

## STATE OF MINNESOTA

## EIGHTY-SECOND SESSION — 2002

## EIGHTY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 19, 2002

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Michael Williams, On Fire Ministry Christian Center, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dorman	Hilty	Lenczewski	Paulsen	Swapinski
Abrams	Dorn	Holberg	Leppik	Pawlenty	Swenson
Anderson, B.	Eastlund	Holsten	Lieder	Paymar	Sykora
Anderson, I.	Entenza	Howes	Lindner	Pelowski	Thompson
Bakk	Erhardt	Huntley	Lipman	Penas	Tingelstad
Bernardy	Erickson	Jacobson	Mahoney	Peterson	Tuma
Biernat	Evans	Jaros	Mares	Pugh	Vandevveer
Bishop	Finseth	Johnson, J.	Marko	Rhodes	Wagenius
Blaine	Folliard	Johnson, R.	Marquart	Rifenberg	Walker
Boudreau	Fuller	Johnson, S.	McElroy	Rukavina	Walz
Bradley	Gerlach	Jordan	McGuire	Ruth	Wasiluk
Buesgens	Gleason	Juhnke	Milbert	Schumacher	Westerberg
Carlson	Goodno	Kahn	Molnau	Seagren	Westrom
Cassell	Goodwin	Kalis	Mulder	Seifert	Wilkin
Clark, J.	Gray	Kelliher	Murphy	Sertich	Winter
Clark, K.	Greiling	Kielkucki	Ness	Skoe	Wolf
Daggett	Gunther	Knoblach	Nornes	Skoglund	Workman
Davids	Haas	Koskinen	Olson	Slawik	Spk. Sviggum
Davnie	Hackbarth	Kubly	Opatz	Smith	
Dawkins	Harder	Kuisle	Osskopp	Solberg	
Dehler	Hausman	Larson	Otremba	Stanek	
Dibble	Hilstrom	Leighton	Ozment	Stang	

A quorum was present.

Jennings and Mariani were excused until 10:10 a.m. Osthoff was excused until 10:15 a.m. Krinkie was excused until 10:30 a.m. Mullery was excused until 10:40 a.m. Dempsey was excused until 2:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Osskopp moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF CHIEF CLERK

S. F. No. 2115 and H. F. No. 1885, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Workman moved that S. F. No. 2115 be substituted for H. F. No. 1885 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2363 and H. F. No. 2492, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Davids moved that the rules be so far suspended that S. F. No. 2363 be substituted for H. F. No. 2492 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2457 and H. F. No. 2735, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Greiling moved that the rules be so far suspended that S. F. No. 2457 be substituted for H. F. No. 2735 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2459 and H. F. No. 2664, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Bradley moved that the rules be so far suspended that S. F. No. 2459 be substituted for H. F. No. 2664 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2546 and H. F. No. 2933, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Stang moved that the rules be so far suspended that S. F. No. 2546 be substituted for H. F. No. 2933 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2550 and H. F. No. 2635, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Bradley moved that the rules be so far suspended that S. F. No. 2550 be substituted for H. F. No. 2635 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2614 and H. F. No. 2932, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Sykora moved that the rules be so far suspended that S. F. No. 2614 be substituted for H. F. No. 2932 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2727 and H. F. No. 3025, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Peterson moved that the rules be so far suspended that S. F. No. 2727 be substituted for H. F. No. 3025 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2764 and H. F. No. 3091, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Abeler moved that S. F. No. 2764 be substituted for H. F. No. 3091 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2933 and H. F. No. 2889, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Howes moved that the rules be so far suspended that S. F. No. 2933 be substituted for H. F. No. 2889 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3055 and H. F. No. 3080, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Stanek moved that the rules be so far suspended that S. F. No. 3055 be substituted for H. F. No. 3080 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 15, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 2612, relating to occupations; revising circumstances in which the signature of a licensed architect, licensed engineer, licensed land surveyor, licensed landscape architect, licensed geoscientist, or certified interior designer is required.

Sincerely,

JESSE VENTURA  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

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 2002 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2002</i>	<i>Date Filed 2002</i>
	2612	245	12:10 p.m. March 15	March 15
1495**		244		March 15

Sincerely,

MARY KIFFMEYER  
Secretary of State

[NOTE:\*\* S. F. No. 1495, became law without the Governor's signature.]

### REPORTS OF STANDING COMMITTEES

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 211, A bill for an act relating to local government; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; amending Minnesota Statutes 2000, sections 161.465; 366.011; and 366.012.

