

## SIXTEENTH DAY

St. Paul, Minnesota, Wednesday, February 16, 2005

The Senate met at 11:30 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Gary W. Kubly.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received and referred to the committees indicated.

February 1, 2005

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

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

## HOUSING FINANCE AGENCY

Joseph Johnson, III, 3650 E. 4th St., Duluth, in the county of St. Louis, effective February 7, 2005, for a term that expires on January 5, 2009.

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

February 1, 2005

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

#### BOARD OF SCHOOL ADMINISTRATORS

Jean M. Haar, 104 Opal Ln., Mankato, in the county of Blue Earth, effective February 2, 2005, for a term that expires on January 5, 2009.

Bruce H. Kramer, 4200 Lyndale Ave. S., Minneapolis, in the county of Hennepin, effective February 2, 2005, for a term that expires on January 5, 2009.

Sanford Nelson, N. Buffalo Lake Rd. Box 91, Richwood, in the county of Becker, effective February 2, 2005, for a term that expires on January 5, 2009.

(Referred to the Committee on Education.)

Sincerely,  
Tim Pawlenty, Governor

#### REPORTS OF COMMITTEES

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

#### **Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 633:** A bill for an act relating to transportation; modifying provisions relating to the use of freeway or expressway shoulders by transit buses and authorizing the commissioner of transportation to allow such use by metro mobility buses; amending Minnesota Statutes 2004, section 169.306.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

#### **Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 685:** A bill for an act relating to highways; amending description of Legislative Route No. 143; amending Minnesota Statutes 2004, section 161.115, subdivision 74.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

#### **Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 530:** A bill for an act relating to motor vehicles; permitting display of certain slow-moving vehicle signs that are visible at night; removing obsolete language; making clarifying changes; amending Minnesota Statutes 2004, section 169.522.

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

Page 1, line 11, reinstate the stricken language

Page 1, line 25, delete everything before "The"

Page 1, line 26, strike "yellow-orange" and insert "or illuminated red-orange"

Page 2, delete lines 3 to 13

Page 2, line 14, delete everything before "When"

Page 2, line 19, delete everything before "All"

Page 2, line 24, delete everything before "The"

Page 2, line 31, reinstate the stricken "(b)" and delete "Subd. 1b. [ALTERNATIVE EMBLEM.]"

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

### SECOND READING OF SENATE BILLS

S.F. Nos. 633, 685 and 530 were read the second time.

### MOTIONS AND RESOLUTIONS

Senator Limmer moved that the name of Senator Ortman be added as a co-author to S.F. No. 910. The motion prevailed.

Senator Lourey moved that the name of Senator Wiger be added as a co-author to S.F. No. 949. The motion prevailed.

Senator Marty moved that the name of Senator Anderson be added as a co-author to S.F. No. 986. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Senators Senjem, McGinn, Bachmann, Gerlach and LeClair introduced--**

**S.F. No. 987:** A bill for an act relating to civil law; reforming and recodifying the law relating to marriage dissolution, child custody, child support, maintenance, and property division; changing a fee; making style and form changes; appropriating money; amending Minnesota Statutes 2004, sections 357.021, by adding a subdivision; 518.002; 518.003, subdivisions 1, 3; 518.005; 518.01; 518.02; 518.03; 518.04; 518.05; 518.055; 518.06; 518.07; 518.09; 518.091, subdivision 1; 518.10; 518.11; 518.12; 518.13; 518.131; 518.14, subdivision 1; 518.148; 518.155; 518.156; 518.157, subdivisions 1, 2, 3, 5, 6; 518.165; 518.166; 518.167, subdivisions 3, 4, 5; 518.168; 518.1705, subdivisions 2, 6, 7, 8, 9; 518.175; 518.1751, subdivisions 1b, 2, 2a, 2b, 2c, 3; 518.1752; 518.176; 518.177; 518.178; 518.179, subdivision 1; 518.18; 518.191, subdivision 1; 518.195, subdivisions 2, 3; 518.24; 518.25; 518.27; 518.54, subdivisions 1, 5, 6, 7, 8; 518.55; 518.552; 518.58; 518.581; 518.582; 518.612; 518.619; 518.62; 518.64, subdivisions 1, 2; 518.641; 518.642; 518.646; 518.65; 518.68, subdivision 1; 519.11, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 517A; 517B; 517C; repealing Minnesota Statutes 2004, sections 518.111; 518.14, subdivision 2; 518.171; 518.24; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.55, subdivision 4; 518.551; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.6196; 518.62; 518.64, subdivisions 4, 4a, 5; 518.68.

Referred to the Committee on Judiciary.

