

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

ONE HUNDREDTH DAY

St. Paul, Minnesota, Thursday, April 18, 2002

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rabbi Norman Cohen.

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

Anderson	Frederickson	Krentz	Ourada	Scheevel
Bachmann	Higgins	Langseth	Pariseau	Scheid
Belanger	Hottinger	Larson	Pogemiller	Schwab
Berg	Johnson, Dave	Limmer	Price	Solon, Y.P.
Berglin	Johnson, Dean	Lourey	Ranum	Stumpf
Betzold	Johnson, Debbie	Marty	Reiter	Terwilliger
Chaudhary	Johnson, Doug	Metzen	Rest	Tomassoni
Cohen	Kelley, S.P.	Moe, R.D.	Ring	Vickerman
Day	Kierlin	Moua	Robertson	Wiener
Dille	Kinkel	Murphy	Robling	Wiger
Fischbach	Kiscaden	Neuville	Sabo	
Foley	Kleis	Oliver	Sams	
Fowler	Knutson	Olson	Samuelson	

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Lesewski, Lessard, Orfield, Pappas and Stevens were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 16, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2457, 2592, 3288, 3380, 2650 and 3238.

Sincerely,
Jesse Ventura, Governor

April 16, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 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 2002	Date Filed 2002
2457		335	11:59 a.m. April 16	April 16
2592		336	11:57 a.m. April 16	April 16
3288		337	11:59 a.m. April 16	April 16
3380		338	11:58 a.m. April 16	April 16
2650		339	11:59 a.m. April 16	April 16
3238		340	11:58 a.m. April 16	April 16

Sincerely,
Mary Kiffmeyer
Secretary of State

April 17, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2957, 2988, 3075 and 3114.

Sincerely,
Jesse Ventura, Governor

April 17, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 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 2002	Date Filed 2002
2957		341	9:37 a.m. April 17	April 17

2988	342	9:35 a.m. April 17	April 17
3075	343	9:36 a.m. April 17	April 17
3114	344	9:40 a.m. April 17	April 17

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 File, herewith returned: S.F. No. 2540.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

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. 2460: A bill for an act relating to crimes; imposing special civil liability for destruction of field crop products, animals, and organisms; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; amending Minnesota Statutes 2001 Supplement, section 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 604.

Senate File No. 2460 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

CONCURRENCE AND REPASSAGE

Senator Kleis moved that the Senate concur in the amendments by the House to S.F. No. 2460 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2460: A bill for an act relating to crimes; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; providing for civil liability against persons who destroy field crops and organisms grown for research purposes; amending Minnesota Statutes 2001 Supplement, section 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 604.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Day	Fowler	Johnson, Dean
Bachmann	Betzold	Dille	Frederickson	Johnson, Debbie
Belanger	Chaudhary	Fischbach	Hottinger	Kelley, S.P.
Berg	Cohen	Foley	Johnson, Dave	Kierlin

Kinkel	Marty	Pariseau	Sabo	Terwilliger
Kiscaden	Metzen	Pogemiller	Sams	Tomassoni
Kleis	Moua	Price	Samuelson	Vickerman
Knutson	Murphy	Ranum	Scheevel	Wiener
Krentz	Neuville	Reiter	Scheid	Wiger
Langseth	Oliver	Rest	Schwab	
Larson	Olson	Robertson	Solon, Y.P.	
Limmer	Ourada	Robling	Stumpf	

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

MESSAGES FROM THE HOUSE - CONTINUED

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. 2727: A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales, conveyances, and exchanges of certain state land; modifying provisions for sale of tax-forfeited land; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

Senate File No. 2727 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

Senator Samuelson moved that the Senate do not concur in the amendments by the House to S.F. No. 2727, 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 acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 3431: A bill for an act relating to employment; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance and workforce development fund taxes; providing extended benefits for airline industry, Fingerhut Companies, Inc., Farmland Foods Company, Potlatch Corporation, Harsco, Incorporated, and SPX-DeZurik employees; making housekeeping changes related to the department of trade and economic development; repealing certain authority given to city of Chisago relating to annexation arguments; requiring an OSHA ergonomics standard; prohibiting employers from charging certain expenses to employees; regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring the public utilities commission to study criteria for certain energy source acquisitions; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; regulating use of state dislocated worker program grants; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision;

119A.45; 181.9412, by adding a subdivision; 268.035, subdivision 24; 268.051, subdivision 8; 268.085, subdivision 8; 298.22, subdivision 7, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 116L.17, subdivision 5; 268.022, subdivision 1; 268.035, subdivision 4; 268.07, subdivisions 1, 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673; Laws 2001, First Special Session chapter 5, article 3, section 88.

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

McElroy, Gunther, Wolf, Davids and Sertich.

Senate File No. 3431 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

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. 3172: A bill for an act relating to crimes; requiring a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred; making it a ten-year felony when a person commits certain prohibited acts when the act is committed with sexual or aggressive intent; defining aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct; prescribing penalties; amending Minnesota Statutes 2000, sections 609.109, subdivision 7; 609.749, subdivisions 1a, 3; Minnesota Statutes 2001 Supplement, section 609.749, subdivisions 4, 5.

