

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

EIGHTY-SECOND DAY

St. Paul, Minnesota, Tuesday, March 12, 2002

The Senate met at 9:00 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, Rabbi Stacy Offner.

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

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

MESSAGES FROM THE HOUSE

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. 1495, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1495: A bill for an act relating to agriculture; modifying provisions of the value-added agricultural product processing and marketing grant program; eliminating the late fee for the license to use the Minnesota grown label; clarifying the term "private contributions" for the Minnesota grown matching account; modifying provisions of the shared savings loan program and

the sustainable agriculture demonstration grant program; modifying provisions of the agriculture best management practices loan program; regulating pesticide application in certain schools; modifying financing limitations for the administration of the state meat inspection program; authorizing the state agricultural society to establish a nonprofit corporation for charitable purposes; modifying provisions relating to the rural finance authority; extending the sunset date and providing for designation of replacement members of the Minnesota agriculture education leadership council; modifying the definition of "agricultural land" for the purpose of recreational trespass; extending the sunset of the dairy producers board, and conditionally voiding its repeal; providing for pesticide application on golf courses; changing certain membership provisions on the state agricultural society; defining biodiesel fuel and requiring it in diesel fuel oil; requiring reports on it; allowing natural gasoline as a petroleum component in E85 fuel; extending the sunset date for the farmer-lender mediation program; providing a temporary waiver of board of animal health rules for use of biological products on poultry; adding cultivated wild rice to the agricultural commodities promotion act provision; repealing obsolete agricultural statutes; amending Minnesota Statutes 2000, sections 17.101, subdivision 5; 17.102, subdivision 3; 17.109, subdivision 3; 17.115; 17.116; 17.117; 17.53, subdivisions 2, 8, 13; 17.63; 17.76, subdivision 2; 18B.01, by adding a subdivision; 31A.21, subdivision 2; 37.03, subdivision 1; 41B.025, subdivision 1; 41B.03, subdivision 2; 41B.043, subdivisions 1b, 2; 41B.046, subdivision 2; 41D.01, subdivisions 1, 3, 4; 97B.001, subdivision 1; 116O.09, subdivision 1a; 296A.01, subdivision 19; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 18B; 37; 239; repealing Minnesota Statutes 2000, sections 17.987; 24.001; 24.002; 24.12; 24.131; 24.135; 24.141; 24.145; 24.151; 24.155; 24.161; 24.171; 24.175; 24.18; 24.181; 33.09; 33.111.

Senate File No. 1495 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3196:

H.F. No. 3196: A bill for an act relating to state government; department of administration; clarifying ethical provisions in state procurement law; authorizing the commissioner of administration to adopt rules relating to state archaeology; repealing obsolete technology authority; repealing statutory authority for the citizens council on Voyageurs National Park; amending Minnesota Statutes 2000, sections 16C.04, subdivisions 1, 2; 138.31, by adding a subdivision; 138.36, by adding a subdivision; 138.38; 138.39; 138.41, subdivision 1; repealing Minnesota Statutes 2000, sections 13.6401, subdivision 3; 16B.415; 84B.11.

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

Mares, Blaine and Osthoff have been appointed as such committee on the part of the House.

House File No. 3196 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 March 11, 2002

Senator Robertson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3196, 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.

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports 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. 2738: A bill for an act relating to natural resources; providing for maintenance of leased property; permitting aquatic plant grants; making certain state park permit exemptions; providing for federal law compliance; modifying certain appropriations; appropriating money; amending Minnesota Statutes 2000, sections 84.153; 84.975, by adding a subdivision; 85.054, by adding a subdivision; 97A.055, by adding a subdivision; Laws 2001, First Special Session chapter 2, section 5, subdivisions 2, 5, 6, 7, 8, 11; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

Page 5, delete lines 35 to 42 and insert:

"(8) ~~\$600,000~~ \$200,000 the second year is for operating costs, including fisheries management, of the Red River state recreation area;

(9) \$200,000 the first year and ~~\$200,000~~ \$100,000 the second year are for operating costs of the Big Bog state recreation area; and"

Page 5, line 43, reinstate the stricken "(10)"

Page 5, delete lines 47 and 48 and insert:

"(11) \$1,495,000 the second year is for"

Page 5, line 51, delete "(9)" and insert "(11)"

Page 14, after line 29, insert:

"Sec. 12. [SNOWMOBILE TRAIL GRANTS; REIMBURSEMENT FOR GROOMING EQUIPMENT.]

