

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

FORTY-FOURTH DAY

St. Paul, Minnesota, Tuesday, May 1, 2001

The Senate met at 12:00 noon and was called to order by the President.

## CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Michelle Waters.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 30, 2001

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2001	Date Filed 2001
	1637	53	2:56 p.m. April 30	April 30
	149	54	3:00 p.m. April 30	April 30
	1159	55	2:56 p.m. April 30	April 30
	1084	56	2:58 p.m. April 30	April 30
	285	57	3:02 p.m. April 30	April 30
	995	59	2:50 p.m. April 30	April 30
	1383	60	2:53 p.m. April 30	April 30
	525	61	2:51 p.m. April 30	April 30
	779	62	3:03 p.m. April 30	April 30
	1219	63	2:59 p.m. April 30	April 30
	1889	64	2:55 p.m. April 30	April 30

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 873:

**H.F. No. 873:** A bill for an act relating to public lands; allowing private easements across tax-forfeited land; changing certain exchange requirements; modifying county lease terms for tax-forfeited land; authorizing a conveyance of certain Benton county land; authorizing public and private sales and conveyances of certain tax-forfeited lands in Aitkin, Cook, Hubbard, Lake, Meeker, Ramsey, St. Louis, and Washington counties; amending Minnesota Statutes 2000, section 282.04, subdivision 1, and by adding a subdivision; Laws 1998, chapter 389, article 16, section 31, subdivisions 2, as amended, and 4, as amended.

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

Howes, Swenson and Bakk have been appointed as such committee on the part of the House.

House File No. 873 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 April 30, 2001

Senator Moe, R.D., for Senator Kinkel, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 873, 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. 2107:

**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.

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

Johnson, J.; Penas and Thompson have been appointed as such committee on the part of the House.

House File No. 2107 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 April 30, 2001

Senator Neuville moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2107, 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 the passage by the House of the following House File, herewith transmitted: H.F. No. 351.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 30, 2001

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 351:** A bill for an act relating to the operation of state government; crime prevention and judiciary finance; appropriating money for the judicial branch, public defense, human rights, corrections, public safety, crime victims, and related purposes; establishing and expanding grant programs, task forces, and pilot projects; requiring reports and studies; transferring, modifying, and expanding responsibility for various governmental responsibilities; providing procedures and policies for integrated criminal justice information systems; adopting various provisions relating to corrections; imposing, clarifying, and expanding certain criminal and civil provisions and penalties; regulating dangerous dogs; providing for protection of public safety in bail determinations; making certain changes related to sex offenders and sex offender registration; providing for state funding of certain programs and personnel; abolishing the office of the ombudsman for corrections; eliminating the Camp Ripley weekend camp program; increasing certain fees and modifying the allocation of certain fees; establishing a theft prevention advisory board; establishing a felony-level penalty for driving while impaired; modifying certain policies and procedures relating to domestic violence; making technical changes to the driving while impaired laws; reforming and recodifying the law relating to marriage dissolution, child custody, child support, maintenance, and property division; clarifying certain medical support bonus incentive provisions; making style and form changes; amending Minnesota Statutes 2000, sections 2.724, subdivision 3; 8.16, subdivision 1; 13.87, by adding a subdivision; 15A.083, subdivision 4; 169A.03, subdivision 12, by adding subdivisions; 169A.20, subdivision 3; 169A.25; 169A.26; 169A.27; 169A.275, subdivisions 3, 5; 169A.277, subdivision 2; 169A.28, subdivision 2; 169A.283, subdivision 1; 169A.37, subdivision 1; 169A.40, subdivision 3; 169A.41, subdivision 2; 169A.51, subdivision 7; 169A.54, subdivision 6; 169A.60, subdivisions 1, 13, 14; 169A.63, subdivision 1; 171.09; 171.186, by adding a subdivision; 171.29, subdivision 2; 171.30, subdivision 1; 241.272, subdivision 6; 242.192; 243.166, subdivisions 1, 3, 4a, 6; 243.167, subdivision 1; 243.51, subdivisions 1, 3; 256.9791; 299A.75, subdivision 1, by adding subdivisions; 299C.10, subdivision 1; 299C.11; 299C.147, subdivision 2; 299C.65, subdivisions 1,

