

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

FIFTY-THIRD DAY

St. Paul, Minnesota, Monday, May 14, 2001

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. Larry Forsberg.

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

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 Kelley, S.P. 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. 1269, 1826, 1613, 560 and 910.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 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. 266: A bill for an act relating to government; requiring that local governmental units in the metropolitan area include consideration of the protection and development of aggregate resources in their land use plan as a part of their comprehensive plan; amending Minnesota Statutes 2000, section 473.859, subdivision 2.

Senate File No. 266 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2001

Senator Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 266, 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.

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. 359: A bill for an act relating to health occupations; modifying licensing requirements for the board of chiropractic examiners; modifying grounds for disciplinary action and penalties; allowing specified individuals to practice chiropractic in this state without being licensed in this state; amending Minnesota Statutes 2000, sections 148.06, subdivision 1; 148.10, subdivisions 1 and 3; 148.104; 148.105, subdivision 2; and 148.106, subdivision 10; repealing Minnesota Statutes 2000, section 148.106, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Senate File No. 359 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2001

CONCURRENCE AND REPASSAGE

Senator Kiscaden moved that the Senate concur in the amendments by the House to S.F. No. 359 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 359 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kierlin	Lourey	Pappas
Bachmann	Fowler	Kinkel	Marty	Pariseau
Belanger	Frederickson	Kiscaden	Metzen	Pogemiller
Berglin	Higgins	Kleis	Moe, R.D.	Price
Betzold	Hottinger	Knutson	Murphy	Ranum
Chaudhary	Johnson, Dave	Krentz	Neuville	Reiter
Cohen	Johnson, Dean	Langseth	Oliver	Rest
Day	Johnson, Debbie	Larson	Olson	Ring
Dille	Johnson, Doug	Lesewski	Orfield	Robertson
Fischbach	Kelly, R.C.	Limmer	Ourada	Robling

Sabo
Sams
Samuelson

Scheevel
Scheid
Schwab

Stevens
Stumpf

Terwilliger
Tomassoni

Vickerman
Wiger

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Seifert, Pelowski and Lipman.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2001

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1068: A bill for an act relating to government data; classifying data; codifying temporary classifications; including metropolitan area towns under the data practices act; clarifying effect of advisory opinions; modifying records management requirements; removing sunset on law governing access to juvenile records for gang investigations; extending authority for special law governing property taxpayer data; amending Minnesota Statutes 2000, sections 13.02, subdivision 11; 13.072, subdivision 2; 13.08, subdivision 4; 13.32, by adding a subdivision; 13.322, subdivision 3; 13.59; 13.594; 13.719, by adding a subdivision; 13.785, by adding a subdivision; 136A.243, by adding a subdivision; 138.17, subdivision 7; 182.659, subdivision 8; 260B.171, subdivision 1; 299C.095, subdivision 1; 299C.13; 299C.61, by adding a subdivision; 386.20, by adding a subdivision; 611A.19; Laws 1997, First Special Session chapter 3, section 27, as amended; repealing Minnesota Statutes 2000, sections 13.081; 13.5921.

There has been appointed as such committee on the part of the House:

Holberg, Smith and Luther.

Senate File No. 1068 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2001

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1464: A bill for an act relating to health; modifying provisions for lead poisoning prevention; requiring a real property seller provide buyer with well water test results; providing for certain alternative compliance methods for food, beverage, and lodging establishment inspections; repealing certain obsolete laws relating to hotel inspectors, duplication equipment, pay toilets, and enclosed sports arenas; amending Minnesota Statutes 2000, sections 144.9501, subdivisions 3, 4, 10, 11, 17, 17a, 18, 19, 20a, 20b, 20c, 21, 22, 22a, 23, 28a, 29, and by adding subdivisions; 144.9502, subdivision 8; 144.9503; 144.9504, subdivisions 1, 2, 5, 7, and 8; 144.9505; 144.9507, subdivision 5; 144.9508, subdivisions 1, 2, 3, 4, and 5; 144.9509, subdivisions 1 and 3; and 157.20, by adding a subdivision; repealing Minnesota Statutes 2000, sections 144.073; 144.08; 144.1222, subdivision 3; 144.9501, subdivision 32; 144.9502, subdivision 6; 144.9503, subdivision 6; 144.9504, subdivisions 4 and 11; 144.9505, subdivisions 2 and 5; 144.9506; 144.9508, subdivision 6; and 145.425.

There has been appointed as such committee on the part of the House:

Nornes, Tingelstad and Clark, K.

