

FIFTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, May 11, 2005

The Senate met at 8:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Gary L. Hanson.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 872:

H.F. No. 872: A bill for an act relating to education; providing for early childhood, adult, family, and kindergarten through grade 12 education including general education, excellence in education, special programs, facilities and technology, nutrition and accounting, libraries, early education, prevention, self-sufficiency and lifelong learning, state agencies, forecast deficiencies, and technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.32, subdivisions 1, 8; 119A.46, subdivisions 1, 2, 3, 8; 120A.05, by adding a subdivision; 120A.22, subdivision 12; 120B.02; 120B.021, subdivision 1, by adding a subdivision; 120B.024; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.13, subdivisions 1, 3, by adding a subdivision; 120B.23; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 4; 121A.03, subdivision 1; 121A.06, subdivisions 2, 3; 121A.17, subdivisions 1, 3, 5; 121A.19; 121A.41, subdivision 10; 121A.47, subdivision 14; 121A.53;

121A.55; 122A.06, subdivision 4; 122A.09, subdivisions 4, 10; 122A.12, subdivision 2; 122A.18, subdivision 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2, 14; 122A.414; 122A.415, subdivisions 1, 3; 123A.05, subdivision 2; 123A.06, subdivision 1; 123A.24, subdivision 2; 123B.02, by adding a subdivision; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.36, subdivision 1; 123B.42, subdivision 3; 123B.49, subdivision 4; 123B.53, subdivision 1; 123B.54; 123B.59, subdivisions 3, 3a; 123B.63, subdivision 2; 123B.71, subdivisions 8, 9, 12; 123B.749; 123B.75, subdivision 5, by adding a subdivision; 123B.76, subdivision 3; 123B.79, subdivision 6; 123B.81, subdivision 1; 123B.82; 123B.83, subdivision 2; 123B.92, subdivisions 1, 5, 9; 124D.095, subdivision 8; 124D.10, subdivisions 3, 4, 6, 8, 15, 23; 124D.11, subdivisions 1, 2, 5, 6; 124D.111, subdivisions 1, 2; 124D.118, subdivision 4; 124D.135, subdivisions 1, 5; 124D.15, subdivisions 1, 3, 5, 10, 12, by adding subdivisions; 124D.16, subdivisions 2, 3; 124D.20, subdivision 3; 124D.40; 124D.52, subdivision 3; 124D.531, subdivisions 1, 4; 124D.66, subdivision 3; 124D.68, subdivision 9; 124D.69, subdivision 1; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.091, subdivision 5; 125A.11, subdivision 1; 125A.24; 125A.28; 125A.51; 125A.76, subdivisions 1, 4, by adding subdivisions; 125A.79, subdivisions 1, 5, 6, 7, by adding subdivisions; 126C.01, subdivision 11; 126C.05, by adding a subdivision; 126C.10, subdivisions 1, 2, 3, 6, 7, 8, 13, 13a, 17, 18, 24, 31, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivisions 1, 2, 3, by adding a subdivision; 126C.17, subdivisions 2, 5, 7, 9, 13; 126C.21, subdivision 4; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.48, subdivisions 2, 8, by adding a subdivision; 126C.63, subdivisions 5, 8; 127A.41, subdivision 8; 127A.42, subdivision 2; 127A.45, subdivisions 2, 10, 11, 12, 13, 14, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 127A.50, subdivision 5; 128C.12, subdivisions 1, 3; 134.31, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 179A.03, subdivision 14; 260C.007, subdivision 6, by adding a subdivision; 260C.201, subdivision 1; 275.14; 275.16; 469.177, subdivision 9; Laws 1996, chapter 412, article 5, section 24; Laws 2003, First Special Session chapter 9, article 1, sections 51; 53, subdivisions 2, as amended, 3, as amended, 11, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, as amended, 5, as amended, 9, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 2, 4, as amended, 5, as amended, 6, as amended, 8, as amended, 9, as amended; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, as amended, 3, as amended, 4; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivision 3, as amended; Laws 2003, First Special Session chapter 9, article 6, section 4, as amended; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 4; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, as amended, 3, 5, as amended; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123A; 123B; 124D; 125B; 129C; 171; repealing Minnesota Statutes 2004, sections 122A.24; 122A.415, subdivision 2; 123B.83, subdivision 1; 124D.095, subdivision 9; 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4; 126C.12; 126C.42, subdivisions 1, 4; 128C.12, subdivision 4.

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

Sykora, Dittrich, Buesgens, Erickson and Heidgerken have been appointed as such committee on the part of the House.

House File No. 872 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Transmitted May 10, 2005

Senator Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 872, 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.

REPORTS OF COMMITTEES

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 419 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
419	628				

and that the above Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 1461 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1461	1506				

and that the above Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 949 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
949	988				

and that the above Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 732 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
732	527

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 732 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 732 and insert the language after the enacting clause of S.F. No. 527, the second engrossment; further, delete the title of H.F. No. 732 and insert the title of S.F. No. 527, the second engrossment.

And when so amended H.F. No. 732 will be identical to S.F. No. 527, and further recommends that H.F. No. 732 be given its second reading and substituted for S.F. No. 527, 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.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 1809 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
1809	1783

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1809 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1809 and insert the language after the enacting clause of S.F. No. 1783, the second engrossment; further, delete the title of H.F. No. 1809 and insert the title of S.F. No. 1783, the second engrossment.