Reported the same back with the following amendments:

Page 2, line 16, delete "fund" and insert "account"

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 1868, A bill for an act relating to school employees; establishing a pilot project for statewide health insurance plan for school district employees; permitting it to provide postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; amending Minnesota Statutes 2000, section 144.395, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the recommendation that the bill be re-referred to the Committee on K-12 Education Finance without further recommendation.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2622, A bill for an act relating to terrorism; data practices; enacting the Minnesota Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes relating to such crimes; interception of communications; establishing hazardous materials driver's endorsement regulations; establishing a biological agents registry; providing for a civil penalty; providing criminal penalties; providing for expedited management and disposal of waste in peacetime emergencies; authorizing closing public meetings to discuss certain security issues; authorizing embargoes limiting food and commodity movement; authorizing quarantine zones if disease is present; requiring certain trucks to have USDOT carrier numbers; requiring proof of residency for drivers' licenses; providing for expense reimbursement of bomb disposal units; upon commission of terrorist offenses providing for attachment of financial assets and seizure and forfeiture of property associated with those offenses; prohibiting trespass on utility property; prohibiting placing explosive or simulated explosive devices near utilities and transportation centers; prohibiting introducing organisms pathogenic to livestock, captive cervidae, or poultry; enhancing penalties and creating new crimes designed to deter and punish terroristic activities; updating the wiretapping law to help interception of terroristic communications; prescribing penalties; authorizing issuance of United We Stand license plates; establishing an anti-terrorism account in the special revenue fund; providing for additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents; requiring a report on the best way to exchange data with the federal government with respect to foreign students; appropriating money; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 2, 3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 13.381, by adding a subdivision; 13D.05, subdivision 3; 31.05, subdivision 1, by adding a subdivision; 171.07, subdivisions 1a, 4; 171.27; 221.0355, subdivisions 2, 3; 299A.49, subdivisions 2, 4; 299C.063, subdivision 2; 609.185; 609.505; 609.605, subdivision 4; 609.625, by adding a subdivision; 609.531, subdivision 1; 609.532, subdivision 3; 609.668, subdivision 6; 609.713, subdivision 1, by adding a subdivision; 624.712, subdivision 5; 626A.01, subdivisions 3, 16; 626A.05, subdivision 2; 626A.06, subdivisions 11, 12; 626A.27; 626A.28; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2; 260B.171, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 18D; 144; 168; 171; 609.

Reported the same back with the following amendments:

Pages 15 and 16, delete section 19

Page 16, line 36, before "A" insert "(a)"

Page 17, line 1, delete "26,000" and insert "10,000"

Page 17, line 9, before "Assigned" insert "(b)"

Page 17, line 16, before "If" insert "(c)"

Page 17, after line 17, insert:

"(d) Until October 1, 2003, "motor carrier," as that term is used in this section, does not include an agricultural fertilizer or agricultural chemical retailer while exclusively engaged in delivering fertilizer or agricultural chemicals to a farmer for on-farm use."

Page 31, line 35, delete everything after "152,"

Page 31, line 36, delete "609.7143," and after the semicolon, insert "and"

Page 32, line 1, delete everything after "(2)"

Page 32, delete lines 2 to 5

Page 32, line 6, delete "(3)"

Page 32, line 14, after "609.53;" insert "609.532, subdivision 3, clause (3);"

Page 32, line 15, before "609.631" insert "609.625, subdivision 4;"

Page 32, line 17, after "609.687;" insert "609.713;"

Page 32, line 19, after the first "section" insert "609.605," and after "609.891" insert a comma and after "609.324" insert ", 609.712, 609.714, 609.7141, 609.7142, or 609.7143"

Page 35, line 32, delete "lines ." and insert "lines."

Page 38, line 16, before "\$100,000" insert "not more than"

Page 38, line 17, before "SIMULATED" insert "MANUFACTURE, POSSESSION, OR USE OF A"

Page 38, line 29, delete "otherwise" and insert "(1)"

Page 38, line 30, after "of" insert "their" and delete "if the person is otherwise" and insert "; (2)"

Page 38, line 31, delete everything after "to"

Page 38, line 32, delete "display, or otherwise"

Page 38, line 33, delete "and if the person is" and insert "; and (3)"

Page 38, line 36, after "by" insert a colon

Page 41, line 6, delete the colon

Page 43, line 2, after "\$20,000" insert ", or both"

Page 43, line 24, after "\$100,000" insert ", or both,"

Page 46, line 3, strike "and"

Page 46, line 4, after "609.89," insert "and"

Page 49, line 36, delete "paragraph" and insert "clause"

Page 50, line 6, after "entity" insert a comma

Page 53, line 25, after the comma, insert "of a subscriber to or customers of such services"

Page 54, line 13, delete "50" and insert "49"

Page 54, line 14, delete "52 and 54 through 57" and insert "51 and 53 through 56"

Page 54, after line 16, insert:

"Section 1. FUNDING

(a) On June 30, 2002, \$22,000,000 is transferred from the tobacco use prevention and local public health endowment fund under Minnesota Statutes, section 144.395, subdivision 1, to the general fund. This transfer is in addition to any other transfers authorized in law.