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

Tuma, Bishop and Clark, K.

Senate File No. 3172 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1555, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1555: A bill for an act relating to agriculture; providing a preemption of local regulation of fertilizers and plant foods used in agricultural production; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

Senate File No. 1555 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the

Conference Committee on Senate File No. 2909, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2909: A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; modifying enrollee cost-sharing provisions for health maintenance organizations; amending Minnesota Statutes 2000, sections 62D.02, subdivision 8; 62D.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

Senate File No. 2909 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 15, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2970:

H.F. No. 2970: A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; authorizing hiring of employees for operations and maintenance of a certain off-highway vehicle recreation area; providing that a certain speed limit set by rule for waters of the state does not apply in certain circumstances to snowmobiles; exempting all-terrain vehicles used exclusively on owners' or drivers' property from registration; authorizing the commissioner of natural resources to use grant money for snowmobile trail grooming equipment reimbursement; appropriating money for maintenance, monitoring, environmental review, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, sections 84.025, by adding a subdivision; 84.87, by adding a subdivision; 84.922, subdivision 1a.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Hackbarth, Finseth and Bakk have been appointed as such committee on the part of the House.

House File No. 2970 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 15, 2002

Senator Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2970, 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 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. 2473, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2473 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 11, 2002

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2473

A bill for an act relating to drivers' licenses; specifying that organ donor designation on driver's license or Minnesota identification card establishes intent; amending Minnesota Statutes 2000, section 525.9211.

April 9, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 2473, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendments and that H.F. No. 2473 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] (a) An application must state the full name, date of birth, sex and residence address of the applicant, a description of the applicant in such manner as the commissioner may require, and must state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. An application for a class C, class B, or class A driver's license also must state the applicant's social security number. An application for a class D driver's license must have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number.

(b) The application form must contain a space where the applicant may indicate a desire to make an anatomical gift. If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application form must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application form must contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7. The application must be in the form prepared by the commissioner.

~~(b)~~ (c) The application form must be accompanied by a pamphlet containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

~~(e)~~ (d) The application form must also be accompanied by a pamphlet describing Minnesota laws regarding anatomical gifts and, the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

Sec. 2. Minnesota Statutes 2000, section 525.9211, is amended to read:

525.9211 [MAKING, AMENDING, REVOKING, AND REFUSING TO MAKE ANATOMICAL GIFTS BY INDIVIDUAL.]

Subdivision 1. [TITLE.] This section may be cited as the "Darlene Luther Anatomical Gift Act."

Subd. 2. [REQUIREMENTS.] (a) An individual who is at least 18 years of age, or a minor with the written consent of a parent or legal guardian, may (i) make an anatomical gift for any of the purposes stated in section 525.9215, paragraph (a), (ii) limit an anatomical gift to one or more of those purposes, or (iii) refuse to make an anatomical gift.

(b) An anatomical gift may be made by a will or by a document of gift signed by the donor. If the donor cannot sign, the document of gift must be signed by another individual and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other, and state that it has been so signed.

(c) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's or chauffeur's license, the document of gift must comply with paragraph (b). Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(d) A document of gift may designate a particular physician or surgeon to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the anatomical gift may employ or authorize any physician, surgeon, technician, or enucleator to carry out the appropriate procedures.

(e) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(f) A donor may amend or revoke an anatomical gift, not made by will, only by:

(1) a signed statement;

(2) an oral statement made in the presence of two individuals;

(3) any form of communication during a terminal illness or injury addressed to a health care professional or member of the clergy; or

(4) the delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

(g) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in paragraph (f).

(h) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death. An anatomical gift designation made by a will, a designation on a driver's license or Minnesota identification card made under section 171.07, subdivision 5, or a health care directive under chapter 145C, and not revoked, establishes the intent of the person making the designation and may not be overridden by any other person. For a donor's revocation of an anatomical gift made by a document of gift to be valid, the donor must use one of the methods of revocation in paragraph (f).

(i) An individual may refuse to make an anatomical gift of the individual's body or part by (i) a

writing signed in the same manner as a document of gift, or (ii) any other writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(j) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 525.9212 or on a removal or release of other parts under section 525.9213.

(k) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to paragraph (i).

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective December 1, 2002, and applies to application forms distributed on or after that date. Section 2 is effective the day following final enactment and applies to documents of gifts executed before, on, or after the effective date."

Delete the title and insert:

"A bill for an act relating to anatomical gifts; making certain changes to driver's license applications; specifying intent and consent requirements for anatomical gift designations; amending Minnesota Statutes 2000, sections 171.06, subdivision 3; 525.9211."

