

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

ONE HUNDRED THIRD DAY

St. Paul, Minnesota, Monday, April 29, 2002

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Dr. John Eagen.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

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

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 Berglin; Hottinger; Johnson, Dean; Johnson, Doug; Kinkel; Moe, R.D. and Orfield were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 24, 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
2460		348	1:50 p.m. April 24	April 24
	2473	349	1:55 p.m. April 24	April 24

Sincerely,  
Mary Kiffmeyer  
Secretary of State

April 24, 2002

The Honorable Don Samuelson  
President of the Senate

Dear President Samuelson:

The Subcommittee on Committees has made the following appointment:

Pursuant to Laws 2001

3.855: Legislative Coordinating Commission Subcommittee on Employee Relations - Senator Julie Sabo replaces Senator Myron Orfield.

Sincerely,  
Roger D. Moe  
Senate Majority Leader

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2125, 2998 and 3257.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 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. 2392:** A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 3, 4, by adding subdivisions; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

Senate File No. 2392 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Senator Metzen moved that the Senate do not concur in the amendments by the House to S.F. No. 2392, 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 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. 2568:** A bill for an act relating to Hennepin county; removing certain limitations on the county board's ability to lease real property; removing limitations on the county board's authority to construct off-street parking facilities; amending Minnesota Statutes 2000, sections 383B.159; 383B.20, subdivision 1; repealing Minnesota Statutes 2000, section 383B.20, subdivision 4.

Senate File No. 2568 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 2002

### CONCURRENCE AND REPASSAGE

Senator Rest moved that the Senate concur in the amendments by the House to S.F. No. 2568 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2568 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Limmer	Ranum	Solon, Y.P.
Bachmann	Johnson, Dave	Lourey	Reiter	Stevens
Belanger	Johnson, Debbie	Marty	Rest	Stumpf
Berg	Kelley, S.P.	Metzen	Ring	Terwilliger
Betzold	Kierlin	Moua	Robertson	Tomassoni
Chaudhary	Kleis	Murphy	Robling	Vickerman
Day	Knutson	Oliver	Sabo	Wiener
Dille	Krentz	Olson	Sams	Wiger
Fischbach	Langseth	Ourada	Samuelson	
Foley	Larson	Pappas	Scheevel	
Fowler	Lesewski	Pariseau	Scheid	
Frederickson	Lessard	Price	Schwab	

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 that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2363, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 2363:** A bill for an act relating to insurance; limiting the use of credit information; amending Minnesota Statutes 2000, section 72A.20, by adding a subdivision.

Senate File No. 2363 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 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. 3168, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 3168:** A bill for an act relating to municipalities; providing for a bidding exception for certain water tank service contracts; authorizing an agreement for the city of Walker to maintain and operate the state's water tower at Ah-Gwah-Ching; amending Minnesota Statutes 2000, section 471.345, by adding a subdivision.

Senate File No. 3168 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 25, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2780:

**H.F. No. 2780:** A bill for an act relating to real property; creating a curative act for conveyances by counties; providing for recording of documents written in foreign language; providing for an affidavit of custodian; repealing sunset on nonconsensual common law lien statute; proposing coding for new law in Minnesota Statutes, chapters 507; 527; repealing Minnesota Statutes 2000, section 514.99, subdivision 6.

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

Lipman, Davids and Dawkins have been appointed as such committee on the part of the House.

House File No. 2780 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 25, 2002

Senator Neuville moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2780, 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 the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2787 and 3319.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 2002

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 2787:** A bill for an act relating to public safety; requiring that employees and prospective employees of electronic security system companies, certain electrical contractors, and alarm and communication contractors undergo criminal history background checks; providing procedures for these background checks; authorizing the discharge of employees based on the results of the background checks and providing that there is no liability for so doing; providing for license disqualification in certain instances; imposing criminal penalties for failure to request background checks as required; amending Minnesota Statutes 2000, sections 326.01, subdivision 5; 326.2421, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299C.

Senator Wiener moved that H.F. No. 2787 be laid on the table. The motion prevailed.