The commissioner of natural resources may use up to 50 percent of a snowmobile maintenance and grooming grant under Minnesota Statutes, section 84.83, that was available as of December 31, 2001, to reimburse the intended recipient for the actual cost of acquiring snowmobile trail grooming equipment. The cost must be incurred in fiscal year 2002 and recipients seeking reimbursement under this section must provide acceptable documentation of the costs to the commissioner. All applications for reimbursement under this section must be received no later than September 1, 2002."

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "allowing certain snowmobile trail grants to be used for reimbursement of snowmobile trail grooming equipment;"

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

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

S.F. No. 887: A bill for an act relating to health; creating registration for medical response units; amending Minnesota Statutes 2000, section 144E.29; proposing coding for new law in Minnesota Statutes, chapter 144E.

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

Page 3, delete section 2

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete "section 144E.29;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2738 and 887 were read the second time.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Hottinger moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

H.F. No. 2531: A bill for an act relating to health; regulating hospice care providers; providing criminal penalties; amending Minnesota Statutes 2000, sections 13.381, subdivision 10; 144A.43, subdivisions 1, 3, 4; 144A.45, subdivisions 1, 2; 144A.46, subdivisions 3a, 3b, 4; 144A.4605, subdivisions 2, 3; 145C.01, subdivision 7; 157.17, subdivision 2; 609.7495, subdivision 1; 626.5572, subdivision 6; Minnesota Statutes 2001 Supplement, section 144A.4605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2000, section 144A.48.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2813: A bill for an act relating to human services; requiring child care providers to develop policies for reporting suspected child maltreatment; requiring child care licenses to contain certain information; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 3293: A bill for an act relating to highways; transferring three state highways and vacating one state highway; repealing Minnesota Statutes 2000, section 161.115, subdivisions 122, 197, 204, 233.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2492: A bill for an act relating to economic development; providing extra unemployment benefits for certain workers laid off from Fingerhut Companies, Incorporated, Farmland Foods Company, and airline and airline-related industries.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Frederickson	Johnson, Doug	Knutson
Belanger	Day	Higgins	Kelley, S.P.	Krentz
Berg	Dille	Hottinger	Kierlin	Langseth
Berglin	Fischbach	Johnson, Dave	Kinkel	Larson
Betzold	Foley	Johnson, Dean	Kiscaden	Lesewski
Chaudhary	Fowler	Johnson, Debbie	Kleis	Lessard

Limmer	Oliver	Price	Sabo	Solon, Y.P.
Lourey	Olson	Ranum	Sams	Stevens
Marty	Ourada	Reiter	Samuelson	Stumpf
Metzen	Pappas	Ring	Scheevel	Tomassoni
Moua	Pariseau	Robertson	Scheid	Vickerman
Neuville	Pogemiller	Robling	Schwab	Wiger

So the bill passed and its title was agreed to.