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

House Conferees: (Signed) Phyllis Kahn, Tim Wilkin, Dave Bishop

Senate Conferees: (Signed) Jane B. Ranum, Linda Scheid, Twyla Ring

Senator Ranum moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2473 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. 2473 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 50 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Knutson	Oliver	Scheevel
Belanger	Higgins	Krentz	Olson	Scheid
Berg	Hottinger	Langseth	Ourada	Schwab
Berglin	Johnson, Dean	Larson	Price	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Ranum	Stumpf
Chaudhary	Kelley, S.P.	Marty	Rest	Terwilliger
Cohen	Kierlin	Metzen	Robertson	Tomassoni
Day	Kinkel	Moua	Sabo	Vickerman
Dille	Kiscaden	Murphy	Sams	Wiener
Foley	Kleis	Neuville	Samuelson	Wiger

Those who voted in the negative were:

Bachmann	Frederickson	Pariseau	Reiter	Robling
Fischbach	Limmer			

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

MOTIONS AND RESOLUTIONS

Senators Moe, R.D. and Day introduced--

Senate Resolution No. 221: A Senate resolution commemorating the lives and work of deceased Senators.

Senator Hottinger moved that Senate Resolution No. 221 be laid on the table. The motion prevailed.

Senators Samuelson, Sams, Hottinger, Berglin and Kiscaden introduced--

Senate Resolution No. 222: A Senate resolution commending the Republic of China (Taiwan) on its contributions to promote world health.

Referred to the Committee on Rules and Administration.

Senator Neuville introduced--

Senate Resolution No. 223: A Senate resolution honoring Sister Catherine McInnis for over 50 years of devoted service.

Referred to the Committee on Rules and Administration.

Senator Murphy moved that H.F. No. 3183 be taken from the table. The motion prevailed.

H.F. No. 3183: A bill for an act relating to agriculture; clarifying and updating certain terms; changing certain requirements and procedures; limiting certain fees and payments; authorizing agreements; prohibiting tampering with farm tractor clock-hour meters; prescribing civil and criminal penalties; authorizing the northern counties land use coordinating board to initiate a land use management pilot project; amending Minnesota Statutes 2000, sections 17.90, subdivision 1a, by adding a subdivision; 17B.03, subdivision 1; 18B.315, subdivision 3; 18B.37, subdivisions 2, 5; 18E.02, by adding a subdivision; 18E.03, subdivision 4; 18E.04, subdivision 3; 18E.06; 21.111, by adding a subdivision; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 38.331, subdivision 2; 41B.03, subdivisions 1, 3; 223.16, subdivision 5; Minnesota Statutes 2001 Supplement, sections 17.9442; 18B.36, subdivision 1; 18E.04, subdivisions 2, 4; 41B.046, subdivision 2; Laws 2001, chapter 206, section 14; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senator Dille moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 1, after line 29, insert:

"Sec. 2. Minnesota Statutes 2000, section 17.452, subdivision 6, is amended to read:

Subd. 6. [RUNNING AT LARGE PROHIBITED.] (a) An owner may not allow farmed cervidae to run at large. The owner must make all reasonable efforts to return escaped farmed cervidae to their enclosures as soon as possible. The owner must notify the commissioner of natural resources of the escape of farmed ~~red-deer~~ cervidae if the farmed ~~red-deer~~ cervidae are not returned or captured by the owner within ~~72~~ 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning farmed cervidae that have left their enclosures if the person capturing the farmed cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped farmed cervidae, the commissioner of

natural resources may destroy the escaped farmed cervidae ~~under this paragraph if the escaped farmed cervidae are a threat to the health or population of native species.~~ The commissioner must allow the owner to attempt to capture the escaped farmed cervidae prior to destroying the farmed cervidae. Farmed cervidae that are not captured by 14 days 24 hours after escape may be destroyed.

~~(d) The owner must notify the commissioner of natural resources of the escape of farmed cervidae from a quarantined herd if the farmed cervidae are not returned to or captured by the owner within 72 hours of their escape. The escaped farmed cervidae from the quarantined herd may be destroyed by the commissioner of natural resources if the escaped farmed cervidae are a threat to the health or population of native species.~~

Sec. 3. Minnesota Statutes 2000, section 17.452, is amended by adding a subdivision to read:

Subd. 6a. [WILD CERVIDAE INSIDE CONFINEMENT AREA.] An owner, or employee or agent under the direction of the owner, must destroy wild cervidae found within the owner's farmed cervidae confinement area. The owner, employee, or agent must report the wild cervidae destroyed to a conservation officer or an employee of the department of natural resources, division of wildlife, within 24 hours. The wild cervidae must be disposed of as prescribed by the commissioner of natural resources."

Page 8, after line 22, insert:

"Sec. 16. [35.155] [CERVIDAE IMPORT RESTRICTIONS.]

(a) A person must not import cervidae into the state from a herd that is infected or exposed to chronic wasting disease or from a known chronic wasting disease endemic area, as determined by the board. A person may import cervidae into the state only from a herd that is not in a known chronic wasting disease endemic area, as determined by the board, and the herd has been subject to a state or provincial approved chronic wasting disease monitoring program for at least three years. Cervidae imported in violation of this section may be seized and destroyed by the commissioner of natural resources.

(b) This section expires on June 1, 2003."