(b) In fiscal year 2003 only, the fair market value of the tobacco use prevention and local public health endowment fund is \$22,000,000 less than would otherwise be determined in Minnesota Statutes, section 144.395, subdivision 2.

(c) The commissioner of health must adjust the distribution of grants under Minnesota Statutes, section 144.395, subdivision 2, so that grants under paragraph (c), clauses (2) and (3), of that subdivision, are funded at the amount they would have been funded if the transfer under paragraph (a) of this section had not occurred. Grants under Minnesota Statutes, section 144.395, subdivision 2, paragraph (c), clause (1), are reduced accordingly.

(d) This section is effective June 30, 2002."

Page 55, line 1, after "equipment" insert a comma

Page 55, line 5, delete "onetime" and insert "one-time"

Page 55, line 28, after the period, insert "This is a one-time appropriation."

Page 56, line 11, after the period, insert "This is a one-time appropriation."

Page 56, line 14, delete "\$144,000" and insert "\$121,000"

Page 56, line 16, after "statewide" insert a comma

Page 56, line 21, after the period, insert "This is a one-time appropriation."

Page 56, line 33, after the period, insert "The base in fiscal years 2004 and 2005 for this appropriation shall be \$245,000 each year."

Page 56, line 39, after the period, insert "This is a one-time appropriation."

Subd. 11. Color-coded Driver Licenses and Identification Cards

\$23,000 is to pay the costs associated with the production changes needed to produce non-U.S. citizen color-coded driver licenses and identification cards pursuant to Minnesota Statutes, sections 171.07 and 171.27."

Page 56, line 40, delete "11" and insert "12"



Page 56, line 55, delete "onetime" and insert "one-time"

Page 56, line 57, delete "12" and insert "13"

Page 57, line 15, delete "13" and insert "14"

Page 57, line 29, after the period, insert "The base in fiscal years 2004 and 2005 for this appropriation shall be \$40,000 each year."

Page 57, delete lines 30 and 31 and insert:

"Sec. 4. CORRECTIONS

[EXTENDED JUVENILE JURISDICTION REIMBURSEMENT.]

The base budget for the department of corrections for fiscal years 2004 and 2005 shall be reduced by \$798,000 each year to eliminate extended juvenile jurisdiction reimbursement grants.

Sec. 5. OMBUDSMAN FOR CORRECTIONS

The base budget for the ombudsman for corrections for fiscal years 2004 and 2005 shall be reduced by \$168,000 each year to eliminate funding for the ombudsman for corrections.

Sec. 6. [OFFICE ABOLISHED.]

The office of ombudsman for the Minnesota state department of corrections is hereby abolished.

Sec. 7. [REPEALER.]

Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; and 241.441; and Minnesota Statutes 2001 Supplement, section 241.45, are repealed.

Sec. 8. [FILE AND DATA TRANSFER.]

On June 30, 2003, the corrections ombudsman shall deliver to the Minnesota historical society all files, records, and data under the authority or control of the ombudsman relating to all of the activities and investigations of the office of the corrections ombudsman. All data transferred that are subject to Minnesota Statutes, chapter 13, retain the same data classification in the hands of the Minnesota historical society as the data had in the hands of the corrections ombudsman.

Sec. 9. [EFFECTIVE DATE.]

Sections 6 and 7 are effective July 1, 2003."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 33, after the semicolon, insert "abolishing the office of corrections ombudsman; transferring certain funds from the tobacco use prevention and local public health endowment funds to the general fund;"

Page 1, line 46, after "609.505;" insert "609.531, subdivision 1; 609.532, subdivision 3;"

Page 2, delete line 2

Page 2, line 9, after the semicolon, insert "repealing Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441; Minnesota Statutes 2001 Supplement, section 241.45;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2719, A bill for an act relating to higher education; providing for registration of agents of student athletes; defining terms; providing penalties and remedies; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 81A.

Reported the same back with the following amendments:

Page 8, line 13, delete "following" and delete the colon and insert "of \$1,000."

Page 8, delete lines 14 to 22

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2970, A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; appropriating money for maintenance, monitoring, environmental review, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, section 84.025, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 3007, A bill for an act relating to school districts; providing for school districts to opt out of certain state mandates; proposing coding for new law as Minnesota Statutes, chapter 471B.

Reported the same back with the following amendments:

Page 2, line 30, after the period, insert "A school district must adopt a separate resolution for each mandate that it determines should not apply to the district."

Page 3, line 9, after the period, insert "The school board must encourage teacher and parent participation to assist in determining general support for the resolution."

