

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

FIFTY-EIGHTH DAY

St. Paul, Minnesota, Saturday, May 19, 2001

The Senate met at 9:30 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. Richard Keene Smith.

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

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

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 Johnson, Debbie; Lesewski; Scheevel and Solon were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

May 18, 2001

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. Nos. 359, 2046, 1264, 1222 and 1659.

Sincerely,
Jesse Ventura, Governor

May 18, 2001

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

I have vetoed and am returning Chapter Number 126, Senate File Number 2031, a bill relating to public works contracts.

Senate File No. 2031 would void clauses in public works contracts that waive, release or extinguish the right of a contractor to seek recovery for costs or damages or seek an equitable adjustment, for delays, disruption, or acceleration in performing the contract if the delay is caused by acts of the public entity.

The type of contract language principally intended to be addressed by this legislation is the so-called "no damages for delay" clauses. Costs and equitable adjustments for disruption or acceleration are commonly already allowed for in public contracts. Under current standard usage of a "no damages for delay" type of clause, if a delay is encountered in completing the construction, the contractor has the right to take additional time to complete the contract, but may not collect costs from the public entity arising from the delay. The risk of delays is thus divided between the public entity and the private contractor.

This legislation does not limit the damage claim to acts caused solely by the public entity. Nor does it require the delay to be significant or consequential. If a public entity caused an inconsequential delay and concurrently another delay occurred due to an act of God or something else beyond the control of the entity, this act could permit the contractor to potentially collect the cost of the entire delay from the public entity. This is inappropriate.

Private contractors already have the legal right to seek redress for damages caused by a public entity hindrance, interference or disruption of a contract. It is also common practice to include language in a contract to permit the parties to deal with any modifications or changes to the project. This legislation will encourage contractors to deem a project change or modification a "delay" which will result in more litigation and cost to the public entity. Other standard clauses allow contractors to recover delay damages, including the "differing site condition clause," and the "suspension clause."

"No damage for delay" clauses are common in public works contracts in many states. Federal law does not prohibit their use. There is no indication that their widespread use has significantly harmed or impeded the work of contractors on public works contracts. I believe this legislation will encourage litigation and significantly increase the costs of public work contracts. Public policy supports the usage of "no damage for delay" clauses to control the costs of public works. I see no justification why these additional costs should be imposed on the citizens of the State of Minnesota.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 2031 and the veto message thereon be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the

Conference Committee on Senate File No. 555, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 555: A bill for an act relating to state government; modifying certain procedures relating to administrative rules; amending Minnesota Statutes 2000, sections 14.05, subdivision 6; 14.116; and 14.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Laws 1999, chapter 129, section 6.

Senate File No. 555 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 2001

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1154, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1154: A bill for an act relating to the metropolitan radio board; extending the expiration date for the board to 2005; amending Laws 1995, chapter 195, article 1, section 18, as amended.

Senate File No. 1154 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 2001

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1394, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1394: A bill for an act relating to human services; changing child placement provisions; modifying provisions governing child maltreatment investigations; classifying data and authorizing data sharing; amending Minnesota Statutes 2000, sections 13.319, by adding a subdivision; 13.32, subdivision 3; 13.43, by adding a subdivision; 13.46, subdivision 2; 119B.02, by adding a subdivision; 256.01, subdivision 2; 256.045, subdivision 3b; 260C.007, subdivisions 4, 14, and by adding subdivisions; 260C.141, subdivision 2; 260C.151, subdivision 6; 260C.178, subdivisions 1 and 7; 260C.193, subdivision 3; 260C.201, subdivisions 1, 2, 5, 6, 7, 10, 11, and by adding a subdivision; 260C.205; 260C.212, subdivisions 1, 2, 4, 5, 7, 8, and 9; 260C.215, subdivision 6; 260C.301, subdivisions 1, 4, and 8; 260C.312; 260C.317, subdivision 3; and 260C.325, subdivision 4; 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10i, 10j, 11; proposing coding for new law in Minnesota Statutes, chapter 256F; repealing Minnesota Statutes 2000, sections 260C.325, subdivision 2; and 626.5565.

Senate File No. 1394 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 2001

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1968, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 1968: A bill for an act relating to labor; requiring the certification and regulation of crane operators; authorizing civil penalties; proposing coding for new law as Minnesota Statutes, chapter 184C.

Senate File No. 1968 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 2001

MOTIONS AND RESOLUTIONS

Senator Price moved that the name of Senator Wiger be added as a co-author to S.F. No. 2393.

Senator Bachmann introduced--

Senate Resolution No. 134: A Senate resolution honoring the many volunteers who battled the 2001 flood of the St. Croix River.

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:

S.F. No. 829, H.F. Nos. 1497, 1340, 1541 and 1941.

SPECIAL ORDER

S.F. No. 829: A bill for an act relating to motor vehicles; modifying filing fee for vehicle transactions; making clarifying changes; amending Minnesota Statutes 2000, section 168.33, subdivision 7.