Senate File No. 1464 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2001

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1182, 1310 and 1828.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 11, 2001

FIRST READING OF HOUSE BILLS

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

H.F. No. 1182: A bill for an act relating to commerce; modifying requirements for invention developers; amending Minnesota Statutes 2000, sections 325A.04, by adding a subdivision; 325A.06, subdivisions 1 and 2; and 325A.09, subdivision 5, and by adding a subdivision; repealing Minnesota Statutes 2000, section 325A.06, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 831, now on General Orders.

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.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1205, now on General Orders.

H.F. No. 1828: A bill for an act relating to water; modifying provisions relating to wetland classification and replacement; modifying provisions relating to consumptive use of water; amending Minnesota Statutes 2000, sections 103F.516, subdivisions 1, 2, 3; 103F.612, by adding a subdivision; 103G.201; 103G.2242, subdivisions 9, 12; 103G.2372, subdivision 1; 103G.245, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1486, now on General Orders.

MOTIONS AND RESOLUTIONS

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. Nos. 1541, 453, 264, 619, 1561, 451 and 1098.

SPECIAL ORDER

S.F. No. 1541: A bill for an act relating to commerce; regulating currency exchanges, real estate brokers, real property appraisers, residential contractors, notaries public, and collection agencies; modifying certain continuing education requirements; regulating certain fees, costs, duties, rights, and penalties; regulating nonprofit corporations; requiring a study; appropriating money; amending Minnesota Statutes 2000, sections 45.0295; 53A.081, subdivision 2; 58.10, subdivision 1, by adding a subdivision; 60K.19, subdivision 8; 72B.04, subdivisions 6, 7; 80B.03, subdivision 4a; 82.195, subdivision 2; 82.196, subdivision 2; 82.197, subdivisions 1, 4, by adding a subdivision; 82.22, subdivision 13; 82.24, subdivision 8; 82.27, subdivision 3; 82.34, subdivision 15, by adding a subdivision; 82B.14; 317A.203; 326.91, subdivision 1; 326.975, subdivision 1; 332.41; 359.02; 507.45, subdivision 3.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 453: A bill for an act relating to bleacher safety; providing exemptions for bleachers owned by the Minnesota amateur sports commission and bleachers temporarily erected in the Hubert H. Humphrey Metrodome for certain events; amending Minnesota Statutes 2000, section 16B.616, subdivision 3.

Senator Vickerman moved to amend S.F. No. 453 as follows:

Page 2, after line 11, insert:

"Sec. 2. [AGRICULTURAL SOCIETIES; EXTENSION.]

County agricultural societies do not have to comply with bleacher requirements until January 1, 2004."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Day moved to amend S.F. No. 453 as follows:

Page 2, line 11, after the period, insert "This subdivision does not apply to any outside bleachers erected in Minnesota prior to January 1, 2001."

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 453 as follows:

Page 2, line 11, after the period, insert "This subdivision does not apply to bleachers erected by the defeat of Jesse James days committee, a nonprofit corporation located in Northfield, Minnesota."

The motion prevailed. So the amendment was adopted.

S.F. No. 453 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 47 and nays 4, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Lessard	Pariseau	Scheid
Belanger	Kelly, R.C.	Limmer	Ranum	Schwab
Betzold	Kierlin	Metzen	Reiter	Stevens
Day	Kinkel	Moe, R.D.	Ring	Terwilliger
Dille	Kiscaden	Murphy	Robertson	Tomassoni
Fischbach	Kleis	Neuville	Robling	Vickerman
Fowler	Knutson	Oliver	Sabo	Wiger
Frederickson	Krentz	Orfield	Sams	
Higgins	Larson	Ourada	Samuelson	
Johnson, Dave	Lesewski	Pappas	Scheevel	

Those who voted in the negative were:

Chaudhary	Foley	Olson	Rest
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 264: A bill for an act relating to crime; establishing a felony level driving while impaired offense; requiring health plans to cover chemical dependency treatment for impaired driving offenders in certain instances; amending Minnesota Statutes 2000, sections 169A.07; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275; 169A.283, subdivision 1; 169A.40, subdivision 3; 169A.63, subdivision 1; 244.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62Q; 169A.

Senator Kleis moved to amend S.F. No. 264 as follows:

Page 14, lines 10 and 12, delete "January 1, 2003" and insert "August 1, 2001"

Pursuant to Rule 7.7, Senator Berglin raised a point of order as to whether the Kleis amendment was in order.

The President ruled the point of order well taken, so the Kleis amendment was not in order.

Senator Kleis appealed the decision of the President.

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 264. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Frederickson	Larson	Ourada	Schwab
Belanger	Johnson, Debbie	Lesewski	Pariseau	Stevens
Berg	Kierlin	Limmer	Reiter	Terwilliger
Day	Kiscaden	Neuville	Robertson	
Dille	Kleis	Oliver	Robling	
Fischbach	Knutson	Olson	Scheevel	

So the decision of the President was sustained.