Page 3, line 12, after "\$75" insert "per resolution"

Page 5, delete lines 3 and 4

Page 5, line 5, delete "7" and insert "6"

Page 5, line 6, delete "8" and insert "7"

Page 5, delete lines 13 and 14

Page 5, line 15, delete "10" and insert "8"

Page 5, after line 18, insert:

"Subd. 9. [BUILDING CODE.] Section 16B.61, subdivision 1a, relating to administration and enforcement of the state building code.

Subd. 10. [COMPULSORY ATTENDANCE LAWS.] Section 120A.22, governing compulsory instruction and other law related to student attendance.

Subd. 11. [NONPUBLIC STUDENTS.] Sections 123B.40 to 123B.48 governing the rights of nonpublic school students and other law related to nonpublic schools or students."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 3031, A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; providing for declaration and termination of emergencies due to bioterrorism; granting certain emergency powers; providing for the isolation and quarantine of persons; requiring a study; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.31, subdivision 2; 12.32; 13.3806, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 144.

Reported the same back with the following amendments:

Page 7, line 6, after the period, insert "To adequately address emergency health situations, individuals shall be given a reliable means to communicate 24 hours a day with health officials and to summon emergency health services."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 3183, A bill for an act relating to agriculture; clarifying and updating certain terms; changing certain requirements and procedures; limiting certain fees and payments; authorizing agreements; amending Minnesota Statutes 2000, sections 17.90, subdivision 1a, by adding a subdivision; 17B.03, subdivision 1; 18B.315, subdivision 3; 18E.02, by adding a subdivision; 18E.03, subdivision 4; 18E.04, subdivision 3; 18E.06; 21.111, by adding a subdivision; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 38.331, subdivision 2; 41B.03, subdivisions 1, 3; 223.16, subdivision 5; Minnesota Statutes 2001 Supplement, sections 17.9442; 18B.36, subdivision 1; 18E.04, subdivisions 2, 4; 41B.046, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 3200, A bill for an act relating to health occupations; establishing guest licenses for dentists and dental hygienists; establishing guest registration for dental assistants; appropriating money; amending Minnesota Statutes 2000, section 150A.06, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 3643, A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. [DEPARTMENT OF CORRECTIONS; COMMUNITY SERVICE AND SENTENCING TO SERVICE WORK.]

The amounts in this section are appropriated from the general fund to the commissioner of corrections for payment under Minnesota Statutes, section 3.739, to service providers as indicated in full and final payment of claims against the state for medical services provided to individuals who were injured while performing community service or sentencing to service work for correctional purposes. These appropriations are available until June 30, 2003.

(a) For claims under \$500 each and other claims already paid by the department, \$5,203.28.

(b) For medical services provided to Ella Davison, who was injured while performing sentencing to service work in Ramsey county, \$704.21.

(c) For medical services provided to Paul Gellersen, who was injured while performing sentencing to service work in Dakota county, \$1,221.50.

(d) For medical services provided to David Gibson, who was injured while performing sentencing to service work in St. Louis county, \$1,665.11.

(e) For medical services provided to Russell Kuopus, who was injured while performing sentencing to service work in St. Louis county, \$5,690.74.

(f) For medical services provided to Kimberly Johnson, who was injured performing sentencing to service work in Pine county, \$918.64.

(g) For medical services provided to Richard Schneider, who was injured performing sentencing to service work in Stearns county, \$1,716.82.

(h) For medical services provided to Christopher Welsch, who was injured while performing sentencing to service work in Stearns county, \$552.94."

With the recommendation that when so amended the bill pass.

The report was adopted.

Leppik from the Committee on Higher Education Finance to which was referred:

H. F. No. 3690, A bill for an act relating to higher education; exempting certain student contracts from the contract moratorium; amending Laws 2002, chapter 220, article 10, section 37.

Reported the same back with the following amendments:

Page 1, line 21, delete "entirely"

Page 2, after line 8, insert:

"**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

S. F. No. 2650, A bill for an act relating to financial institutions; modifying regulation of credit unions; amending Minnesota Statutes 2000, sections 52.02, subdivisions 2, 3; 52.04, subdivision 3; 52.05, subdivisions 1, 2; 52.09, subdivision 3; 52.12; 52.15, subdivision 1; 52.19, subdivision 2; Minnesota Statutes 2001 Supplement, section 52.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 52.

Reported the same back with the following amendments:

Page 10, line 7, delete everything after the period

Page 10, delete line 8

Page 10, line 9, delete everything before "The"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

S. F. No. 3026, A bill for an act relating to health; regulating the provision of interstate telemedicine services; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; proposing coding for new law in Minnesota Statutes, chapter 147.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [147.032] [INTERSTATE PRACTICE OF TELEMEDICINE.]

