

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

FOURTH DAY

St. Paul, Minnesota, Friday, May 23, 2003

The Senate met at 9:00 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 Senator Dean E. Johnson.

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

Anderson	Gaither	Langseth	Olson	Scheid
Bachmann	Hann	Larson	Ortman	Senjem
Bakk	Higgins	LeClair	Ourada	Skoe
Belanger	Hottinger	Limmer	Pappas	Skoglund
Berglin	Johnson, D.E.	Lourey	Pariseau	Solon
Betzold	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dibble	Kiscaden	Michel	Robling	Wergin
Dille	Kleis	Moua	Rosen	Wiger
Fischbach	Knutson	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

The President declared a quorum present.

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

RECESS

Senator Rest 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

Senator Betzold moved that S.F. No. 22 be laid on the table. The motion prevailed.

S.F. No. 22: A bill for an act relating to retirement; modifying various public pension plan provisions; allowing certain service credit purchases; regulating leave without pay for governmental subdivision employees; amending Minnesota Statutes 2002, sections 11A.17, subdivision 2; 122A.46, subdivision 9; 352.96, subdivision 2; 353.01, subdivisions 2d, 6; 353.028, subdivision 2; 353D.01, subdivision 2; 353D.02, by adding a subdivision; 353F.02, subdivision 4; 354.094, subdivision 1; 356.24, subdivision 1; 356.55, subdivision 7; 356B.05; 383B.49; 383B.493; 423C.03, subdivision 3; 423C.08; 424A.02, subdivision 3; Laws 1978, chapter 685, section 1, as amended; Laws 1978, chapter 685, section 2; Laws 1978, chapter 685, section 3; Laws 1978, chapter 685, section 6; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4; Laws 2000, chapter 461, article 12, section 20, as amended; Laws 2000, chapter 461, article 19, section 6; Laws 2001, First Special Session chapter 10, article 6, section 21, as amended; repealing Minnesota Statutes 2002, sections 354.541; 354A.109; Laws 1978, chapter 685, section 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Nienow	Sams
Bachmann	Gaither	Langseth	Olson	Saxhaug
Bakk	Hann	Larson	Ortman	Scheid
Belanger	Higgins	LeClair	Ourada	Senjem
Berglin	Hottinger	Limmer	Pappas	Skoe
Betzold	Johnson, D.E.	Lourey	Pariseau	Skoglund
Chaudhary	Johnson, D.J.	Marko	Pogemiller	Solon
Cohen	Kelley	Marty	Ranum	Sparks
Day	Kierlin	McGinn	Reiter	Stumpf
Dibble	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Michel	Robling	Vickerman
Fischbach	Knutson	Murphy	Rosen	Wergin
Foley	Koering	Neuville	Ruud	Wiger

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that H.F. No. 9 be taken from the table. The motion prevailed.

H.F. No. 9: A bill for an act relating to energy; modifying provisions relating to radioactive waste storage; modifying incentives and objectives for alternative energy development; requiring studies; approving consumptive use of water; amending Minnesota Statutes 2002, sections 116C.71, subdivision 7; 116C.779; 216B.095; 216B.097, by adding a subdivision; 216B.1645, by adding a subdivision; 216B.1691; 216B.241, subdivision 1b, by adding a subdivision; 216B.2411; 216B.2424, subdivision 5, by adding a subdivision; 216B.2425, by adding a subdivision; 216B.243, subdivision 3b; 216C.051, subdivisions 3, 6, 9, by adding a subdivision; 216C.052, subdivisions 2, 3; 216C.41, subdivisions 1, 2, 3, 4, 5, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; repealing Minnesota Statutes 2002, sections 116C.80; 216C.051, subdivisions 1, 4, 5.

SUSPENSION OF RULES

Senator Hottinger 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. 9 and that the rules of the Senate be so far suspended as to give H.F. No. 9 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 9 was read the second time.

Senator Murphy moved to amend H.F. No. 9 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 9, and insert the language after the enacting clause, and the title, of S.F. No. 21, the first engrossment.