2; 299F.058, subdivision 2; 343.20, by adding subdivisions; 343.21, subdivisions 9, 10; 518.002; 518.003, subdivisions 1, 3; 518.005; 518.01; 518.02; 518.03; 518.04; 518.05; 518.055; 518.06; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.131; 518.14, subdivision 1; 518.148; 518.155; 518.156; 518.157, subdivisions 1, 2, 3, 5, 6; 518.158, subdivisions 2, 4; 518.165; 518.166; 518.167, subdivisions 3, 4, 5; 518.168; 518.1705, subdivision 6; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, 7, 8; 518.1751, subdivisions 1b, 2, 2a, 2b, 2c, 3; 518.176; 518.177; 518.178; 518.179, subdivision 1; 518.18; 518.24; 518.25; 518.54, subdivisions 1, 5, 6, 7, 8; 518.55; 518.552; 518.58; 518.581; 518.582; 518.612; 518.619; 518.62; 518.64, subdivisions 1, 2; 518.641; 518.642; 518.646; 518.65; 518B.01, subdivisions 2, 3, 6, 14; 609.02, by adding a subdivision; 609.035, subdivision 2; 609.117; 609.224, subdivisions 2, 4; 609.2242, subdivisions 2, 4; 609.343, subdivision 2; 609.487, subdivision 4; 609.495, subdivisions 1, 3; 609.521; 609.748, subdivisions 6, 8; 609.749, subdivisions 4, 5; 611.23; 611.272; 611A.201, subdivision 2; 611A.32, by adding a subdivision; 611A.74, subdivisions 1, 1a; 617.247, subdivisions 3, 4; 626.55, subdivision 1; 629.471, subdivision 2; 629.72; Laws 1996, chapter 408, article 2, section 16; proposing coding for new law in Minnesota Statutes, chapters 8; 169A; 299A; 299C; 347; 518; 518B; 609; 626; proposing coding for new law as Minnesota Statutes, chapters 517A; 517B; 517C; repealing Minnesota Statutes 2000, sections 169A.275, subdivision 4; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 243.166, subdivision 10; 518.111; 518.17; 518.171; 518.185; 518.255; 518.54, subdivisions 2, 4a, 13, 14; 518.551; 518.5513; 518.553; 518.57; 518.575; 518.585; 518.5851; 518.5852; 518.5853; 518.61; 518.6111; 518.614; 518.615; 518.616; 518.617; 518.618; 518.6195; 518.64, subdivisions 4, 4a, 5; 518.66; 609.2244, subdivision 4; 626.55, subdivision 2.

Senator Moe, R.D. moved that H.F. No. 351 be laid on the table. The motion prevailed.

## REPORTS OF COMMITTEES

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

### Senator Pogemiller from the Committee on Taxes, to which was referred

**S.F. No. 2359:** A bill for an act relating to education; providing for early childhood through adult education including general education, education excellence, special education, facilities and technology, fund transfers, nutrition programs, early childhood programs, prevention, self-sufficiency and lifelong learning, libraries, state agencies, and technical amendments; appropriating money; amending Minnesota Statutes 2000, sections 93.22; 119A.05; 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.52; 119B.011, subdivisions 7, 19, by adding subdivisions; 119B.02, subdivisions 1, 2; 119B.03, subdivisions 3, 9, 10, by adding a subdivision; 119B.05, subdivision 5; 119B.061, subdivisions 1, 4; 119B.08; 119B.09, subdivisions 1, 2, 7; 119B.10; 119B.11, subdivision 1; 119B.12, subdivision 2; 119B.13, subdivisions 1, 6; 119B.15; 119B.24; 120B.07; 120B.30, subdivision 1; 120B.35; 121A.16; 121A.17, subdivisions 1, 3, 4, 5; 121A.19; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 4; 122A.21; 122A.26, subdivision 3; 122A.60, subdivision 3; 122A.61, subdivision 1; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.42, subdivision 3; 123B.53, subdivisions 2, 4, 5; 123B.54; 123B.57, subdivision 8; 123B.59, subdivision 1; 123B.75, subdivision 5; 123B.88, subdivision 1; 123B.92, subdivision 9; 124D.11, subdivisions 4, 5, by adding subdivisions; 124D.128, subdivisions 1, 2, 3, 6, by adding a subdivision; 124D.13, subdivisions 8, 9, by adding subdivisions; 124D.135, subdivisions 1, 3, 7, by adding a subdivision; 124D.15; 124D.16; 124D.221, subdivisions 1, 2; 124D.453, subdivision 3; 124D.454, subdivision 11; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 125A.17; 125A.515; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 7; 125B.20, subdivision 1; 125B.21; 125B.25, subdivisions 1, 2, 6, 9; 126C.05, subdivisions 1, 15; 126C.10, subdivisions 1, 2, 3, 4, 5, 7, 8, 13, 18, 24, 28, by adding subdivisions; 126C.12, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 126C.125; 126C.13, subdivision 1; 126C.15, subdivision 2; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, by adding a subdivision; 126C.18, by adding a subdivision; 126C.40, subdivision 1; 126C.41,

subdivision 2; 126C.63, by adding a subdivision; 126C.69, subdivisions 3, 9, 12; 126C.72, by adding a subdivision; 127A.41, subdivisions 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.51; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 298.28, subdivision 4; 475.53, subdivision 4; Laws 2000, chapter 489, article 2, sections 34, 37; Laws 2000, chapter 489, article 3, section 24; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 93; 119A; 119B; 122A; 124D; 126C; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 8; 119B.05, subdivision 1; 119B.07; 119B.09, subdivision 3; 119B.11, subdivision 4; 120A.41; 124D.1155; 124D.128, subdivision 7; 124D.33; 124D.331; 124D.85; 125B.20, subdivision 3; 126C.10, subdivisions 9, 10, 11, 12, 19, 20, 21, 22, 23; 126C.11; Laws 1999, chapter 241, article 3, section 5, as amended; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18.