Page 10, after line 5, insert:

"Sec. 20. Minnesota Statutes 2000, section 97A.105, is amended by adding a subdivision to read:

Subd. 3a. [CERVIDAE RUNNING AT LARGE PROHIBITED.] (a) An owner may not allow cervidae to run at large. The owner must make all reasonable efforts to return escaped cervidae to their enclosures as soon as possible. The owner must notify the commissioner of the escape of cervidae if the cervidae are not returned or captured by the owner within 24 hours of their escape.

(b) An owner is liable for expenses of another person in capturing, caring for, and returning cervidae that have left their enclosures if the person capturing the cervidae contacts the owner as soon as possible.

(c) If an owner is unwilling or unable to capture escaped cervidae, the commissioner may destroy the escaped cervidae. The commissioner must allow the owner to attempt to capture the escaped cervidae prior to destroying the cervidae. Cervidae that are not captured by 24 hours after escape may be destroyed.

Sec. 21. Minnesota Statutes 2000, section 97A.105, is amended by adding a subdivision to read:

Subd. 3b. [WILD CERVIDAE INSIDE CONFINEMENT AREA.] An owner, or employee or agent under the direction of the owner, must destroy wild cervidae found within the game farm owner's cervidae confinement area. The owner, employee, or agent must report the wild cervidae destroyed to a conservation officer or an employee of the division of wildlife within 24 hours. The wild cervidae must be disposed of as prescribed by the commissioner."

Page 10, after line 12, insert:

"Sec. 23. [CHRONIC WASTING DISEASE RECOMMENDATIONS; REPORT.]

The board of animal health and the commissioner of natural resources, in consultation with the cervidae advisory committee and other interested parties, shall jointly study and make recommendations on measures to protect domestic and wild cervidae from chronic wasting disease. The report shall include recommendations for:

- (1) cervidae fence specifications;
- (2) disease infection prevention measures;
- (3) criteria for quarantine or destruction of contaminated herds;
- (4) methods of harvest;
- (5) tagging of cervidae; and
- (6) other items determined by the board and the commissioner.

By January 15, 2003, the board and the commissioner shall report their recommendations to the senate and house of representatives committees with jurisdiction over agriculture and natural resources policy."

Page 10, line 18, delete "Section 18 is" and insert "Sections 2, 3, 16, 20, 21, 23, and 24 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Krentz moved to amend the Dille amendment to H.F. No. 3183 as follows:

Page 3, delete line 27

Page 2, line 28, delete "(5)" and insert "(4)"

Page 3, line 29, delete "(6)" and insert "(5)"

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

Senator Lourey moved to amend the Dille amendment to H.F. No. 3183 as follows:

Page 3, line 27, after "harvest" insert "of wild cervidae"

The question was taken on the adoption of the Lourey amendment to the Dille amendment.

The roll was called, and there were yeas 22 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Krentz	Rest	Wiener
Bachmann	Foley	Lourey	Ring	Wiger
Berglin	Higgins	Marty	Sabo	
Betzold	Hottinger	Pogemiller	Scheid	
Chaudhary	Kelley, S.P.	Ranum	Solon, Y.P.	

Those who voted in the negative were:

Belanger	Kierlin	Metzen	Price	Stumpf
Berg	Kinkel	Moe, R.D.	Reiter	Terwilliger
Day	Kiscaden	Murphy	Robertson	Tomassoni
Dille	Kleis	Neuville	Robling	Vickerman
Fischbach	Knutson	Oliver	Sams	
Fowler	Langseth	Olson	Samuelson	
Johnson, Dean	Larson	Ourada	Scheevel	
Johnson, Debbie	Limmer	Pariseau	Schwab	

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

The question recurred on the adoption of the Dille amendment. The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 16, insert:

"Sec. 19. [NOXIOUS WEED RULES.]

The commissioner of agriculture shall amend the rules authorized under Minnesota Statutes, section 18.79, pursuant to Minnesota Statutes, section 14.388, to add Grecian Foxglove (*digitalis lanata*) to the list of secondary noxious weeds."

Page 10, line 18, delete "Section 18 is" and insert "Sections 18 and 19 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheevel moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 5, insert:

"Sec. 17. Minnesota Statutes 2000, section 97C.065, is amended to read:

97C.065 [POLLUTANTS IN WATERS.]

Subdivision 1. [PROHIBITION; PENALTIES.] A person may not dispose of any substance in state waters, or allow any substance to enter state waters, in quantities that injure or are detrimental to the propagation of wild animals or taint the flesh of wild animals. Each day of violation is a separate offense. An occurring or continuous violation is a public nuisance. An action may be brought by the attorney general to enjoin and abate nuisance upon request of the commissioner.

Subd. 2. [EXEMPTIONS.] This section does not apply to chemicals used for pest control for the general welfare of the public. This section does not apply to land applied manure or stockpiled manure managed according to section 116.07, subdivision 7.

Sec. 18. [116.0714] [NEW OPEN AIR SWINE BASINS.]

After the effective date of this section, the commissioner of the pollution control agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, 2007."

Page 10, line 18, delete "Section 18 is" and insert "Sections 18 and 20 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Anderson imposed a call of the Senate for the balance of the proceedings on H.F. No. 3183. The Sergeant at Arms was instructed to bring in the absent members.