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 36 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Ourada	Stumpf
Belanger	Hottinger	Larson	Pariseau	Terwilliger
Berg	Johnson, Dean	Lourey	Price	Vickerman
Cohen	Kelley, S.P.	Moe, R.D.	Rest	Wiener
Day	Kelly, R.C.	Murphy	Robling	
Dille	Kierlin	Neuville	Samuelson	
Fischbach	Kinkel	Oliver	Scheid	
Frederickson	Kiscaden	Olson	Stevens	

Those who voted in the negative were:

Bachmann	Fowler	Marty	Robertson	Wiger
Berglin	Johnson, Dave	Metzen	Sabo	
Betzold	Kleis	Pogemiller	Sams	
Chaudhary	Langseth	Reiter	Schwab	
Foley	Limmer	Ring	Tomassoni	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1497: A bill for an act relating to natural resources; exempting certain charges from

legislative approval; modifying terms for certain lakeshore land exchanges to include leased farmed wild rice lands; authorizing public and private sales of certain state lands in Lake county; authorizing conveyance of certain surplus state land in Mower county; authorizing conveyance of certain consolidated conservation land in Aitkin county; adding to a state forest; adding to and creating wildlife management areas; amending Minnesota Statutes 2000, section 16A.1283; Laws 1998, chapter 389, article 16, section 31, subdivision 2, as amended.

Senator Scheid moved to amend H.F. No. 1497, as amended pursuant to Rule 45, adopted by the Senate April 25, 2001, as follows:

(The text of the amended House File is identical to S.F. No. 1580.)

Page 9, after line 22, insert:

"Sec. 11. [NORTH HENNEPIN COMMUNITY COLLEGE LAND TRANSFER.]

Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the board of trustees of the Minnesota state colleges and universities may transfer fee title to approximately 11 acres of state-owned real estate north of 85th Avenue in Brooklyn Park and operated by North Hennepin community college in exchange for fee title to approximately 11 acres of land contiguous with land currently owned by North Hennepin community college. Before completing the exchange, the board shall consult with and obtain the advisory recommendations of the chairs of the house higher education finance committee and the senate higher education budget division."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend H.F. No. 1497, as amended pursuant to Rule 45, adopted by the Senate April 25, 2001, as follows:

(The text of the amended House File is identical to S.F. No. 1580.)

Page 2, after line 13, insert:

"Sec. 2. Minnesota Statutes 2000, section 97B.603, is amended to read:

97B.603 [TAKING SMALL GAME AS A PARTY HUNTING.]

While two or more persons are ~~hunting~~ taking small game as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one limit of small game, but the total number of small game taken and possessed by the party may not exceed the limit of the number of persons in the party that may take and possess small game. This section does not apply to the hunting of migratory game birds or turkeys, except that a licensed turkey hunter may assist another licensed turkey hunter for the same zone and time period as long as the hunter does not shoot or tag a turkey for the other hunter.

Sec. 3. Minnesota Statutes 2000, section 97B.901, is amended to read:

97B.901 [COMMISSIONER MAY REQUIRE TAGS ON REGISTRATION AND TAGGING OF FUR-BEARING ANIMALS.]

(a) The commissioner may, by rule, require persons taking, possessing, and transporting fur-bearing animals to tag the animals. The commissioner shall prescribe the manner of issuance and the type of tag, which must show the year of issuance. The commissioner shall issue the tag, without a fee, upon request.

(b) The pelt of each bobcat, fisher, pine marten, and otter must be presented, by the person taking it, to a state wildlife manager designee for registration before the pelt is sold and before the pelt is transported out of the state, but in no event more than 48 hours after the season closes for the species. Until March 1, 2003, a possession or site tag is not required prior to registration of the fisher, pine marten, or otter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend H.F. No. 1497, as amended pursuant to Rule 45, adopted by the Senate April 25, 2001, as follows:

(The text of the amended House File is identical to S.F. No. 1580.)

Page 9, after line 22, insert:

"Sec. 11. [EXEMPT ACREAGE IN LAND EXCHANGE.]

The city of Bird Island may exchange a parcel of land owned by it or acquired for it by a qualified intermediary, for a parcel of agricultural real estate that is owned by an individual exempt under Minnesota Statutes, section 500.221, based on ownership being lawfully acquired prior to June 1, 1981. Since there is no exception for exchanged property under Minnesota Statutes, section 500.221, the exchange of the city's parcel would result in the loss of exemption for the exchanged property. Accordingly, this act provides that the agricultural land being exchanged for the parcel that is currently exempt shall also be exempt under Minnesota Statutes, section 500.221, as if it had been purchased by the owner prior to June 1, 1981. Such exchanged parcel shall have exactly the same rights under the statute as the parcel to be exchanged and the deeds used to effectuate the transaction may so state."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 1497 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Orfield	Sams
Bachmann	Higgins	Larson	Ourada	Samuelson
Belanger	Johnson, Dave	Lessard	Pappas	Scheid
Berg	Johnson, Dean	Limmer	Pariseau	Schwab
Berglin	Kelley, S.P.	Lourey	Pogemiller	Stevens
Betzold	Kelly, R.C.	Marty	Price	Stumpf
Cohen	Kierlin	Metzen	Reiter	Terwilliger
Day	Kinkel	Moe, R.D.	Rest	Vickerman
Dille	Kiscaden	Murphy	Ring	Wiener
Fischbach	Kleis	Neuville	Robertson	Wiger
Foley	Knutson	Oliver	Robling	
Fowler	Krentz	Olson	Sabo	

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

SPECIAL ORDER

H.F. No. 1340: A bill for an act relating to Wright county; permitting the appointment of the county recorder.