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 5, line 33, delete "commissioner" and insert "commission"

Page 13, line 6, delete "providing natural gas service"

The motion prevailed. So the amendment was adopted.

Senator Murphy then moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 11, line 3, delete everything after the period

Page 11, delete lines 4 and 5

Page 11, line 6, delete everything before "To"

Page 11, after line 32, insert:

"Sec. 4. [216B.1693] [CLEAN ENERGY TECHNOLOGY.]

(a) If the commission finds that a clean energy technology is or is likely to be a least cost resource, including the costs of ancillary services and other generation and transmission upgrades necessary, the utility that owns a nuclear generating facility shall supply at least two percent of the electric energy provided to retail customers from clean energy technology.

(b) Electric energy required by this section shall be supplied by the innovative energy project defined in article 4, section 1, subdivision 1, unless the commission finds doing so contrary to the public interest.

(c) For purposes of this section, "clean energy technology" means a technology utilizing coal as a primary fuel in a highly efficient combined-cycle configuration with significantly reduced sulfur dioxide, nitrogen oxide, particulate, and mercury emissions from those of traditional technologies.

(d) This section expires January 1, 2012."

Page 40, delete lines 25 to 31 and insert:

"(4) shall qualify as a "clean energy technology" as defined in section 216B.1693;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Rest moved that H.F. No. 9 be laid on the table. The motion prevailed.

RECESS

Senator Rest moved that the Senate do now recess until 1:05 p.m. The motion prevailed. The hour of 1:05 p.m. having arrived, 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.

Senator Murphy moved that H.F. No. 9 be taken from the table. The motion prevailed.

H.F. No. 9: A bill for an act relating to energy; modifying provisions relating to radioactive waste storage; modifying incentives and objectives for alternative energy development; requiring studies; approving consumptive use of water; amending Minnesota Statutes 2002, sections 116C.71, subdivision 7; 116C.779; 216B.095; 216B.097, by adding a subdivision; 216B.1645, by adding a subdivision; 216B.1691; 216B.241, subdivision 1b, by adding a subdivision; 216B.2411; 216B.2424, subdivision 5, by adding a subdivision; 216B.2425, by adding a subdivision; 216B.243, subdivision 3b; 216C.051, subdivisions 3, 6, 9, by adding a subdivision; 216C.052, subdivisions 2, 3; 216C.41, subdivisions 1, 2, 3, 4, 5, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 116C; 216B; repealing Minnesota Statutes 2002, sections 116C.80; 216C.051, subdivisions 1, 4, 5.

CALL OF THE SENATE

Senator Murphy imposed a call of the Senate for the balance of the proceedings on H.F. No. 9. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the third Murphy amendment.

Senator Anderson requested division of the third Murphy amendment as follows:

First portion:

Page 11, after line 32, insert:

"Sec. 4. [216B.1693] [CLEAN ENERGY TECHNOLOGY.]

(a) If the commission finds that a clean energy technology is or is likely to be a least cost resource, including the costs of ancillary services and other generation and transmission upgrades necessary, the utility that owns a nuclear generating facility shall supply at least two percent of the electric energy provided to retail customers from clean energy technology.

(b) Electric energy required by this section shall be supplied by the innovative energy project defined in article 4, section 1, subdivision 1, unless the commission finds doing so contrary to the public interest.

(c) For purposes of this section, "clean energy technology" means a technology utilizing coal as a primary fuel in a highly efficient combined-cycle configuration with significantly reduced sulfur dioxide, nitrogen oxide, particulate, and mercury emissions from those of traditional technologies.

(d) This section expires January 1, 2012."

