

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SEVENTY-SECOND DAY

St. Paul, Minnesota, Friday, February 22, 2002

The Senate met at 8:45 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Representative Mary Murphy.

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

Anderson	Foley	Krentz	Pappas	Scheevel
Bachmann	Fowler	Langseth	Price	Scheid
Belanger	Frederickson	Larson	Ranum	Schwab
Berg	Higgins	Lesewski	Reiter	Stumpf
Betzold	Johnson, Debbie	Limmer	Rest	Tomassoni
Cohen	Kelley, S.P.	Marty	Ring	Vickerman
Day	Kierlin	Moua	Robertson	Wiener
Dille	Kleis	Murphy	Sabo	Wiger
Fischbach	Knutson	Ourada	Sams	

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 Chaudhary; Hottinger; Johnson, Dean; Johnson, Doug; Kinkel; Kiscaden; Metzen; Moe, R.D.; Neuville; Orfield; Pariseau and Solon, Y.P. were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

January 4, 2002

The Honorable Don Samuelson
President of the Senate

Dear Sir:

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

MINNESOTA HOUSING FINANCE AUTHORITY

Michael Finch, 5917 Girard Avenue South, Minneapolis, Minnesota 55419-2135, in the county of Hennepin, effective January 11, 2002 for a four-year term expiring on January 2, 2006.

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

January 30, 2002

The Honorable Don Samuelson
President of the Senate

Dear Sir:

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

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Susan Stevens Chambers, 75 Teton Lane, Post Office Box 327, Mankato, Minnesota 56002, in the county of Blue Earth, effective February 6, 2002, to complete a four-year term expiring on January 6, 2003.

Clyde Miller, 33376 Lakeshore Drive Northeast, Cambridge, Minnesota 55008, in the county of Isanti, effective February 6, 2002, for a four-year term expiring on January 2, 2006.

(Referred to the Committee on Rules and Administration.)

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2523, 2695 and 3062.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 21, 2002

FIRST READING OF HOUSE BILLS

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

H.F. No. 2523: A bill for an act relating to rulemaking; making rules effective only after approval by the governor or a constitutional officer, as appropriate; removing the governor's veto authority over rules; amending Minnesota Statutes 2000, section 14.05, by adding a subdivision; repealing Minnesota Statutes 2001 Supplement, section 14.05, subdivision 6.

Referred to the Committee on State and Local Government Operations.

H.F. No. 2695: A bill for an act relating to retirement; correcting Minneapolis firefighters relief association provisions; amending certain administrative procedures; amending Minnesota Statutes 2001 Supplement, sections 423C.01, subdivisions 17, 25; 423C.03, subdivisions 4, 6; 423C.04, subdivisions 1, 4; 423C.05, subdivisions 5, 6, 7, 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2531, now on the Consent Calendar.

H.F. No. 3062: A bill for an act relating to the courts; repealing limitations on the term of service for judges in Hennepin and Ramsey county juvenile courts; repealing Minnesota Statutes 2000, section 260.019, subdivisions 2, 3, 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2839, now on the Consent Calendar.

REPORTS OF COMMITTEES

Senator Wiener moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3189: A bill for an act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2403: A bill for an act relating to finance; authorizing the Minneapolis park and recreation board to lease certain property for the repayment of certain state bond expenditures.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3117: A bill for an act relating to the metropolitan council; providing for the transfer or disposal of interceptor facilities; proposing coding for new law in Minnesota Statutes, chapter 473.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3069: A bill for an act relating to state and local government; requiring the state and local governmental units to give public notice before transferring ownership or changing the use of publicly owned undeveloped land; proposing coding for new law in Minnesota Statutes, chapter 465.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3132: A bill for an act relating to land use management; authorizing the northern counties land use coordinating board to initiate a pilot project to promote cooperative efforts among county, state, federal, and local units of government, and with Canadian officials regarding land use management issues.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Vickerman from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 2675: A bill for an act relating to the environment; modifying the application of recyclable material container requirements for public entities; amending Minnesota Statutes 2000, section 115A.151.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 2877: A bill for an act relating to human services; placing a moratorium on the establishment, licensure, and public financing of large institutions for children; requiring a study on children and families whose needs are not being met by the current child welfare or social services systems.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Sams from the Committee on Health and Family Security, to which was referred

S.F. No. 3124: A bill for an act relating to health; modifying resident reimbursement classifications; amending Minnesota Statutes 2001 Supplement, section 144.0724, subdivisions 3, 5, 7, 9.