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 51 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lourey	Pariseau	Schwab
Belanger	Johnson, Dave	Marty	Pogemiller	Stevens
Berg	Johnson, Dean	Metzen	Price	Stumpf
Berglin	Kelley, S.P.	Moe, R.D.	Rest	Terwilliger
Betzold	Kelly, R.C.	Murphy	Ring	Tomassoni
Cohen	Kiscaden	Neuville	Robertson	Vickerman
Day	Knutson	Oliver	Robling	Wiger
Fischbach	Krentz	Olson	Sabo	
Foley	Langseth	Orfield	Sams	
Fowler	Larson	Ourada	Samuelson	
Frederickson	Lessard	Pappas	Scheid	

Those who voted in the negative were:

Bachmann	Kierlin	Kleis	Limmer	Reiter
Dille	Kinkel			

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1541: A bill for an act relating to landlords and tenants; requiring a study of rental application fees.

Senator Knutson moved to amend H.F. No. 1541, as amended pursuant to Rule 45, adopted by the Senate May 16, 2001, as follows:

(The text of the amended House File is identical to S.F. No. 882.)

Page 2, lines 3 to 8, delete the new language and strike the old language

The motion prevailed. So the amendment was adopted.

H.F. No. 1541 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 52 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Ourada	Samuelson
Belanger	Hottinger	Larson	Pappas	Scheid
Berg	Johnson, Dave	Lessard	Pariseau	Schwab
Berglin	Johnson, Dean	Lourey	Pogemiller	Stumpf
Betzold	Johnson, Doug	Marty	Price	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Ranum	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Dille	Kinkel	Murphy	Robertson	Wiener
Foley	Kiscaden	Neuville	Robling	
Fowler	Knutson	Olson	Sabo	
Frederickson	Krentz	Orfield	Sams	

Those who voted in the negative were:

Bachmann	Fischbach	Limmer	Reiter	Stevens
Day	Kleis			

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

SPECIAL ORDER

H.F. No. 1941: A bill for an act relating to economic development; clarifying provisions in the job skills partnership program; amending Minnesota Statutes 2000, sections 116L.02; 116L.04, subdivision 1a; and 116L.06, 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 57 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Ourada	Samuelson
Berg	Hottinger	Larson	Pappas	Scheid
Berglin	Johnson, Dave	Lessard	Pariseau	Schwab
Betzold	Johnson, Dean	Lourey	Pogemiller	Stevens
Chaudhary	Johnson, Doug	Marty	Price	Stumpf
Cohen	Kelley, S.P.	Metzen	Ranum	Terwilliger
Day	Kierlin	Moe, R.D.	Reiter	Tomassoni
Dille	Kinkel	Murphy	Ring	Vickerman
Fischbach	Kiscaden	Neuville	Robertson	Wiener
Foley	Kleis	Oliver	Robling	
Fowler	Knutson	Olson	Sabo	
Frederickson	Krentz	Orfield	Sams	

Those who voted in the negative were:

Bachmann Limmer

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1215 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1215

A bill for an act relating to human rights; changing provisions pertaining to business discrimination and inquiry into a charge; permitting discretionary disclosure during investigation; amending Minnesota Statutes 2000, sections 363.01, subdivision 41; 363.03, subdivision 8a; 363.06, subdivision 4; 363.061, subdivision 2.

May 18, 2001

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1215, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Richard J. Cohen, Don Betzold, Thomas M. Neuville

House Conferees: (Signed) Mary Liz Holberg, Steve Smith, Dale Swapinski

Senator Cohen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1215 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1215 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Ourada	Scheid
Bachmann	Hottinger	Larson	Pappas	Schwab
Belanger	Johnson, Dave	Lessard	Pariseau	Stevens
Berg	Johnson, Dean	Limmer	Pogemiller	Stumpf
Betzold	Johnson, Doug	Lourey	Price	Terwilliger
Chaudhary	Kelley, S.P.	Marty	Ranum	Tomassoni
Cohen	Kelly, R.C.	Metzen	Reiter	Vickerman
Day	Kierlin	Moe, R.D.	Ring	Wiener
Dille	Kinkel	Murphy	Robertson	Wiger
Fischbach	Kiscaden	Neuville	Robling	
Foley	Kleis	Oliver	Sabo	
Fowler	Knutson	Olson	Sams	
Frederickson	Krentz	Orfield	Samuelson	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1202 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1202: A bill for an act relating to crime prevention; retroactively repealing a provision of the predatory offender registration law and specifying the legislative intent in so doing; repealing Minnesota Statutes 2000, section 243.166, subdivision 10.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Olson	Sabo
Bachmann	Higgins	Langseth	Orfield	Sams
Belanger	Hottinger	Larson	Ourada	Samuelson
Berg	Johnson, Dave	Lessard	Pappas	Scheid
Betzold	Johnson, Dean	Limmer	Pariseau	Schwab
Chaudhary	Kelley, S.P.	Lourey	Pogemiller	Stevens
Cohen	Kelly, R.C.	Marty	Price	Stumpf
Day	Kierlin	Metzen	Ranum	Tomassoni
Dille	Kinkel	Moe, R.D.	Reiter	Vickerman
Fischbach	Kiscaden	Murphy	Ring	Wiener
Foley	Kleis	Neuville	Robertson	Wiger
Fowler	Knutson	Oliver	Robling	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

CONFIRMATION

Senator Murphy moved that the report from the Committee on Agriculture, General Legislation

and Veterans Affairs, reported January 29, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Murphy moved that the foregoing report be now adopted. The motion prevailed.