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

Page 33, after line 17, insert:

**"[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2003 and later."**

Page 40, line 22, after "percent" insert "or"

Page 41, line 20, delete "\$3,539,876,000" and insert "\$3,541,662,000"

Page 41, line 24, delete "\$3,200,384,000" and insert "\$3,202,170,000"

Page 73, line 22, delete "\$225,000" and insert "\$255,000"

Page 73, line 23, delete "\$2,161,000" and insert "\$2,132,000"

Page 75, line 21, delete "\$1,825,000" and insert "\$1,300,000"

Page 75, line 22, delete "\$1,825,000" and insert "\$1,250,000"

Page 75, line 23, delete "\$450,000" and insert "\$250,000"

Page 75, line 24, delete "\$1,075,000" and insert "\$750,000" and delete "\$1,125,000" and insert "\$750,000"

Page 90, delete line 27

Page 90, line 28, delete "budget." and insert paragraph coding

Pages 90 to 93, delete sections 1 to 4

Pages 100 to 105, delete sections 13 to 18

Page 107, line 9, delete "21" and insert "11"

Page 109, line 15, delete "\$....." and insert "\$250,000"

Page 110, after line 36, insert:

"Sec. 19. [INDEPENDENT SCHOOL DISTRICT NO. 361, INTERNATIONAL FALLS; SWIMMING POOL LEVY.]

(a) Each year, independent school district No. 361, International Falls, may levy for the net operational costs of the swimming pool. The levy may not exceed the net actual costs of operation of the swimming pool for the previous year. Net actual costs are defined as operating costs less any operating revenues.

(b) The district must demonstrate to the satisfaction of the office of monitoring in the department that the district will offer equal sports opportunities for male and female students to

use its swimming pool, particularly in areas of access to prime practice time, team support, and providing junior varsity and younger level teams for girls' water sports and water sports offerings.

**[EFFECTIVE DATE.]** This section is effective for taxes payable in 2002 and later.

Sec. 20. [BUILDING REMODELING.]

The commissioner of human services shall use \$400,000 from its appropriation for repairs and betterments to remodel building 6 at the Brainerd regional human services center to make the structure suitable for school programs. The Brainerd school district shall reimburse the commissioner \$200,000 in fiscal year 2002 and \$200,000 in fiscal year 2003 through a lease agreement for these remodeling costs."

Page 112, line 8, delete "\$12,971,000" and insert "\$12,771,000"

Page 112, line 9, delete "\$12,968,000" and insert "\$12,768,000"

Page 112, line 11, delete "\$11,671,000" and insert "\$11,471,000"

Page 112, line 12, delete "\$1,297,000" and insert "\$1,275,000"

Page 112, line 13, delete "\$11,671,000" and insert "\$11,493,000"

Page 113, line 10, delete "become licensed" and insert "obtain a certificate"

Page 179, after line 15, insert:

"Of this amount, \$400,000 each year is for the adolescent parenting program according to Minnesota Statutes, section 124D.331; and \$250,000 each year is for male responsibility grants according to Minnesota Statutes, section 124D.33."

Page 179, delete line 25 and insert:

"(b) An additional \$96,000 in fiscal year 2002 and \$96,000"

Page 185, delete lines 21 to 27

Page 185, line 28, delete "4" and insert "3"

Page 185, line 34, delete "5" and insert "4"

Page 186, line 8, delete "6" and insert "5"

Page 186, line 16, delete "7" and insert "6"

Page 186, line 23, delete "8" and insert "7"

Page 186, line 29, delete "9" and insert "8"

Page 186, line 34, delete "10" and insert "9"

Page 187, line 2, delete "11" and insert "10"

Page 200, line 20, delete "the"

Page 200, line 21, delete "revenue program" and insert "programs"

Page 202, line 16, delete "\$2,674,000" and insert "\$1,674,000"

Page 202, line 17, delete "\$2,642,000" and insert "\$1,642,000"

Page 202, line 23, delete "\$1,000,000 each" and insert "\$684,000 in fiscal" and after "year" insert "2002, and \$690,000 in fiscal year 2003,"

Page 203, line 6, delete "\$3,103,000" and insert "\$4,103,000"

Page 203, line 7, delete "\$3,183,000" and insert "\$4,183,000"

Page 203, after line 7, insert:

"Of this amount, \$1,000,000 each year is to fund the automation and systems upgrades to improve the efficiency and service of the teacher licensure system. This amount shall not be included in the agency's base budget."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 24, delete everything after "3;"

Page 1, line 25, delete "123B.54;"

Page 2, line 3, delete everything after "2;"

Page 2, delete line 4

Page 2, line 5, delete "subdivision;"

Page 2, line 8, delete "475.53,"

Page 2, line 9, delete "subdivision 4;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

## MOTIONS AND RESOLUTIONS

### CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

### RECONSIDERATION

Having voted on the prevailing side, Senator Moe, R.D. moved that the vote whereby S.F. No. 2360 was passed by the Senate on April 30, 2001, be now reconsidered. The motion prevailed. So the vote was reconsidered.