Page 40, delete lines 25 to 31 and insert:

"(4) shall qualify as a "clean energy technology" as defined in section 216B.1693;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

Second portion:

Page 11, line 3, delete everything after the period

Page 11, delete lines 4 and 5

Page 11, line 6, delete everything before "To"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The roll was called, and there were yeas 34 and nays 27, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Olson	Senjem
Bakk	Johnson, D.J.	Limmer	Ortman	Skoe
Belanger	Jungbauer	Marko	Ourada	Stumpf
Day	Kierlin	McGinn	Pariseau	Tomassoni
Dille	Kleis	Michel	Reiter	Vickerman
Fischbach	Koering	Murphy	Ruud	Wergin
Gaither	Larson	Nienow	Scheid	

Those who voted in the negative were:

Anderson	Foley	Kubly	Pappas	Solon
Berglin	Frederickson	Lourey	Ranum	Sparks
Betzold	Higgins	Marty	Rest	Wiger
Chaudhary	Kelley	Metzen	Robling	
Cohen	Kiscaden	Moua	Rosen	
Dibble	Knutson	Neuville	Skoglund	

The motion prevailed. So the second portion of the amendment was adopted.

Senator Marko moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 40, delete lines 18 to 24

Page 40, line 25, delete "(4)" and insert "(3)"

Page 40, line 32, delete "(5)" and insert "(4)"

Page 41, line 4, delete "(6)" and insert "(5)"

Page 41, line 10, delete "(7)" and insert "(6)"

Page 41, line 23, delete "(8)" and insert "(7)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Foley	Johnson, D.J.	Lourey
Berglin	Cohen	Hann	Kiscaden	Marko
Betzold	Dibble	Higgins	Knutson	Marty

McGinn
Moua
Neuville

Nienow
Olson

Pappas
Ranum

Senjem
Skoglund

Solon
Wiger

Those who voted in the negative were:

Bachmann
Bakk
Belanger
Day
Dille
Fischbach
Frederickson
Gaither

Jungbauer
Kelley
Kierlin
Kleis
Koering
Kubly
Larson
LeClair

Limmer
Metzen
Michel
Murphy
Ortman
Ourada
Pariseau
Reiter

Rest
Robling
Rosen
Ruud
Sams
Saxhaug
Scheid
Skoe

Sparks
Stumpf
Tomassoni
Vickerman
Wergin

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

Senator Kelley moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 11, delete lines 15 to 24 and insert:

"(b) The renewable energy objective set forth in subdivision 2 shall be a requirement for the public utility that owns the Prairie Island nuclear generation plant. The objective is a requirement subject to resource planning and least cost planning requirements in section 216B.2422, unless implementation of the objective can reasonably be shown to jeopardize the reliability of the electric system. The least cost planning analysis must include the costs of ancillary services and other necessary generation and transmission upgrades."

The motion prevailed. So the amendment was adopted.

Senator Kubly moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 34, line 26, after the period, insert "The task force must also gather information on at least the following factors, but may expand its inquiry as warranted by the information collected:

(1) Minnesota's actual and projected electricity demand;

(2) electricity export potential;

(3) inventory of energy resources currently used to generate all electricity sold in Minnesota and an analysis of the social, economic, and environmental benefits and burdens associated with each energy resource;

(4) electricity demand savings from greater efficiency; and

(5) job growth and economic development potential."

Page 35, line 9, after the period, insert "The report shall also identify issues that must be addressed to provide Minnesotans with adequate electricity from in-state renewable energy sources for the long term and export to adjacent states."

The motion prevailed. So the amendment was adopted.

Senator Frederickson moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 1, delete section 1

Page 2, delete lines 14 to 36

Page 3, delete lines 1 to 13

Page 3, line 14, delete "4" and insert "2"

Page 3, line 25, delete "5" and insert "3"

Page 3, line 29, delete "6" and insert "4"

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:

Anderson	Foley	Kiscaden	Neuville	Robling
Berglin	Frederickson	Kubly	Ortman	Scheid
Betzold	Higgins	Lourey	Pappas	Skoe
Chaudhary	Hottinger	Marty	Pogemiller	Skoglund
Cohen	Johnson, D.J.	Metzen	Ranum	Solon
Dibble	Kelley	Moua	Rest	Wiger

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Limmer	Pariseau	Stumpf
Bakk	Jungbauer	Marko	Reiter	Tomassoni
Belanger	Kierlin	McGinn	Rosen	Vickerman
Day	Kleis	Michel	Ruud	Wergin
Dille	Knutson	Murphy	Sams	
Fischbach	Koering	Nienow	Saxhaug	
Gaither	Larson	Olson	Senjem	
Hann	LeClair	Ourada	Sparks	

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

Senator Frederickson then moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 2, line 20, after the period, insert "If the national repository for high level nuclear waste at Yucca Mountain, Nevada, has not received final certification for use and if it has not begun receiving waste for permanent storage from any source, the commission must deny the request for a certificate of need for any independent spent fuel storage facility or for relicensure of a nuclear generating facility."