Senator Murphy moved that in accordance with the report from the Committee on Agriculture, General Legislation and Veterans Affairs, reported January 29, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF VETERANS AFFAIRS
COMMISSIONER

Jeffrey Olson, 2216 Orwell Ct. N., Stillwater, Washington County, effective January 3, 2001, for a term expiring on January 6, 2003.

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Thomas Mullon, 830 Ivy Ln., Eagan, Dakota County, effective February 23, 2000, for a term expiring on January 5, 2004.

Ann Nistler, P.O. Box 65, Sartell, Stearns County, effective February 14, 2000, for a term expiring on January 5, 2004.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Vickerman moved that the reports from the Committee on State and Local Government Operations, reported February 5, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Vickerman moved that the foregoing reports be now adopted. The motion prevailed.

Senator Vickerman moved that in accordance with the reports from the Committee on State and Local Government Operations, reported February 5, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Lawrence Gorrell, 224 Pleasant Hill Dr., Winona, Winona County, effective February 8, 2000, for a term expiring on January 5, 2004.

Russell Sharon, 1285 - 230th St., Randall, Morrison County, effective February 8, 2000, for a term expiring on January 5, 2004.

George Sutton, 3409 Fremont Ave. S., Minneapolis, Hennepin County, effective February 8, 2000, for a term expiring on January 5, 2004.

DEPARTMENT OF EMPLOYEE RELATIONS
COMMISSIONER

Julien Clark Carter, P.O. Box 105992, Jefferson City, Cole County, Missouri, effective April 18, 2000, for a term expiring on January 6, 2003.

GAMBLING CONTROL BOARD
DIRECTOR

Thomas Barrett, 764 Labore Rd., Little Canada, Ramsey County, effective December 11, 2000.

METROPOLITAN COUNCIL

Frank Hornstein, 4344 Drew Ave. S., Minneapolis, Hennepin County, effective December 5, 2000, for a term expiring on January 6, 2003.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Metzen moved that the report from the Committee on Telecommunications, Energy and Utilities, reported March 12, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Metzen moved that the foregoing report be now adopted. The motion prevailed.

Senator Metzen moved that in accordance with the report from the Committee on Telecommunications, Energy and Utilities, reported March 12, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF PUBLIC SERVICE COMMISSIONER

James Bernstein, 5216 Ewing Ave. S., Minneapolis, Hennepin County, effective July 31, 2000, for a term expiring on January 6, 2003.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Scheid, for Senator Metzen, moved that the report from the Committee on Telecommunications, Energy and Utilities, reported March 12, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Scheid moved that the foregoing report be now adopted. The motion prevailed.

Senator Scheid moved that in accordance with the report from the Committee on Telecommunications, Energy and Utilities, reported March 12, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF COMMERCE COMMISSIONER

James Bernstein, 5216 Ewing Ave. S., Minneapolis, Hennepin County, effective July 31, 2000, for a term expiring on January 6, 2003.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Sams moved that the report from the Committee on Health and Family Security, reported April 11, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Sams moved that the foregoing report be now adopted. The motion prevailed.

Senator Sams moved that in accordance with the report from the Committee on Health and Family Security, reported April 11, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

John Baerg, Rt. 1, Butterfield, Watonwan County, effective December 14, 1999, for a term expiring on January 6, 2003.

Teresa Gisch, Regions Hospital EMS, 640 Jackson St., St. Paul, Ramsey County, effective February 14, 2000, for a term expiring on January 5, 2004.

Michael Guthrie, 1104 W. 3rd St., Red Wing, Goodhue County, effective February 14, 2000, for a term expiring on January 5, 2004.

Daniel Hankins, 9652 - 55th Ave. N.W., Oronoco, Olmsted County, effective February 14, 2000, for a term expiring on January 5, 2004.

Jeffrey Schiff, 14790 - 199th St., Stillwater, Washington County, effective February 14, 2000, for a term expiring on January 5, 2004.

Bruce Sherman, 1749 Hwy. 73, Hibbing, Saint Louis County, effective February 14, 2000, for a term expiring on January 5, 2004.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Sams moved that the reports from the Committee on Health and Family Security, reported May 16, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Sams moved that the foregoing reports be now adopted. The motion prevailed.

Senator Sams moved that in accordance with the reports from the Committee on Health and Family Security, reported May 16, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Robert Anderson, Box 28, Otter Tail, Otter Tail County, effective April 17, 2001, for a term expiring on January 7, 2002.

Steve Haavisto, 90 N. 2nd St., Pine City, Pine County, effective March 3, 2001, for a term expiring on January 7, 2002.

Martin Scheerer, 5104 Danens Dr., Edina, Hennepin County, effective March 3, 2001, for a term expiring on January 6, 2003.

Linda Way, 604 Dale Pl., Duluth, St. Louis County, effective March 3, 2001, for a term expiring on January 7, 2002.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Marty moved that the report from the Committee on Judiciary, reported May 2, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Marty moved that the foregoing report be now adopted. The motion prevailed.