Senator Kelly, R.C. moved to amend S.F. No. 264 as follows:

Page 8, delete lines 13 to 36

Page 9, delete lines 1 to 16

Page 9, line 17, delete "(g)" and insert "(c)"

Page 9, line 21, delete "incarceration" and insert "prison"

Page 9, line 28, delete everything after "release"

Page 9, line 29, delete everything before the comma

Page 9, line 32, delete everything after the period

Page 9, delete lines 33 to 36

Page 10, delete lines 1 and 2

Page 10, line 3, delete everything before "The"

Page 10, line 6, after the period, insert "The failure of a court to direct the commissioner of corrections to place the person on conditional release, as required in this paragraph, does not affect the applicability of the conditional release provisions to the person."

Page 10, delete lines 7 to 10

Page 10, line 11, delete "(i)" and insert "(d)" and delete " in a"

Page 10, line 12, delete everything before "on"

Page 10, line 14, delete "program" and insert "supervision"

Page 10, line 15, delete "As"

Page 10, delete lines 16 to 23

Page 14, lines 1 and 2, delete "and the number released early as a result" and insert "in prison"

Amend the title accordingly

Pursuant to Rule 7.7, Senator Berglin raised a point of order as to whether the Kelly, R.C. amendment was in order.

The President ruled the point of order well taken, so the Kelly, R.C. amendment was not in order.

Senator Johnson, Dave moved that S.F. No. 264 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 619: A bill for an act relating to domestic violence; expanding the definition of domestic abuse; requiring additional findings before pretrial release of a defendant accused of domestic abuse, harassment, or violation of an order for protection or a no contact order; providing that additional crimes and crimes from other jurisdictions may be used to enhance certain criminal penalties; increasing criminal penalties; specifying standards for domestic abuse offender programs and directing that certain persons be ordered into these programs; requiring data collection on disorderly conduct convictions; providing that there is no residency requirement for order for protection petitions; prioritizing the payment of restitution and fines over domestic abuse investigation fees; clarifying the scope of the mandatory arrest provision of the domestic abuse order for protection law consistent with the original legislative intent; amending Minnesota Statutes 2000, sections 299C.10, subdivision 1; 518B.01, subdivisions 2, 3, 6, 14; 609.02, by adding a subdivision; 609.224, subdivisions 2, 4; 609.2242, subdivisions 2, 4; 609.2244, subdivisions 2, 4; 609.748, subdivision 6; 609.749, subdivisions 4, 5; 629.72; proposing coding for new law in Minnesota Statutes, chapter 518B.

CALL OF THE SENATE

Senator Berg imposed a call of the Senate for the balance of the proceedings on S.F. No. 619. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 619 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

Senator Ranum moved that those not voting be excused from voting. The motion prevailed.

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

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Hottinger	Kierlin
Bachmann	Chaudhary	Foley	Johnson, Dean	Kinkel
Belanger	Cohen	Fowler	Johnson, Debbie	Kiscaden
Berg	Day	Frederickson	Johnson, Doug	Kleis
Berglin	Dille	Higgins	Kelly, R.C.	Knutson

Krentz	Metzen	Pogemiller	Sabo	Tomassoni
Langseth	Moe, R.D.	Price	Sams	Vickerman
Larson	Neuville	Ranum	Samuelson	Wiener
Lesewski	Oliver	Reiter	Scheid	Wiger
Lessard	Olson	Rest	Schwab	
Limmer	Ourada	Ring	Stevens	
Lourey	Pappas	Robertson	Stumpf	
Marty	Pariseau	Robling	Terwilliger	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 451: A bill for an act relating to retirement; various statewide and local retirement plans and programs; clarifying the application of the open meeting law to local retirement plans; including certain American Indian tribal governments in police state aid; extending disability