Page 2, line 27, after the period, insert "In the report under subdivision 3, the commission may forward the application for a certificate of need directly to the legislature with no recommendation."

Page 4, after line 13, insert:

"Sec. 3. Minnesota Statutes 2002, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] The public utilities commission shall consist of five members. The terms of members shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. As a requirement for obtaining the advice and consent of the senate, the commissioner must demonstrate in a written document the commissioner's knowledge and experience with the safety and health concerns of exposure to radiation at various levels and periods of time. Not more than three commissioners shall belong to the same political party. At

least one commissioner must have been domiciled at the time of appointment outside the seven-county metropolitan area. If the membership of the commission after July 31, 1986, does not consist of at least one member domiciled at the time of appointment outside the seven-county metropolitan area, the membership shall conform to this requirement following normal attrition of the present commissioners. The governor when selecting commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting, property and utility valuation, finance, physical or natural sciences, production agriculture, or natural resources as well as being representative of the general public.

For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson requested division of his amendment as follows:

First portion:

Page 4, after line 13, insert:

"Sec. 3. Minnesota Statutes 2002, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. [MEMBERS.] The public utilities commission shall consist of five members. The terms of members shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. As a requirement for obtaining the advice and consent of the senate, the commissioner must demonstrate in a written document the commissioner's knowledge and experience with the safety and health concerns of exposure to radiation at various levels and periods of time. Not more than three commissioners shall belong to the same political party. At least one commissioner must have been domiciled at the time of appointment outside the seven-county metropolitan area. If the membership of the commission after July 31, 1986, does not consist of at least one member domiciled at the time of appointment outside the seven-county metropolitan area, the membership shall conform to this requirement following normal attrition of the present commissioners. The governor when selecting commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting, property and utility valuation, finance, physical or natural sciences, production agriculture, or natural resources as well as being representative of the general public.

For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the first portion of the amendment.

The roll was called, and there were yeas 22 and nays 44, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Johnson, D.J.	Moua	Rest
Berglin	Foley	Kiscaden	Neuville	Wiger
Betzold	Frederickson	Kubly	Pappas	
Chaudhary	Higgins	Lourey	Pogemiller	
Cohen	Hottinger	Marty	Ranum	

Those who voted in the negative were:

Bachmann	Day	Gaither	Jungbauer	Kleis
Bakk	Dille	Hann	Kelley	Knutson
Belanger	Fischbach	Johnson, D.E.	Kierlin	Koering

Larson	Michel	Pariseau	Saxhaug	Sparks
LeClair	Murphy	Reiter	Scheid	Stumpf
Limmer	Nienow	Robling	Senjem	Tomassoni
Marko	Olson	Rosen	Skoe	Vickerman
McGinn	Ortman	Ruud	Skoglund	Wergin
Metzen	Ourada	Sams	Solon	

The motion did not prevail. So the first portion of the amendment was not adopted.

Senator Frederickson withdrew the remainder of his amendment.

Senator Anderson moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 2, line 14, after "COMMISSION" insert "AND LEGISLATIVE"

Page 2, line 27, after the period, insert "An authorization required by this subdivision is not effective until ratified by a law that contains no other provision than the ratification required by this subdivision. Legislative ratification is not required for that part of a certificate of need that authorizes the fabrication of spent fuel storage casks."

