

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

ONE HUNDRED SIXTH DAY

St. Paul, Minnesota, Monday, May 6, 2002

The Senate met at 10:00 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. Sandra K. Johnson.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 1, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 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 2002	Date Filed 2002
	2618	352	2:36 p.m. May 1	May 1
2125		353	2:33 p.m. May 1	May 1
2998		354	2:35 p.m. May 1	May 1
	2970	355	2:25 p.m. May 1	May 1
3257		356	2:37 p.m. May 1	May 1
2363		357	2:37 p.m. May 1	May 1
3168		358	2:40 p.m. May 1	May 1

Sincerely,
Mary Kiffmeyer
Secretary of State

May 3, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 2568.

Sincerely,
Jesse Ventura, Governor

May 3, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2002 Session of the State Legislature has been received from the Office of the Governor and is 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 2002	Date Filed 2002
2568		359	9:45 a.m. May 3	May 3

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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2738: A bill for an act relating to natural resources; providing for acquisitions of stream easements; providing for maintenance of leased property; permitting aquatic plant grants; making certain state park permit exemptions; providing for federal law compliance; modifying certain appropriations; providing for the Cuyuna Lakes Trail; restricting the taking of fish in certain private fish hatcheries on aquatic farms; authorizing sale, conveyance, or exchange of certain tax-forfeited and surplus lands; allowing certain zoning nonconformities in the Lower Saint Croix National Scenic Riverway; deleting and adding areas to certain state parks; allowing certain snowmobile trail grants to be used for reimbursement of snowmobile trail grooming equipment; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 84.153; 84.975, by adding a subdivision; 85.015, by adding a subdivision; 85.054, by adding a subdivision; 97A.055, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, 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.

Senate File No. 2738 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2002

Senator Price moved that the Senate do not concur in the amendments by the House to S.F. No. 2738, 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.

REPORTS OF COMMITTEES**SUSPENSION OF RULES**

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 3463. The motion prevailed.

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Krentz from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 3463: A bill for an act relating to agriculture; clarifying the prohibition on certain application of pesticides; amending Minnesota Statutes 2000, section 18B.07, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 18B.07, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED PESTICIDE USE.] (a) A person may not use, store, handle, distribute, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:

- (1) that is inconsistent with a label or labeling as defined by FIFRA;
- (2) that endangers humans, damages agricultural products, food, livestock, fish, or wildlife; or
- (3) that will cause unreasonable adverse effects on the environment.

(b) A person may not direct a pesticide onto property beyond the boundaries of the target site. A person may not apply a pesticide resulting in damage to adjacent property.

(c) A person may not directly apply a pesticide on a human by overspray or target site spray, except when:

- (1) the pesticide is intended for use on a human;
- (2) the pesticide application is for mosquito control operations conducted before June 30, 2003;
- (3) the pesticide application is for control of gypsy moth, forest tent caterpillar, or other pest species, as determined by the commissioner, and the pesticide used is a biological agent; or
- (4) the pesticide application is for a public health risk, as determined by the commissioner of health, and the commissioner of health, in consultation with the commissioner of agriculture, determines that the application is warranted based on the commissioner's balancing of the public health risk with the risk that the pesticide application poses to the health of the general population, with special attention to the health of children.

(d) For pesticide applications under paragraph (c), clauses (3) and (4), the following conditions apply:

- (1) no practicable and effective alternative method of control exists;
 - (2) the pesticide is among the least toxic available for control of the target pest; and
 - (3) notification of residents in the area to be treated is provided by direct notification and through publication in a newspaper of general circulation within the affected area.
- (e) For purposes of this subdivision, "direct notification" may include mailings, public meetings, posted placards, neighborhood newsletters, or other means of contact designed to reach as many residents as possible.

(d) (f) A person may not apply a pesticide in a manner so as to expose a worker in an immediately adjacent, open field.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

And when so amended the bill do pass.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 3463 was read the second time.

MOTIONS AND RESOLUTIONS

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV,

Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3463 and that the rules of the Senate be so far suspended as to give S.F. No. 3463, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 3463: A bill for an act relating to agriculture; clarifying the prohibition on certain application of pesticides; amending Minnesota Statutes 2000, section 18B.07, subdivision 2.

Senator Murphy moved to amend S.F. No. 3463 as follows:

Page 1, line 25, before the semicolon, insert "in compliance with paragraph (d), clauses (1) and (2)"

The motion prevailed. So the amendment was adopted.

S.F. No. 3463 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Murphy moved that the name of Senator Higgins be added as a co-author to S.F. No. 3463. The motion prevailed.

RECESS

Senator Hottinger 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. 2738: Senators Price, Krentz and Frederickson.

Senator Hottinger moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Fowler and Samuelson introduced--

S.F. No. 3465: A bill for an act relating to taxation; individual income; allowing a subtraction for firefighters and emergency medical technicians; amending Minnesota Statutes 2001 Supplement, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

Senators Pappas, Anderson, Higgins, Murphy and Krentz introduced--

S.F. No. 3466: A bill for an act relating to international trade agreements; creating a legislative commission on international standards; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Jobs, Housing and Community Development.

Senator Berglin introduced--

S.F. No. 3467: A bill for an act relating to driving while impaired; vehicle forfeiture; requiring notice of right to obtain judicial review of DWI-related vehicle forfeiture to be printed in Somali in addition to other languages; amending Minnesota Statutes 2000, section 169A.63, subdivision 8.

Referred to the Committee on Crime Prevention.

MEMBERS EXCUSED

Senator Moe, R.D. was excused from the Session of today at 11:00 a.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 10:00 a.m., Wednesday, May 8, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Monday, May 6, 2002

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 6373 to 6374

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
	2618	352	6374
2125		353	6374
2998		354	6374
	2970	355	6374
3257		356	6374
2363		357	6374
3168		358	6374
2568		359	6374

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
2738	6375			

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
3463	6377		

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
3463	6375	6376			

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
3463	6377		

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
27386377		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 3465 to 3467Page 6378
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