Subdivision 1. [REQUIREMENTS; REGISTRATION.] (a) A physician not licensed to practice medicine in this state may provide medical services to a patient located in this state through interstate telemedicine if the following conditions are met:

(1) the physician is licensed without restriction to practice medicine in the state from which the physician provides telemedicine services;

(2) the physician has not had a license to practice medicine revoked or restricted in any state or jurisdiction;

(3) the physician does not open an office in this state, does not meet with patients in this state, and does not receive calls in this state from patients; and

(4) the physician annually registers with the board, on a form provided by the board.

(b) To register with the board, a physician must:

(1) state the physician's intention to provide interstate telemedicine services in this state;

(2) provide complete information on:

(i) all states and jurisdictions in which the physician is currently licensed;

(ii) any states or jurisdictions in which the physician was previously licensed;

(iii) any negative licensing actions taken previously against the physician in any state or jurisdiction; and

(iv) other information requested by the board; and

(3) pay a registration fee of \$75 annually and an initial application fee of \$100.

(c) A physician registered to provide interstate telemedicine services under this section must immediately notify the board of restrictions placed on the physician's license to practice in any state or jurisdiction.

(d) In registering to provide interstate telemedicine services to state residents under this section, a physician agrees to be subject to state laws, the state judicial system, and the board with respect to providing medical services to state residents.

(e) For the purposes of this section, telemedicine means the practice of medicine as defined in section 147.081, subdivision 3, when the physician is not in the physical presence of the patient.

Subd. 2. [EXEMPTIONS FROM REGISTRATION.] A physician who is not licensed to practice medicine in this state, but who holds a valid license to practice medicine in another state or jurisdiction, and who provides interstate telemedicine services to a patient located in this state is not subject to the registration requirement of subdivision 1, paragraph (a), clause (4), if:

(1) the services are provided in response to an emergency medical condition. For the purposes of this section, an emergency medical condition means a condition, including emergency labor and delivery, that manifests itself by acute symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any body organ or part;

(2) the services are provided on an irregular or infrequent basis. For the purposes of this section, a person provides services on an irregular or infrequent basis if the person provides the services less than once a month or provides the services to fewer than ten patients annually; or

(3) the physician provides interstate telemedicine services in this state in consultation with a physician licensed in this state and the Minnesota physician retains ultimate authority over the diagnosis and care of the patient.

Subd. 3. [NOTIFICATION TO OTHER STATES.] The board shall obtain confirmation of licensure from all states and jurisdictions in which a physician registered under subdivision 1 has ever been licensed to verify statements made by the physician and to be notified if any future adverse action is taken against the physician's license in another state or jurisdiction. This requirement does not replace the reporting obligation under section 147.111.

Subd. 4. [HEALTH RECORDS.] A physician who provides interstate telemedicine services to a patient located in this state must comply with section 144.335 with respect to the provision of those services.

Sec. 2. Minnesota Statutes 2000, section 147.081, subdivision 1, is amended to read:

Subdivision 1. [UNLAWFUL PRACTICE OF MEDICINE.] It is unlawful for any person ~~not holding a valid license issued in accordance with this chapter~~ to practice medicine as defined in subdivision 3 in this state unless:

(1) the person holds a valid license issued according to this chapter; or

(2) the person is registered to provide interstate telemedicine services according to section 147.032.

Sec. 3. Minnesota Statutes 2000, section 147.091, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license, may refuse to grant registration to perform interstate telemedicine services, or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(c) Conviction, during the previous five years, of a felony reasonably related to the practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) Revocation, suspension, restriction, limitation, or other disciplinary action against the person's medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

(e) Advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by another physician.

(f) Violating a rule promulgated by the board or an order of the board, a state, or federal law which relates to the practice of medicine, or in part regulates the practice of medicine including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law.

(g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Failure to supervise a physician's assistant or failure to supervise a physician under any agreement with the board.

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

(j) Adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) Inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.

(m) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(n) Failure by a doctor of osteopathy to identify the school of healing in the professional use of the doctor's name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

(o) Improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335 or to furnish a medical record or report required by law.

(p) Fee splitting, including without limitation:

(1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices;

(2) dividing fees with another physician or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the physician has disclosed the terms of the division;

(3) referring a patient to any health care provider as defined in section 144.335 in which the referring physician has a significant financial interest unless the physician has disclosed the physician's own financial interest; and

(4) dispensing for profit any drug or device, unless the physician has disclosed the physician's own profit interest.

The physician must make the disclosures required in this clause in advance and in writing to the patient and must include in the disclosure a statement that the patient is free to choose a different health care provider. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for



services performed by the physician or under a physician's direct supervision, or to the division or distribution of prepaid or capitated health care premiums, or fee-for-service withhold amounts paid under contracts established under other state law.