Page 2, delete lines 28 to 36

Page 3, delete lines 1 to 13

Page 3, line 14, delete "4" and insert "3"

Page 3, line 25, delete "5" and insert "4"

Page 3, line 29, delete "6" and insert "5"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Lourey	Pogemiller	Solon
Berglin	Higgins	Marko	Ranum	Sparks
Betzold	Hottinger	Marty	Rest	Wiger
Chaudhary	Kelley	Metzen	Robling	
Cohen	Kiscaden	Moua	Scheid	
Dibble	Knutson	Neuville	Skoe	
Foley	Kubly	Pappas	Skoglund	

Those who voted in the negative were:

Bachmann	Hann	Larson	Olson	Sams
Bakk	Johnson, D.E.	LeClair	Ortman	Saxhaug
Belanger	Johnson, D.J.	Limmer	Ourada	Senjem
Day	Jungbauer	McGinn	Pariseau	Stumpf
Dille	Kierlin	Michel	Reiter	Tomassoni
Fischbach	Kleis	Murphy	Rosen	Vickerman
Gaither	Koering	Nienow	Ruud	Wergin

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

Senator Hottinger moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 3, line 3, after the period, insert "Except as provided in paragraph (b),"

Page 3, after line 7, insert:

"(b) Unless the commission makes a finding that the utility has identified a federal repository outside of Minnesota that is reasonably expected to have sufficient capacity allocated for the storage of the additional spent fuel from a nuclear generation facility in this state, the authorization of the commission under subdivision 2 is not effective unless ratified by law."

Page 3, line 8, delete "(b)" and insert "(c)"

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:

Anderson	Foley	Knutson	Neuville	Skoe
Berglin	Frederickson	Kubly	Pappas	Skoglund
Betzold	Higgins	Lourey	Pogemiller	Solon
Chaudhary	Hottinger	Marty	Ranum	Sparks
Cohen	Kelley	Metzen	Rest	Vickerman
Dibble	Kiscaden	Moua	Scheid	Wiger

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Limmer	Ourada	Senjem
Bakk	Johnson, D.J.	Marko	Pariseau	Stumpf
Belanger	Jungbauer	McGinn	Reiter	Tomassoni
Day	Kierlin	Michel	Robling	Wergin
Dille	Kleis	Murphy	Rosen	
Fischbach	Koering	Nienow	Ruud	
Gaither	Larson	Olson	Sams	
Hann	LeClair	Ortman	Saxhaug	

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

Senator Kelley moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 13, line 4, delete "not"

Page 13, line 5, strike "shall" and insert "may"

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 40, delete lines 9 to 14

Page 40, line 15, delete "(2)" and insert "(1)"

Page 40, line 18, delete "(3)" and insert "(2)"

Page 40, line 25, delete "(4)" and insert "(3)"

Page 40, line 32, delete "(5)" and insert "(4)"

Page 41, line 4, delete "(6)" and insert "(5)"

Page 41, line 10, delete "(7)" and insert "(6)"

Page 41, line 23, delete "(8)" and insert "(7)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Marko	Pogemiller
Berglin	Dibble	Hottinger	Marty	Ranum
Betzold	Foley	Knutson	Moua	Rest
Chaudhary	Frederickson	Lourey	Pappas	Wiger

Those who voted in the negative were:

Bachmann	Johnson, D.J.	McGinn	Reiter	Sparks
Bakk	Jungbauer	Michel	Rosen	Stumpf
Belanger	Kierlin	Murphy	Ruud	Tomassoni
Day	Kleis	Neuville	Sams	Vickerman
Dille	Koering	Nienow	Saxhaug	Wergin
Fischbach	Kubly	Olson	Scheid	
Gaither	Larson	Ortman	Senjem	
Hann	LeClair	Ourada	Skoe	
Johnson, D.E.	Limmer	Pariseau	Solon	

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

Senator Dibble moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 12, delete lines 27 to 30

Page 12, line 31, delete "(d)" and insert "(c)"

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

Senator Marty moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 41, line 9, after the semicolon, insert "and"

Page 41, line 22, delete "; and" and insert a period

Page 41, delete lines 23 to 31

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Marko	Pogemiller
Berglin	Dibble	Hottinger	Marty	Ranum
Betzold	Foley	Kelley	Moua	Rest
Chaudhary	Frederickson	Kiscaden	Pappas	Wiger

Those who voted in the negative were:

Bachmann	Kierlin	Michel	Robling	Sparks
Bakk	Kleis	Murphy	Rosen	Stumpf
Belanger	Knutson	Neuville	Ruud	Tomassoni
Day	Koering	Nienow	Sams	Vickerman
Fischbach	Larson	Olson	Saxhaug	Wergin
Gaither	LeClair	Ortman	Scheid	
Hann	Limmer	Ourada	Senjem	
Johnson, D.J.	McGinn	Pariseau	Skoe	
Jungbauer	Metzen	Reiter	Solon	

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

Senator Ranum moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 5, after line 17, insert:

"Sec. 6. [SECURING NUCLEAR FACILITIES.]