Senator Murphy requested division of the Scheevel amendment as follows:

First portion:

Page 10, after line 5, insert:

"Sec. 17. Minnesota Statutes 2000, section 97C.065, is amended to read:

97C.065 [POLLUTANTS IN WATERS.]

Subdivision 1. [PROHIBITION; PENALTIES.] A person may not dispose of any substance in state waters, or allow any substance to enter state waters, in quantities that injure or are detrimental to the propagation of wild animals or taint the flesh of wild animals. Each day of violation is a separate offense. An occurring or continuous violation is a public nuisance. An action may be brought by the attorney general to enjoin and abate nuisance upon request of the commissioner.

Subd. 2. [EXEMPTIONS.] This section does not apply to chemicals used for pest control for the general welfare of the public. This section does not apply to land applied manure or stockpiled manure managed according to section 116.07, subdivision 7.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Murphy moved that H.F. No. 3183 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller introduced--

Senate Resolution No. 224: A Senate resolution congratulating the University of Minnesota men's hockey team on winning the 2002 NCAA championship and the University of Minnesota men's wrestling team on winning the 2002 NCAA championship.

WHEREAS, the University of Minnesota men's hockey team won its first national championship in 23 years; and

WHEREAS, in its 2001-2002 season, the University of Minnesota men's hockey team never lost consecutive games; and

WHEREAS, the University of Minnesota men's hockey team finished the 2001-2002 season with a record of 32-8-4; and

WHEREAS, the University of Minnesota men's wrestling team won its second national championship in two years; and

WHEREAS, the University of Minnesota men's wrestling team was the first team to win back-to-back national championships in over 60 years; and

WHEREAS, the University of Minnesota men's wrestling team has now placed in the top ten in the country 25 times; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it honors the University of Minnesota men's hockey and wrestling teams for their success in college athletics and the pride they bring to the state of Minnesota.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to the University of Minnesota men's hockey and wrestling teams and their coaches.

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

RECESS

Senator Moe, R.D. 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Murphy moved that H.F. No. 3183 be taken from the table. The motion prevailed.

H.F. No. 3183: A bill for an act relating to agriculture; clarifying and updating certain terms; changing certain requirements and procedures; limiting certain fees and payments; authorizing agreements; prohibiting tampering with farm tractor clock-hour meters; prescribing civil and criminal penalties; authorizing the northern counties land use coordinating board to initiate a land use management pilot project; amending Minnesota Statutes 2000, sections 17.90, subdivision 1a, by adding a subdivision; 17B.03, subdivision 1; 18B.315, subdivision 3; 18B.37, subdivisions 2, 5; 18E.02, by adding a subdivision; 18E.03, subdivision 4; 18E.04, subdivision 3; 18E.06; 21.111, by adding a subdivision; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 38.331, subdivision 2; 41B.03, subdivisions 1, 3; 223.16, subdivision 5; Minnesota Statutes 2001 Supplement, sections 17.9442; 18B.36, subdivision 1; 18E.04, subdivisions 2, 4; 41B.046, subdivision 2; Laws 2001, chapter 206, section 14; proposing coding for new law in Minnesota Statutes, chapter 325E.

The question recurred on the adoption of the first portion of the Scheevel amendment.

The roll was called, and there were yeas 33 and nays 25, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Debbie	Metzen	Reiter	Schwab
Berg	Kierlin	Murphy	Robertson	Stumpf
Day	Kinkel	Neuville	Robling	Terwilliger
Dille	Knutson	Oliver	Sams	Tomassoni
Fischbach	Langseth	Olson	Samuelson	Vickerman
Frederickson	Larson	Ourada	Scheevel	
Johnson, Dean	Limmer	Pariseau	Scheid	

Those who voted in the negative were:

Anderson	Cohen	Kelley, S.P.	Moe, R.D.	Ring
Bachmann	Foley	Kleis	Pogemiller	Sabo
Berglin	Fowler	Krentz	Price	Solon, Y.P.
Betzold	Hottinger	Lourey	Ranum	Wiener
Chaudhary	Johnson, Dave	Marty	Rest	Wiger

The motion prevailed. So the first portion of the Scheevel amendment was adopted.

Senator Scheevel moved the second portion of his amendment as follows:

Page 10, after line 5, insert:

Sec. 18. [116.0714] [NEW OPEN AIR SWINE BASINS.]

After the effective date of this section, the commissioner of the pollution control agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, 2007."

Page 10, line 18, delete "Section 18 is" and insert "Sections 18 and 20 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Krentz moved to amend the second portion of the Scheevel amendment to H.F. No. 3183 as follows:

Page 1, line 29, delete "or to allow"

Page 1, delete line 30

Page 1, line 31, delete everything before the period

The question was taken on the adoption of the Krentz amendment to the second portion of the Scheevel amendment.