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

Page 2, line 8, delete "tube feeding,"

Page 5, line 3, before "to" insert "by reporting"

Page 6, line 20, before "to" insert "by reporting"

Page 9, after line 6, insert:

"Sec. 5. Minnesota Statutes 2000, section 144A.04, subdivision 7, is amended to read:

Subd. 7. [MINIMUM NURSING STAFF REQUIREMENT.] Notwithstanding the provisions of Minnesota Rules, part 4655.5600, the minimum staffing standard for nursing personnel in certified nursing homes is as follows:

(a) The minimum number of hours of nursing personnel to be provided in a nursing home is the greater of two hours per resident per 24 hours or 0.95 hours per standardized resident day. Upon transition to the 34 group, RUG-III resident classification system, the 0.95 hours per standardized resident day shall no longer apply.

(b) For purposes of this subdivision, "hours of nursing personnel" means the paid, on-duty, productive nursing hours of all nurses and nursing assistants, calculated on the basis of any given 24-hour period. "Productive nursing hours" means all on-duty hours during which nurses and nursing assistants are engaged in nursing duties. Examples of nursing duties may be found in Minnesota Rules, parts 4655.5900, 4655.6100, and 4655.6400. Not included are vacations, holidays, sick leave, in-service classroom training, or lunches. Also not included are the nonproductive nursing hours of the in-service training director. In homes with more than 60 licensed beds, the hours of the director of nursing are excluded. "Standardized resident day" means the sum of the number of residents in each case mix class multiplied by the case mix weight for that resident class, as found in Minnesota Rules, part 9549.0059, subpart 2, calculated on the basis of a facility's census for any given day. For the purpose of determining a facility's census, the commissioner of health shall exclude the resident days claimed by the facility for resident therapeutic leave or bed hold days.

(c) Calculation of nursing hours per standardized resident day is performed by dividing total hours of nursing personnel for a given period by the total of standardized resident days for that same period.

(d) A nursing home that is issued a notice of noncompliance under section 144A.10, subdivision 5, for a violation of this subdivision, shall be assessed a civil fine of \$300 for each day of noncompliance, subject to section 144A.10, subdivisions 7 and 8."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "clarifying minimum nursing staff requirements;" and after "amending" insert "Minnesota Statutes 2000, section 144A.04, subdivision 7;"

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2456: A bill for an act relating to employment; amending the definition of a child for the purposes of parenting leave requirements; amending Minnesota Statutes 2000, section 181.940, subdivision 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 181.9412, is amended by adding a subdivision to read:

Subd. 1a. [FOSTER CHILD.] For the purpose of this section, "child" includes a foster child."

Delete the title and insert:

"A bill for an act relating to employment; providing school conference and activity leave for foster parents; amending Minnesota Statutes 2000, section 181.9412, by adding a subdivision."

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2856: A bill for an act relating to unemployment insurance; modifying requirements for additional unemployment benefits; amending Minnesota Statutes 2000, section 268.125, subdivisions 3, 5; repealing Minnesota Statutes 2000, section 268.125, subdivision 1.

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

Page 1, lines 18 to 20, reinstate the stricken language

Page 1, line 25, reinstate the stricken language and delete the new language

Page 2, lines 13 and 14, reinstate the stricken language

Page 2, line 15, reinstate the stricken "the applicant's benefit year shall be" and after the stricken "one-half of" insert "equal to" and reinstate the stricken "the"

Page 2, line 16, reinstate the stricken language

Page 2, line 17, reinstate the stricken language and delete the new language

Page 2, lines 18 and 19, delete the new language

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2857: A bill for an act relating to unemployment insurance; modifying benefit requirements; providing for an alternate base period; amending Minnesota Statutes 2000, section 268.035, subdivision 19; Minnesota Statutes 2001 Supplement, sections 268.035, subdivision 4; 268.07, subdivisions 1, 2.

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

Page 2, line 24, reinstate the stricken "and"

Page 2, lines 25 to 30, delete the new language

Page 2, line 31, delete "(5)" and reinstate the stricken "or" and delete ", or (4)"

Page 2, line 34, delete the comma and insert "or"

Page 2, line 35, delete ", or (4)"

Page 3, delete section 2

Page 3, line 36, delete "or (4)"

Page 4, line 5, delete "or"

Page 4, line 6, delete "(4)"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "subdivision 19;" and insert "amending"

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

Senator Anderson from the Committee on Jobs, Housing and Community Development, to which was referred

S.F. No. 2960: A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 1, line 23, after "firefighter" insert ", if those duties are emergency response activities. This section does not apply where the duties involve administrative or training activities only"

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

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 3148 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS

H.F. No. S.F. No.