The public utilities commission shall ensure that a public utility that owns a nuclear generating facility takes all reasonable steps to secure that generating facility and associated storage installations in order to harden the facility against possible attacks. Such measures may include barriers of concrete or other materials around and over storage installations; reinforcement of walls around significant areas; and changes in security procedures. Expenditures by the public utility pursuant to this section may be recovered under the procedures provided under Minnesota Statutes, section 216B.1645."

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 17 and nays 48, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Neuville	Wiger
Berglin	Dibble	Hottinger	Pappas	
Betzold	Foley	Lourey	Pogemiller	
Chaudhary	Frederickson	Moua	Ranum	

Those who voted in the negative were:

Bachmann	Jungbauer	Limmer	Pariseau	Skoe
Bakk	Kelley	Marko	Reiter	Skoglund
Belanger	Kierlin	McGinn	Rest	Solon
Day	Kiscaden	Metzen	Robling	Sparks
Dille	Kleis	Michel	Rosen	Stumpf
Fischbach	Knutson	Murphy	Ruud	Tomassoni
Gaither	Koering	Nienow	Sams	Vickerman
Hann	Kubly	Olson	Saxhaug	Wergin
Johnson, D.E.	Larson	Ortman	Scheid	
Johnson, D.J.	LeClair	Ourada	Senjem	

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

Senator Kubly moved to amend H.F. No. 9, as amended by the Senate May 23, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 21.)

Page 5, line 31, delete everything after "annually"

Page 5, lines 32 and 33, delete the new language

Page 6, delete lines 7 to 15

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Frederickson	Kelley	Marko
Berglin	Dibble	Higgins	Kubly	Marty
Betzold	Foley	Hottinger	Lourey	Moua

Neuville	Pogemiller	Rest	Sparks	Wiger
Pappas	Ranum			

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Limmer	Pariseau	Senjem
Bakk	Jungbauer	McGinn	Reiter	Skoe
Belanger	Kierlin	Michel	Robling	Solon
Day	Kleis	Murphy	Rosen	Stumpf
Fischbach	Knutson	Nienow	Ruud	Tomassoni
Gaither	Koering	Olson	Sams	Vickerman
Hann	Larson	Ortman	Saxhaug	Wergin
Johnson, D.E.	LeClair	Ourada	Scheid	

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

H.F. No. 9 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 40 and nays 26, as follows:

Those who voted in the affirmative were:

Bakk	Kiscaden	McGinn	Pariseau	Senjem
Belanger	Kleis	Metzen	Reiter	Skoe
Day	Knutson	Michel	Robling	Solon
Dille	Koering	Murphy	Rosen	Sparks
Fischbach	Larson	Nienow	Ruud	Stumpf
Gaither	LeClair	Olson	Sams	Tomassoni
Johnson, D.E.	Limmer	Ortman	Saxhaug	Vickerman
Johnson, D.J.	Marko	Ourada	Scheid	Wergin

Those who voted in the negative were:

Anderson	Dibble	Jungbauer	Moua	Skoglund
Bachmann	Foley	Kelley	Neuville	Wiger
Berglin	Frederickson	Kierlin	Pappas	
Betzold	Hann	Kubly	Pogemiller	
Chaudhary	Higgins	Lourey	Ranum	
Cohen	Hottinger	Marty	Rest	

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

MEMBERS EXCUSED

Senator Sams was excused from the Session of today from 2:00 to 2:15 p.m. Senator Langseth was excused from the Session of today at 3:40 p.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 12:00 noon, Saturday, May 24, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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