Senator Vickerman moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 25 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Limmer	Pogemiller	Sabo
Bachmann	Hottinger	Lourey	Price	Scheid
Berglin	Johnson, Dave	Marty	Ranum	Solon, Y.P.
Betzold	Kelley, S.P.	Metzen	Rest	Wiener
Foley	Krentz	Moe, R.D.	Ring	Wiger

Those who voted in the negative were:

Belanger	Johnson, Dean	Larson	Reiter	Schwab
Berg	Johnson, Debbie	Murphy	Robertson	Stumpf
Day	Kierlin	Neuville	Robling	Terwilliger
Dille	Kinkel	Oliver	Sams	Tomassoni
Fischbach	Kiscaden	Olson	Samuelson	Vickerman
Frederickson	Langseth	Pariseau	Scheevel	

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

Senator Lourey moved to amend the second portion of the Scheevel amendment to H.F. No. 3183 as follows:

Page 1, delete lines 23 to 32 and insert:

"Sec. 18. Laws 1998, chapter 401, section 52, as amended by Laws 2000, chapter 435, section 8, is amended to read:

Sec. 52. [116.0714] [PERMIT REQUIREMENTS.]

Until six months after preparation and final approval by the environmental quality board of the generic environmental impact statement required under Laws 1998, chapter 366, section 86, subdivision 2, or June 1 following approval of the statement, whichever date is later, Neither the pollution control agency nor a county board may issue a permit for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon. This section does not apply to repair or modification related to an environmental improvement of an existing lagoon or to construction of a basin of less than 100,000 gallons to collect manure contaminated runoff."

The question was taken on the adoption of the Lourey amendment to the second portion of the Scheevel amendment.

The roll was called, and there were yeas 25 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Krentz	Pogemiller	Sabo
Bachmann	Fowler	Lourey	Price	Scheid
Berglin	Hottinger	Marty	Ranum	Solon, Y.P.
Betzold	Johnson, Dave	Metzen	Rest	Wiener
Chaudhary	Kelley, S.P.	Moua	Ring	Wiger

Those who voted in the negative were:

Belanger	Johnson, Debbie	Limmer	Reiter	Stumpf
Berg	Kierlin	Moe, R.D.	Robertson	Terwilliger
Day	Kinkel	Murphy	Robling	Tomassoni
Dille	Kiscaden	Neuville	Sams	Vickerman
Fischbach	Knutson	Oliver	Samuelson	
Frederickson	Langseth	Olson	Scheevel	
Johnson, Dean	Larson	Pariseau	Schwab	

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

The question was taken on the adoption of the second portion of the Scheevel amendment.

The roll was called, and there were yeas 35 and nays 23, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Debbie	Larson	Olson	Scheevel
Berg	Kierlin	Limmer	Pariseau	Scheid
Day	Kinkel	Metzen	Reiter	Schwab
Dille	Kiscaden	Moe, R.D.	Robertson	Stumpf
Fischbach	Kleis	Murphy	Robling	Terwilliger
Frederickson	Knutson	Neuville	Sams	Tomassoni
Johnson, Dean	Langseth	Oliver	Samuelson	Vickerman

Those who voted in the negative were:

Anderson	Foley	Krentz	Price	Solon, Y.P.
Bachmann	Fowler	Lourey	Ranum	Wiener
Berglin	Hottinger	Marty	Rest	Wiger
Betzold	Johnson, Dave	Moua	Ring	
Chaudhary	Kelley, S.P.	Pogemiller	Sabo	

The motion prevailed. So the second portion of the Scheevel amendment was adopted.

Senator Johnson, Dean moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 12, insert:

"Sec. 18. Laws 2001, chapter 206, section 14, is amended to read:

Sec. 14. [500.222] [EXEMPT ACREAGE IN LAND EXCHANGE.]

~~The city of Bird Island~~ A local unit of government may exchange a parcel of land owned by it or acquired for it by a qualified intermediary, for a parcel of agricultural real estate that is owned by an individual exempt under Minnesota Statutes, section 500.221, based on ownership being lawfully acquired prior to June 1, 1981. ~~Since there is no exception for exchanged property under Minnesota Statutes, section 500.221, the exchange of the city's parcel would result in the loss of exemption for the exchanged property. Accordingly, this act provides that~~ The agricultural land being exchanged for the parcel that is currently exempt shall also be exempt under Minnesota Statutes, section 500.221, as if it had been purchased by the owner prior to June 1, 1981. ~~Such~~ The

exchanged parcel shall have exactly the same rights status under ~~the statute~~ section 500.221 as the parcel to be exchanged and the status may be stated on the deeds used to effectuate the transaction ~~may so state.~~"

Page 10, line 18, delete "Section 18 is" and insert "Sections 18 and 19 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 12, insert:

"Sec. 18. [NONTHERAPEUTIC ANTIMICROBIAL USE IN ANIMAL AGRICULTURE; REPORT.]

By January 15, 2003, the commissioner of agriculture, after consultation with the board of animal health, the commissioner of health, and other interested parties, shall prepare and submit a report to the senate and house of representatives policy committees with jurisdiction over agriculture, environment, and health on nontherapeutic antimicrobial use in animal agriculture in Minnesota. The report shall include:

(1) available information on the type of nontherapeutic antimicrobials used and the level of use in animal feed and other supplements, including itemized information on use that is based on the type of animal species;

(2) available information on the total amount of specific nontherapeutic antimicrobials used in animal agriculture in Minnesota;

(3) specific information and concerns on the use of "medically important" nontherapeutic antimicrobials in animal agriculture;

(4) recommendations for improved research and information on the use of nontherapeutic antimicrobials in animal agriculture; and

(5) other information on the use of nontherapeutic antimicrobials in animal agriculture, as determined by the commissioner."