CONSENT CALENDAR

H.F. No. S.F. No.
3148 3025

CALENDAR

H.F. No. S.F. No.

and that the above Senate File be indefinitely postponed.

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

Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 2992 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2992	2865		

and that the above Senate File be indefinitely postponed.

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

Senator Vickerman from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3206: A bill for an act relating to state employment; shifting social security administrative duties from the department of employee relations to the public employees retirement association; classifying data on employee's dependents as private; amending Minnesota Statutes 2000, sections 13.43, subdivision 4; 355.01, subdivision 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was re-referred

S.F. No. 3246: A bill for an act relating to trade practices; limiting unsolicited telephone calls to certain individuals; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 2, line 20, delete everything after "who" and insert "is on the current no-call list under"

Page 3, line 6, delete "commission" and insert "commissioner"

Page 3, line 7, delete "its" and insert "the"

Page 4, line 4, delete "\$15" and insert "not to exceed \$50"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 3189, 2403, 3117, 3069, 3132, 2675, 2877, 3124, 2456, 2856, 2857 and 2960 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3148 and 2992 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Ourada moved that the name of Senator Bachmann be added as a co-author to S.F. No. 2802. The motion prevailed.

Senator Limmer moved that the name of Senator Foley be added as a co-author to S.F. No. 3062. The motion prevailed.

Senator Limmer moved that the name of Senator Orfield be added as a co-author to S.F. No. 3074. The motion prevailed.

Senator Limmer moved that the name of Senator Scheid be added as a co-author to S.F. No. 3198. The motion prevailed.

Senator Limmer moved that the name of Senator Scheid be added as a co-author to S.F. No. 3199. The motion prevailed.

Senator Limmer moved that the name of Senator Reiter be added as a co-author to S.F. No. 3300. The motion prevailed.

Senator Pogemiller moved that the name of Senator Terwilliger be added as a co-author to S.F. No. 3370. 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 Rest, Pogemiller, Higgins and Pappas introduced--

S.F. No. 3374: A bill for an act relating to taxation; property; providing for the valuation of certain rental housing; amending Minnesota Statutes 2000, section 273.11, by adding a subdivision; Laws 2001, First Special Session chapter 5, article 3, section 96.

Referred to the Committee on Taxes.

Senators Rest and Kelley, S.P. introduced--

S.F. No. 3375: A bill for an act relating to taxation; sales; providing nexus rules for affiliated companies; amending Minnesota Statutes 2000, section 297A.66, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 297A.66, subdivision 1.

Referred to the Committee on Taxes.

Senator Tomassoni introduced--

S.F. No. 3376: A bill for an act relating to education; authorizing school districts to pursue additional revenue sources; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Education.

Senator Lesewski introduced--

S.F. No. 3377: A bill for an act relating to economic development; requiring state agencies and

political subdivisions to investigate the availability of existing buildings before proposing new construction; requiring the commissioner of trade and economic development to investigate and publicize the availability of low-cost land and buildings; amending Minnesota Statutes 2000, sections 16A.86, by adding a subdivision; 16B.305, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Senator Langseth introduced--

S.F. No. 3378: A bill for an act relating to agriculture; providing for grants for the farm wrap network and rural help network; appropriating money.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senators Lourey, Ring, Scheid and Murphy introduced--

S.F. No. 3379: A bill for an act relating to courts; requesting the supreme court to study and make recommendations regarding tracking of civil actions involving sexual abuse.

Referred to the Committee on Judiciary.

Senators Knutson, Betzold and Neuville introduced--

S.F. No. 3380: A bill for an act relating to family law; enacting the Marital Agreement Act; proposing coding for new law in Minnesota Statutes, chapter 519; repealing Minnesota Statutes 2000, section 519.11.

Referred to the Committee on Judiciary.

Senator Neuville introduced--

S.F. No. 3381: A bill for an act relating to education; establishing enrollment options for students at low-performing schools; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Education.

Senators Hottinger and Betzold introduced--

S.F. No. 3382: A bill for an act relating to rulemaking; making rules effective only after approval by the governor; requiring constitutional officers to sign their own rules to make them take effect; removing the governor's veto authority over rules; amending Minnesota Statutes 2000, section 14.18, subdivision 1; repealing Minnesota Statutes 2000, section 14.05, subdivision 6.

Referred to the Committee on State and Local Government Operations.

ADJOURNMENT

Senator Wiener moved that the Senate do now adjourn until 11:30 a.m., Monday, February 25, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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