**S.F. No. 2360:** A bill for an act relating to state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; modifying provisions relating to state and local government; providing for economic development; regulating various criminal justice, judiciary, housing, technology, and election provisions; authorizing local bonds and airport impact mitigations; providing for a credit enhancement program; authorizing contingency property tax levies in the metropolitan area; amending Minnesota Statutes 2000, sections 2.722, subdivision 1; 2.724, subdivision 3; 3.3005, subdivision 2, by adding a subdivision; 3.98, subdivision 2; 8.15, by adding a subdivision; 10A.01, subdivisions 9, 18; 10A.20, subdivision 6b, by adding a subdivision; 10A.25, subdivision 1, by adding subdivisions; 10A.27, subdivisions 1, 2, 10; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 3a, 5, 7, by adding a subdivision; 10A.322; 10A.323; 16A.10, subdivision 2; 16A.103, subdivisions 1, 1a; 16A.152, subdivision 7; 16B.25, subdivision 2; 16B.335, subdivision 3; 16B.61, subdivision 1; 16B.62, subdivision 1; 16B.63, by adding a subdivision; 16B.88, subdivision 2; 16C.22; 16E.04, subdivision 2; 116L.02; 116L.03; 116L.04, by adding a

subdivision; 116L.05, by adding a subdivision; 116L.16; 181.945; 200.02, subdivisions 7, 23; 211A.12; 268.022, subdivision 2; 268.085, by adding a subdivision; 268.665, by adding subdivisions; 268.666, by adding a subdivision; 270A.07, subdivision 1; 290.06, subdivision 23; 326.90, subdivision 1; 349.165, subdivisions 1, 3; 357.18, subdivision 3; 403.11, subdivision 1; 403.113, subdivisions 1, 3; 462.353, subdivision 4; 462.358, subdivision 2b; 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; 473.255, subdivisions 1, 2; 473.517, subdivision 3; 473.901, subdivision 1; 480.182; 517.08, subdivisions 1b, 1c; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 1998, chapter 366, section 80; Laws 1999, chapter 250, article 1, section 12, subdivision 3; Laws 1999, chapter 250, article 1, section 34; Laws 2000, chapter 488, article 8, section 2; proposing coding for new law in Minnesota Statutes, chapters 4A; 8; 11A; 15A; 16B; 16E; 116J; 137; 268; 336; 462; 462A; 473; repealing Minnesota Statutes 2000, sections 8.15, subdivision 2; 16E.08; 129D.06; 179A.07, subdivision 7; 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 Cohen moved to amend the second Limmer amendment to S.F. No. 2360, adopted by the Senate April 30, 2001, as follows:

Page 1, line 20, after the period, insert "Nothing in this section shall interfere with collective bargaining agreements."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dave	Lourey	Price	Terwilliger
Berglin	Johnson, Doug	Marty	Ranum	Tomassoni
Betzold	Kelley, S.P.	Metzen	Rest	Wiener
Chaudhary	Kelly, R.C.	Moe, R.D.	Ring	Wiger
Cohen	Kinkel	Murphy	Robertson	
Foley	Kiscaden	Orfield	Sabo	
Higgins	Krentz	Pappas	Scheid	
Hottinger	Langseth	Pogemiller	Solon	

Those who voted in the negative were:

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

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Senator Limmer moved that the vote whereby the Oliver amendment to S.F. No. 2360 was not adopted on April 30, 2001, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 27 and nays 39, as follows:



Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail. So the vote was not reconsidered.

Senator Neuville moved to amend S.F. No. 2360 as follows:

Page 72, after line 28, insert:

"Sec. 4. [16A.151] [PROCEEDS OF LITIGATION OR SETTLEMENT.]

Subdivision 1. [STATE FUNDS; GENERAL FUND.] (a) This subdivision applies, notwithstanding any law to the contrary, except as provided in subdivision 2.

(b) A state official may not commence, pursue, or settle litigation, or settle a matter that could have resulted in litigation, in a manner that would result in money being distributed to a person or entity other than the state.

(c) Money recovered by a state official in litigation or in settlement of a matter that could have resulted in litigation is state money and must be deposited in the general fund.

Subd. 2. [EXCEPTIONS.] (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated. If money recovered on behalf of injured persons or entities cannot reasonably be distributed to those persons or entities because they cannot readily be located or identified or because the cost of distributing the money would outweigh the benefit to the persons or entities, the money must be paid into the general fund.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

Subd. 3. [DEFINITIONS.] For purposes of this section:

(1) "litigation" includes civil, criminal, and administrative actions;

(2) "money recovered" includes actual damages, punitive or exemplary damages, statutory damages, and civil and criminal penalties; and

(3) "state official" means the attorney general, another constitutional officer, an agency, or an agency employee, acting in official capacity.

Sec. 2. [REPEALER.]

Minnesota Statutes 2000, section 8.31, subdivision 2c, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Foley moved to amend the Neuville amendment to S.F. No. 2360 as follows:

Page 1, line 5, delete "notwithstanding any law to the contrary,"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Neuville amendment, as amended.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Olson	Scheevel
Belanger	Johnson, Debbie	Larson	Ourada	Scheid
Berg	Kelly, R.C.	Lesewski	Pariseau	Schwab
Day	Kierlin	Lessard	Reiter	Stevens
Dille	Kiscaden	Limmer	Robertson	Terwilliger
Fischbach	Kleis	Neuville	Robling	Wiener

Those who voted in the negative were:

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

The motion did not prevail. So the Neuville amendment, as amended, was not adopted.

Senator Neuville moved to amend S.F. No. 2360 as follows:

Page 70, after line 23, insert:

"Sec. 2. Minnesota Statutes 2000, section 8.06, is amended to read:

8.06 [ATTORNEY FOR STATE OFFICERS, BOARDS, OR COMMISSIONS; EMPLOY COUNSEL.]