Senator Marty moved that in accordance with the report from the Committee on Judiciary, reported May 2, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD ON JUDICIAL STANDARDS

Cyndy Brucato, 6109 Sherman Cir., Edina, Hennepin County, effective February 1, 2001, for a term expiring on January 3, 2005.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Murphy moved that the reports from the Committee on Agriculture, General Legislation and Veterans Affairs, reported May 11, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Murphy moved that the foregoing reports be now adopted. The motion prevailed.

Senator Murphy moved that in accordance with the reports from the Committee on Agriculture, General Legislation and Veterans Affairs, reported May 11, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF ANIMAL HEALTH

Gary Leff, 927 Circle Dr., Buffalo, Wright County, effective April 2, 2001, for a term expiring on January 3, 2005.

MINNESOTA RURAL FINANCE AUTHORITY

Patrick Thiry, 37767 Rendova St. N.E., Stanchfield, Isanti County, effective February 9, 2001, for a term expiring on January 3, 2005.

William Thyne, 321 Stephens Ave., Ortonville, Big Stone County, effective February 9, 2001, for a term expiring on January 3, 2005.

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Gordon Baden, 100 W. 2nd St., P.O. Box 147, Jasper, Pipestone County, effective February 2, 2001, for a term expiring on January 3, 2005.

MaryLu Brunner, 110972 Von Herten Cir., Chaska, Carver County, effective February 2, 2001, for a term expiring on January 3, 2005.

Violet Wagoner, 11033 N. 32nd St., Lake Elmo, Washington County, effective February 2, 2001, for a term expiring on January 3, 2005.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Anderson moved that the reports from the Committee on Jobs, Housing and Community Development, reported May 17, 2001, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Anderson moved that the foregoing reports be now adopted. The motion prevailed.

Senator Anderson moved that in accordance with the reports from the Committee on Jobs, Housing and Community Development, reported May 17, 2001, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT
COMMISSIONER**

Rebecca Yanisch, 1201 Yale Pl., #1102, Minneapolis, Hennepin County, effective April 9, 2001, for a term expiring on January 6, 2003.

MINNESOTA HOUSING FINANCE AGENCY

Marge Anderson, HCR 67, Box 194, Onamia, Mille Lacs County, effective February 29, 2000, for a term expiring on January 5, 2004.

Lee Himle, 516 Hillcrest Dr., Spring Valley, Fillmore County, effective July 5, 1999, for a term expiring on January 6, 2003.

Marina Lyon, 1738 Hague Ave., St. Paul, Ramsey County, effective May 21, 2000, for a term expiring on January 6, 2003.

WORKERS' COMPENSATION COURT OF APPEALS

Thomas Johnson, 1510 Red Cedar Rd., Eagan, Dakota County, effective January 30, 2001, for a term expiring on January 1, 2007.

Miriam Rykken, 1389 Highland Pkwy., St. Paul, Ramsey County, effective June 23, 1999, for a term expiring on January 3, 2005.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 5.1, Senator Kleis, first author, moved that S.F. No. 49 be withdrawn from the Committee on Rules and Administration, given a second reading and placed on General Orders. The motion did not prevail.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2516.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 2001

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 2516: A bill for an act relating to redistricting; adopting a legislative redistricting plan for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.043; 2.053; 2.063; 2.073; 2.083; 2.093; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153; 2.163; 2.173; 2.183; 2.193; 2.203; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.303; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.423; 2.433; 2.443; 2.453; 2.463; 2.473; 2.483; 2.493; 2.503; 2.513; 2.523; 2.533; 2.543; 2.553; 2.563; 2.573; 2.583; 2.593; 2.603; 2.613; 2.623; 2.633; 2.643; 2.653; 2.663; 2.673; 2.683; 2.693; 2.703.

Senator Moe, R.D. moved that H.F. No. 2516 be laid on the table. 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 bills were read the first time and referred to the committees indicated.

Senators Pappas, Berglin, Sabo, Orfield and Anderson introduced--

S.F. No. 2397: A bill for an act relating to capital improvements; appropriating money for minority investment grants; authorizing state bonds.

Referred to the Committee on Finance.

Senator Orfield introduced--

S.F. No. 2398: A bill for an act relating to natural resources; prohibiting the discharge of unsterilized ballast water; requiring a permit; amending Minnesota Statutes 2000, sections 84D.01, by adding subdivisions; 84D.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84D.

Referred to the Committee on Environment and Natural Resources.

Senators Chaudhary; Langseth; Larson; Johnson, Doug and Berglin introduced--

S.F. No. 2399: A bill for an act relating to capital improvements; appropriating money for capital improvements at the New Brighton area history center.

Referred to the Committee on Finance.

Senator Langseth introduced--

S.F. No. 2400: A bill for an act relating to capitol improvements; appropriating money to construct the Trollwood Arts Village in the city of Moorhead; authorizing the sale of state bonds.

Referred to the Committee on Finance.

Senators Pogemiller, Tomassoni, Terwilliger and Johnson, Dean introduced--

S.F. No. 2401: A bill for an act relating to retirement; modifying annuity computation provisions for members of the state troopers plan and PERA police and fire plan; amending Minnesota Statutes 2000, sections 352B.01, subdivision 11; 353.651, subdivision 2; and 356.30, subdivision 1.

