

(Referred to the Committee on Commerce and Utilities.)

November 13, 2002

The Honorable Don Samuelson
President of the Senate

Dear Senator Samuelson:

Enclosed is a copy of the Notice of Appointment for Mancel Mitchell, Jr., whom I have appointed Acting Commissioner of the Minnesota Department of Public Safety, effective November 16, 2002.

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House of Representatives of the State of Minnesota is now duly organized pursuant to law and has elected the following officers:

Steve Sviggum, Speaker

Edward A. Burdick, Chief Clerk

Albin A. Mathiowetz, First Assistant Chief Clerk

Gail C. Romanowski, Second Assistant Chief Clerk

Michael S. Valteau, Postmaster

Soliving K. Kong, Assistant Postmaster

Andrew H. Carter, Assistant Sergeant at Arms

Joshua D. Gackle, Assistant Sergeant at Arms

Sandra A. Dicke, Assistant Sergeant at Arms

David G. Surdez, Index Clerk

The Reverend Lonnie E. Titus, Chaplain

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 7, 2003

MOTIONS AND RESOLUTIONS

Senators Hottinger and Day introduced--

Senate Resolution No. 4: A Senate resolution relating to rules; adopting temporary rules for the 83rd session of the Legislature.

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

The permanent rules of the Senate for the 82nd session of the Legislature are adopted as the temporary rules of the 83rd session, to be effective until the adoption of permanent rules by a majority vote of the Senate, subject to the following conditions:

A bill may not be introduced on the first day.

The rules referred to above are amended as follows:

9. STANDING COMMITTEES

The standing committees of the Senate are as follows:

Agriculture, General Legislation and Veterans Affairs

Capital Investment

Commerce and Utilities

Crime Prevention and Public Safety

Education

Environment and Natural Resources

Finance

Health and Family Security

Jobs, Housing and Community Development

Judiciary

Rules and Administration

State and Local Government Operations

Taxes

Telecommunications, Energy and Utilities

Transportation

45. COMPARISON AND SUBSTITUTION OF BILLS

45.1 A House bill, after its first reading, must be referred as follows, unless there is a motion by the Chair of the Committee on Rules and Administration or a designee of the Chair or objection under Rule 4.9:

(a) ~~If there is no Senate companion bill, the House bill must be referred to the appropriate standing committee.~~

~~(b) If there is a Senate companion bill, the House bill must be referred to the standing committee possessing the Senate companion. If there is not a Senate companion bill on the Calendar or the Consent Calendar, the House bill must be placed on a list of House files that have been given their first reading and are awaiting comparison, called the Comparison Calendar. The Secretary shall list House bills in numerical order. The Chair of the Committee on Rules and Administration, or a designee of the Chair, may move that a House bill on the Comparison Calendar be referred to committee.~~

~~(b) The House bill must be given its second reading after its Senate companion bill has been given its second reading, but not on the same day the House bill was given its first reading unless an urgency is declared.~~

~~(c) When the Senate companion of a House bill on the Comparison Calendar is placed on the Calendar or the Consent Calendar, or if the Senate companion bill has been reported to the Senate already on the Calendar or the Consent Calendar when the House bill is given its first reading, the House bill must be referred to the Committee on Rules and Administration, which shall report whether the House bill is identical to the Senate companion bill. If the bills are identical, the report must recommend that the House bill be given its second reading and substituted for the Senate companion bill and the Senate companion bill be indefinitely postponed. If the House bill is not identical to the Senate companion bill, the report of the committee must recommend an~~

amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended must be ~~given its second reading and~~ substituted for the Senate companion bill and the Senate companion bill must be indefinitely postponed.

(d) If a Senate bill is considered as a special order and its House companion bill is on the Comparison Calendar, before final passage the Senate bill must be indefinitely postponed and its House companion bill taken from the Comparison Calendar and substituted for the Senate bill. If the bills are not identical, the Secretary shall recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill.

45.2 The Secretary shall prepare and submit reports under this rule on behalf of the Committee on Rules and Administration.

