

NINETY-FOURTH DAY

St. Paul, Minnesota, Monday, April 24, 2006

The Senate met at 11:00 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. Linda Koelman.

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

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 20, 2006

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the

Secretary of State, S.F. Nos. 2621, 3465 and 2832.

Sincerely,
Tim Pawlenty, Governor

April 20, 2006

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2006 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F. No. | H.F. No. | Session Laws Chapter No. | Time and Date Approved 2006 | Date Filed 2006 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| 2621 | | 177 | 3:45 p.m. April 20 | April 20 |
| 3465 | | 178 | 3:50 p.m. April 20 | April 20 |
| 2832 | | 179 | 3:55 p.m. April 20 | April 20 |
| | 2994 | 180 | 3:50 p.m. April 20 | April 20 |
| | 3310 | 181 | 4:00 p.m. April 20 | April 20 |

Sincerely,
Mary Kiffmeyer,
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2722 and 3111.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 20, 2006

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2722: A bill for an act relating to homeowner's insurance; regulating coverage for home-based adult foster care services; proposing coding for new law in Minnesota Statutes, chapter 65A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2524, now on General Orders.

H.F. No. 3111: A bill for an act relating to human services; providing for interstate contracts for chemical health services; amending Minnesota Statutes 2004, section 245.50, subdivisions 1, 2, 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2881, now on General Orders.

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. 118 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| H.F. No. | S.F. No. |
|----------|----------|
| 118 | 631 |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 118 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 118, the second engrossment; and insert the language after the enacting clause of S.F. No. 631, the first engrossment; further, delete the title of H.F. No. 118, the second engrossment; and insert the title of S.F. No. 631, the first engrossment.

And when so amended H.F. No. 118 will be identical to S.F. No. 631, and further recommends that H.F. No. 118 be given its second reading and substituted for S.F. No. 631, 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. 118 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Scheid moved that the name of Senator Anderson be added as a co-author to S.F. No. 1287. The motion prevailed.

Senator Fischbach moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Scheid be added as chief author to S.F. No. 2527. The motion prevailed.

Senator Tomassoni moved that his name be stricken as a co-author to S.F. No. 3782. The motion prevailed.

Senator Berglin moved that S.F. No. 3016 be withdrawn from the Committee on Taxes and re-referred to the Committee on Finance. The motion prevailed.

Senator Berglin moved that S.F. No. 3013, No. 42 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Berglin moved that S.F. No. 3098, No. 100 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Berglin moved that S.F. No. 3297, No. 35 on General Orders, be stricken and re-referred to the Committee on Elections. The motion prevailed.

Senator Larson introduced –

Senate Resolution No. 194: A Senate resolution congratulating Joseph T. O’Neill for receiving the University of Minnesota’s Outstanding Achievement Award.

Referred to the Committee on Rules and Administration.

Senators Moua, Dille, Marko, Pappas and Ranum introduced –

Senate Resolution No. 195: A Senate resolution relating to the desecration of Hmong graves in Thailand

WHEREAS, the Hmong people were recruited by the United States Central Intelligence Agency (CIA) to fight a secret war in Laos during the Vietnam War; and

WHEREAS, they have made the ultimate sacrifice to defend the rights and freedoms granted under the Constitution of the United States of America, including the right to practice one’s religion and beliefs free from persecution and the right to be free from discrimination; and

WHEREAS, because of their assistance to the United States government, the Hmong people were forced to flee from Laos to escape persecution after the United States left Southeast Asia; and

WHEREAS, since 1976, more than 70,000 Hmong have made the state of Minnesota their home and have planted deep roots in many Minnesota communities; and

WHEREAS, the Hmong people have become citizens and residents with meaningful participation at all levels of life in the state of Minnesota and have made significant cultural and economic contributions to the state of Minnesota; and

WHEREAS, from 2004 to the present, the state of Minnesota has welcomed more than 5,000 Hmong Lao refugees from Wat Thamkrabok monastery in Saraburi, Thailand, where they had resided for more than 20 years; and

WHEREAS, since October 2005, after most of the refugees had left for the United States, the government of Thailand has allowed the desecration of at least 900 Hmong graves at Wat Thamkrabok during which bodies of deceased Hmong refugees were disinterred and defiled; and

WHEREAS, the desecration of Hmong graves at Wat Thamkrabok is preceded by a long history of discrimination and persecution against the Hmong Lao refugees living in Thailand; and

WHEREAS, the mass exhumation of Hmong graves, many of which were on plots of land purchased by the refugees, have been carried out without the notice, consent, or involvement of the relatives of the deceased now living in Minnesota; and

WHEREAS, the burial place is a sacred site in Hmong culture where families manifest their spiritual and religious beliefs and honor their deceased relatives according to Hmong tradition with the belief that any disturbance of the grave may trap the soul of the deceased, preventing its transition to the afterlife and bringing harm to living relatives; and