The attorney general shall act as the attorney for all state officers and all boards or commissions created by law in all matters pertaining to their official duties. When requested by the attorney general, it shall be the duty of any county attorney of the state to appear within the county and act as attorney for any such board, commission, or officer in any court of such county. The attorney general may, upon request in writing, employ, and fix the compensation of, a special attorney for any such board, commission, or officer when, in the attorney general's judgment, the public welfare will be promoted thereby. Such special attorney's fees or salary shall be paid from the appropriation made for such board, commission, or officer. Except as herein provided, no board, commission, or officer shall hereafter employ any attorney at the expense of the state.

~~Whenever the attorney general, the governor, and the chief justice of the supreme court shall certify, in writing, filed in the office of the secretary of state, that it is necessary, in the proper conduct of the legal business of the state, either civil or criminal, that the state employ additional counsel, the attorney general shall thereupon be authorized to employ such counsel and, with the governor and the chief justice, fix the additional counsel's compensation. Except as herein stated, no additional counsel shall be employed and the legal business of the state shall be performed exclusively by the attorney general and the attorney general's assistants.~~

Sec. 3. Minnesota Statutes 2000, section 8.09, is amended to read:

8.09 [PROSECUTION, CLAIMS OF STATE AGAINST UNITED STATES; AGREEMENTS WITH ATTORNEYS.]

The attorney general is hereby empowered, authorized, and directed to retain attorneys to take

exclusive charge of prosecuting, collecting, and recovering from the United States any such claim which may be developed, and to prosecute, at their own expense, any claim before such tribunal of the government as may be deemed best for the interests of the state, detailed reports to be made, from time to time and whenever requested by the attorney general, of the progress of prosecution of any claim; provided, that no composition of any claim shall be concluded without the written approval of the attorney general.

The compensation of these attorneys for this service shall be 25 percent of the sums and amounts collected and received by the state, such compensation to be contingent upon collection and payment thereof to the state, with no further liability on the part of the state, and the amount of such compensation is hereby appropriated, payable upon the certificate of the attorney general filed with the commissioner of finance.

Sec. 4. [8.105] [COMPENSATION OF PRIVATELY RETAINED ATTORNEYS.]

The attorney general may retain private attorneys to assist with the prosecution or defense of any civil legal matter within the jurisdiction of the attorney general.

Compensation of private attorneys must be paid in accordance with a written retainer agreement that may provide for payment on an hourly, flat fee, or contingent basis. All compensation must be paid from the appropriated budget of the attorney general, unless the legislature has authorized payment of additional compensation.

Attorney fees recovered in any legal action, in accordance with a court order or settlement, must be deposited into the state treasury. No private attorney retained by the attorney general may receive payment or compensation, directly or indirectly, from any party except the state of Minnesota. This section governs the compensation of private attorneys by the attorney general in all cases except as provided in section 8.09."

Page 99, line 36, after "sections" insert "8.10;"

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 30 and nays 36, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail. So the amendment was not adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Senator Knutson moved that the vote whereby the second Kleis amendment to S.F. No. 2360 was not adopted on April 30, 2001, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 32 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail. So the vote was not reconsidered.

S.F. No. 2360 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 44 and nays 22, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Limmer	Pariseau	Scheevel
Belanger	Kierlin	Neuville	Reiter	Stevens
Berg	Kiscaden	Oliver	Robling	
Day	Kleis	Olson	Sams	
Fischbach	Larson	Ourada	Samuelson	

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

**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. 555, 1341, 1666, 1752, 761, H.F. No. 489, S.F. Nos. 1068, 1144, 1324, 1394 and 1367.

**SPECIAL ORDER**

**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 Minnesota Statutes 2000, section 14.05, subdivision 4; Laws 1999, chapter 129, section 6.

Senator Betzold moved to amend S.F. No. 555 as follows:

Page 9, after line 7, insert:

"Sec. 9. [EXPIRATION.]

Minnesota Statutes 2000, section 14.05, subdivision 4, expires July 1, 2003. Variances granted and rules adopted under Minnesota Statutes, section 14.05, subdivision 4, remain in effect after that date, however, and the rules may be amended."

Page 9, delete lines 9 to 12

Page 9, line 13, delete "(b)"

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stevens moved to amend S.F. No. 555 as follows:

Page 2, line 29, after "legal" insert "or economic"

The motion prevailed. So the amendment was adopted.

S.F. No. 555 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 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Marty

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

**SPECIAL ORDER**

**S.F. No. 1341:** A bill for an act relating to health; requiring disclosure of the form of care or

treatment provided in certain special care status units; providing penalties and remedies; amending Minnesota Statutes 2000, sections 144A.4605, subdivision 4; 144D.03, subdivision 2; 144D.04, subdivisions 2, 3; 144D.06; proposing coding for new law in Minnesota Statutes, chapter 325F.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1666:** A bill for an act relating to commerce; allowing licensing exemption for certain sales of horse trailers and temporary sales of recreational vehicles; amending Minnesota Statutes 2000, section 168.27, subdivision 10.

Senator Murphy moved to amend S.F. No. 1666 as follows:

Page 4, line 25, after "business" insert "other than an official county fair or the Minnesota state fair"

Page 4, line 29, after "business" insert "other than an official county fair"

The motion prevailed. So the amendment was adopted.