(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(r) Becoming addicted or habituated to a drug or intoxicant.

(s) Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral.

(t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient.

(u) Failure to make reports as required by section 147.111 or to cooperate with an investigation of the board as required by section 147.131.

(v) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

(w) Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(1) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(2) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(3) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(4) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

(x) Practice of a board-regulated profession under lapsed or nonrenewed credentials.

(y) Failure to repay a state or federally secured student loan in accordance with the provisions of the loan.

(z) Providing interstate telemedicine services other than according to section 147.032.

Sec. 4. Minnesota Statutes 2000, section 147.141, is amended to read:

147.141 [FORMS OF DISCIPLINARY ACTION.]

When the board finds that a licensed physician or a physician registered under section 147.032 has violated a provision or provisions of sections 147.01 to 147.22, it may do one or more of the following:

(1) revoke the license;

(2) suspend the license;

(3) revoke or suspend registration to perform interstate telemedicine;

(4) impose limitations or conditions on the physician's practice of medicine, including the limitation of scope of practice to designated field specialties; the imposition of retraining or rehabilitation requirements; the requirement of practice under supervision; or the conditioning of continued practice on demonstration of knowledge or skills by appropriate examination or other review of skill and competence;

(4) (5) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physician of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding;

(5) (6) order the physician to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or

(6) (7) censure or reprimand the licensed physician.

Sec. 5. [APPROPRIATION.]

\$4,000 is appropriated in fiscal year 2003 from the state government special revenue fund to the board of medical practice to implement the telemedicine registration requirements under Minnesota Statutes, section 147.032."

Delete the title and insert:

"A bill for an act relating to health; regulating the provision of interstate telemedicine services; appropriating money; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; proposing coding for new law in Minnesota Statutes, chapter 147."

With the recommendation that when so amended the bill pass.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 211, 2622, 2719, 2970, 3031, 3183, 3200, 3643 and 3690 were read for the second time.

## SECOND READING OF SENATE BILLS

S. F. Nos. 2115, 2363, 2457, 2459, 2546, 2550, 2614, 2727, 2764, 2933, 3055, 2650 and 3026 were read for the second time.

## INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Lipman introduced:

H. F. No. 3697, A bill for an act relating to elections; changing certain campaign financing provisions; amending Minnesota Statutes 2000, sections 10A.25, subdivision 1, by adding a subdivision; 10A.27, by adding a subdivision; 10A.28, subdivision 1; Minnesota Statutes 2001 Supplement, section 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2884, A bill for an act relating to traffic regulations; modifying imposition of civil fine for excessive gross weight; amending Minnesota Statutes 2000, sections 169.871, subdivision 1; 169.872, subdivision 1, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Osskopp moved that the House refuse to concur in the Senate amendments to H. F. No. 2884, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2792, A bill for an act relating to the environment; providing for recycling of certain appliances; providing indemnification of municipalities participating in household hazardous waste programs; amending Minnesota Statutes 2000, sections 115A.9561, subdivision 2; 115A.96, subdivision 1, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

**CONCURRENCE AND REPASSAGE**

Ozment moved that the House concur in the Senate amendments to H. F. No. 2792 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2792, A bill for an act relating to the environment; providing for the indemnification of municipalities participating in household hazardous waste programs; amending Minnesota Statutes 2000, section 115A.96, subdivision 1, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hilty	Lenczewski	Paulsen	Stang
Abrams	Eastlund	Holberg	Leppik	Pawlenty	Swapinski
Anderson, I.	Entenza	Holsten	Lieder	Paymar	Swenson
Bakk	Erhardt	Howes	Lindner	Pelowski	Sykora
Bernardy	Erickson	Huntley	Lipman	Penas	Thompson
Biernat	Evans	Jacobson	Mahoney	Peterson	Tingelstad
Bishop	Finseth	Jaros	Mares	Pugh	Tuma
Blaine	Folliard	Johnson, J.	Marko	Rhodes	Vanderveer
Boudreau	Fuller	Johnson, R.	Marquart	Rifenberg	Wagenius
Bradley	Gerlach	Johnson, S.	McElroy	Rukavina	Walker
Carlson	Gleason	Jordan	McGuire	Ruth	Walz
Cassell	Goodno	Juhnke	Milbert	Schumacher	Wasiluk
Clark, J.	Goodwin	Kahn	Molnau	Seagren	Westerberg
Clark, K.	Gray	Kalis	Mulder	Seifert	Westrom
Daggett	Greiling	Kelliher	Murphy	Sertich	Wilkin
Davids	Gunther	Knoblach	Ness	Skoe	Winter
Davnie	Haas	Koskinen	Nornes	Skoglund	Wolf
Dawkins	Hackbarth	Kubly	Opatz	Slawik	Workman
Dehler	Harder	Kuise	Osskopp	Smith	Spk. Sviggum
Dibble	Hausman	Larson	Otremba	Solberg	
Dorman	Hilstrom	Leighton	Ozment	Stanek	

Those who voted in the negative were:

Anderson, B.	Buesgens	Kielkucki	Olson
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2796, A bill for an act relating to local government; authorizing the city of Minneapolis to construct a new asphalt plant as part of a joint venture with a private enterprise; requiring local approval.