And when so amended H.F. No. 1809 will be identical to S.F. No. 1783, and further recommends that H.F. No. 1809 be given its second reading and substituted for S.F. No. 1783, 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.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 1669 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
1669	1462

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1669 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1669 and insert the language after the enacting clause of S.F. No. 1462, the first engrossment; further, delete the title of H.F. No. 1669 and insert the title of S.F. No. 1462, the first engrossment.

And when so amended H.F. No. 1669 will be identical to S.F. No. 1462, and further recommends that H.F. No. 1669 be given its second reading and substituted for S.F. No. 1462, 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.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 1583 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.
1583	794				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1583 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1583 and insert the language after the enacting clause of S.F. No. 794; further, delete the title of H.F. No. 1583 and insert the title of S.F. No. 794.

And when so amended H.F. No. 1583 will be identical to S.F. No. 794, and further recommends that H.F. No. 1583 be given its second reading and substituted for S.F. No. 794, 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.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 1164 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.
1164	1388				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1164 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1164 and insert the language after the enacting clause of S.F. No. 1388, the first engrossment; further, delete the title of H.F. No. 1164 and insert the title of S.F. No. 1388, the first engrossment.

And when so amended H.F. No. 1164 will be identical to S.F. No. 1388, and further recommends that H.F. No. 1164 be given its second reading and substituted for S.F. No. 1388, 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. Nos. 419, 1461, 949, 732, 1809, 1669, 1583 and 1164 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Pogemiller moved that the name of Senator Rest be added as a co-author to S.F. No. 2288. The motion prevailed.

Senators Moua, Anderson, Cohen, Pappas and McGinn introduced--

Senate Resolution No. 98: A Senate resolution honoring and mourning the loss of St. Paul Police Sergeant Gerald Vick.

WHEREAS, the strength of our communities and the success of the state of Minnesota depend upon the dedication and leadership of strong individuals;

WHEREAS, Sergeant Gerald Vick, a well known and highly respected peace officer, was killed in the line of duty Friday, May 6, 2005; and

WHEREAS, Sergeant Vick, a 16-year veteran of the St. Paul Police Department, began his career on September 18, 1989, as a patrol officer after graduating from the city's police academy; and

WHEREAS, on July 7, 1999, Sergeant Vick was promoted to sergeant and on December 7, 2002, he was appointed to the Vice Unit; and

WHEREAS, Sergeant Vick received many honors, including seven Letters of Recognition for various services and assignments, two Medals of Commendation, one Chief's Award, One Class C Commendation, one Class A Commendation, and several thank-you letters from St. Paul citizens and public officials; and

WHEREAS, Sergeant Vick also received two Medals of Valor, the police department's highest honor; the first in 1990 for his efforts to save a 15-month old child from a burning house and the second in 1997 after he shot and killed an armed suspect at a crime scene; and

WHEREAS, a loving husband and father, Sergeant Vick is survived by his wife, Connie, and his two children, Clayton and Amanda; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it mourns the loss of Sergeant Gerald Vick and extends its sincerest condolences to his family and friends.

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 Senate Majority Leader, and transmit it to the family of Sergeant Gerald Vick.

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

SPECIAL ORDERS

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

S.F. No. 1485 and H.F. No. 1761.

SPECIAL ORDER

S.F. No. 1485: A bill for an act relating to labor; requiring the certification and regulation of crane operators; authorizing civil penalties; amending Minnesota Statutes 2004, section 182.659, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 182.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1761: A bill for an act relating to health; providing for voluntary disenrollment from MinnesotaCare for certain members of the military; amending Minnesota Statutes 2004, section 256L.07, by adding a subdivision.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Limmer introduced--

S.F. No. 2298: A bill for an act relating to education; modifying district requirements for health and safety revenue; amending Minnesota Statutes 2004, section 123B.57, subdivisions 1, 2, 6, 8, by adding a subdivision.

Referred to the Committee on Finance.

RECESS

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

H.F. No. 872: Senators Stumpf, Kelley, Sparks, Olson and Scheid.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senators Chaudhary; Dille; Johnson, D.J.; Larson; Marko; Ourada; Ranum; Sams and Scheid were excused from the Session of today. Senators Michel and Nienow were excused from the Session of today from 8:00 to 8:30 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 8:00 a.m., Thursday, May 12, 2005.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 28 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pogemiller	Stumpf
Bakk	Hottinger	Lourey	Saxhaug	Tomassoni
Berglin	Johnson, D.E.	Marty	Skoe	Vickerman
Betzold	Kelley	Metzen	Skoglund	Wiger
Dibble	Kiscaden	Moua	Solon	
Foley	Kubly	Pappas	Sparks	

Those who voted in the negative were:

Bachmann	Frederickson	Jungbauer	LeClair	Neuville
Belanger	Gaither	Kierlin	Limmer	Nienow
Day	Gerlach	Kleis	McGinn	Olson
Fischbach	Hann	Koering	Michel	Ortman

57TH DAY]

WEDNESDAY, MAY 11, 2005

2573

Pariseau
Reiter

Robling
Rosen

Ruud

Senjem

Wergin

The motion prevailed. So the Senate was adjourned.

Patrick E. Flahaven, Secretary of the Senate

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Wednesday, May 11, 2005

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