S.F. No. 2463: A bill for an act relating to employment; regulating overtime for nurses; allowing reciprocity for border state nursing licensees; amending Minnesota Statutes 2000, sections 148.211, by adding a subdivision; 148.261, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 222: A bill for an act relating to natural resources; establishing a gross misdemeanor penalty for gross overlimit violations of fish and game laws; setting certain restitution values; providing criminal penalties; requiring fish and game license seizure for certain violations; establishing possession criteria for commercial fishing operations; modifying commercial license reinstatement provisions; amending Minnesota Statutes 2000, sections 97A.015, by adding a subdivision; 97A.225, subdivision 1; 97A.255, by adding a subdivision; 97A.421, subdivision 5, by adding a subdivision; 97C.505, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 97A; 97C.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2612: A bill for an act relating to occupations; revising circumstances in which the signature of a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer is required; amending Minnesota Statutes 2000, section 326.12, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2989: A bill for an act relating to corrections; clarifying mandatory sentences for driving while impaired offenders; enhancing offender accountability by requiring offender co-payment of certain sex offender treatment fees; authorizing an independent, contracted, board-certified forensic pathologist to sign the record of death on department incarcerated deaths; amending Minnesota Statutes 2000, section 241.67, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 169A.276, subdivision 1; 390.23.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 3059: A bill for an act relating to youth employment; modifying the requirements for youth employment involvement in certain construction projects paid for with grant funds; amending Minnesota Statutes 2000, section 119A.45.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann

So the bill passed and its title was agreed to.

S.F. No. 2678: A bill for an act relating to natural resources; making technical changes and clarifications; modifying certain requirements for nonresident youth small game hunting; modifying requirements for firearms safety certificate; modifying prohibitions of hunting while under the influence; providing for taking unprotected birds; making certain stamp exemptions; modifying certain report requirements; amending Minnesota Statutes 2000, sections 86B.311, subdivision 5; 97A.015, subdivisions 16, 17; 97A.085, subdivision 7; 97A.451, subdivision 3a; 97B.020; 97B.065, subdivisions 1, 3, 4; 97B.066, subdivision 1; 97B.651; 97B.655, subdivision 1; 97B.715, subdivision 1; 97B.801; 97C.031; 97C.317; 169A.03, subdivision 3; Minnesota Statutes 2001 Supplement, section 97C.305, subdivision 2; Laws 1989, chapter 335, article 1, section 21, subdivision 8.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2611: A bill for an act relating to crime prevention; adopting a new compact for interstate adult offender supervision and repealing the existing compact; creating an advisory council on interstate adult offender supervision; requiring the appointment of a compact administrator; imposing criminal penalties for a violation of the new compact; appropriating money; amending Minnesota Statutes 2000, section 243.161; proposing coding for new law in Minnesota Statutes, chapter 243; repealing Minnesota Statutes 2000, section 243.16.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2957: A bill for an act relating to professions; requiring reporting of practice act violations to the board of dentistry; providing complainant immunity; amending Minnesota Statutes 2000, section 13.383, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 150A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 3286: A bill for an act relating to adoption; requiring a registered putative father to serve notice of a paternity action on an interested party; amending Minnesota Statutes 2000, section 259.52, subdivision 10.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Berg	Chaudhary	Dille	Fowler
Bachmann	Berglin	Cohen	Fischbach	Frederickson
Belanger	Betzold	Day	Foley	Higgins

Hottinger	Krentz	Neuville	Rest	Solon, Y.P.
Johnson, Dave	Langseth	Oliver	Ring	Stevens
Johnson, Dean	Larson	Olson	Robertson	Stumpf
Johnson, Debbie	Lesewski	Ourada	Robling	Tomassoni
Johnson, Doug	Lessard	Pappas	Sabo	Vickerman
Kelley, S.P.	Limmer	Pariseau	Sams	Wiener
Kierlin	Lourey	Pogemiller	Samuelson	Wiger
Kinkel	Marty	Price	Scheevel	
Kleis	Metzen	Ranum	Scheid	
Knutson	Moua	Reiter	Schwab	

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Betzold

So the bill passed and its title was agreed to.

S.F. No. 3380: A bill for an act relating to family law; modifying provisions governing postnuptial contracts; amending Minnesota Statutes 2000, section 519.11, subdivision 1a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Solon, Y.P.
Stevens

Stumpf
Terwilliger

Tomassoni
Vickerman

Wiener

Wiger

So the bill passed and its title was agreed to.

