

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Thursday, September 19, 2002

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, Rev. Richard K. Smith.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The Secretary called the roll by legislative districts in numerical order as follows:

First District	LeRoy A. Stumpf
Second District	Roger D. Moe
Third District	Bob Lessard
Fourth District	Anthony G. Kinkel
Fifth District	David J. Tomassoni
Sixth District	Douglas J. Johnson
Seventh District	Yvonne Prettner Solon
Eighth District	Becky Lourey
Ninth District	Keith Langseth
Tenth District	Cal Larson
Eleventh District	Dallas C. Sams
Twelfth District	Don Samuelson
Thirteenth District	Charles A. Berg
Fourteenth District	Michelle L. Fischbach
Fifteenth District	Dean E. Johnson
Sixteenth District	Dave Kleis
Seventeenth District	Dan Stevens
Eighteenth District	Twyla L. Ring
Nineteenth District	Mark Ourada
Twentieth District	Steve Dille
Twenty-first District	Arlene J. Lesewski
Twenty-second District	Jim Vickerman
Twenty-third District	Dennis R. Frederickson
Twenty-fourth District	John C. Hottinger
Twenty-fifth District	Thomas M. Neuville
Twenty-sixth District	Chuck Fowler

Twenty-seventh District	Grace Schwab
Twenty-eighth District	Dick Day
Twenty-ninth District	Steve Murphy
Thirtieth District	Sheila M. Kiscaden
Thirty-first District	Kenric J. Scheevel
Thirty-second District	Bob Kierlin
Thirty-third District	Warren Limmer
Thirty-fourth District	Gen Olson
Thirty-fifth District	Claire A. Robling
Thirty-sixth District	David L. Knutson
Thirty-seventh District	Pat Pariseau
Thirty-eighth District	Deanna L. Wiener
Thirty-ninth District	James P. Metzen
Fortieth District	Dave H. Johnson
Forty-first District	William V. Belanger, Jr.
Forty-second District	Roy Terwilliger
Forty-third District	Edward C. Oliver
Forty-fourth District	Steve P. Kelley
Forty-fifth District	Martha R. Robertson
Forty-sixth District	Ann H. Rest
Forty-seventh District	Linda Scheid
Forty-eighth District	Don Betzold
Forty-ninth District	Leo T. Foley
Fiftieth District	Debbie J. Johnson
Fifty-first District	Jane Krentz
Fifty-second District	Satveer Chaudhary
Fifty-third District	Mady (Madelyn) E. Reiter
Fifty-fourth District	John Marty
Fifty-fifth District	Charles W. Wiger
Fifty-sixth District	Michele M. Bachmann
Fifty-seventh District	Leonard R. Price
Fifty-eighth District	Linda Higgins
Fifty-ninth District	Lawrence J. Pogemiller
Sixtieth District	Myron Orfield
Sixty-first District	Linda Berglin
Sixty-second District	Julie A. Sabo
Sixty-third District	Jane B. Ranum
Sixty-fourth District	Richard J. Cohen
Sixty-fifth District	Sandra L. Pappas
Sixty-sixth District	Ellen R. Anderson
Sixty-seventh District	Mee Moua

The President declared a quorum present.

MEMBERS EXCUSED

Senators Johnson, Dave; Kinkel; Lessard and Orfield were excused from the Session of today.

STATE OF MINNESOTA**PROCLAMATION**

WHEREAS: The Eighty-Second Legislature adjourned on May 20, 2002 and a range of events, including natural disasters, since adjournment have impacted the health, safety and well-being of the citizens of Minnesota; and

WHEREAS: An extraordinary occasion as envisioned by Article IV, Section 12 of the Minnesota Constitution is thereby created; and

WHEREAS: The people of Minnesota are best served by legislative action, with a limited agenda and all possible prior agreement, to address the concerns created by the natural disasters and other events.

NOW THEREFORE, I, JESSE VENTURA, Governor of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on Thursday, September 19, 2002, at noon at the State Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this 16th day of September in the year two thousand and two and of the State the one hundred forty-fourth.

Jesse Ventura
GOVERNOR

Mary Kiffmeyer
SECRETARY OF STATE

MOTIONS AND RESOLUTIONS**Senators Moe, R.D. and Day introduced--**

Senate Resolution No. 1: A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Rules of the Senate for the 82nd Legislature are the Rules for the Special Session, except that Rules 3.5, 5 and 9 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 82nd Legislature.

With respect to Rule 30, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Senator Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Moe, R.D. and Day introduced--

Senate Resolution No. 2: A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Senators Moe, R.D. and Day introduced--

Senate Resolution No. 3: A Senate resolution honoring Bob Brenden as he retires.

Referred to the Committee on Rules and Administration.

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 inform you that the House of Representatives of the State of Minnesota is now duly organized for the 2002 Special Session pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted September 19, 2002

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Stumpf; Moe, R.D.; Day; Langseth and Ourada introduced--

S.F. No. 1: A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

Senator Moe, R.D. moved that S.F. No. 1 be laid on the table. The motion prevailed.

Senators Betzold, Belanger, Rest, Scheid and Kierlin introduced--

S.F. No. 2: A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

Senator Moe, R.D. moved that S.F. No. 2 be laid on the table. The motion prevailed.