coverage to certain privatized university hospital and other public employees; authorizing voluntary employee benefit associations; authorizing various generalized and specific service credit purchases; excluding certain trades personnel from the public employees retirement association; including certain Dakota county agricultural society employees in the public employees retirement association; authorizing mail-in elections and referendums for the Minneapolis police relief association; modifying restrictions on supplemental retirement plans; clarifying membership for certain faculty collective bargaining representatives; requiring bonding or insurance by certain volunteer fire relief association financial consultants; providing a postretirement adjustment to certain Eveleth police and paid fire trust fund retirees; clarifying the eligibility for retirement coverage for various Minnesota state colleges and universities system employees; implementing various public pension plan administrative modifications; including fugitive apprehension officers in the state patrol retirement plan; expanding public employee retirement association general plan membership eligibility; prorating service credit for certain general public employee retirement plan members; extending certain unfunded actuarial accrued liability amortization target dates; eliminating mortality gain and loss transfers for the Minnesota postretirement investment fund; increasing general public employee retirement plan member and employer contribution rates; creating a direct state aid for the general public employees retirement plan; transferring noncertificated public school employees to membership in the teachers retirement association; mandating a statewide retirement plan administrative consolidation feasibility study; mandating an educational employees retirement plan aggregation feasibility study; funding unpaid retirement contributions from certain closed charter schools; codifying and revising the Minneapolis firefighters relief association law; authorizing social security coverage for legislators; appropriating money; amending Minnesota Statutes 2000, sections 3A.03, subdivision 2; 11A.18, subdivision 7; 13D.01, subdivision 1; 69.011, subdivision 1; 352.01, subdivisions 2a, 2b, 11; 352.113, subdivisions 4, 6; 352.22, subdivision 8; 352.87, subdivisions 4, 5; 352.95, subdivisions 4, 5, 7; 352B.01, subdivisions 2, 3, 11; 352B.10, subdivision 3; 352B.101; 353.01, subdivisions 1, 2, 2a, 2b, 6, 7, 11b, 12, 12a, 16, by adding subdivisions; 353.026; 353.03, subdivision 1; 353.27, subdivisions 2, 3, 4, 10, 11; 353.28, subdivision 8; 353.86, subdivision 1; 354.05, subdivision 2; 354.41, subdivision 4; 354.52, subdivision 4; 354.534, subdivision 1; 354.536, subdivision 1; 354.539; 354A.011, subdivision 24; 354A.098, subdivision 1; 354A.101, subdivision 1; 354A.106; 354A.12, subdivision 5; 354A.31, subdivision 3; 354A.35, subdivision 4; 356.215, subdivision 4g; 356.24, subdivision 1; 356.55, subdivision 7; 356A.06, subdivision 5; 356A.08, subdivision 1; 422A.155; 423B.01, by adding a subdivision; 423B.05, by adding subdivisions; 424A.04, by adding a subdivision; 490.121, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3A; 13; 352; 352F; 353; 353F; 354; 354A; 354B; 355; 356; 383D; proposing coding for new law as Minnesota Statutes, chapter 423C; repealing Minnesota Statutes 2000, sections 354.41, subdivision 9; 354A.026; Laws 1907, chapter 24; Laws 1913, chapter 318; Laws 1913, chapter 419; Laws 1917, chapter 196; Laws 1919, chapter 515; Laws 1919, chapter 523; Laws 1921, chapter 404; Laws 1923, chapter 61; Laws 1945, chapter 322; Laws 1959, chapter 213; Laws 1959, chapter 491; Laws 1959, chapter 568; Laws 1961, chapter 109; Extra Session Laws 1961, chapter 3; Laws 1963, chapter 318; Laws 1965, chapter 519; Laws 1965, chapter 578; Laws 1967, chapter 819; Laws 1967, chapter 824; Laws 1969, chapter 123; Laws 1969, chapter 287; Laws 1971, chapter 542; Laws 1975, chapter 57; Laws 1977, chapter 164, section 2; Laws 1980, chapter 607, article XV, sections 8, 9, 10; Laws 1988, chapter 572, sections 4, 5, 6; Laws 1988, chapter 574, sections 3, 4, 5; Laws 1989, chapter 319, article 19, sections 6, 7; Laws 1990, chapter 589, article 1, sections 5, 6; Laws 1992, chapter 429; Laws 1992, chapter 454, section 2; Laws 1992, chapter 471, article 2; Laws 1993, chapter 125; Laws 1993, chapter 192, section 32; Laws 1994, chapter 591; Laws 1994, chapter 632, article 3, section 14; Laws 1996, chapter 448, article 2, section 3; Laws 1996, chapter 448, article 3, section 1; Laws 1997, chapter 233, article 4, sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; Laws 1998, chapter 390, article 7, section 2; Laws 2000, chapter 461, article 17, sections 6, 7, 8, 9, 10, 11, 12, 13.

Senator Pogemiller moved to amend S.F. No. 451 as follows:

Page 76, delete section 29

Page 107, delete section 22

Page 116, after line 31, insert:

"Sec. 29. [APPROPRIATION.]

\$2,500,000 in the fiscal year ending June 30, 2002, and \$2,500,000 in the fiscal year ending June 30, 2003, are appropriated from the general fund to the commissioner of finance for transfer to the public employees retirement association general employees retirement fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 41, Senator Johnson, Dave moved that he be excused from voting on S.F. No. 451. The motion prevailed.