S.F. No. 1666 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

**S.F. No. 1752:** A bill for an act relating to liquor; authorizing on-sale intoxicating liquor licenses in Minneapolis, St. Paul, Blaine, Elk River, Moorhead, and St. Louis Park; clarifying regulations with respect to premix machines; amending Minnesota Statutes 2000, sections 340A.404, subdivisions 2, 2b; 340A.508, by adding a subdivision.

Senator Vickerman moved to amend S.F. No. 1752 as follows:

Page 3, after line 12, insert:

"Sec. 3. Minnesota Statutes 2000, section 340A.410, subdivision 10, is amended to read:

Subd. 10. [TEMPORARY LICENSES; RESTRICTIONS.] (a) A municipality may not issue more than three four-day, four three-day, six two-day, or 12 one-day temporary licenses, in any combination not to exceed 12 days per year, under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period.

~~(b) A municipality may not issue more than one temporary license under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within any 30-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.~~

~~This restriction does not apply to a municipality with a population of 5,000 or fewer people.~~

~~(c) A municipality that issues separate temporary wine and liquor licenses may separately apply the limitations contained in paragraphs paragraph (a) and (b) to the issuance of such licenses to any one organization or registered political committee, or for any one location."~~

Page 4, delete lines 13 to 20 and insert "645.021. Sections 3 and 4 are effective the day following final enactment. Section 5 is effective upon approval by the Blaine city council and compliance with Minnesota Statutes, section 645.021. Section 6 is effective upon approval by the Elk River city council and compliance with Minnesota Statutes, section 645.021. Section 7 is effective upon approval by the Moorhead city council and compliance with Minnesota Statutes, section 645.021. Section 8 is effective upon approval by the St. Louis"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend S.F. No. 1752 as follows:

Page 4, after line 7, insert:

"Sec. 8. [CITY OF MINNEAPOLIS; LIQUOR LICENSE.]

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Minneapolis may issue an intoxicating liquor license to an establishment located at 4415 Nicollet Avenue South, which currently holds an intoxicating malt liquor and wine license."

Page 4, line 9, delete "Section 1 is" and insert "Sections 1 and 8 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Higgins moved to amend S.F. No. 1752 as follows:

Page 4, after line 7, insert:

"Sec. 8. [METROPOLITAN STATE UNIVERSITY.]

The restrictions set forth in Minnesota Statutes, section 340A.412, subdivision 4, clause (8), shall not apply with respect to premises leased by Metropolitan State University at 730 Hennepin Avenue South in Minneapolis."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend S.F. No. 1752 as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2000, section 340A.301, subdivision 6, is amended to read:

Subd. 6. [FEES.] The annual fees for licenses under this section are as follows:

- (a) Manufacturers (except as provided in clauses (b) and (c)) \$15,000  
     Duplicates \$ 3,000
- (b) Manufacturers of wines of not more than 25 percent alcohol by volume \$ 500
- (c) Brewers other than those described in clauses (d) and (i) \$ 2,500
- (d) Brewers who also hold one or more retail on-sale licenses and who manufacture fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, ~~the entire production of which is solely for consumption on tap on the licensed premises.~~ A brewer licensed under this clause must obtain a separate license for each licensed premises where the brewer brews malt liquor. A brewer licensed under this clause may not be licensed as an importer under this chapter \$ 500
- (e) Wholesalers (except as provided in clauses (f), (g), and (h)) \$15,000  
     Duplicates \$ 3,000
- (f) Wholesalers of wines of not more than 25 percent alcohol by volume \$ 2,000
- (g) Wholesalers of intoxicating malt liquor \$ 600  
     Duplicates \$ 25
- (h) Wholesalers of 3.2 percent malt liquor \$ 10
- (i) Brewers who manufacture fewer than 2,000 barrels of malt liquor in a year \$ 150

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.



Sec. 2. Minnesota Statutes 2000, section 340A.301, subdivision 7, is amended to read:

Subd. 7. [INTEREST IN OTHER BUSINESS.] (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, importer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section to a manufacturer, brewer, importer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, importer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) A brewer licensed under subdivision 6, clause (d), may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture. ~~Malt liquor brewed by such a licensee may not be removed from the licensed premises unless the malt liquor is entered in a tasting competition where none of the malt liquor so removed is sold.~~ Notwithstanding section 340A.405, a brewer who holds an on-sale license issued pursuant to this paragraph may be issued a license by a municipality for off-sale of malt liquor produced on the licensed premises in a quantity no greater than one gallon per patron. A brewer licensed under subdivision 6, clause (d), may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brewer licensed under subdivision 6, clause (d), may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:

(i) manufacture licensed under subdivision 6, clause (d);

(ii) manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or

(iii) manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under subdivision 6, clause (d), on January 1, 1995.

(c) Except as provided in subdivision 7a, no brewer as defined in subdivision 7a or importer may have any interest, in whole or in part, directly or indirectly, in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

Sec. 3. Minnesota Statutes 2000, section 340A.308, is amended to read:

340A.308 [PROHIBITED TRANSACTIONS.]

(a) Except as otherwise provided in section 340A.301, no brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

(1) give, or lend money, credit, or other thing of value to a retailer;

(2) give, lend, lease, or sell furnishing or equipment to a retailer;

(3) have an interest in a retail license; or

(4) be bound for the repayment of a loan to a retailer.