Referred to the Committee on State and Local Government Operations.

RECESS

Senator Moe, R.D. moved that the Senate do now recess until 1:30 p.m. The motion prevailed.

The hour of 1:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Belanger imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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, herewith returned: S.F. No. 1082.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 2001

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. 2377: A bill for an act relating to redistricting; adopting legislative and congressional redistricting plans for use in 2002 and thereafter; amending Minnesota Statutes 2000, section 2.031, subdivision 2; repealing Minnesota Statutes 2000, sections 2.043; 2.053; 2.063; 2.073; 2.083; 2.093; 2.103; 2.113; 2.123; 2.133; 2.143; 2.153; 2.163; 2.173; 2.183; 2.193; 2.203; 2.213; 2.223; 2.233; 2.243; 2.253; 2.263; 2.273; 2.283; 2.293; 2.303; 2.313; 2.323; 2.333; 2.343; 2.353; 2.363; 2.373; 2.383; 2.393; 2.403; 2.413; 2.423; 2.433; 2.443; 2.453; 2.463; 2.473; 2.483; 2.493; 2.503; 2.513; 2.523; 2.533; 2.543; 2.553; 2.563; 2.573; 2.583; 2.593; 2.603; 2.613; 2.623; 2.633; 2.643; 2.653; 2.663; 2.673; 2.683; 2.693; 2.703; 2.742; 2.752; 2.762; 2.772; 2.782; 2.792; 2.802; 2.812.

Senate File No. 2377 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 2001

Senator Moe, R.D., for Senator Pogemiller, moved that the Senate do not concur in the amendments by the House to S.F. No. 2377, 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 to be appointed on the part of the House.

CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate for the balance of the proceedings on S.F. No. 2377. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 22, as follows:

Those who voted in the affirmative were:

Berglin	Johnson, Dean	Metzen	Ranum	Stumpf
Betzold	Johnson, Doug	Moe, R.D.	Rest	Tomassoni
Chaudhary	Kelly, R.C.	Murphy	Ring	Vickerman
Foley	Kinkel	Orfield	Sabo	Wiener
Fowler	Langseth	Pappas	Sams	
Higgins	Lourey	Pogemiller	Samuelson	
Hottinger	Marty	Price	Scheid	

Those who voted in the negative were:

Bachmann	Fischbach	Knutson	Ourada	Stevens
Belanger	Frederickson	Larson	Reiter	Terwilliger
Berg	Kierlin	Limmer	Robertson	
Day	Kiscaden	Neuville	Robling	
Dille	Kleis	Olson	Schwab	

The motion prevailed.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1310:

H.F. No. 1310: A bill for an act relating to construction; giving the state building official final authority for interpreting the State Building Code and prescribing its enforcement; requiring municipalities to submit annual reports on construction-related fees; regulating construction-related fees; prohibiting municipalities from requiring waivers of rights as a condition for issuance of a construction-related permit; amending Minnesota Statutes 2000, sections 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 326.90, subdivision 1; 462.353, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 16B; 462.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Abrams, Milbert and Holberg have been appointed as such committee on the part of the House.

House File No. 1310 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 May 19, 2001

Senator Johnson, Doug moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1310, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1406:

H.F. No. 1406: A bill for an act relating to health; establishing maternal death reviews; amending Minnesota Statutes 2000, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 145; repealing Minnesota Statutes 2000, sections 13.3806, subdivision 19; and 145.90.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Mulder, Jacobson and Huntley have been appointed as such committee on the part of the House.

House File No. 1406 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 May 19, 2001

Senator Kiscaden moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1406, 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 appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2107, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2107 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 2001

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2107

A bill for an act relating to education; specifying student conduct as grounds for dismissal or removal from class; amending Minnesota Statutes 2000, sections 121A.45, subdivision 2, by adding a subdivision; 121A.61, subdivision 2.

May 16, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 2107, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Jeff Johnson, Maxine Penas, Mark Thompson

Senate Conferees: (Signed) Thomas M. Neuville, Jane B. Ranum, Sandra L. Pappas

Senator Neuville moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2107 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2107 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Knutson	Olson	Sabo
Bachmann	Frederickson	Krentz	Orfield	Sams
Belanger	Higgins	Langseth	Ourada	Samuelson
Berg	Hottinger	Larson	Pappas	Schwab
Berglin	Johnson, Dean	Limmer	Pogemiller	Stevens
Betzold	Johnson, Doug	Lourey	Price	Stumpf
Chaudhary	Kelley, S.P.	Marty	Ranum	Terwilliger
Cohen	Kelly, R.C.	Metzen	Reiter	Tomassoni
Day	Kierlin	Moe, R.D.	Rest	Vickerman
Dille	Kinkel	Murphy	Ring	Wiener
Fischbach	Kiscaden	Neuville	Robertson	
Foley	Kleis	Olivier	Robling	

So the bill, as amended by the Conference Committee, 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 adopted the recommendation and report of the Conference Committee on House File No. 2036, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2036 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 2001

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2036

A bill for an act relating to Goodhue county; permitting the appointment of the auditor-treasurer and recorder.