**Senators Sams, Higgins, Belanger and Kiscaden introduced--**

**S.F. No. 988:** A bill for an act relating to health; increasing consumer protection for hearing aid users; amending Minnesota Statutes 2004, sections 153A.15, subdivision 1; 153A.19, subdivision 2.

Referred to the Committee on Health and Family Security.

**Senators Pappas, Anderson, Hottinger, Chaudhary and Dibble introduced--**

**S.F. No. 989:** A bill for an act relating to health; requiring hospital emergency rooms to provide emergency contraception, prophylactic antibiotics, and information to sexual assault victims; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

**Senator Pappas introduced--**

**S.F. No. 990:** A bill for an act relating to higher education; Minnesota State Colleges and Universities; amending student board member selection; amending Minnesota Statutes 2004, section 136F.04, subdivision 4.

Referred to the Committee on Education.

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

**S.F. No. 991:** A bill for an act relating to financing the National Guard tuition reimbursement program; imposing an income tax surcharge; extending the time for providing tuition reimbursement to members who have served in active military service; appropriating money; amending Minnesota Statutes 2004, section 192.501, subdivision 2, by adding a subdivision.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Skoglund introduced--**

**S.F. No. 992:** A bill for an act relating to crimes; modifying penalties for identity theft; requiring minimum restitution payments and providing information to victims of identity theft; amending Minnesota Statutes 2004, section 609.527, subdivisions 3, 4.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Berglin, Solon and Rosen introduced--**

**S.F. No. 993:** A bill for an act relating to human services; modifying covered services for medical assistance; amending Minnesota Statutes 2004, section 256B.0625, subdivision 14.

Referred to the Committee on Health and Family Security.

**Senator Betzold introduced--**

**S.F. No. 994:** A bill for an act relating to civil commitment; establishing a Predatory Offender Screening Committee; providing for committee access to offender data; permitting the establishment of hearing judge and hearing attorney panels; amending Minnesota Statutes 2004, sections 244.05, subdivision 7; 253B.185, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Betzold introduced--**

**S.F. No. 995:** A bill for an act relating to retirement; providing exceptions to a state salary limitation for pension purposes; amending Minnesota Statutes 2004, section 356.611, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senator Betzold introduced--**

**S.F. No. 996:** A bill for an act relating to retirement; Minnesota State Retirement System; modifying the definition of allowable service to include time on strike; amending Minnesota Statutes 2004, section 352.01, subdivision 11.

Referred to the Committee on State and Local Government Operations.

**Senator Betzold, by request, introduced--**

**S.F. No. 997:** A bill for an act relating to retirement; increasing contribution rates for certain correctional employees; amending Minnesota Statutes 2004, section 352.92, subdivisions 1, 2.

Referred to the Committee on State and Local Government Operations.

**Senator Betzold, by request, introduced--**

**S.F. No. 998:** A bill for an act relating to retirement; increasing contribution rates for the State Patrol retirement fund; amending Minnesota Statutes 2004, section 352B.02, subdivisions 1a, 1c.

Referred to the Committee on State and Local Government Operations.

**Senators Berglin, Lourey, Rosen, Moua and Koering introduced--**

**S.F. No. 999:** A bill for an act relating to health; reducing the nursing home license surcharge; increasing the cigarette tax; amending Minnesota Statutes 2004, sections 256.9657, subdivision 1; 256B.431, subdivision 38; 297F.05, subdivision 1.

Referred to the Committee on Health and Family Security.

**Senators Berglin, Ranum, Neuville and Foley introduced--**

**S.F. No. 1000:** A bill for an act relating to human services; modifying discharge plans for offenders with serious and persistent mental illness; clarifying eligibility for medical assistance for offenders released for work release; authorizing commissioner of corrections to enter into a purchasing pool for prescription drugs; allocating housing funds for projects that provide employment support; appropriating money; amending Minnesota Statutes 2004, sections 241.01, by adding a subdivision; 244.054; 256B.055, by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Senators Hottinger, Higgins, Senjem, Ourada and Nienow introduced--**

**S.F. No. 1001:** A bill for an act relating to elections; clarifying definition of campaign expenditure; making certain exceptions to the ban on gifts to public officials; amending Minnesota Statutes 2004, sections 10A.01, subdivision 9; 10A.071, subdivision 3; 471.895, subdivision 3.

Referred to the Committee on Elections.

**Senators Anderson, Pogemiller and Belanger introduced--**

**S.F. No. 1002:** A bill for an act relating to taxation; property; exempting certain qualifying property used for educational instruction.

Referred to the Committee on Taxes.