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 35 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Neuville	Robertson
Bachmann	Johnson, Dave	Limmer	Oliver	Robling
Berglin	Kelley, S.P.	Lourey	Pogemiller	Sabo
Betzold	Kierlin	Marty	Price	Scheid
Chaudhary	Kleis	Metzen	Ranum	Solon, Y.P.
Foley	Knutson	Moe, R.D.	Rest	Wiener
Fowler	Krentz	Moua	Ring	Wiger

Those who voted in the negative were:

Belanger	Berg	Day	Dille	Fischbach
----------	------	-----	-------	-----------

Johnson, Debbie
Kinkel
Kiscaden

Langseth
Murphy
Olson

Pariseau
Reiter
Sams

Samuelson
Scheevel
Schwab

Stumpf
Tomassoni
Vickerman

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 4, after line 30, insert:

"Sec. 8. Minnesota Statutes 2000, section 18B.37, subdivision 2, is amended to read:

Subd. 2. [COMMERCIAL AND NONCOMMERCIAL APPLICATORS.] (a) A commercial or noncommercial applicator, or the applicator's authorized agent, must maintain a record of pesticides used on each site. Noncommercial applicators must keep records of restricted use pesticides. The record must include the:

- (1) date of the pesticide use;
 - (2) time the pesticide application was completed;
 - (3) brand name of the pesticide, the United States Environmental Protection Agency registration number, and dosage used;
 - (4) number of units treated;
 - (5) temperature, wind speed, and wind direction;
 - (6) location of the site where the pesticide was applied;
 - (7) name and address of the customer;
 - (8) name and signature of applicator, name of company, license number of applicator, and address of applicator company; and
 - (9) any other information required by the commissioner.
- (b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.
- (c) All information for this record requirement must be contained in a single page document for each pesticide application, except a map may be attached to identify treated areas. For the rights-of-way and wood preservative categories, the required record may not exceed five pages. An invoice containing the required information may constitute the required record. The commissioner shall make sample forms available to meet the requirements of this paragraph.
- (d) A commercial applicator must give a copy of the record to the customer.
- (e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.
- (f) Records must be filed with the commissioner at least twice annually.

Sec. 9. Minnesota Statutes 2000, section 18B.37, subdivision 5, is amended to read:

Subd. 5. [INSPECTION OF RECORDS.] The commissioner may enter a commercial, noncommercial, or structural pest control applicator's business and inspect the records required in this section at any reasonable time and may make copies of the records. ~~Unless required for enforcement of this chapter~~ Once it is filed with the commissioner, the information in the records in this section is private or nonpublic and accessible through the commissioner, except that the names and addresses of customers in the records are private or nonpublic."

Page 10, line 18, after the period, insert "Sections 8 and 9 are effective in fiscal year 2004, contingent upon available funding adequate to support the requirements in the sections."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.7, Senator Murphy raised a point of order as to whether the Lourey amendment was in order.

The President ruled the point of order well taken, so the Lourey amendment was not in order.

Senator Anderson moved to amend H.F. No. 3183, as amended pursuant to Rule 45, adopted by the Senate April 8, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3219.)

Page 10, after line 5, insert:

"Sec. 17. Minnesota Statutes 2000, section 103H.251, subdivision 1, is amended to read:

Subdivision 1. [METHODS.] (a) The commissioner of agriculture health for pollution resulting from agricultural chemicals and practices and the pollution control agency for other pollutants shall evaluate the detection of pollutants in groundwater of the state. Evaluation of the detection may include collection technique, sampling handling technique, laboratory practices, other quality control practices, climatological conditions, and potential pollutant sources.

(b) If conditions indicate a likelihood of the detection of the pollutant or pollutant breakdown product to be a common detection, the commissioner of agriculture health or the pollution control agency must begin development of best management practices and continue to monitor for the pollutant or pollutant breakdown products."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.7, Senator Murphy raised a point of order as to whether the Anderson amendment was in order.

The President ruled the point of order not well taken, so the Anderson amendment was in order.