May 18, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 2036, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Jerry Dempsey, Mike Osskopp, Debra Hilstrom

Senate Conferees: (Signed) Steve Murphy, Deanna L. Wiener, Mark Ourada

Senator Murphy moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2036 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2036 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 55 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Krentz	Olson	Sabo
Belanger	Frederickson	Langseth	Orfield	Sams
Berg	Hottinger	Larson	Ourada	Samuelson
Berglin	Johnson, Dean	Lessard	Pappas	Scheid
Betzold	Johnson, Doug	Lourey	Pogemiller	Schwab
Chaudhary	Kelley, S.P.	Marty	Price	Stevens
Cohen	Kelly, R.C.	Metzen	Ranum	Stumpf
Day	Kierlin	Moe, R.D.	Rest	Terwilliger
Dille	Kinkel	Murphy	Ring	Tomassoni
Fischbach	Kleis	Neuville	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener

Those who voted in the negative were:

Bachmann Limmer Reiter

So the bill, as amended by the Conference Committee, 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 adopted the recommendation and report of the Conference Committee on House File No. 1487, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1487 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 2001

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1487

A bill for an act relating to natural resources; modifying provisions rendered obsolete by the electronic licensing system; modifying the disposition of certain taxes and proceeds; clarifying certain licensing and training requirements; providing for removal of submerged vehicles; modifying watercraft license and title provisions; clarifying sale of live animals and animal portions; modifying rulemaking authority; modifying certain license revocation provisions; clarifying taxidermy and bow fishing provisions; modifying fish house requirements; repealing certain fleeing provisions; amending Minnesota Statutes 2000, sections 6.48; 84.788, subdivisions 3 and 4; 84.796; 84.798, subdivisions 3 and 5; 84.82, subdivision 2; 84.83, subdivisions 3 and 5; 84.862, subdivisions 1 and 2; 84.872, subdivision 1; 84.922, subdivisions 2 and 3; 86B.401, subdivisions 1, 3, and 4; 86B.705, subdivision 2; 86B.820, subdivision 13; 86B.825, subdivision 1; 86B.830, subdivision 1; 97A.065, subdivision 2; 97A.105, subdivisions 4 and 9; 97A.421, subdivision 1; 97A.425, subdivision 1; 97A.441, subdivision 1; 97A.512; 97B.055, subdivision 2; 97C.355, subdivision 1, and by adding a subdivision; and 297A.94; proposing coding for new law in Minnesota Statutes, chapter 86B; repealing Minnesota Statutes 2000, sections 84.792; and 84.801.

May 18, 2001

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 1487, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H.F. No. 1487 be further amended as follows:

Page 18, after line 20, insert:

"Sec. 32. Minnesota Statutes 2000, section 97C.355, is amended by adding a subdivision to read:

Subd. 7a. [HOUSES LEFT OVERNIGHT.] A fish house or dark house left on the ice overnight must be marked with reflective material on each side of the house. The reflective material must measure a total area of no less than two square inches on each side of the house. Violation of this subdivision is not subject to subdivision 8 or section 97A.301."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 24, after "subdivision 1" insert ", by adding a subdivision"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Bill Haas, Tim Finseth, Thomas Bakk

Senate Conferees: (Signed) Bob Lessard, LeRoy A. Stumpf, Dan Stevens

Senator Lessard moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1487 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 1487 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1561 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 1561

A bill for an act relating to commerce; revised Article 9 of the Uniform Commercial Code; making corrective and conforming amendments; appropriating money; amending Minnesota Statutes 2000, sections 27.138, subdivisions 2 and 3; 86B.820, subdivisions 10 and 11; 86B.880, subdivision 2; 168A.01, subdivisions 18 and 19; 168A.05, subdivision 8; 168A.17, subdivision 2; 169A.63, subdivisions 7 and 11; 268.058, subdivision 1; 270.69, subdivisions 2, 9, and 13; 270.7001, subdivision 4; 272.483; 272.484; 272.488, subdivision 3; 277.20, subdivision 8; 300.112, subdivision 1; 325L.16; 336.2-210; 336.9-102; 336.9-201; 336.9-203; 336.9-311; 336.9-317; 336.9-334; 336.9-407; 336.9-509; 336.9-521; 336.9-601; 336.9-607; 336.9-617; 336.9-619; 336A.01, subdivision 4; 507.24, subdivision 2; 514.18, subdivision 2; 514.221, subdivisions 2 and 3; 514.661, subdivisions 3, 4, 5, and 6; 514.945, subdivisions 2, 4, and 6; 515B.3-116; 515B.3-117; 550.13; 557.12, subdivision 5; 583.26, subdivisions 1 and 2; and 583.284; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 336; 507; 508; and 508A; repealing Minnesota Statutes 2000,

sections 168A.17, subdivision 3; 336.11-101; 336.11-102; 336.11-103; 336.11-104; 336.11-105; 336.11-106; 336.11-107; and 336.11-108; Minnesota Rules, parts 8260.0600; 8260.0700; 8260.0800; 8260.0900; 8260.1000; 8260.1100; 8270.0010; 8270.0050; 8270.0100; 8270.0105; 8270.0110; 8270.0115; 8270.0200; 8270.0205; 8270.0210; 8270.0215; 8270.0220; 8270.0225; 8270.0230; 8270.0235; 8270.0240; 8270.0245; 8270.0255; 8270.0260; 8270.0265; and 8270.0270.