**Senators Pariseau, Scheid, Ruud and Michel introduced--**

**S.F. No. 1003:** A bill for an act relating to housing; requiring carbon monoxide alarms in all dwellings; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

**Senator Kiscaden introduced--**

**S.F. No. 1004:** A bill for an act relating to higher education; creating a citizen's council; specifying duties of the council; appropriating money.

Referred to the Committee on Education.

**Senators Rest, Ranum, Dille, Pappas and Neuville introduced--**

**S.F. No. 1005:** A bill for an act relating to adoption records; providing access to certain records by certain persons; providing for certain services; changing classification of certain data; amending Minnesota Statutes 2004, sections 144.218, subdivisions 1, 2; 259.83, subdivisions 1, 3, by adding a subdivision; 259.89.

Referred to the Committee on Judiciary.

**Senators Ourada, Murphy, Robling, Moua and Reiter introduced--**

**S.F. No. 1006:** A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for general contingent accounts and tort claims; modifying provision for handling state mail; modifying vehicle registration tax and fee provisions; increasing fees for motor vehicle transfers and driver and vehicle services; establishing accounts; abolishing statewide bicycle registration program; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 168.011, by adding a subdivision; 168.013, subdivision 8; 168.09, subdivision 7; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291; 168.1293; 168.1296; 168.1297; 168.27, subdivision 11; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.09, subdivision 13; 169A.60, subdivision 16; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.13, subdivision 6, by adding a subdivision; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; proposing coding for new law in Minnesota Statutes, chapters 168; 299A; repealing Minnesota Statutes 2004, sections 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.185; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300.

Referred to the Committee on Finance.

**Senator Rest introduced--**

**S.F. No. 1007:** A bill for an act relating to commerce; extending the motor vehicle lemon law to include motor boats; amending Minnesota Statutes 2004, section 325F.665.

Referred to the Committee on Commerce.

**Senators Wergin, Nienow, Day and Hann introduced--**

**S.F. No. 1008:** A bill for an act relating to taxes; conforming to the Military Family Tax Relief Act of 2003; amending Minnesota Statutes 2004, sections 289A.02, subdivision 7; 290.01, subdivisions 19, 31; 290A.03, subdivision 15; 291.005, subdivision 1.

Referred to the Committee on Taxes.

**Senator Wergin introduced--**

**S.F. No. 1009:** A bill for an act relating to landlord and tenant; regulating responsibility for water utility charges; amending Minnesota Statutes 2004, section 325E.025, subdivision 1.

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

**Senator Rest introduced--**

**S.F. No. 1010:** A bill for an act relating to creditors remedies; prohibiting prejudgment garnishment in certain circumstances; amending Minnesota Statutes 2004, sections 551.05, subdivisions 1a, 3, 4, by adding a subdivision; 571.71; 571.72, subdivision 4; 571.79; 571.912; 571.914, subdivisions 1, 2, 4; 571.93, subdivision 1; repealing Minnesota Statutes 2004, sections 551.05, subdivisions 5, 6; 571.914, subdivision 3.

Referred to the Committee on Judiciary.

**Senator Fischbach introduced--**

**S.F. No. 1011:** A bill for an act relating to local government aids; increasing the city aid base for certain cities; amending Minnesota Statutes 2004, section 477A.011, subdivision 36.

Referred to the Committee on Taxes.

**Senator Saxhaug introduced--**

**S.F. No. 1012:** A bill for an act relating to motor fuels; increasing rates of motor fuel taxes; appropriating money for highways 53 and 169; amending Minnesota Statutes 2004, sections 296A.07, subdivision 3; 296A.08, subdivision 2.

Referred to the Committee on Transportation.

**Senator LeClair introduced--**

**S.F. No. 1013:** A bill for an act relating to commerce; requiring continuing education for municipal building officials; requiring more detail in reports from municipalities on building code enforcement; requiring preclicensing education of residential building contractors; making changes in continuing education; providing homebuyers with access to information about avoidance of moisture and other problems; regulating actions for a breach of the statutory home warranty requirements; amending Minnesota Statutes 2004, sections 16B.65, by adding a subdivision; 16B.685; 326.87, subdivision 1; 326.89, subdivision 2; 326.96; 327A.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Commerce.

**Senators Sams, Anderson, Sparks and Rest introduced--**

**S.F. No. 1014:** A bill for an act relating to insurance; providing protection for insurance

policyholders; requiring agents, when acting as risk managers, to disclose compensation and quotes from insurance companies; amending Minnesota Statutes 2004, sections 60K.46, by adding subdivisions; 60K.49, subdivision 1.

Referred to the Committee on Commerce.