PATRICK E. FLAHAVEN, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Ozment moved that the House concur in the Senate amendments to H. F. No. 2796 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2796, A bill for an act relating to local government; authorizing the city of Minneapolis to construct a new asphalt plant as part of a joint venture with a private enterprise; requiring local approval.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 115 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Leppik	Pelowski	Sykora
Abrams	Entenza	Howes	Lieder	Penas	Thompson
Anderson, I.	Erhardt	Huntley	Lindner	Peterson	Tingelstad
Bakk	Evans	Jacobson	Mahoney	Pugh	Tuma
Bernardy	Finseth	Jaros	Mares	Rhodes	Vandev eer
Biernat	Folliard	Johnson, J.	Marko	Rifenberg	Wagenius
Bishop	Fuller	Johnson, R.	Marquart	Rukavina	Walker
Blaine	Gerlach	Johnson, S.	McElroy	Ruth	Walz
Boudreau	Gleason	Jordan	McGuire	Schumacher	Wasiluk
Bradley	Goodno	Juhnke	Milbert	Seagren	Westerberg
Carlson	Goodwin	Kahn	Mulder	Sertich	Westrom
Cassell	Gray	Kalis	Murphy	Skoe	Winter
Clark, K.	Greiling	Kelliher	Ness	Skoglund	Wolf
Daggett	Gunther	Knoblach	Nornes	Slawik	Workman
Davids	Haas	Koskinen	Opatz	Smith	Spk. Sviggum
Davnie	Hackbarth	Kubly	Osskopp	Solberg	
Dawkins	Harder	Kuisle	Otremba	Stanek	
Dehler	Hausman	Larson	Ozment	Stang	
Dibble	Hilstrom	Leighton	Pawlenty	Swapinski	
Dorman	Hilty	Lenczewski	Paymar	Swenson	

Those who voted in the negative were:

Anderson, B.	Eastlund	Kielkucki	Olson	Wilkin
Buesgens	Erickson	Lipman	Paulsen	
Clark, J.	Holberg	Molnau	Seifert	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3140, 3200, 2697 and 2821.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 3140, A bill for an act relating to employment; providing that wage credits earned by certain school food service employees may be used for unemployment benefit purposes; amending Minnesota Statutes 2000, section 268.085, subdivision 8.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 3200, A bill for an act relating to civil actions; providing that a nonprofit organization operating an environmental learning center is a municipality for purposes of tort claims; amending Minnesota Statutes 2000, section 84.0875.

The bill was read for the first time.

Juhnke moved that S. F. No. 3200 and H. F. No. 3443, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2697, A bill for an act relating to real property; establishing disclosure requirements for sellers of residential real estate; proposing coding for new law in Minnesota Statutes, chapter 513.

The bill was read for the first time.

Holberg moved that S. F. No. 2697 and H. F. No. 3079, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2821, A bill for an act relating to commerce; regulating the conduct of real estate industry licensees; modifying disclosures; regulating records retention requirements; amending Minnesota Statutes 2000, sections 82.19, subdivision 9; 82.23, subdivision 1; 82.27, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 82.197, subdivisions 1, 4, 6.

The bill was read for the first time.

Stang moved that S. F. No. 2821 and H. F. No. 3078, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

**REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION**

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Tuesday, March 19, 2002:

S. F. Nos. 2627, 3115 and 3080; H. F. Nos. 2618, 3057 and 3223; S. F. Nos. 2614 and 2550; H. F. Nos. 2596, 1224, 3079 and 643; S. F. No. 3136; H. F. No. 2908; S. F. Nos. 2590 and 3117; and H. F. No. 2706.

**CALENDAR FOR THE DAY**

S. F. No. 2419 was reported to the House.

Mulder moved to amend S. F. No. 2419 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 119B.061, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A family in which a parent provides care for the family's infant child may receive a subsidy in lieu of assistance if the family is eligible for, or is receiving assistance under the basic sliding fee program. An eligible family must meet the eligibility factors under section 119B.09, except as provided in subdivision 4, the income criteria under section 119B.12, and the requirements of this section. Subject to federal match and maintenance of effort requirements for the child care and development fund, the commissioner shall establish a pool of up to seven percent of the annual appropriation for the basic sliding fee program to provide assistance under the at-home infant child care program. At the end of a fiscal year, the commissioner may carry forward any unspent funds under this section to the next fiscal year within the same biennium for assistance under the basic sliding fee program.