S.F. No. 451 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	Higgins	Larson	Orfield	Sams
Bachmann	Hottinger	Lesewski	Ourada	Samuelson
Belanger	Johnson, Dean	Lessard	Pariseau	Scheevel
Berg	Johnson, Debbie	Limmer	Pogemiller	Scheid
Berglin	Johnson, Doug	Lourey	Price	Schwab
Betzold	Kelly, R.C.	Marty	Ranum	Stevens
Cohen	Kierlin	Metzen	Reiter	Stumpf
Day	Kinkel	Moe, R.D.	Rest	Terwilliger
Dille	Kiscaden	Murphy	Ring	Tomassoni
Foley	Kleis	Neuville	Robertson	Vickerman
Fowler	Krentz	Oliver	Robling	Wiener
Frederickson	Langseth	Olson	Sabo	Wiger

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

SPECIAL ORDER

S.F. No. 1098: A bill for an act relating to state government; transferring the administration and enforcement of the Unfair Cigarette Sales Act from the commissioner of revenue to the commissioner of commerce; amending Minnesota Statutes 2000, sections 45.011, subdivision 1; 270.06; 297F.04, subdivision 1; 297F.13, subdivision 4; 325D.33, subdivision 8, by adding a subdivision; 325D.405; 325D.415; repealing Minnesota Statutes 2000, section 325D.33, 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Day	Johnson, Dave	Knutson	Marty
Bachmann	Dille	Johnson, Dean	Krentz	Metzen
Belanger	Fischbach	Johnson, Debbie	Langseth	Moe, R.D.
Berg	Foley	Johnson, Doug	Larson	Murphy
Berglin	Fowler	Kelly, R.C.	Lesewski	Neuville
Betzold	Frederickson	Kierlin	Lessard	Oliver
Chaudhary	Higgins	Kinkel	Limmer	Olson
Cohen	Hottinger	Kleis	Lourey	Orfield

Ourada
Pappas
Pariseau
Pogemiller
Price

Ranum
Reiter
Rest
Ring
Robertson

Robling
Sabo
Sams
Samuelson
Scheevel

Scheid
Schwab
Stevens
Stumpf
Terwilliger

Tomassoni
Vickerman
Wiener
Wiger

So the bill passed and its title was agreed to.

Senator Johnson, Dave moved that S.F. No. 264 be taken from the table. The motion prevailed.

S.F. No. 264: A bill for an act relating to crime; establishing a felony level driving while impaired offense; requiring health plans to cover chemical dependency treatment for impaired driving offenders in certain instances; amending Minnesota Statutes 2000, sections 169A.07; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275; 169A.283, subdivision 1; 169A.40, subdivision 3; 169A.63, subdivision 1; 244.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62Q; 169A.

Senator Kelly, R.C. moved to amend S.F. No. 264 as follows:

Page 8, delete lines 13 to 36

Page 9, delete lines 1 to 16

Page 9, line 17, delete "(g)" and insert "(c)"

Page 9, line 21, delete "incarceration" and insert "prison"

Page 9, line 28, delete everything after "release"

Page 9, line 29, delete everything before the comma

Page 9, line 32, delete everything after the period

Page 9, delete lines 33 to 36

Page 10, delete lines 1 and 2

Page 10, line 3, delete everything before "The"

Page 10, line 6, after the period, insert "The failure of a court to direct the commissioner of corrections to place the person on conditional release, as required in this paragraph, does not affect the applicability of the conditional release provisions to the person."

Page 10, delete lines 7 to 10

Page 10, line 11, delete "(i)" and insert "(d)" and delete " in a"

Page 10, line 12, delete everything before "on"

Page 10, line 14, delete "program" and insert "supervision"

Page 10, line 15, delete "As"

Page 10, delete lines 16 to 23

Page 12, after line 31, insert:

"Sec. 13. Minnesota Statutes 2000, section 171.29, subdivision 2, is amended to read:

Subd. 2. [FEES, ALLOCATION.] (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52 or 169A.54, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 shall pay a \$250 fee plus a \$40 ~~\$340~~ surcharge before the driver's license is reinstated. The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the trunk highway fund.

(2) Fifty-five percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent must be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account is appropriated as follows:

(i) the first \$200,000 in a fiscal year to the commissioner of children, families, and learning for programs for elementary and secondary school students; and

(ii) the remainder credited in a fiscal year to the commissioner of transportation to be spent as grants to the Minnesota highway safety center at St. Cloud State University for programs relating to alcohol and highway safety education in elementary and secondary schools.

(5) Five percent must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 35 percent for a contract with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 65 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this clause, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(i) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(ii) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(iii) the development and support of programs and services to prevent traumatic brain injury;

(iv) the establishment of education programs for persons with traumatic brain injury; and

(v) the empowerment of persons with traumatic brain injury through participation in its governance.

No patient's name, identifying information or identifiable medical data will be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian, or if the patient is a minor, of the parent or guardian of the patient.

(c) The \$40 ~~\$340~~ surcharge must be credited to a separate account to be known as the remote electronic alcohol monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(d) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4."