**H.F. No. 3319:** A bill for an act relating to education; modifying tuition provisions for the Minnesota state academies; amending Minnesota Statutes 2000, section 125A.65, subdivisions 1, 3, 8, 9.

Senator Wiener moved that H.F. No. 3319 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

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

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

**H.F. No. 3350** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3350	2811				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3350 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3350 and insert the language after the enacting clause of S.F. No. 2811, the second engrossment; further, delete the title of H.F. No. 3350 and insert the title of S.F. No. 2811, the second engrossment.

And when so amended H.F. No. 3350 will be identical to S.F. No. 2811, and further recommends that H.F. No. 3350 be given its second reading and substituted for S.F. No. 2811, and that the Senate File be indefinitely postponed.

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

### SECOND READING OF HOUSE BILLS

H.F. No. 3350 was read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Krentz moved that the name of Senator Marty be added as a co-author to S.F. No. 2204. The motion prevailed.

Senator Krentz moved that the name of Senator Marty be added as a co-author to S.F. No. 2884. The motion prevailed.

**Senator Neuville introduced--**

**Senate Resolution No. 241:** A Senate resolution declaring May 12 to 18, 2002, to be Police Week.

Referred to the Committee on Rules and Administration.

**Senator Lessard introduced--**

**Senate Resolution No. 242:** A Senate resolution congratulating Matthew Prom of Pengilly, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

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

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senators Murphy and Price introduced--**

**S.F. No. 3463:** A bill for an act relating to agriculture; clarifying the prohibition on certain application of pesticides; amending Minnesota Statutes 2000, section 18B.07, subdivision 2.

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

**Senators Chaudhary, Metzen, Cohen and Moua introduced--**

**S.F. No. 3464:** A bill for an act relating to procurement; prohibiting state and political subdivisions of the state from purchasing products from Dakota Premium Foods.

Referred to the Committee on State and Local Government Operations.

**RECESS**

Senator Wiener 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:

H.F. No. 2780: Senators Neuville, Betzold and Hottinger.

S.F. No. 2392: Senators Metzen; Kelley, S.P. and Ourada.

S.F. No. 3024: Senator Sams replaces Metzen.

Senator Wiener moved that the foregoing appointments be approved. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### **Senator Bachmann introduced--**

**Senate Resolution No. 243:** A Senate resolution honoring the National Day of Prayer on Thursday, May 2, 2002.

WHEREAS, since the first call to prayer in 1775, when the Continental Congress asked the colonies to pray for wisdom in forming a nation, the call to prayer has continued through our history, including President Lincoln's proclamation of a day of "humiliation, fasting, and prayer" in 1863; and

WHEREAS, in 1952, a joint resolution by Congress, signed by President Truman, declared an annual, national day of prayer; and

WHEREAS, in 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May; and

WHEREAS, each year, the President signs a proclamation encouraging all Americans to pray on this day, and last year most state governors plus the governors of several U.S. territories signed similar proclamations; and

WHEREAS, this government-sanctioned day is offered to all Americans, and is not sponsored by any single political group; and

WHEREAS, our Founding Fathers intended to protect the exercise of all religions; and

WHEREAS, last year, local, state, and federal observances of the National Day of Prayer were held from sunrise in Maine to sunset in Hawaii, uniting Americans from all socioeconomic, political, and ethnic backgrounds in prayer for our nation; and

WHEREAS, it is estimated that more than two million people attended more than 30,000 observances organized by approximately 40,000 volunteers; and

WHEREAS, at state capitols, county courthouses, on the steps of city halls, and in schools, businesses, places of worship, and homes, people stopped their activities and gathered for prayer; and

WHEREAS, the National Day of Prayer belongs to all Americans, and it is a day that transcends differences, bringing together citizens from all backgrounds; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it recognizes Thursday, May 2, 2002, as the National Day of Prayer and all are encouraged to participate in this important observance.

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 National Prayer Committee.

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

**MEMBERS EXCUSED**

Senator Pogemiller was excused from the Session of today from 10:00 to 10:30 a.m.

**ADJOURNMENT**

Senator Wiener moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 2, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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