Senators Rest, Murphy, Fowler and Sams introduced--

S.F. No. 3: A bill for an act relating to sales tax imposed on the delivery of aggregate materials and concrete block; making technical corrections; amending Minnesota Statutes 2002, section 297A.61, subdivision 3.

Senator Moe, R.D. moved that S.F. No. 3 be laid on the table. The motion prevailed.

Senators Krentz and Kleis introduced--

S.F. No. 4: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Northstar commuter rail project.

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

Senators Oliver and Bachmann introduced--

S.F. No. 5: A bill for an act relating to taxation; individual income; allowing the deduction of charitable contributions in calculating alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

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

Senators Belanger and Oliver introduced--

S.F. No. 6: A bill for an act relating to taxation; income and sales; allowing the deduction of charitable contributions in calculating alternative minimum tax; clarifying the delivery of aggregate materials and concrete block which is taxable; amending Minnesota Statutes 2002, sections 290.091, subdivision 2; 297A.61, subdivision 3.

Senator Moe, R.D. moved that S.F. No. 6 be laid on the table. The motion prevailed.

Senators Pappas, Moua, Anderson and Cohen introduced--

S.F. No. 7: A bill for an act relating to agriculture; prohibiting payments to ethanol plants that are in violation of certain ordinances; amending Minnesota Statutes 2002, section 41A.09, subdivision 3a.

Senator Moe, R.D. moved that S.F. No. 7 be laid on the table. The motion prevailed.

Senator Kelley, S.P. introduced--

S.F. No. 8: A bill for an act relating to income tax; alternative minimum tax; deleting definition of Minnesota charitable contribution deduction; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

Senator Moe, R.D. moved that S.F. No. 8 be laid on the table. The motion prevailed.

Senators Stevens, Larson and Dille introduced--

S.F. No. 9: A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

Senator Moe, R.D. moved that S.F. No. 9 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Belanger moved that the name of Senator Bachmann be added as a co-author to S.F. No. 6. The motion prevailed.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that S.F. No. 2 be taken from the table. The motion prevailed.

S.F. No. 2: A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

Senator Betzold moved that S.F. No. 2 be laid on the table. The motion prevailed.

Senator Rest moved that S.F. No. 3 be taken from the table. The motion prevailed.

S.F. No. 3: A bill for an act relating to sales tax imposed on the delivery of aggregate materials and concrete block; making technical corrections; amending Minnesota Statutes 2002, section 297A.61, subdivision 3.

Senator Rest moved that S.F. No. 3 be laid on the table. The motion prevailed.

Senator Moe, R.D. moved that S.F. No. 1 be taken from the table. The motion prevailed.

S.F. No. 1: A bill for an act relating to flood relief in designated counties; providing for

temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

Senator Stumpf moved that S.F. No. 1 be laid on the table. The motion prevailed.

Senators Moe, R.D. and Day introduced--

Senate Resolution No. 4: A Senate resolution relating to adjournment of the Special Session.

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

Senator Oliver moved that the names of Senators Neuville and Schwab be added as co-authors to S.F. No. 5. The motion prevailed.

Senator Belanger moved that the names of Senators Kleis and Reiter be added as co-authors to S.F. No. 6. The motion prevailed.

RECESS

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted September 19, 2002

FIRST READING OF HOUSE BILLS

H.F. No. 1: A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating

money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1 and that the rules of the Senate be so far suspended as to give H.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1 was read the second time.

CALL OF THE SENATE

Senator Stumpf imposed a call of the Senate for the balance of the proceedings on H.F. No. 1. The Sergeant at Arms was instructed to bring in the absent members.

Senator Moe, R.D. moved that H.F. No. 1 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted September 19, 2002

FIRST READING OF HOUSE BILLS

H.F. No. 2: A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, subdivision 2.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2 and that the rules of the Senate be so far suspended as to give H.F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2 was read the second time.

Senator Moe, R.D. moved that H.F. No. 2 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 1 be taken from the table. The motion prevailed.

H.F. No. 1: A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 2 be taken from the table. The motion prevailed.

H.F. No. 2: A bill for an act relating to charitable contribution deductions under the alternative minimum tax; amending Minnesota Statutes 2002, section 290.091, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted September 19, 2002

FIRST READING OF HOUSE BILLS

H.F. No. 3: A bill for an act relating to flood relief in designated counties; providing for temporary waivers of certain program requirements and other relief; modifying certain property tax and aid provisions in designated counties; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2002, sections 256I.05, subdivision 1; 273.11, by adding a subdivision; 469.177, by adding a subdivision; 477A.015; Laws 2001, First Special Session chapter 12, section 10, as amended; Laws 2002, chapter 393, section 7, subdivision 20; proposing coding for new law in Minnesota Statutes, chapter 273.

SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3 and that the rules of the Senate be so far suspended as to give H.F. No. 3 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 3 was read the second time.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is about to adjourn the 2002 Special Session sine die.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted September 19, 2002

MOTIONS AND RESOLUTIONS - CONTINUED

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

Senate Resolution No. 4: A Senate resolution relating to adjournment of the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

MEMBERS EXCUSED

Senators Limmer, Neuville, Ranum, Ring and Sabo were excused from the Session of today from 12:00 noon to 12:30 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn the Special Session sine die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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Thursday, September 19, 2002

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