S.F. No. 3086: A bill for an act relating to domestic abuse; providing for the effect of a recognition of paternity upon temporary custody; providing a presumption concerning an order of protection; amending Minnesota Statutes 2000, sections 13.82, subdivision 5; 257.75, subdivision 3; 518.179, subdivision 2; 518B.01, subdivisions 5, 7, 13; 609.748, subdivision 4; 629.341, subdivision 4; Minnesota Statutes 2001 Supplement, sections 518B.01, subdivision 6; 629.72, subdivision 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2627: A bill for an act relating to health; requiring optometrists and ophthalmologists to give patients copies of their prescriptions for contact lenses; establishing other requirements for access to and the content of prescriptions for contact lenses; proposing coding for new law in Minnesota Statutes, chapter 145.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 3024: A bill for an act relating to commerce; providing certain cosmetology definitions; regulating continuing education and licensing requirements for certain licensees;

regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 82B.21; 155A.03, by adding subdivisions; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2988: A bill for an act relating to financial institutions; regulating detached facilities, certain charges and fees, and mortgage prepayment penalties; amending Minnesota Statutes 2000, sections 47.20, subdivision 5; 47.204, subdivision 1; 47.21; 47.54, subdivisions 1, 2; 47.59, subdivision 1; 58.04, subdivision 4; 334.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 58; 334; repealing Minnesota Statutes 2000, sections 52.17, subdivision 1; 334.021.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Hottinger moved that the Senate take up the General Orders Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Samuelson in the chair.

After some time spent therein, the committee arose, and Senator Samuelson reported that the committee had considered the following:

S.F. Nos. 2559, 2932 and H.F. No. 2899, which the committee recommends to pass.

S.F. No. 1226, which the committee recommends to pass with the following amendment offered by Senator Sams:

Page 2, line 1, delete "type," and insert "benefits"

Page 2, delete lines 2 and 3

Page 2, line 4, delete "protocols"

Page 2, after line 8, insert:

"(c) No reparation obligor or health plan company as defined in section 62Q.01, subdivision 4, may enter into or renew any contract that provides, or has the effect of providing, managed care services to no-fault claimants. For the purposes of this section, "managed care services" is defined as any program of medical services that uses health care providers managed, owned, employed by, or under contract with a health plan company.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective June 30, 2002."

The motion prevailed. So the amendment was adopted.

S.F. No. 2692, which the committee recommends to pass with the following amendments offered by Senator Lourey:

Senator Lourey moved to amend S.F. No. 2692 as follows:

Page 16, after line 18, insert:

"Sec. 4. [TRACKING OF CIVIL ACTIONS INVOLVING SEXUAL ABUSE.]

The supreme court is requested to study and make recommendations regarding methods for tracking the filing and status of civil actions for damages resulting from sexual abuse, for purposes of identifying individuals who may be disqualified from human services licensing under Minnesota Statutes, chapter 245A. The supreme court is requested to report back to the legislature by January 15, 2003, with the results of its study and recommendations for implementation of a tracking system."

Amend the title accordingly

Senator Lourey then moved to amend the first Lourey amendment to S.F. No. 2692 as follows:

Page 1, line 11, delete "January" and insert "July"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the first Lourey amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

S.F. No. 3238, which the committee recommends to pass with the following amendment offered by Senator Ranum:

Page 1, line 24, delete the colon

Page 1, delete lines 25 to 27

Page 2, delete lines 1 to 6 and insert "given in a manner designed to notify all members with voting rights to the extent practicable."

Page 2, line 11, after the period, insert "\"Neighborhood organization\" does not include a unit owners' association under chapter 515B or a planned unit development or homeowners' association that consists exclusively of property owners within a defined geographic area."

Page 2, line 34, after "who" insert "are on a preexisting membership list or who"

The motion prevailed. So the amendment was adopted.

S.F. No. 2650, which the committee recommends to pass with the following amendment offered by Senator Samuelson:

Page 10, line 7, after the period, insert "Powers and activities of a federal credit union do not include exemption from taxation under United States Code, title 12, section 1768."

The motion prevailed. So the amendment was adopted.

H.F. No. 2598, which the committee reports progress, subject to the following motions:

Senator Johnson, Doug moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Page 3, after line 26, insert:

"Sec. 4. [325E.60] [SALE OF AMERICAN FLAGS.]