May 18, 2001

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1561, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) John C. Hottinger, Satveer Chaudhary, Thomas M. Neuville

House Conferees: (Signed) Matt Entenza, Gregory M. Davids, Doug Stang

Senator Hottinger moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1561 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 1561 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill, as amended by the Conference Committee, was repassed 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 Executive and Official Communications.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 18, 2001

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

I have vetoed and am returning Chapter Number 122, Senate File Number 1821, a bill relating to the use of existing and abandoned railroad right-of-way by telecommunication and cable companies.

This bill creates the potential for future costs for the state as well as limiting the future use of the rail bank right-of-way. The bill allows telecommunication and cable lines to be placed parallel within rail bank corridors. It does not require that those lines be moved or relocated to accommodate the need for future recreational or transportation use of those rail bank corridors.

Moreover, unlike the laws governing highway right-of-way, this bill does not require the utility to relocate its lines or to pay for their relocation. This creates a property right for the telecommunications or cable company in the State's rail bank right-of-way and may require the state to pay for future relocation of those utility or phone lines. This cost is not provided for.

This bill also restricts the state's future use of public land. If telecommunication and cable companies install lines parallel in the rail bank right-of-way, this may limit public use of the rail bank right-of-way if the utility lines must be removed before the rail bank land can be used for the state's desired purpose.

Finally, this bill conflicts with legislation enacted last year that allowed MNDOT to sell or lease unneeded rail bank right-of-way for fair market value as determined by appraisal. This bill requires the utility to pay only the diminution in value of the right-of-way.

In order to protect the rail bank right-of-way for future uses and from unanticipated costs, I am vetoing this bill.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 1821 and the veto message thereon be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 1569 be taken from the table. The motion prevailed.

H.F. No. 1569: A bill for an act relating to state government; reclassifying certain Minnesota state colleges and universities positions as classified; amending Minnesota Statutes 2000, section 43A.08, subdivision 1.

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 H.F. No. 1569 and that the rules of the Senate be so far suspended as to give H.F. No. 1569 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1569 was read the second time.

H.F. No. 1569 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 39 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lessard	Pogemiller	Samuelson
Berglin	Johnson, Dean	Lourey	Price	Scheid
Betzold	Johnson, Doug	Marty	Ranum	Stumpf
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kelly, R.C.	Moe, R.D.	Ring	Vickerman
Foley	Kinkel	Murphy	Robertson	Wiener
Fowler	Krentz	Orfield	Sabo	Wiger
Higgins	Langseth	Pappas	Sams	

Those who voted in the negative were:

Bachmann	Fischbach	Knutson	Olson	Stevens
Belanger	Frederickson	Larson	Ourada	Terwilliger
Berg	Kierlin	Limmer	Reiter	
Day	Kiscaden	Neuville	Robling	
Dille	Kleis	Oliver	Schwab	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rest moved that S.F. No. 1628, No. 24 on General Orders, be stricken and laid on the table. The motion prevailed.

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:

H.F. No. 1406: Senators Kiscaden, Sams and Foley.

H.F. No. 1310: Senators Johnson, Doug; Rest and Stevens.

S.F. No. 2377: Senators Pogemiller, Hottinger, Wiener, Scheid and Orfield.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Kiscaden moved that S.F. No. 830, No. 35 on General Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 1892 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 1892: A bill for an act relating to human rights; making technical changes; amending Minnesota Statutes 2000, sections 363.03, subdivision 8; 363.05, subdivision 1; 363.073, subdivision 1; and 363.074; repealing Minnesota Statutes 2000, sections 363.01, subdivision 20; and 363.03, subdivision 8b.

Senator Chaudhary moved that the amendment made to H.F. No. 1892 by the Committee on Rules and Administration in the report adopted April 17, 2001, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 1892 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	Frederickson	Knutson	Orfield	Sams
Bachmann	Higgins	Krentz	Ourada	Samuelson
Belanger	Hottinger	Langseth	Pappas	Schwab
Berg	Johnson, Dean	Lessard	Pogemiller	Stevens
Berglin	Johnson, Doug	Lourey	Price	Stumpf
Betzold	Kelley, S.P.	Marty	Ranum	Terwilliger
Chaudhary	Kelly, R.C.	Metzen	Rest	Tomassoni
Day	Kierlin	Moe, R.D.	Ring	Vickerman
Dille	Kinkel	Neuville	Robertson	Wiener
Foley	Kiscaden	Oliver	Robling	Wiger
Fowler	Kleis	Olson	Sabo	

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senator Lessard was excused from the Session of today from 9:30 to 10:15 a.m. Senators Johnson, Doug and Ranum were excused from the Session of today from 9:30 to 10:30 a.m. Senator Pappas was excused from the Session of today from 9:45 to 10:15 a.m. Senator Rest was excused from the Session of today from 10:30 to 11:05 a.m. Senator Kelly, R.C. was excused from the Session of today from 10:40 to 11:00 a.m. Senator Wiger was excused from the Session of today from 10:40 to 11:00 a.m. and 2:30 to 2:50 p.m. Senator Johnson, Dave was excused from the Session of today at 1:45 p.m. Senator Krentz was excused from the Session of today from 2:15 to 2:45 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Monday, May 21, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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