Page 14, lines 1 and 2, delete "and the number released early as a result" and insert "in prison"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Langseth	Orfield	Robling
Bachmann	Frederickson	Larson	Ourada	Scheevel
Belanger	Johnson, Dean	Limmer	Pariseau	Scheid
Chaudhary	Kelly, R.C.	Marty	Price	Schwab
Cohen	Kiscaden	Murphy	Ranum	Stevens
Dille	Kleis	Neuville	Reiter	Stumpf
Fischbach	Knutson	Oliver	Rest	Terwilliger
Foley	Krentz	Olson	Robertson	Wiger

Those who voted in the negative were:

Berg	Johnson, Dave	Lesewski	Pogemiller	Tomassoni
Berglin	Johnson, Debbie	Lessard	Ring	Vickerman
Betzold	Johnson, Doug	Lourey	Sabo	Wiener
Day	Kierlin	Metzen	Sams	
Higgins	Kinkel	Moe, R.D.	Samuelson	

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 264 as follows:

Page 14, lines 10 and 12, delete "January 1, 2003" and insert "August 1, 2001"

Pursuant to Rule 7.7, Senator Berglin raised a point of order as to whether the Kleis amendment was in order.

The President ruled the point of order well taken, so the Kleis amendment was not in order.

Senator Kleis moved to amend S.F. No. 264 as follows:

Page 14, lines 10 and 12, delete "January 1, 2003" and insert "August 1, 2002"

Pursuant to Rule 7.7, Senator Tomassoni raised a point of order as to whether the second Kleis amendment was in order.

The President ruled the point of order not well taken, so the second Kleis amendment was in order.

The question was taken on the adoption of the second Kleis amendment.

The roll was called, and there were yeas 55 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Fowler	Knutson	Orfield	Robling
Bachmann	Frederickson	Krentz	Ourada	Sabo
Belanger	Higgins	Langseth	Pappas	Sams
Berg	Johnson, Dave	Larson	Pariseau	Samuelson
Berglin	Johnson, Dean	Lesewski	Pogemiller	Scheevel
Chaudhary	Johnson, Debbie	Limmer	Price	Scheid
Cohen	Johnson, Doug	Marty	Ranum	Schwab
Day	Kelly, R.C.	Moe, R.D.	Reiter	Stevens
Dille	Kierlin	Neuville	Rest	Terwilliger
Fischbach	Kiscaden	Oliver	Ring	Wiener
Foley	Kleis	Olson	Robertson	Wiger

Those who voted in the negative were:

Betzold	Lessard	Murphy	Tomassoni	Vickerman
Kinkel	Metzen	Stumpf		

The motion prevailed. So the amendment was adopted.

S.F. No. 264 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 61 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Samuelson
Bachmann	Higgins	Larson	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	Vickerman
Cohen	Kierlin	Moe, R.D.	Rest	Wiener
Day	Kinkel	Murphy	Ring	Wiger
Dille	Kiscaden	Neuville	Robertson	
Fischbach	Kleis	Oliver	Robling	
Foley	Knutson	Olson	Sabo	
Fowler	Krentz	Orfield	Sams	

Those who voted in the negative were:

Tomassoni

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

Senator Moe, R.D. moved that S.F. No. 264 be laid on the table. The motion prevailed.

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:

H.F. No. 2036, S.F. Nos. 1438, 1330, H.F. No. 783, S.F. Nos. 95, 67, 1614, 765 and 577.

SPECIAL ORDER

H.F. No. 2036: A bill for an act relating to Goodhue county; permitting the appointment of the auditor-treasurer and 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 55 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Fischbach	Limmer	Reiter	Scheevel
Dille	Kleis			

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1438: A bill for an act relating to public employment; ratifying certain labor agreements and proposals; modifying public employee compensation provisions; amending Minnesota Statutes 2000, sections 3.855, subdivision 3; 15A.0815, subdivision 1, and by adding a subdivision; 136F.07; 136F.40, subdivision 2; and 179A.15; repealing Minnesota Statutes 2000, section 43A.18, subdivisions 4a and 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 46 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lessard	Ranum	Stevens
Bachmann	Hottinger	Lourey	Reiter	Stumpf
Belanger	Johnson, Dean	Marty	Rest	Terwilliger
Berglin	Johnson, Debbie	Murphy	Ring	Tomassoni
Betzold	Johnson, Doug	Neuville	Robertson	Wiener
Chaudhary	Kierlin	Oliver	Robling	Wiger
Cohen	Kinkel	Orfield	Sabo	
Foley	Kiscaden	Ourada	Samuelson	
Fowler	Kleis	Pappas	Scheevel	
Frederickson	Langseth	Price	Scheid	

Those who voted in the negative were:

Berg	Fischbach	Lesewski	Olson	Sams
Day	Knutson	Limmer	Pariseau	Vickerman
Dille	Larson			

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1330: A bill for an act relating to unemployment insurance; providing extra benefits for certain employees.