No person may sell or offer for sale in this state an American flag or a novelty or other item containing a representation of the American flag unless the flag or item is manufactured in the United States of America.

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

Amend the title accordingly

Senator Reiter questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

Senator Johnson, Doug appealed the decision of the Chair.

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

The roll was called, and there were yeas 33 and nays 29, as follows:

Those who voted in the affirmative were:

Bachmann	Dille	Kierlin	Lesewski	Olson
Belanger	Fischbach	Kiscaden	Limmer	Ourada
Berg	Frederickson	Kleis	Marty	Pariseau
Betzold	Hottinger	Knutson	Neuville	Reiter
Day	Johnson, Debbie	Larson	Oliver	Rest

Ring
Robertson

Robling
Scheevel

Schwab
Stevens

Terwilliger

Wiger

Those who voted in the negative were:

Anderson
Berglin
Chaudhary
Cohen
Foley
Fowler

Higgins
Johnson, Dave
Johnson, Dean
Johnson, Doug
Kelley, S.P.
Kinkel

Krentz
Lourey
Metzen
Moua
Pappas
Pogemiller

Price
Ranum
Sabo
Sams
Samuelson
Scheid

Solon, Y.P.
Stumpf
Tomassoni
Vickerman
Wiener

So the decision of the Chair was sustained.

Senator Betzold moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Page 1, line 12, delete "PLEDGE OF ALLEGIANCE" and insert "CIVICS EDUCATION"

Page 1, line 13, delete everything after "charter" and insert "schools must set aside time each week for civics education. Civics education includes, but is not limited to, recitation of the pledge of allegiance to the United States of America, discussion of the history and meaning of the pledge of allegiance, American patriotic or folk songs, United States history, the Bill of Rights, discussion of current events, or any other activities related to government."

Page 1, delete lines 14 to 20

Page 1, delete lines 25 to 27

Page 2, delete lines 1 to 3

Pages 2 and 3, delete sections 2 and 3

Delete the title and insert:

"A bill for an act relating to education; requiring civics education in all public schools; amending Minnesota Statutes 2000, section 121A.11, by adding a subdivision."

Senator Stevens moved to amend the Betzold amendment to H.F. No. 2598 as follows:

Page 1, line 13, delete "or folk"

The motion prevailed. So the amendment to the amendment was adopted.

Senator Johnson, Dave moved to amend the Betzold amendment to H.F. No. 2598 as follows:

Page 1, line 14, after "Rights," insert "United States Constitution, Declaration of Independence,"

The motion prevailed. So the amendment to the amendment was adopted.

Senator Kleis moved to amend the Betzold amendment to H.F. No. 2598 as follows:

Page 1, delete lines 6 to 9 and insert:

"Page 1, line 20, after the period, insert "All public and charter schools must set aside time each week for civics""

Page 1, delete lines 16 to 23

Amend the title accordingly

The question was taken on the adoption of the Kleis amendment to the Betzold amendment.

The roll was called, and there were yeas 52 and nays 10, as follows:

Those who voted in the affirmative were:

Bachmann	Hottinger	Langseth	Pariseau	Solon, Y.P.
Belanger	Johnson, Dave	Larson	Price	Stevens
Berg	Johnson, Dean	Lesewski	Reiter	Stumpf
Chaudhary	Johnson, Debbie	Lessard	Rest	Terwilliger
Cohen	Johnson, Doug	Limmer	Ring	Tomassoni
Day	Kierlin	Lourey	Robertson	Vickerman
Dille	Kinkel	Metzen	Robling	Wiener
Fischbach	Kiscaden	Moua	Sams	Wiger
Fowler	Kleis	Neuville	Samuelson	
Frederickson	Knutson	Oliver	Scheevel	
Higgins	Krentz	Olson	Scheid	

Those who voted in the negative were:

Anderson	Betzold	Marty	Pogemiller	Sabo
Berglin	Kelley, S.P.	Pappas	Ranum	Schwab

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Betzold amendment, as amended.