(b) No retailer may solicit any equipment, fixture, supplies, money, or other thing of value from a brewer or malt liquor wholesaler if furnishing of these items by the brewer or wholesaler is prohibited by law and the retailer knew or had reason to know that the furnishing is prohibited by law.

(c) This section does not prohibit a manufacturer or wholesaler from:

(1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$400 excluding installation and repair costs;

(2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$300 in a year;

(3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;

(4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or 3.2 percent malt liquor at retail;

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only; or

(6) in the case of a wholesaler, with the prior written consent of the commissioner, selling beer on consignment to a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail. So the amendment was not adopted.

S.F. No. 1752 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 2, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dean	Larson	Pogemiller	Schwab
Belanger	Johnson, Debbie	Lesewski	Price	Solon
Berg	Johnson, Doug	Lessard	Reiter	Stevens
Berglin	Kelley, S.P.	Lourey	Ring	Stumpf
Betzold	Kierlin	Marty	Robertson	Tomassoni
Day	Kinkel	Metzen	Robling	Vickerman
Fischbach	Kiscaden	Moe, R.D.	Sabo	Wiener
Foley	Kleis	Murphy	Sams	Wiger
Fowler	Knutson	Oliver	Samuelson	
Frederickson	Krentz	Ourada	Scheevel	
Higgins	Langseth	Pappas	Scheid	

Those who voted in the negative were:

Dille                      Rest

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

### **SPECIAL ORDER**

**S.F. No. 761:** A bill for an act relating to state government; providing for proportional representation between the metropolitan area and nonmetropolitan areas on administrative boards and agencies; amending Minnesota Statutes 2000, sections 15.0575, subdivision 2; 15.0597, subdivision 4; 214.09, subdivision 2.

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 52 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille	Kiscaden	Limmer	Reiter	Terwilliger
Kierlin	Lesewski	Oliver	Robertson	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 489:** A bill for an act relating to commerce; providing for the procurement of surety bonds; proposing coding for new law in Minnesota Statutes, chapter 574.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**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.

Senator Betzold moved to amend S.F. No. 1068 as follows:

Page 12, delete lines 8 to 12 and insert:

"Subd. 4. [COUNTY RECORDER DESIGNEE; DATA CLASSIFICATION.] (a) The county recorder may designate another county office or deputize an officer to perform the duties of the county recorder under this section.

(b) Certificates of discharge filed with the county recorder or designee after January 1, 2002, are private data on individuals as defined in section 13.02, but are accessible to a personal representative of the estate, guardian or conservator, or agent of the subject of the data."

The motion prevailed. So the amendment was adopted.

S.F. No. 1068 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 55 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Reiter

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

### SPECIAL ORDER

**S.F. No. 1144:** A bill for an act relating to driving while impaired; defining terms relating to alcoholic beverage concentration; allowing persons employed in certain health-related occupations to chemically test a person for DWI-related purposes; amending Minnesota Statutes 2000, sections 169A.03, by adding subdivisions; and 169A.51, 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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Fowler	Krentz	Orfield	Sams
Belanger	Frederickson	Langseth	Ourada	Scheevel
Berg	Higgins	Larson	Pariseau	Scheid
Berglin	Johnson, Dean	Lessard	Price	Schwab
Betzold	Johnson, Debbie	Limmer	Ranum	Solon
Chaudhary	Kelley, S.P.	Lourey	Reiter	Stevens
Cohen	Kierlin	Marty	Rest	Terwilliger
Day	Kinkel	Metzen	Ring	Tomassoni
Dille	Kiscaden	Neuville	Robertson	Vickerman
Fischbach	Kleis	Oliver	Robling	Wiger
Foley	Knutson	Olson	Sabo	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1324:** A bill for an act relating to public safety; modifying training requirements that the rules of the board of private detective and protective agent services must address; amending Minnesota Statutes 2000, sections 326.32, subdivision 1a, by adding a subdivision; 326.3361, subdivisions 1, 2.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**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.

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	Day	Kelley, S.P.	Larson	Neuville
Bachmann	Dille	Kierlin	Lesewski	Oliver
Belanger	Fischbach	Kinkel	Lessard	Olson
Berg	Foley	Kiscaden	Limmer	Orfield
Berglin	Fowler	Kleis	Lourey	Ourada
Betzold	Frederickson	Knutson	Marty	Pappas
Chaudhary	Higgins	Krentz	Metzen	Pariseau
Cohen	Johnson, Debbie	Langseth	Moe, R.D.	Pogemiller

Price	Ring	Sams	Schwab	Terwilliger
Ranum	Robertson	Samuelson	Solon	Vickerman
Reiter	Robling	Scheevel	Stevens	Wiger
Rest	Sabo	Scheid	Stumpf	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1367:** A bill for an act relating to counties; providing a new standard of market value for new counties; providing for signatures from both affected areas on a petition to change county boundaries; requiring the secretary of state to certify the validity of the signatures; providing for a special election to fill vacancies or add members to a county board after the change of county boundaries; amending Minnesota Statutes 2000, sections 370.01; 370.02; 370.03; 370.07; 370.10; 370.12; 370.13; repealing Minnesota Statutes 2000, section 370.11.

