

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SPECIAL SESSION

SEVENTH DAY

St. Paul, Minnesota, Wednesday, June 27, 2001

The Senate met at 1:00 p.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. David G. Johnson.

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

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 10 and 11.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned June 25, 2001

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 4.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted June 26, 2001

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 4: A bill for an act relating to family and early childhood education; providing for children and family support programs, prevention and intervention, self-sufficiency and lifelong learning, and libraries; appropriating money; amending Minnesota Statutes 2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119B.011, subdivision 19, by adding a subdivision; 119B.06, by adding a subdivision; 119B.061, subdivision 4; 119B.11, subdivision 1; 119B.13, subdivision 6; 119B.24; 124D.135, by adding subdivisions; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; Laws 2000, chapter 489, article 5, section 23; proposing coding for new law in Minnesota Statutes, chapters 119A; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

Senator Moe, R.D. moved that H.F. No. 4 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

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. 5.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted June 26, 2001

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 5: A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; establishing and modifying programs; abolishing the department of economic security; transferring certain duties and funds; creating a transition team for the reorganization of state departments; consolidating housing programs; regulating activities and practices; modifying fees; making conforming changes; requiring reports; codifying reorganization order No. 181; transferring the remaining duties of the

commissioner of public service to the commissioner of commerce; instructing the revisor to change certain terms; amending Minnesota Statutes 2000, sections 3.922, by adding a subdivision; 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116J.8731, subdivision 1; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 116L.16; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41, as amended; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 268.022, subdivision 2; 268.145, subdivision 1; 268.665, by adding a subdivision; 325E.11; 325E.115, subdivision 2; 326.243; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 473.195, by adding a subdivision; 484.50; Laws 1993, chapter 301, section 1, subdivision 4, as amended; Laws 1995, chapter 248, article 12, section 2, as amended; Laws 1995, chapter 248, article 13, section 2, subdivision 2, as amended; Laws 2000, chapter 488, article 8, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116L; 181; 462A; repealing Minnesota Statutes 2000, sections 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3; 268.975; 268.976; 268.9771; 268.978; 268.9781; 268.9782; 268.9783; 268.979; 268.98; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7.

Senator Moe, R.D. moved that H.F. No. 5 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Metzen introduced--

Senate Resolution No. 6: A Senate resolution congratulating Ted Thomas Boser of South St. Paul, Minnesota, on being named Junior Sailor of the Year 2001.

Referred to the Committee on Rules and Administration.

Senator Moe, R.D. moved that H.F. No. 5 be taken from the table. The motion prevailed.

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. 5 and that the rules of the Senate be so far suspended as to give H.F. No. 5 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 5 was read the second time.

Senator Moe, R.D. moved that H.F. No. 5 be laid on the table. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 4 be taken from the table. The motion prevailed.

H.F. No. 4: A bill for an act relating to family and early childhood education; providing for children and family support programs, prevention and intervention, self-sufficiency and lifelong learning, and libraries; appropriating money; amending Minnesota Statutes 2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119B.011, subdivision 19, by adding a subdivision; 119B.06, by adding a subdivision; 119B.061, subdivision 4; 119B.11, subdivision 1; 119B.13, subdivision 6; 119B.24; 124D.135, by adding subdivisions; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; Laws 2000, chapter 489, article 5, section 23; proposing coding for new law in Minnesota Statutes, chapters 119A; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

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. 4 and that the rules of the Senate be so far suspended as to give H.F. No. 4 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 4 was read the second time.

H.F. No. 4 was read the third time and placed on its final passage.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 4. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 27, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Limmer	Pariseau	Stevens
Belanger	Kelley, S.P.	Lourey	Price	Terwilliger
Berg	Kierlin	Metzen	Reiter	Vickerman
Dille	Kinkel	Murphy	Robertson	Wiener
Fischbach	Kleis	Neuville	Robling	
Fowler	Langseth	Oliver	Sams	
Hottinger	Lesewski	Olson	Scheevel	
Johnson, Dave	Lessard	Ourada	Schwab	

Those who voted in the negative were:

Anderson	Foley	Knutson	Ranum	Stumpf
Berglin	Frederickson	Krentz	Rest	Tomassoni
Betzold	Higgins	Moe, R.D.	Ring	Wiger
Chaudhary	Johnson, Doug	Orfield	Sabo	
Cohen	Kelly, R.C.	Pappas	Samuelson	
Day	Kiscaden	Pogemiller	Scheid	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 5 be taken from the table. The motion prevailed.