The roll was called, and there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Krentz	Pappas	Scheevel
Bachmann	Frederickson	Langseth	Pogemiller	Solon, Y.P.
Belanger	Higgins	Larson	Price	Stumpf
Berg	Hottinger	Lessard	Ranum	Terwilliger
Berglin	Johnson, Dave	Limmer	Rest	Tomassoni
Betzold	Johnson, Dean	Lourey	Ring	Vickerman
Chaudhary	Kierlin	Metzen	Robling	Wiener
Cohen	Kinkel	Moua	Sabo	Wiger
Dille	Kleis	Neuville	Sams	
Foley	Knutson	Oliver	Samuelson	

Those who voted in the negative were:

Day	Johnson, Doug	Lesewski	Reiter	Schwab
Fischbach	Kelley, S.P.	Olson	Robertson	Stevens
Johnson, Debbie	Kiscaden	Ourada	Scheid	

The motion prevailed. So the Betzold amendment, as amended, was adopted.

Senator Kelley, S.P. moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Page 1, line 12, delete everything after "(a)" and insert "Each local school board or charter school board must establish a plan that requires, at the beginning of each school year, each classroom or homeroom to conduct a student discussion of the pledge of allegiance to the flag of the United States of America. Following the discussion, the classroom or homeroom students must hold a secret ballot to determine whether and how frequently the pledge of allegiance will be recited in that classroom or homeroom. The board's plan must ensure that each student has an opportunity to participate in the discussion of the pledge of allegiance."

Page 1, delete lines 13 to 20

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 14 and nays 47, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Kelley, S.P.	Moua	Sabo
Berglin	Cohen	Lourey	Pappas	Tomassoni
Betzold	Hottinger	Marty	Ranum	

Those who voted in the negative were:

Bachmann	Johnson, Dave	Langseth	Price	Schwab
Belanger	Johnson, Dean	Larson	Reiter	Solon, Y.P.
Berg	Johnson, Debbie	Lesewski	Rest	Stevens
Day	Johnson, Doug	Limmer	Ring	Stumpf
Dille	Kierlin	Metzen	Robertson	Vickerman
Fischbach	Kinkel	Neuville	Robling	Wiener
Foley	Kiscaden	Oliver	Sams	Wiger
Fowler	Kleis	Olson	Samuelson	
Frederickson	Knutson	Ourada	Scheevel	
Higgins	Krentz	Pariseau	Scheid	

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

Senator Dille moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Page 1, line 21, after "directors" insert "annually, by majority vote,"

Page 2, line 6, after "waived" insert "annually, by majority vote,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Langseth	Oliver	Samuelson
Berg	Johnson, Dean	Larson	Olson	Scheevel
Chaudhary	Johnson, Debbie	Lesewski	Ourada	Schwab
Day	Kierlin	Lessard	Pariseau	Stevens
Dille	Kleis	Limmer	Reiter	Terwilliger
Fischbach	Knutson	Neuville	Robling	Vickerman

Those who voted in the negative were:

Anderson	Higgins	Lourey	Ranum	Stumpf
Belanger	Hottinger	Marty	Rest	Tomassoni
Berglin	Johnson, Dave	Metzen	Ring	Wiener
Betzold	Johnson, Doug	Moua	Sabo	Wiger
Cohen	Kelley, S.P.	Pappas	Sams	
Foley	Kinkel	Pogemiller	Scheid	
Fowler	Krentz	Price	Solon, Y.P.	

