

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

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NINETY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 4, 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, Rev. Paul Rogers.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Senators Hottinger, Kiscaden, Orfield and Pappas were excused from the Session of today.

## MESSAGES FROM THE HOUSE

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. 1555:** A bill for an act relating to agriculture; providing a preemption of local regulation of fertilizers and plant foods used in agricultural production; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; amending Minnesota Statutes 2000, sections 18C.005, by

adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

Senator Higgins moved that the Senate do not concur in the amendments by the House to S.F. No. 1555, 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. 3015:** A bill for an act relating to commerce; establishing a division of insurance fraud prevention within the department of commerce to investigate and prosecute insurance fraud; appropriating money; prescribing a criminal penalty for the employment of runners, cappers, or steerers; amending Minnesota Statutes 2000, sections 60A.951, subdivisions 1, 2, by adding subdivisions; 60A.952, subdivisions 1, 2, by adding subdivisions; 60A.953; proposing coding for new law in Minnesota Statutes, chapters 45; 60A; 609; repealing Minnesota Statutes 2000, section 175.16, subdivision 2.

Senate File No. 3015 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

### CONCURRENCE AND REPASSAGE

Senator Scheid moved that the Senate concur in the amendments by the House to S.F. No. 3015 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3015 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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 acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3298:** A bill for an act relating to transportation; regulating public works contracts; allowing commissioner of transportation to acquire land to preserve transportation corridors; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; modifying provisions regulating disposition of impounded vehicles; allowing limited use of highway shoulders by buses and vanpools; requiring parked vehicle to be parallel with curb; allowing limited regulation by local governments of train whistles; modifying motor carrier provisions to reduce certain regulatory obligations; requiring commissioner of transportation to adopt rules to implement and administer training program for tow truck operators; modifying budget reduction of department of transportation construction district 1; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; removing sunset provision relating to determining city populations for state-aid street purposes; requiring commissioner to retain Stillwater Bridge project in transportation improvement program; requiring commissioner to prepare new signal agreement in city of Anoka; providing for resolution of dispute relating to Camp Coldwater Springs; establishing vanpool demonstration project, highway corridor-protection demonstration project, and commuter rail station working group; allowing use of trunk highway funds for certain transit operations; exempting certain federal funds from statutory matching requirements; making clarifying changes; providing for fees; appropriating money for various projects and activities; amending Minnesota Statutes 2000, sections 161.20, subdivision 2; 161.465; 168B.051, subdivisions 1a, 2; 169.35, subdivision 1; 169.86, subdivision 5; 221.0252, subdivision 3; 221.0314, by adding a subdivision; 221.0355, subdivisions 2, 3; 221.221, subdivision 4; 221.605, subdivision 1; 366.011; 366.012; Minnesota Statutes 2001 Supplement, sections 117.51; 161.162, subdivision 2; 169.825, subdivision 11; 221.221, subdivision 2; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 7; Laws 2001, First Special Session chapter 8, article 1, section 8; Laws 2001, First Special Session chapter 8, article 2, section 6; proposing coding for new law in Minnesota Statutes, chapters 15; 168; 169; 174; 299A; repealing Minnesota Statutes 2000, section 221.0313.

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

Kuisle, Workman, Holberg, Ruth and Rukavina.

Senate File No. 3298 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 2674:** A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; restricting motorized use of state forest land; requiring new snowmobiles sold in the state to have emergency hazard lights; temporarily removing restrictions on the production of planting stock; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; prohibiting certain motorized decoys; modifying provisions for using lights to locate animals; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements

related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; requiring a study; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 84.821, by adding a subdivision; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

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

Ozment, Holsten and Skoe.

Senate File No. 2674 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 3, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3270:

**H.F. No. 3270:** A bill for an act relating to state government; creating office of state treasurer and modifying related provisions; providing for governor's cabinet and organizing certain government agencies; modifying certain fund provisions; requiring the commissioner of finance to prepare a forecast of state revenues and expenditures in July in each even-numbered year; requiring certain payments; modifying provisions of constitutional officers' salaries; reducing certain appropriations; modifying consulting moratorium and hiring freeze provisions; amending Minnesota Statutes 2000, sections 4.06; 8.05; 10.01; 11A.08, subdivision 1; 16A.103, subdivision 1; 40A.151, subdivision 1; 40A.152, subdivisions 1, 3; 43A.18, subdivision 4; 168A.40, subdivision 4, as amended; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; 240A.08; 471.975; Minnesota Statutes 2001 Supplement, section 16E.09, subdivision 1; Laws 2001, First Special Session chapter 10, article 1, section 2, subdivision 4; Laws 2002, chapter 220, article 10, sections 2; 3; 7; 10, subdivision 3; 16; 36; 37; 38; proposing coding for new law in Minnesota Statutes, chapters 7; 15; 43A.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Goodno, Krinkie, Seagren, Abrams and Pugh have been appointed as such committee on the part of the House.

House File No. 3270 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 3, 2002

Senator Johnson, Doug moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3270, and that a Conference Committee of 5 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. 3183 and 3690.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 3, 2002

### FIRST READING OF HOUSE BILLS

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

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3219, now on General Orders.

**H.F. No. 3690:** A bill for an act relating to higher education; exempting certain student contracts from the contract moratorium; amending Laws 2002, chapter 220, article 10, section 37.

Referred to the Committee on Education.

### REPORTS OF COMMITTEES

Senator Moe, R.D. 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. 2970** 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. |
| 2970           | 3010     |                  |          |          |          |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2970 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2970 and insert the language after the enacting clause of S.F. No. 3010, the first engrossment; further, delete the title of H.F. No. 2970 and insert the title of S.F. No. 3010, the first engrossment.