Senator Stevens moved to amend S.F. No. 1330 as follows:

Page 1, after line 22, insert:

"Sec. 2. [EXEMPTION FROM ADDITIONAL BENEFITS REQUIREMENTS; M.E. INTERNATIONAL, ST. LOUIS COUNTY.]

Notwithstanding Minnesota Statutes, section 268.125, subdivisions 1 and 3, clauses (1) and (5), an applicant is eligible to receive additional benefits under Minnesota Statutes, section 268.125, effective the week following the week in which the applicant exhausted regular benefits if:

(1) the applicant was laid off due to lack of work from M. E. International in St. Louis county on February 25, 2000; and

(2) the commissioner of economic security finds that the applicant satisfies the conditions of Minnesota Statutes, section 268.125, subdivision 3, clauses (2) to (4).

This section does not apply to any applicant who, with respect to any period prior to September 1, 2001, receives, or has an agreement to receive, a retirement pension financed in whole or in part by M. E. International."

Page 1, line 23, delete "2" and insert "3"

Page 1, line 24, delete "Section 1 is" and insert "Sections 1 and 2 are"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 41, Senator Higgins moved that she be excused from voting on S.F. No. 1330. The motion prevailed.

S.F. No. 1330 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 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Reiter

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

SPECIAL ORDER

H.F. No. 783: A bill for an act relating to crime prevention; specifying that peace officers' use of less lethal munitions does not constitute deadly force; amending Minnesota Statutes 2000, section 609.066, subdivision 1.

Senator Ranum moved that the amendment made to H.F. No. 783 by the Committee on Rules and Administration in the report adopted May 10, 2001, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 783 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kelly, R.C.	Limmer	Pogemiller
Bachmann	Foley	Kierlin	Lourey	Price
Belanger	Fowler	Kinkel	Marty	Ranum
Berg	Frederickson	Kiscaden	Moe, R.D.	Reiter
Berglin	Higgins	Kleis	Murphy	Rest
Betzold	Hottinger	Knutson	Oliver	Ring
Chaudhary	Johnson, Dave	Krentz	Olson	Robertson
Cohen	Johnson, Dean	Larson	Orfield	Robling
Day	Johnson, Debbie	Lesewski	Ourada	Sabo
Dille	Johnson, Doug	Lessard	Pariseau	Sams

Samuelson
Scheevel
Scheid

Schwab
Stevens

Stumpf
Terwilliger

Tomassoni
Vickerman

Wiener
Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 95: A bill for an act relating to elections; making it easier to vote by absentee ballot; prohibiting certain activities; providing for rules; amending Minnesota Statutes 2000, sections 203B.02, subdivision 1; 203B.04, subdivisions 1 and 4; 203B.06, subdivision 3; and 203B.07, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

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 32 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Metzen	Ranum	Stumpf
Berglin	Johnson, Dave	Moe, R.D.	Rest	Tomassoni
Betzold	Kinkel	Murphy	Ring	Wiener
Chaudhary	Krentz	Orfield	Robertson	Wiger
Cohen	Langseth	Pappas	Sabo	
Foley	Lourey	Pogemiller	Sams	
Higgins	Marty	Price	Scheid	

Those who voted in the negative were:

Bachmann	Frederickson	Larson	Ourada	Stevens
Belanger	Johnson, Dean	Lesewski	Pariseau	Terwilliger
Berg	Johnson, Debbie	Lessard	Reiter	Vickerman
Day	Kierlin	Limmer	Robling	
Dille	Kiscaden	Neuville	Samuelson	
Fischbach	Kleis	Oliver	Scheevel	
Fowler	Knutson	Olson	Schwab	

So the bill failed to pass.

SPECIAL ORDER

S.F. No. 67: A bill for an act relating to occupational safety and health; permitting injured employees a civil remedy if an employer willfully or repeatedly violated safety laws; amending Minnesota Statutes 2000, section 182.666, 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 33 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lourey	Pogemiller	Scheid
Berglin	Hottinger	Marty	Price	Stumpf
Betzold	Johnson, Dave	Metzen	Ranum	Tomassoni
Chaudhary	Johnson, Doug	Moe, R.D.	Rest	Wiener
Cohen	Kelly, R.C.	Murphy	Ring	Wiger
Foley	Kinkel	Orfield	Sabo	
Fowler	Krentz	Pappas	Samuelson	

Those who voted in the negative were:

Bachmann	Johnson, Dean	Larson	Ourada	Schwab
Belanger	Johnson, Debbie	Lesewski	Pariseau	Stevens
Berg	Kierlin	Lessard	Reiter	Terwilliger
Day	Kiscaden	Limmer	Robertson	Vickerman
Dille	Kleis	Neuville	Robling	
Fischbach	Knutson	Oliver	Sams	
Frederickson	Langseth	Olson	Scheevel	

So the bill failed to pass.