WHEREAS, due to the importance of proper burial to the Hmong, the utter disregard for family integrity and religious belief involved in the gruesome desecration of graves at Wat Thamkrabok has caused untold mental anguish, unresolved grief, and deep pain among Hmong Minnesotans, many of whom left close relatives buried at the Temple; and

WHEREAS, the desecration of Hmong graves at Wat Thamkrabok constitutes violations of the fundamental rights of the Hmong refugees and Hmong Americans, including the right to be free from discrimination, and the right to manifest one's religion or belief, which are rights guaranteed by the Constitution of the United States and the Constitution of the State of Minnesota; and

WHEREAS, the actions at Wat Thamkrabok are a clear violation of customary international law as laid out in the Universal Declaration of Human Rights and Thailand's specific obligations as a state party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination, including the right to culture and the right to family; and

WHEREAS, the State Department of the United States has sent a communique to the government of Thailand expressing its concern regarding the grave desecration, but as yet no further actions to stop the exhumation of the graves by either government have been forthcoming; and

WHEREAS, the exhumation of graves continues, and the present location of disinterred remains belonging to the families of the deceased Hmong remain unknown; NOW, THEREFORE,

BE IT RESOLVED that it is the sense of the Senate that the Minnesota congressional delegation should, under its full authority and with all possible speed, pursue appropriate actions to work with the government of Thailand to put a stop to the further desecration of Hmong graves at Wat Thamkrabok in Saraburi, Thailand.

BE IT FURTHER RESOLVED that it is the sense of the Senate that the Minnesota congressional delegation should work with the United States representative to the United Nations to request urgent actions by the United Nations Human Rights Council and independent experts to eliminate racism and to promote tolerance of religion or belief, to declare the acts of the Temple at Wat Thamkrabok and those of the Thai government to be in violation of the United Nations International Covenant on Civil and Political Rights and customary international law set forth in the Universal Declaration of Human Rights, to demand that Thailand fulfill its international obligations and take all appropriate actions to halt further exhumations, to investigate the whereabouts of the remains that have been disinterred, and to return those remains to family members.

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

Senator Tomassoni introduced –

Senate Resolution No. 196: A Senate resolution recognizing John C. Ostrem for outstanding service to the people of Minnesota.

Referred to the Committee on Rules and Administration.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Skoe introduced—

S.F. No. 3783: A bill for an act relating to game and fish; modifying prohibitions on use of lights to take fish; amending Minnesota Statutes 2004, section 97C.335.

Referred to the Committee on Environment and Natural Resources.

Senator Skoe introduced—

S.F. No. 3784: A bill for an act relating to taxation; property; providing a local option for granting a property tax exemption for certain nonprofit child care facilities; amending Minnesota Statutes 2004, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Bachmann introduced—

S.F. No. 3785: A bill for an act relating to taxation; property; modifying the format of the proposed tax notice; amending Minnesota Statutes 2004, section 275.065, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 275.065, subdivision 3.

Referred to the Committee on Taxes.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 1:00 p.m. The motion prevailed.

The hour of 1:00 p.m. having arrived, the President called the Senate to order.

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.

MOTIONS AND RESOLUTIONS - CONTINUED**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. 3026, H.F. No. 1480, S.F. Nos. 2706, 2735, H.F. No. 3142, S.F. No. 3023 and H.F. No. 1838.

SPECIAL ORDER

S.F. No. 3026: A bill for an act relating to insurance; authorizing service cooperatives to offer health programs providing reinsurance or stop loss coverage; amending Minnesota Statutes 2004, section 123A.21, subdivision 7.

Senator Skoe moved that S.F. No. 3026 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 1480: A bill for an act relating to drainage; allowing an outlet fee to be charged for use of an established drainage system in Red Lake County as an outlet for drainage originating in Pennington County.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2706: A bill for an act relating to vocational rehabilitation; extending a pilot project; amending Laws 2004, chapter 188, section 1, as amended.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2735: A bill for an act relating to legislature; regulating the Legislative Audit

Commission; amending Minnesota Statutes 2004, section 3.97, subdivisions 2, 3a; repealing Minnesota Statutes 2004, sections 3.97, subdivision 3; 3.979, subdivision 5.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3142: A bill for an act relating to Hennepin County; modifying regional park district provisions; amending Minnesota Statutes 2004, section 383B.79, subdivision 1.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3023: A bill for an act relating to state agencies; establishing timelines for agency action on certain environmental permits; amending Minnesota Statutes 2004, section 15.99.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1838: A bill for an act relating to traffic regulations; authorizing operation of neighborhood electric vehicles on streets and highways; amending Minnesota Statutes 2004, sections 168.011, by adding a subdivision; 168A.05, by adding a subdivision; 169.01, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 168.011, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 169.

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 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Foley

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senator Tomassoni was excused from the Session of today. Senator Chaudhary was excused from the Session of today from 11:00 a.m. to 1:00 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 25, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