And when so amended H.F. No. 2970 will be identical to S.F. No. 3010, and further recommends that H.F. No. 2970 be given its second reading and substituted for S.F. No. 3010, 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. 2970 was read the second time.

### MOTIONS AND RESOLUTIONS

**Senators Kelley, S.P.; Robertson; Oliver and Terwilliger introduced--**

**Senate Resolution No. 208:** A Senate resolution congratulating the Hopkins High School Boys basketball team on winning the 2002 State High School Class AAAA Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

### SPECIAL ORDERS

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. No. 2719 and S.F. No. 3310.

### SPECIAL ORDER

**H.F. No. 2719:** A bill for an act relating to higher education; providing for registration of agents of student athletes; defining terms; providing penalties and remedies; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 81A.

Senator Wiener moved that the amendment made to H.F. No. 2719 by the Committee on Rules and Administration in the report adopted April 2, 2002, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2719 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    | Larson    | Ourada     | Scheevel    |
| Bachmann  | Higgins         | Lesewski  | Pariseau   | Scheid      |
| Belanger  | Johnson, Dave   | Lessard   | Pogemiller | Schwab      |
| Berg      | Johnson, Dean   | Limmer    | Price      | Solon, Y.P. |
| Berglin   | Johnson, Debbie | Lourey    | Ranum      | Stevens     |
| Betzold   | Johnson, Doug   | Marty     | Reiter     | Stumpf      |
| Chaudhary | Kelley, S.P.    | Metzen    | Rest       | Terwilliger |
| Cohen     | Kierlin         | Moe, R.D. | Ring       | Tomassoni   |
| Day       | Kinkel          | Moua      | Robertson  | Vickerman   |
| Dille     | Kleis           | Murphy    | Robling    | Wiener      |
| Fischbach | Knutson         | Neuville  | Sabo       | Wiger       |
| Foley     | Krentz          | Oliver    | Sams       |             |
| Fowler    | Langseth        | Olson     | Samuelson  |             |

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 3310:** A bill for an act relating to school buses; authorizing the commissioner of public safety to cancel the school bus driver's endorsement of a person who has been convicted of a gross misdemeanor or of multiple violations that show evidence of a risk to public safety; proposing coding for new law in Minnesota Statutes, chapter 171.

Senator Chaudhary moved to amend S.F. No. 3310 as follows:

Page 1, line 18, after the period, insert "Upon canceling the offender's school bus driver endorsement, the commissioner shall immediately notify the offender of the cancellation in writing, by depositing in the United States post office a notice, with postage prepaid, to the offender addressed to the offender's last known address."

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend S.F. No. 3310 as follows:

Page 1, after line 8, insert:

"Section 1. [123B.9151] [DIESEL SCHOOL BUSES; IDLING PROHIBITED.]

No person shall cause or permit the operation of the engine of a diesel school bus while the vehicle is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply in the case of a bus stalled in traffic or in inclement weather conditions where engine power is required to serve an associated power need other than movement for passenger or driver safety and substitute alternate power means cannot be made available.

Sec. 2. [123B.9152] [DIESEL SCHOOL BUSES; AIR INTAKE SYSTEMS.]

Diesel school buses must be parked and loaded at a sufficient distance from school air intake systems to avoid diesel fumes from being drawn into school air intake systems, unless, in the judgment of the school board, alternative locations block traffic or impair student safety."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "prohibiting diesel school bus idling; restricting parking of diesel school buses;"

Page 1, line 7, delete "chapter" and insert "chapters 123B;"

Senator Pariseau questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 3310 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

|           |                 |               |           |            |
|-----------|-----------------|---------------|-----------|------------|
| Anderson  | Dille           | Johnson, Doug | Lesewski  | Neuville   |
| Bachmann  | Fischbach       | Kelley, S.P.  | Lessard   | Oliver     |
| Belanger  | Foley           | Kierlin       | Limmer    | Olson      |
| Berg      | Fowler          | Kinkel        | Lourey    | Ourada     |
| Berglin   | Frederickson    | Kleis         | Marty     | Pariseau   |
| Betzold   | Higgins         | Knutson       | Metzen    | Pogemiller |
| Chaudhary | Johnson, Dave   | Krentz        | Moe, R.D. | Price      |
| Cohen     | Johnson, Dean   | Langseth      | Moua      | Ranum      |
| Day       | Johnson, Debbie | Larson        | Murphy    | Reiter     |

Rest  
Ring  
Robertson  
Robling

Sabo  
Sams  
Samuelson  
Scheevel

Scheid  
Schwab  
Solon, Y.P.  
Stevens

Stumpf  
Terwilliger  
Tomassoni  
Vickerman

Wiener  
Wiger

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

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. 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 3, 2002

Senator Stevens moved that the Senate do not concur in the amendments by the House to S.F. No. 3168, 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.

### MOTIONS AND RESOLUTIONS - CONTINUED

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 bill was read the first time and referred to the committee indicated.

**Senator Bachmann introduced--**

**S.F. No. 3457:** A bill for an act relating to government data practices; modifying the classification of data on public employees; amending Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

Referred to the Committee on Judiciary.

### RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **APPOINTMENTS**

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

S.F. No. 1555: Senators Higgins, Krentz and Dille.

H.F. No. 3270: Senators Johnson, Doug; Berglin; Pogemiller; Day and Price.

S.F. No. 3168: Senators Stevens, Kinkel and Berg.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Chaudhary was excused from the Session of today from 9:00 to 10:00 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 8, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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Thursday, April 4, 2002

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