**Senators Sams, Anderson, Sparks and Rest introduced--**

**S.F. No. 1015:** A bill for an act relating to insurance; restricting insurance companies from limiting quotes to one agent; amending Minnesota Statutes 2004, section 72A.20, by adding a subdivision.

Referred to the Committee on Commerce.

**Senators Pariseau, McGinn, Belanger, Marko and Metzen introduced--**

**S.F. No. 1016:** A bill for an act relating to local government; permitting delegation of duties to board of adjustment; amending Minnesota Statutes 2004, section 18.83, subdivision 3.

Referred to the Committee on State and Local Government Operations.

**Senator Day introduced--**

**S.F. No. 1017:** A bill for an act relating to transportation; requiring deactivation of 100 access ramp meters in metropolitan area.

Referred to the Committee on Transportation.

**Senator Vickerman introduced--**

**S.F. No. 1018:** A bill for an act relating to the military; providing certain income tax benefits; amending Minnesota Statutes 2004, sections 290.01, subdivisions 7, 19, 19b; 290.06, subdivision 2c.

Referred to the Committee on Taxes.

**Senator Saxhaug introduced--**

**S.F. No. 1019:** A bill for an act relating to natural resources; providing for electronic issuance of burning permits; providing for electronic burning permit fees; creating an account; appropriating money; amending Minnesota Statutes 2004, section 88.17, subdivision 1, by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

**Senators Ranum, Cohen, Neuville, Frederickson and Foley introduced--**

**S.F. No. 1020:** A bill for an act relating to legal services funding; increasing a surcharge on certain recording and registration fees; appropriating money; amending Minnesota Statutes 2004, sections 357.18, subdivision 3; 508.82, subdivision 1; 508A.82, subdivision 1.

Referred to the Committee on Finance.

**Senators Kubly, Stumpf, Bakk, Tomassoni and Saxhaug introduced--**

**S.F. No. 1021:** A bill for an act relating to education finance; creating a task force to study section-based school finance formulas.



Referred to the Committee on Finance.

**Senators McGinn, Gerlach, Pariseau, Metzen and Belanger introduced--**

**S.F. No. 1022:** A bill for an act relating to capital improvements; authorizing spending for public purposes; appropriating money for flood mitigation management capital improvement in Lebanon Hills Regional Park, Dakota County.

Referred to the Committee on Finance.

**Senators Metzen, McGinn, Belanger, Marko and Gerlach introduced--**

**S.F. No. 1023:** A bill for an act relating to government data; classifying certain licensing data as public; amending Minnesota Statutes 2004, section 13.46, subdivision 4.

Referred to the Committee on Judiciary.

**Senators Rosen, Kelley, Senjem, Dibble and Anderson introduced--**

**S.F. No. 1024:** A bill for an act relating to taxation; increasing the amount of tax credits or exemptions that may be awarded in a biotechnology and health sciences industry zone; amending Minnesota Statutes 2004, section 469.335.

Referred to the Committee on Taxes.

**Senators Kierlin, Kiscaden and LeClair introduced--**

**S.F. No. 1025:** A bill for an act relating to human services; allowing PACE programs to be covered under alternative integrated long-term care services; amending Minnesota Statutes 2004, section 256B.69, subdivision 23.

Referred to the Committee on Health and Family Security.

**Senators Koering, Olson and Jungbauer introduced--**

**S.F. No. 1026:** A bill for an act relating to education; providing for certain school districts to assist other districts to develop teacher mentoring programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 122A.

Referred to the Committee on Education.

**Senator Frederickson introduced--**

**S.F. No. 1027:** A bill for an act relating to human services; changing the requirement for diagnostic assessment for children's therapeutic services and support; amending Minnesota Statutes 2004, section 256B.0943, subdivision 3.

Referred to the Committee on Health and Family Security.

**Senators Berglin, Koering, Kubly, Solon and Dille introduced--**

**S.F. No. 1028:** A bill for an act relating to human services; providing for discharge plans for offenders with serious and persistent mental illness who are released from county jails or county regional jails; appropriating money; amending Minnesota Statutes 2004, section 244.054; proposing coding for new law in Minnesota Statutes, chapter 641.

Referred to the Committee on Health and Family Security.

**Senators Bachmann; Johnson, D.J. and Robling introduced--**

**S.F. No. 1029:** A bill for an act relating to health; providing for an optional record of birth resulting in stillbirth; amending Minnesota Statutes 2004, section 144.222, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**MEMBERS EXCUSED**

Senators Day, Larson and Sams were excused from the Session of today.

**ADJOURNMENT**

The Senate will adjourn to attend the Joint Convention on the election of regents of the University of Minnesota.

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 17, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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