H.F. No. 5: A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; establishing and modifying programs; abolishing the department of economic security; transferring certain duties and funds; creating a transition team for the reorganization of state departments; consolidating housing programs; regulating activities and practices; modifying fees; making conforming changes; requiring reports; codifying reorganization order No. 181; transferring the remaining duties of the commissioner of public service to the commissioner of commerce; instructing the revisor to change certain terms; amending Minnesota Statutes 2000, sections 3.922, by adding a subdivision; 3C.12, subdivision 2; 13.679; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16B.32, subdivision 2; 16B.335, subdivision 4; 16B.56, subdivision 1; 16B.76, subdivision 1; 17.86, subdivision 3; 18.024, subdivision 1; 43A.08, subdivision 1a; 45.012; 103F.325, subdivisions 2, 3; 115A.15, subdivision 5; 116J.8731, subdivision 1; 116L.03; 116L.04, by adding a subdivision; 116L.05, by adding a subdivision; 116L.16; 116O.06, subdivision 2; 123B.65, subdivisions 1, 3, 5; 138.664, by adding a subdivision; 161.45, subdivision 1; 168.61, subdivision 1; 169.073; 174.03, subdivision 7; 181.30; 184.29; 184.30, subdivision 1; 184.38, subdivisions 6, 8, 9, 10, 11, 17, 18, 20; 184.41; 216A.01; 216A.035; 216A.036; 216A.05, subdivision 1; 216A.07, subdivision 1; 216A.08; 216A.085, subdivision 3; 216B.02, subdivisions 1, 7, 8; 216B.16, subdivisions 1, 2, 6b, 15; 216B.162, subdivisions 7, 11; 216B.1675, subdivision 9; 216B.241, subdivisions 1a, 1b, 2b; 216C.01, subdivisions 1, 2, 3; 216C.051, subdivision 6; 216C.37, subdivision 1; 216C.40, subdivision 4; 216C.41, as amended; 237.02; 237.075, subdivisions 2, 9; 237.082; 237.21; 237.30; 237.462, subdivision 6; 237.51, subdivisions 1, 5, 5a; 237.52, subdivisions 2, 4, 5; 237.54, subdivision 2; 237.55; 237.59, subdivision 2; 237.768; 239.01; 239.10; 268.022, subdivision 2; 268.145, subdivision 1; 268.665, by adding a subdivision; 325E.11; 325E.115, subdivision 2; 326.243; 462A.01; 462A.03, subdivisions 1, 6, 10, by adding a subdivision; 462A.04, subdivision 6; 462A.05, subdivisions 14, 14a, 16, 22, 26; 462A.06, subdivisions 1, 4; 462A.07, subdivisions 10, 12; 462A.073, subdivision 1; 462A.15; 462A.17, subdivision 3; 462A.20, subdivision 3; 462A.201, subdivisions 2, 6; 462A.204, subdivision 3; 462A.205, subdivisions 4, 4a; 462A.209; 462A.2091, subdivision 3; 462A.2093, subdivision 1; 462A.2097; 462A.21, subdivisions 5, 10, by adding subdivisions; 462A.222, subdivision 1a; 462A.24; 462A.33, subdivisions 1, 2, 3, 5, by adding a subdivision; 473.195, by adding a subdivision; 484.50; Laws 1993, chapter 301, section 1, subdivision 4, as amended; Laws 1995, chapter 248, article 12, section 2, as amended; Laws 1995, chapter 248, article 13, section 2, subdivision 2, as amended; Laws 2000, chapter 488, article 8, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116L; 181; 462A; repealing Minnesota Statutes 2000, sections 184.22, subdivisions 2, 3, 4, 5; 184.37, subdivision 2; 216A.06; 237.69, subdivision 3; 268.975; 268.976; 268.9771; 268.978; 268.9781; 268.9782; 268.9783; 268.979; 268.98; 462A.201, subdivision 4; 462A.207; 462A.209, subdivision 4; 462A.21, subdivision 17; 462A.221, subdivision 4; 462A.30, subdivision 2; 462A.33, subdivisions 4, 6, 7.

Senator Anderson moved to amend H.F. No. 5 as follows:

Page 11, line 48, after the period, insert "Up to \$70,000 each year may be used for administrative and salary expenses."

The motion prevailed. So the amendment was adopted.

H.F. No. 5 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Chaudhary	Day
Bachmann	Berg	Betzold	Cohen	Dille

Fischbach	Kierlin	Metzen	Price	Scheid
Foley	Kinkel	Moe, R.D.	Ranum	Schwab
Fowler	Kiscaden	Murphy	Reiter	Stevens
Frederickson	Kleis	Neuville	Rest	Stumpf
Higgins	Knutson	Oliver	Ring	Terwilliger
Hottinger	Krentz	Olson	Robertson	Tomassoni
Johnson, Dave	Langseth	Orfield	Robling	Vickerman
Johnson, Debbie	Lesewski	Ourada	Sabo	Wiener
Johnson, Doug	Lessard	Pappas	Sams	Wiger
Kelley, S.P.	Limmer	Pariseau	Samuelson	
Kelly, R.C.	Lourey	Pogemiller	Scheevel	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that S.F. No. 25 be taken from the table and given a second reading. The motion prevailed.

S.F. No. 25: A bill for an act relating to capital improvements; authorizing spending for public purposes, including, but not limited to, acquiring and bettering public land and buildings and other public improvements of a capital nature with certain conditions; authorizing the sale of state bonds; appropriating money; reenacting certain corrections made by Laws 2000, chapter 499, sections 12, 15, 17, and 18; amending Laws 2000, chapter 492, article 1, section 7, subdivision 3.

S.F. No. 25 was read the second time.

Senator Moe, R.D. moved that S.F. No. 25 be laid on the table. The motion prevailed.

Senator Stevens moved that S.F. No. 26 be taken from the table and given a second reading. The motion prevailed.

S.F. No. 26: A bill for an act relating to government shutdown; suspending legislative compensation.

S.F. No. 26 was read the second time.

Senator Stevens moved that S.F. No. 26 be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senators Wiger; Vickerman; Metzen; Johnson, Dave and Scheid introduced--

S.F. No. 27: A bill for an act relating to game and fish; permitting taking of fish without a license for persons age 65 or over; amending Minnesota Statutes 2000, sections 97A.451, subdivision 2; and 97A.475, subdivision 6.

Senator Moe, R.D. moved that S.F. No. 27 be laid on the table. The motion prevailed.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Thursday, June 28, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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