May 10, 2004

The Honorable James P. Metzen
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1753, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1753 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 123B.02, is amended by adding a subdivision to read:

Subd. 21. [WIND ENERGY CONVERSION SYSTEM.] The board may construct, acquire, own in whole or in part, operate, and sell and retain and spend the payment received from selling

energy from a wind energy conversion system, as defined in section 216C.06, subdivision 19. The board's share of the installed capacity of the wind energy conversion systems authorized by this subdivision must not exceed 3.3 megawatts of nameplate capacity. A board owning, operating, or selling energy from a wind energy conversion system must integrate information about wind energy conversion systems in its educational programming.

[EFFECTIVE DATE.] This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2002, section 216B.16, subdivision 14, is amended to read:

Subd. 14. **[LOW-INCOME ELECTRIC RATE DISCOUNT.]** A public utility shall provide fund an affordability program for low-income customers in an amount based on a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period for a low-income residential customer customers of the utility. For the purposes of this subdivision, "low-income" means describes a customer who is receiving assistance from the federal low-income home energy assistance program. The affordability program must be designed to target participating customers with the lowest incomes and highest energy costs in order to lower the percentage of income they devote to energy bills, increase their payments, and lower costs associated with collection activities on their accounts. For low-income customers who are 62 years of age or older or disabled, the program must, in addition to any other program benefits, include a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period. For the purposes of this subdivision, "public utility" includes only those public utilities with more than 200,000 residential electric service customers. The commission may issue orders necessary to implement, administer, and recover the discount-rate costs of the program on a timely basis.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 3. Minnesota Statutes 2003 Supplement, section 216B.241, subdivision 1b, is amended to read:

Subd. 1b. **[CONSERVATION IMPROVEMENT BY COOPERATIVE ASSOCIATION OR MUNICIPALITY.]** (a) This subdivision applies to:

- (1) a cooperative electric association that provides retail service to its members;
- (2) a municipality that provides electric service to retail customers; and
- (3) a municipality with gross operating revenues in excess of \$5,000,000 from sales of natural gas to retail customers.

(b) Each cooperative electric association and municipality subject to this subdivision shall spend and invest for energy conservation improvements under this subdivision the following amounts:

(1) for a municipality, 0.5 percent of its gross operating revenues from the sale of gas and 1.5 percent of its gross operating revenues from the sale of electricity, excluding gross operating revenues from electric and gas service provided in the state to large electric customer facilities; and

(2) for a cooperative electric association, 1.5 percent of its gross operating revenues from service provided in the state, excluding gross operating revenues from service provided in the state to large electric customer facilities indirectly through a distribution cooperative electric association.

(c) Each municipality and cooperative electric association subject to this subdivision shall identify and implement energy conservation improvement spending and investments that are appropriate for the municipality or association, except that a municipality or association may not spend or invest for energy conservation improvements that directly benefit a large electric customer facility for which the commissioner has issued an exemption under subdivision 1a, paragraph (b).

(d) Each municipality and cooperative electric association subject to this subdivision may spend and invest annually up to ten percent of the total amount required to be spent and invested on energy conservation improvements under this subdivision on research and development projects that meet the definition of energy conservation improvement in subdivision 1 and that are funded directly by the municipality or cooperative electric association.

(e) Load-management activities that do not reduce energy use but that increase the efficiency of the electric system may be used to meet the following percentage of the conservation investment and spending requirements of this subdivision:

- (1) 2002 - 90 percent;
- (2) 2003 - 80 percent;
- (3) 2004 - 65 percent; and
- (4) 2005 and thereafter - 50 percent.

(f) A generation and transmission cooperative electric association that provides energy services to cooperative electric associations that provide electric service at retail to consumers may invest in energy conservation improvements on behalf of the associations it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis. A municipal power agency or other not-for-profit entity that provides energy service to municipal utilities that provide electric service at retail may invest in energy conservation improvements on behalf of the municipal utilities it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis, under an agreement between the municipal power agency or not-for-profit entity and each municipal utility for funding the investments.

