

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

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ONE HUNDRED FIRST DAY

St. Paul, Minnesota, Tuesday, May 4, 2004

The Senate met at 1:00 p.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, Pastor Dan Johnson.

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

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

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 the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1815 and 2422.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 2004

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. 2851:** A bill for an act relating to drivers' licenses; limiting issuance of instruction permit and provisional driver's license after certain convictions; amending Minnesota Statutes 2002, sections 169A.55, by adding a subdivision; 171.05, by adding a subdivision; 171.055, subdivision 1.

Senate File No. 2851 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 2004

### CONCURRENCE AND REPASSAGE

Senator Wergin moved that the Senate concur in the amendments by the House to S.F. No. 2851 and that the bill be placed on its repassage as amended. The motion prevailed.

Pursuant to Rule 41, Senator Kleis moved that he be excused from voting on S.F. No. 2851. The motion prevailed.

S.F. No. 2851 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 63 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Olson	Saxhaug
Bachmann	Gaither	Langseth	Ortman	Scheid
Bakk	Hann	Larson	Ourada	Senjem
Belanger	Higgins	LeClair	Pappas	Skoe
Berglin	Hottinger	Limmer	Pariseau	Skoglund
Betzold	Johnson, D.E.	Lourey	Pogemiller	Solon
Chaudhary	Johnson, D.J.	Marko	Ranum	Sparks
Cohen	Jungbauer	Marty	Reiter	Stumpf
Day	Kelley	McGinn	Rest	Vickerman
Dibble	Kierlin	Michel	Robling	Wergin
Dille	Kiscaden	Moua	Rosen	Wiger
Fischbach	Knutson	Murphy	Ruud	
Foley	Koering	Nienow	Sams	

Those who voted in the negative were:

Tomassoni

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 the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 722, 2085 and 2101.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 3, 2004

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 722:** A bill for an act relating to traffic regulations; exempting garbage trucks and

recycling vehicles from certain weight restrictions; amending Minnesota Statutes 2002, section 169.87, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 457, now on General Orders.

**H.F. No. 2085:** A bill for an act relating to health; providing for review of hospital moratorium exceptions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1835, now on General Orders.

**H.F. No. 2101:** A bill for an act relating to state government; providing for local government impact notes; providing that certain rules take effect only upon legislative approval; appropriating money; amending Minnesota Statutes 2002, section 14.19; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2895.

### REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Report 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. 2386** 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.
2386	2350				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2386 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2386 and insert the language after the enacting clause of S.F. No. 2350, the second engrossment; further, delete the title of H.F. No. 2386 and insert the title of S.F. No. 2350, the second engrossment.

And when so amended H.F. No. 2386 will be identical to S.F. No. 2350, and further recommends that H.F. No. 2386 be given its second reading and substituted for S.F. No. 2350, 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. 2386 was read the second time.

### MOTIONS AND RESOLUTIONS

Senator Sparks moved that the name of Senator Solon be added as a co-author to S.F. No. 1999. The motion prevailed.

**Senators Jungbauer, Reiter, Belanger, Wiger and Vickerman introduced--**

**Senate Resolution No. 169:** A Senate resolution recognizing the memorial poppy on Memorial Day.

Referred to the Committee on Rules and Administration.

Senator Johnson, D.E. moved that H.F. No. 2991 be taken from the table and given a second reading. The motion prevailed.

**H.F. No. 2991:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; making adjustments to previous bond authorizations; authorizing sale of state bonds; canceling an earlier appropriation and appropriating money; amending Minnesota Statutes 2002, sections 16A.661, by adding a subdivision; 16A.662, by adding a subdivision; 16A.671, subdivision 3; 16A.695, subdivision 3; 41B.03, subdivision 3; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b, by adding a subdivision; 41B.045, subdivision 2; 41B.046, subdivision 5; 41C.02, subdivision 12; 116J.571; 116J.572, subdivision 2; 116J.573, subdivisions 1, 2, 4, 5; 116J.575, subdivision 1; 116P.08, subdivision 2; 136F.60, by adding a subdivision; 446A.12, subdivision 1; 446A.14; 446A.17; 446A.19; Laws 1998, chapter 404, section 23, subdivision 17, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2003, First Special Session chapter 20, article 1, section 15; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2002, section 16B.325.

H.F. No. 2991 was read the second time.

Senator Johnson, D.E. moved that H.F. No. 2991 be laid on the table. The motion prevailed.

Senator LeClair moved that S.F. No. 1674, No. 89 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senator Langseth introduced--**

**S.F. No. 3057:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; making adjustments to previous bond authorizations; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 16A.671, subdivision 3; 16A.695, subdivision 3; 116.182, subdivision 2; 116J.571; 116J.572, subdivision 2; 116J.573, subdivisions 1, 2, 5; 116J.575, subdivision 1; 134.45, as amended; 136F.60, by adding a subdivision; 174.52, by adding a subdivision; 198.261; Laws 2000, chapter 492, article 1, section 7, subdivision 21; Laws 2002, chapter 393, section 13, subdivision 7, as amended; Laws 2002, chapter 393, section 19, subdivision 2; Laws 2003, First Special Session chapter 20, article 1, section 11; Laws 2003, First Special Session chapter 20, article 1, section 15; proposing coding for new law in Minnesota Statutes, chapters 116J; 446A; 641.

Referred to the Committee on Finance.

**ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, May 5, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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