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

The roll was called, and there were yeas 24 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Krentz	Moua	Sabo
Bachmann	Higgins	Lourey	Pogemiller	Scheid
Berglin	Johnson, Dave	Marty	Price	Solon, Y.P.
Betzold	Kelley, S.P.	Metzen	Ranum	Wiger
Chaudhary	Knutson	Moe, R.D.	Ring	

Those who voted in the negative were:

Belanger	Hottinger	Langseth	Pariseau	Scheevel
Berg	Johnson, Dean	Larson	Reiter	Schwab
Day	Johnson, Debbie	Limmer	Rest	Stumpf
Dille	Kierlin	Murphy	Robertson	Terwilliger
Fischbach	Kinkel	Neuville	Robling	Tomassoni
Fowler	Kiscaden	Olson	Sams	Vickerman
Frederickson	Kleis	Ourada	Samuelson	

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

H.F. No. 3183 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 41 and nays 16, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, Dean	Metzen	Reiter	Schwab
Berg	Johnson, Debbie	Moe, R.D.	Rest	Stumpf
Day	Kierlin	Moua	Ring	Terwilliger
Dille	Kinkel	Murphy	Robertson	Tomassoni
Fischbach	Kiscaden	Neuville	Robling	Vickerman
Fowler	Knutson	Olson	Sams	
Frederickson	Langseth	Ourada	Samuelson	
Hottinger	Larson	Pariseau	Scheevel	
Johnson, Dave	Limmer	Price	Scheid	

Those who voted in the negative were:

Anderson	Chaudhary	Kelley, S.P.	Lourey	Ranum
Bachmann	Foley	Kleis	Marty	Sabo
Berglin	Higgins	Krentz	Pogemiller	Wiger
Betzold				

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 Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

Senator Johnson, Doug from the Committee on Finance, to which was re-referred

S.F. No. 1755: A bill for an act relating to public employees; establishing a committee to gather information and make recommendations for the design of a school employee health insurance plan.

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

Page 2, line 25, after the period, insert "During the collection process, the committee must also analyze and compare the costs, coverage provided, financial feasibility, solvency, and management of existing plans to a proposed statewide plan. If the committee determines that a statewide plan would reduce insurance costs, the committee shall proceed with the plan design under subdivision 4. Health insurance providers offering coverage to employees of eligible employers on the effective date of this section shall provide to the committee nonidentifiable aggregate cost data on the employee groups' claims experiences that the committee requires to establish rate structures for a school employee insurance plan to the extent permitted under applicable state and federal law. Nothing in this section requires disclosure of proprietary information on data classified as nonpublic data or confidential data on individuals."

Page 3, after line 7, insert:

"Sec. 2. [APPROPRIATION.]

\$670,000 is appropriated in fiscal year 2003 from the general fund to the commissioner of employee relations for purposes of section 1. The base for this program is \$670,000 for fiscal year 2004 only. If a school employee insurance plan is implemented, the rate structure for the plan must

include an amount sufficient to enable the plan administrator to repay \$1,340,000 to the general fund within five years."

Page 3, line 9, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "; appropriating money"

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

SECOND READING OF SENATE BILLS

S.F. No. 1755 was read the second time.

RECESS

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

S.F. No. 2727: Senators Samuelson, Krentz and Knutson.

H.F. No. 3359: Senators Wiener, Scheevel and Solon, Y.P.

H.F. No. 2970: Senators Stumpf, Price and Frederickson.

Senator Moe, R.D. moved that the foregoing appointments be approved. 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 Samuelson introduced--

S.F. No. 3460: A bill for an act relating to unemployment insurance; extending benefit eligibility for certain business owners and their relatives; amending Minnesota Statutes 2000, section 268.085, subdivision 9.

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

Senators Anderson, Marty and Sabo introduced--

S.F. No. 3461: A bill for an act relating to municipalities; requiring a moratorium on use permits for large retail stores; requiring a report.

Referred to the Committee on State and Local Government Operations.

MEMBERS EXCUSED

Senator Higgins was excused from the Session of today from 10:00 to 11:05 a.m. and 12:00 noon to 2:15 p.m. Senator Ring was excused from the Session of today from 10:00 to 11:15 a.m. Senator Moe, R.D. was excused from the Session of today from 10:00 to 11:30 a.m. Senator Johnson, Doug was excused from the Session of today at 10:40 a.m. Senator Moua was excused from the Session of today from 11:00 a.m. to 1:05 p.m. Senator Cohen was excused from the Session of today at 12:40 p.m. Senator Kleis was excused from the Session of today from 1:00 to 1:15 p.m. Senator Ourada was excused from the Session of today from 1:00 to 2:00 p.m. Senator Frederickson was excused from the Session of today from 1:20 to 2:00 p.m. Senator Wiener was excused from the Session of today at 2:15 p.m. Senator Solon, Y.P. was excused from the Session of today at 2:30 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 22, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, April 18, 2002

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 6247 to 6249

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
2457		335	6248
2592		336	6248
3288		337	6248
3380		338	6248
2650		339	6248
3238		340	6248
2957		341	6248
2988		342	6249
3075		343	6249
3114		344	6249

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
1555	6251	2473	6252	
2460	6249	2970	6252	
2540	6249			
2727	6250			
2909	6252			
3172	6251			
3431	6250			

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
2460	6249		

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
1755	6267	6268			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
Sen. Res. No . 221	6256	3183	6256
Sen. Res. No . 222	6256	3183	6261
Sen. Res. No . 223	6256		
Sen. Res. No . 224	6260		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
2727	6268	2970	6268
		3359	6268

CONFERENCE COMMITTEE REPORTS AND THIRD READINGS

S.F. Nos.	Page	H.F. Nos.	Page
		2473	6252

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3460 to 3461	Page 6268
------------------------------	-----------