(g) ~~By June 1, 2002, and~~ Every two years thereafter, on a schedule determined by the commissioner, each municipality or cooperative shall file an overview of its conservation improvement plan with the commissioner. With this overview, the municipality or cooperative shall also provide an evaluation to the commissioner detailing its energy conservation improvement spending and investments for the previous period. The evaluation must briefly describe each conservation program and must specify the energy savings or increased efficiency in the use of energy within the service territory of the utility or association that is the result of the spending and investments. The evaluation must analyze the cost-effectiveness of the utility's or association's conservation programs, using a list of baseline energy and capacity savings assumptions developed in consultation with the department. The commissioner shall review each evaluation and make recommendations, where appropriate, to the municipality or association to increase the effectiveness of conservation improvement activities. Up to three percent of a utility's conservation spending obligation under this section may be used for program pre-evaluation, testing, and monitoring and program evaluation. The overview and evaluation filed by a municipality with less than ~~\$2,500,000~~ 60,000,000 kilowatt hours in annual gross revenues from the retail sale sales of electric service may consist of a letter from the governing board of the municipal utility to the department providing the amount of annual conservation spending required of that municipality and certifying that the required amount has been spent on conservation programs pursuant to this subdivision.

(h) The commissioner shall also review each evaluation for whether a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. For the purposes of this subdivision and subdivision 2, "low-income" means an income at or below 50 percent of the state median income.

(i) As part of its spending for conservation improvement, a municipality or association may contribute to the energy and conservation account. A municipality or association may propose to the commissioner to designate that all or a portion of funds contributed to the account be used for research and development projects that can best be implemented on a statewide basis. Any amount contributed must be remitted to the commissioner by February 1 of each year.

(j) A municipality may spend up to 50 percent of its required spending under this section to refurbish an existing district heating or cooling system. This paragraph expires July 1, 2007.

Sec. 4. [REPEALER.]

Minnesota Statutes 2002, section 325E.015, is repealed."

Delete the title and insert:

"A bill for an act relating to utilities; modifying provisions related to wind energy systems; modifying low-income electric rate discount program; regulating conservation improvement by cooperatives and municipalities; eliminating duplicate language related to budget payment plans as a required customer option; amending Minnesota Statutes 2002, sections 123B.02, by adding a subdivision; 216B.16, subdivision 14; Minnesota Statutes 2003 Supplement, section 216B.241, subdivision 1b; repealing Minnesota Statutes 2002, section 325E.015."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Ellen R. Anderson, Gary W. Kubly, David C. Gaither

House Conferees: (Signed) Torrey Westrom, Raymond Cox, Dan Larson

Senator Anderson moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1753 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1753 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Bakk moved that S.F. No. 2308, No. 22 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

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

S.F. No. 1530: Senators Betzold, Dille and Kiscaden.

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

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 5:00 p.m. The motion prevailed.

The hour of 5:00 p.m. having arrived, the President called the Senate to order.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 6:30 p.m. The motion prevailed.

The hour of 6:30 p.m. having arrived, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

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

Senator Pogemiller from the Committee on Taxes, to which was re-referred

S.F. No. 401: A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of three-eighths of one percent on taxable sales for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Waters Council; amending Minnesota Statutes 2002, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

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

Page 2, line 7, delete "the Minnesota" and insert "arts, humanities, history, museums, and public broadcasting"

Page 2, delete lines 8 to 10

Page 2, line 11, delete everything before the period

Page 2, line 32, after "humanities," insert "history,"

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

MEMBERS EXCUSED

Senator Murphy was excused from the Session of today from 1:30 to 2:30 p.m. Senator Anderson was excused from the Session of today from 1:40 to 2:40 p.m. Senator Jungbauer was excused from the Session of today at 3:15 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 12:00 noon, Wednesday, May 12, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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