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

Senator Price moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Page 1, line 12, after "public" insert ", nonpublic, excluding home school students,"

Page 1, line 21, after the first "board" insert ", nonpublic, school governing body,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Sabo	Wiener
Berglin	Hottinger	Lessard	Sams	Wiger
Betzold	Johnson, Dave	Metzen	Samuelson	
Chaudhary	Johnson, Doug	Moua	Solon, Y.P.	
Cohen	Kinkel	Pappas	Tomassoni	
Foley	Langseth	Price	Vickerman	

Those who voted in the negative were:

Belanger	Johnson, Dean	Krentz	Pariseau	Scheevel
Berg	Johnson, Debbie	Lesewski	Pogemiller	Scheid
Day	Kelley, S.P.	Lourey	Ranum	Schwab
Dille	Kierlin	Neuville	Reiter	Stevens
Fischbach	Kiscaden	Oliver	Rest	Stumpf
Fowler	Kleis	Olson	Ring	Terwilliger
Frederickson	Knutson	Ourada	Robling	

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

Senator Moua moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Page 1, line 24, after the period, insert "Before the recitation is conducted as provided in paragraph (a), the person conducting the pledge must read the following statement:

"For personal reasons you may choose not to recite the pledge. For those who choose to recite the pledge, please understand that people who choose not to participate are not unpatriotic but may have personal or religious convictions that prevent them from reciting the pledge."

Amend the title accordingly

Senator Moua then moved to amend the first Moua amendment to H.F. No. 2598 as follows:

Page 1, line 6, before "Before" insert "Once every quarter"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the first Moua amendment, as amended.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lourey	Ranum	Solon, Y.P.
Berglin	Hottinger	Marty	Rest	Stumpf
Betzold	Johnson, Dave	Metzen	Ring	Tomassoni
Chaudhary	Johnson, Dean	Moua	Sabo	Vickerman
Cohen	Johnson, Doug	Pappas	Sams	Wiener
Foley	Kelley, S.P.	Pogemiller	Samuelson	Wiger
Fowler	Kinkel	Price	Scheid	

Those who voted in the negative were:

Bachmann	Frederickson	Langseth	Oliver	Robling
Belanger	Johnson, Debbie	Larson	Olson	Scheevel
Berg	Kierlin	Lesewski	Ourada	Schwab
Day	Kiscaden	Lessard	Pariseau	Stevens
Dille	Kleis	Limmer	Reiter	Terwilliger
Fischbach	Knutson	Neuville	Robertson	

The motion prevailed. So the Moua amendment, as amended, was adopted.

Senator Neuville moved that the amendment made to H.F. No. 2598 by the Committee on Rules and Administration in the report adopted March 11, 2002, pursuant to Rule 45, be stricken.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Lesewski	Ourada	Schwab
Berg	Kierlin	Lessard	Pariseau	Stevens
Day	Kiscaden	Limmer	Reiter	Terwilliger
Dille	Kleis	Neuville	Robertson	
Fischbach	Knutson	Oliver	Robling	
Frederickson	Larson	Olson	Scheevel	

Those who voted in the negative were:

Belanger	Hottinger	Lourey	Rest	Tomassoni
Berglin	Johnson, Dave	Marty	Ring	Vickerman
Betzold	Johnson, Dean	Metzen	Sabo	Wiener
Chaudhary	Johnson, Doug	Moua	Sams	Wiger
Cohen	Kelley, S.P.	Pappas	Samuelson	
Foley	Kinkel	Pogemiller	Scheid	
Fowler	Krentz	Price	Solon, Y.P.	
Higgins	Langseth	Ranum	Stumpf	

The motion did not prevail.

Senator Bachmann moved to amend H.F. No. 2598, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2411.)

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 121A.11, is amended by adding a subdivision to read:

Subd. 3. [PLEDGE OF ALLEGIANCE.] (a) All public and charter school students shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

(1) by each individual classroom teacher or the teacher's surrogate; or

(2) over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

A local school board or a charter school board of directors annually, by majority vote, may waive this requirement.

(b) Any student or teacher who objects to reciting the pledge must be excused from participating without penalty.

(c) A local school board or a charter school board of directors that waives the requirement to recite the pledge of allegiance under paragraph (a) may adopt a district or school policy regarding the reciting of the pledge of allegiance.

[EFFECTIVE DATE.] This section is effective for the 2002-2003 school year.