SPECIAL ORDER

S.F. No. 1614: A bill for an act relating to civil law; providing for civil actions against the state under the federal Age Discrimination in Employment Act, the federal Fair Labor Standards Act, the federal Family and Medical Leave Act, and the federal Americans With Disabilities Act; proposing coding for new law in Minnesota Statutes, chapter 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 765: A bill for an act relating to human services; prescription drug rebate program; appropriating money; amending Minnesota Statutes 2000, sections 8.31, subdivision 1; 256.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256.

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 42 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pogemiller	Scheid
Bachmann	Hottinger	Lessard	Price	Schwab
Berglin	Johnson, Dave	Lourey	Ranum	Stumpf
Betzold	Johnson, Dean	Marty	Rest	Tomassoni
Chaudhary	Johnson, Doug	Metzen	Ring	Vickerman
Cohen	Kelly, R.C.	Moe, R.D.	Robling	Wiger
Fischbach	Kinkel	Murphy	Sabo	
Foley	Kleis	Orfield	Sams	
Fowler	Krentz	Pappas	Samuelson	

Those who voted in the negative were:

Belanger	Dille	Kierlin	Lesewski	Oliver
Berg	Frederickson	Kiscaden	Limmer	Olson
Day	Johnson, Debbie	Knutson	Neuville	Ourada

Pariseau
Reiter

Robertson

Stevens

Terwilliger

Wiener

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 577: A bill for an act relating to metropolitan government; regulating transit on park roads in St. Paul; amending Minnesota Statutes 2000, section 473.411, subdivision 5.

Senator Anderson moved to amend S.F. No. 577 as follows:

Page 3, after line 7, insert:

"Sec. 2. [PRESERVATION OF EXISTING TRANSIT ROUTE.]

The metropolitan council shall, in the area between and including Lexington Avenue and Chatsworth and between and including Como lake and Front Avenue in the city of St. Paul, continue to use only those streets for regular route transit that are used for regular route transit on transit route 5 at the time of enactment of this section."

Page 3, line 9, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 557 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 37 and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Kierlin	Lesewski	Pariseau	Schwab
Belanger	Kiscaden	Limmer	Reiter	Stevens
Berg	Kleis	Neuville	Robertson	Terwilliger
Day	Knutson	Oliver	Robling	
Dille	Langseth	Olson	Sams	
Johnson, Debbie	Larson	Ourada	Scheevel	

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

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:

S.F. No. 266: Senators Vickerman, Stevens and Langseth.

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

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

S.F. No. 1659: A bill for an act relating to agriculture; modifying provisions relating to feedlots; providing for a level 1 feedlot inventory; proposing coding for new law in Minnesota Statutes, chapter 116.

Senate File No. 1659 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 11, 2001

CONCURRENCE AND REPASSAGE

Senator Murphy moved that the Senate concur in the amendments by the House to S.F. No. 1659 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1659 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 65 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	Lesewski	Pappas	Scheevel
Berglin	Johnson, Dean	Lessard	Pariseau	Scheid
Betzold	Johnson, Debbie	Limmer	Pogemiller	Schwab
Chaudhary	Johnson, Doug	Lourey	Price	Stevens
Cohen	Kelly, R.C.	Marty	Ranum	Stumpf
Day	Kierlin	Metzen	Reiter	Terwilliger
Dille	Kinkel	Moe, R.D.	Rest	Tomassoni
Fischbach	Kiscaden	Murphy	Ring	Vickerman
Foley	Kleis	Neuville	Robertson	Wiener
Fowler	Knutson	Oliver	Robling	Wiger

So the bill, as amended, 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 proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Johnson, Doug introduced--

S.F. No. 2382: A bill for an act relating to natural resources; providing funding for capital improvements to the Silver Bay marina; authorizing bonds; appropriating money.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Senator Berg was excused from the Session of today from 10:30 to 11:40 a.m. Senator Wiener was excused from the Session of today from 10:30 a.m. to 12:30 p.m. Senators Anderson; Berglin; Cohen; Hottinger; Johnson, Dean; Langseth; Price and Stumpf were excused from the Session of today from 11:10 to 11:40 a.m. Senator Lourey was excused from the Session of today from 11:10 to 11:40 a.m. and 1:05 to 1:25 p.m. Senator Johnson, Doug was excused from the Session of today from 11:10 to 11:40 a.m. and 2:00 to 2:20 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Tuesday, May 15, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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