45.3 A House bill placed on the Calendar by substitution must not be given its third reading on the same day as the substitution.

Senator Kiscaden moved to amend Senate Resolution No. 4 as follows:

Page 1, after line 12, insert:

~~"7.7 After the adoption of a resolution by the Senate or the Committee on Finance, an amendment to a bill is out of order if it would cause any of the limits specified in either resolution to be exceeded. Whether an amendment is out of order under this Rule is a question to be decided in the Senate by the President and in committee by the committee chair. In making the determination, the presiding officer may consider:~~

- ~~(1) the limits in a resolution;~~
- ~~(2) the effect of existing laws on revenues and appropriations;~~
- ~~(3) the effect of amendments previously adopted to the bill under consideration;~~
- ~~(4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the Senate or by the Legislature;~~
- ~~(5) whether appropriation increases or revenue decreases that would result from the amendment are offset by decreases in other appropriations or increases in other revenue specified by the amendment; and~~
- ~~(6) other information reasonably related to appropriation and revenue amounts."~~

CALL OF THE SENATE

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

The question was taken on the adoption of the Kiscaden amendment.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Koering	Olson	Ruud
Belanger	Johnson, D.J.	Larson	Ortman	Senjem
Day	Jungbauer	LeClair	Ourada	Wergin
Dille	Kierlin	Limmer	Pariseau	
Fischbach	Kiscaden	McGinn	Reiter	
Frederickson	Kleis	Michel	Robling	
Gaither	Knutson	Nienow	Rosen	

Those who voted in the negative were:

Anderson	Foley	Marko	Ranum	Sparks
Bakk	Higgins	Marty	Rest	Stumpf
Berglin	Hottinger	Metzen	Sams	Tomassoni
Betzold	Kelley	Moua	Saxhaug	Vickerman
Chaudhary	Kubly	Murphy	Skoe	Wiger
Cohen	Langseth	Pappas	Skoglund	
Dibble	Lourey	Pogemiller	Solon	

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

Senator Kleis moved to amend Senate Resolution No. 4 as follows:

Page 1, line 11, after the period, insert "The permanent rules must be adopted by January 31, 2003."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Koering	Olson	Ruud
Belanger	Johnson, D.J.	Larson	Ortman	Senjem
Day	Jungbauer	LeClair	Ourada	Wergin
Dille	Kierlin	Limmer	Pariseau	
Fischbach	Kiscaden	McGinn	Reiter	
Frederickson	Kleis	Michel	Robling	
Gaither	Knutson	Nienow	Rosen	

Those who voted in the negative were:

Anderson	Higgins	Marty	Rest	Sparks
Bakk	Hottinger	Metzen	Sams	Stumpf
Berglin	Kelley	Moua	Saxhaug	Tomassoni
Betzold	Kubly	Murphy	Scheid	Vickerman
Chaudhary	Langseth	Pappas	Skoe	Wiger
Dibble	Lourey	Pogemiller	Skoglund	
Foley	Marko	Ranum	Solon	

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

Senator Hottinger 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 36 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marty	Rest	Stumpf
Bakk	Hottinger	Metzen	Sams	Tomassoni
Belanger	Kelley	Michel	Saxhaug	Vickerman
Berglin	Koering	Moua	Scheid	Wiger
Betzold	Kubly	Murphy	Skoe	
Chaudhary	Langseth	Pappas	Skoglund	
Dibble	Lourey	Pogemiller	Solon	
Foley	Marko	Ranum	Sparks	

Those who voted in the negative were:

Bachmann	Hann	Knutson	Olson	Rosen
Day	Johnson, D.J.	Larson	Ortman	Ruud
Dille	Jungbauer	LeClair	Ourada	Senjem
Fischbach	Kierlin	Limmer	Pariseau	Wergin
Frederickson	Kiscaden	McGinn	Reiter	
Gaither	Kleis	Nienow	Robling	

The motion prevailed. So the resolution was adopted.