Sec. 2. Minnesota Statutes 2000, section 121A.11, is amended by adding a subdivision to read:

Subd. 4. [INSTRUCTION.] Unless this requirement is waived annually by a majority vote of the school board, a school district must instruct students in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises. The instruction is recommended to be part of the district's fifth grade social studies curriculum.

[EFFECTIVE DATE.] This section is effective the day following final enactment. Each school district must begin the instruction required under this section no later than the 2003-2004 school year.

Sec. 3. Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8, is amended to read:

Subd. 8. [STATE AND LOCAL REQUIREMENTS.] (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school is subject to the pledge of allegiance requirement under section 121A.11, subdivision 3.

[EFFECTIVE DATE.] This section is effective for the 2002-2003 school year."

Amend the title accordingly

Senator Betzold raised a point of order as to whether the Bachmann amendment was in order.

The Chair ruled that the amendment was in order.

Senator Johnson, Dave appealed the decision of the Chair.

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

The roll was called, and there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Bachmann
Belanger

Berg
Day

Dille
Fischbach

Frederickson
Johnson, Debbie

Johnson, Doug
Kierlin

Kiscaden	Lesewski	Olson	Robertson	Stevens
Kleis	Lessard	Ourada	Robling	Stumpf
Knutson	Limmer	Pariseau	Sams	Terwilliger
Langseth	Neuville	Reiter	Scheevel	Vickerman
Larson	Oliver	Ring	Schwab	

Those who voted in the negative were:

Anderson	Fowler	Kinkel	Pappas	Samuelson
Berglin	Higgins	Krentz	Pogemiller	Scheid
Betzold	Hottinger	Lourey	Price	Solon, Y.P.
Chaudhary	Johnson, Dave	Marty	Ranum	Tomassoni
Cohen	Johnson, Dean	Metzen	Rest	Wiener
Foley	Kelley, S.P.	Moua	Sabo	Wiger

So the decision of the Chair was sustained.

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

The roll was called, and there were yeas 30 and nays 32, as follows:

Those who voted in the affirmative were:

Bachmann	Fischbach	Knutson	Oliver	Robling
Belanger	Frederickson	Larson	Olson	Sams
Berg	Johnson, Debbie	Lesewski	Ourada	Scheevel
Chaudhary	Kierlin	Lessard	Pariseau	Schwab
Day	Kiscaden	Limmer	Reiter	Stevens
Dille	Kleis	Neuville	Robertson	Terwilliger

Those who voted in the negative were:

Berglin	Johnson, Dave	Lourey	Rest	Tomassoni
Betzold	Johnson, Dean	Marty	Ring	Vickerman
Cohen	Johnson, Doug	Metzen	Sabo	Wiener
Foley	Kelley, S.P.	Moua	Samuelson	Wiger
Fowler	Kinkel	Pappas	Scheid	
Higgins	Krentz	Price	Solon, Y.P.	
Hottinger	Langseth	Ranum	Stumpf	

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

H.F. No. 2598 was then progressed.

On motion of Senator Hottinger, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Sams introduced--

S.F. No. 3437: A bill for an act relating to the city of Detroit Lakes; authorizing pooling of tax increments to meet certain debt service obligations of a tax increment financing district.

Referred to the Committee on Taxes.

Senators Pappas, Sabo, Cohen, Orfield and Anderson introduced--

S.F. No. 3438: A resolution urging Congress to oppose implementation of a national missile defense system and to redirect funds towards real security needs, and for other purposes.

Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senator Olson was excused from the Session of today from 9:00 to 9:35 a.m. Senators Rest and Wiener were excused from the Session of today from 9:00 to 9:40 a.m. Senator Terwilliger was excused from the Session of today from 9:00 to 9:50 a.m. Senator Bachmann was excused from the Session of today from 9:35 to 9:40 a.m. and 12:15 to 12:20 p.m. Senator Robertson was excused from the Session of today from 12:00 to 12:20 p.m. Senator Krentz was excused from the Session of today from 12:50 to 1:05 p.m. Senator Anderson was excused from the Session of today from 1:20 to 1:40 p.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Wednesday, March 13, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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