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 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer	Reiter
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So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Sams, for Senator Samuelson, moved that S.F. No. 1256, No. 14 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Sams, for Senator Samuelson, moved that S.F. No. 925, No. 57 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Higgins moved that S.F. No. 498, No. 72 on General Orders, be stricken and re-referred to the Committee on Health and Family Security. The motion prevailed.

Senator Higgins then moved that S.F. No. 1818, No. 48 on General Orders, be stricken and re-referred to the Committee on Jobs, Housing and Community Development. The motion prevailed.

Senator Ourada moved that S.F. No. 897, No. 31 on General Orders, be stricken and returned to its author. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

**REPORTS OF COMMITTEES**

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

**Senator Johnson, Doug from the Committee on Finance, to which was re-referred**

**S.F. No. 1402:** 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; amending Minnesota Statutes 2000, sections 16B.335, subdivision 3; 103F.161, subdivision 3; 123A.443, subdivision 1; 136F.60, subdivision 2; 446A.072, subdivision 4.

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

Page 1, line 25, delete "5,234,000" and insert "6,834,000"

Page 1, line 27, delete "41,767,000" and insert "40,167,000"

Page 2, line 31, after "of" insert ", furnish, and equip"

Page 3, after line 42, insert:

"Subdivision 1. To the commissioner of natural resources for the purposes specified in this section

6,834,000"

Page 3, line 43, before "Flood" insert "Subd. 2."

Page 3, after line 55, insert:

"Subd. 3. St. Paul Open Space Corridor

1,600,000

For a grant to the city of St. Paul to acquire approximately 58 acres, including the Trout brook/trillium site and the lower Phalen creek site, to provide an open space corridor from Maryland Avenue to Warner Road."

Page 4, after line 17, insert:

"Sec. 7. POLLUTION CONTROL AGENCY

Closed Landfill Program Bond Reauthorization

The following bond authorization, which has been reported to the legislature according to Minnesota Statutes, section 16A.642, subdivision 1, is reauthorized, and does not cancel under the terms of that subdivision: an amount remaining of \$20,500,000 for appropriations from the bond proceeds fund for closed landfill cleanup, authorized in Laws 1994, chapter 639, article 3, section 5."

Page 4, line 21, delete "41,767,000" and insert "40,167,000"

Page 4, line 53, delete "10,000,000" and insert "8,400,000"

Page 5, delete lines 2 and 3

Page 5, after line 20, insert:

"To the greatest extent practical, the authority should use the grants for projects on the 2000 intended use plan in priority order to qualified applicants that submit plans and specifications to the pollution control agency or receive a funding commitment from U.S. Department of Agriculture rural development before May 1, 2002."

Page 6, after line 4, insert:

"Subd. 5. Redevelopment Account

Notwithstanding Minnesota Statutes, section 116J.565, subdivision 1, paragraph (a), clauses (1) to (5), the commissioner may give priority for a redevelopment grant under Minnesota Statutes, section 116J.564, for projects in a city of the second class that is designated by the United States Department of Commerce as an economically depressed area."

Page 6, line 16, delete "\$638,054,000" and insert "\$640,802,000"

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

## **SECOND READING OF SENATE BILLS**

S.F. No. 1402 was read the second time.

## **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. 873: Senators Kinkel, Tomassoni and Pariseau.

H.F. No. 2107: Senators Neuville, Ranum and Pappas.

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



**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senators Wiener, Krentz, Knutson, Langseth and Metzen introduced--**

**S.F. No. 2362:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for construction of roadways and pathways at the Minnesota Zoological Gardens.

Referred to the Committee on Capital Investment.

**Senators Johnson, Dave; Reiter; Solon and Tomassoni introduced--**

**S.F. No. 2363:** A bill for an act relating to insurance; regulating the reporting of insurance information; prohibiting credit scoring; amending Minnesota Statutes 2000, sections 72A.20, by adding a subdivision; 72A.491, subdivision 5.

Referred to the Committee on Commerce.

**Senators Lourey, Scheid, Solon and Kinkel introduced--**

**S.F. No. 2364:** A bill for an act relating to firearms; modifying the review provisions for persons denied permits to carry pistols; increasing the permit application fee; requiring the collection and reporting of data on permit applications; amending Minnesota Statutes 2000, sections 62A.714, subdivisions 6, 12.

Referred to the Committee on Crime Prevention.

**MEMBERS EXCUSED**

Senator Sams was excused from the Session of today from 12:00 to 12:30 p.m. Senator Johnson, Dave was excused from the Session of today at 1:30 p.m. Senator Terwilliger was excused from the Session of today from 1:30 to 2:15 p.m. Senator Ranum was excused from the Session of today from 1:35 to 2:20 p.m. Senator Hottinger was excused from the Session of today at 1:40 p.m. Senator Kelly, R.C. was excused from the Session today at 1:50 p.m. Senators Chaudhary and Neuville were excused from the Session of today from 1:50 to 2:15 p.m. Senator Bachmann was excused from the Session of today from 2:00 to 2:10 p.m. Senator Johnson, Doug was excused from the Session of today from 2:00 to 2:55 p.m. Senator Pogemiller was excused from the Session of today from 2:15 to 2:45 p.m. Senator Wiener was excused from the Session of today from 2:30 to 3:00 p.m. Senator Murphy was excused from the Session of today at 2:45 p.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Wednesday, May 2, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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