Sec. 2. Minnesota Statutes 2001 Supplement, section 119B.061, subdivision 4, is amended to read:

Subd. 4. [ASSISTANCE.] (a) A family is limited to a lifetime total of 12 months of assistance under subdivision 2. The maximum rate of assistance is equal to 90 percent of the rate established under section 119B.13 for care of infants in licensed family child care in the applicant's county of residence. ~~Assistance must be calculated to reflect the parent fee requirement under section 119B.12 for the family's actual income level and family size while the family is participating in the at-home infant child care program under this section~~ For purposes of this section, the annual income of the applicant family must be based on an annualization of the income received only during the period in which the family is participating in the at-home infant care program.

(b) A participating family must report income and other family changes as specified in the county's plan under section 119B.08, subdivision 3.

(c) Persons who are admitted to the at-home infant care program retain their position in any basic sliding fee program or on any waiting list attained at the time of admittance. If they are on the waiting list, they must advance as if they had not been admitted to the program. Persons leaving the at-home infant care program re-enter the basic sliding fee program at the position they would have occupied or the waiting list at the position to which they would have advanced. Persons who would have attained eligibility for the basic sliding fee program must be given assistance or advance to the top of the waiting list when they leave the at-home infant care program. Persons admitted to the at-home infant care program who are not on a basic sliding fee waiting list may apply to the basic sliding fee program, and if eligible, be placed on the waiting list.

(d) The time that a family receives assistance under this section must be deducted from the one-year exemption from work requirements under the MFIP program.

(e) Assistance under this section does not establish an employer-employee relationship between any member of the assisted family and the county or state."

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sykora moved to amend S. F. No. 2419, as amended, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 119B.011, subdivision 7, is amended to read:

Subd. 7. [CHILD CARE SERVICES.] "Child care services" means the provision of child care provided in family day care homes, group day care homes, nursery schools, day nurseries, child day care centers, head start, and extended day school age child care programs in or out of the child's home as defined in subdivision 5.

Sec. 2. Minnesota Statutes 2000, section 119B.011, is amended by adding a subdivision to read:

Subd. 22. [SERVICE PERIOD.] "Service period" means the biweekly period used by the child care assistance program for billing and payment purposes."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2419, A bill for an act relating to human services; defining portable wading pools; clarifying the use of portable wading pools at family day care settings; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hausman	Kuisle	Osskopp	Solberg
Abrams	Dorman	Hilstrom	Leighton	Otremba	Stanek
Anderson, B.	Dorn	Hilty	Lenczewski	Ozment	Stang
Anderson, I.	Eastlund	Holberg	Leppik	Paulsen	Swapinski
Bakk	Entenza	Holsten	Lieder	Pawlenty	Swenson
Bernardy	Erhardt	Howes	Lindner	Pelowski	Sykora
Biernat	Erickson	Huntley	Lipman	Penas	Thompson
Bishop	Evans	Jacobson	Mahoney	Peterson	Tingelstad
Blaine	Finseth	Jaros	Mares	Pugh	Tuma
Boudreau	Fuller	Johnson, J.	Marko	Rhodes	Vandever
Bradley	Gerlach	Johnson, R.	Marquart	Rifenberg	Walker
Buesgens	Gleason	Johnson, S.	McElroy	Rukavina	Walz
Carlson	Goodno	Jordan	McGuire	Ruth	Wasiluk
Cassell	Goodwin	Juhnke	Molnau	Schumacher	Westerberg
Clark, J.	Gray	Kahn	Mulder	Seagren	Westrom
Clark, K.	Greiling	Kalis	Murphy	Seifert	Wilkin
Daggett	Gunther	Kelliher	Ness	Sertich	Winter
Davids	Haas	Kielkucki	Nornes	Skoe	Wolf
Davnie	Hackbarth	Knoblach	Olson	Skoglund	Workman
Dehler	Harder	Kubly	Opatz	Smith	Spk. Sviggum



Those who voted in the negative were:

Dawkins	Koskinen	Milbert	Slawik
Folliard	Larson	Paymar	Wagenius

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

The Speaker called Abrams to the Chair.

H. F. No. 1517, A bill for an act relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; changing municipalities' immunity from liability for claims based upon a provider's failure to comply with requirements for swimming pools at family day care or group family day care homes; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision; 466.03, subdivision 6d.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Lenczewski	Otremba	Stanek
Abrams	Dorman	Hilty	Leppik	Ozment	Stang
Anderson, B.	Dorn	Holberg	Lieder	Paulsen	Swenson
Anderson, I.	Eastlund	Holsten	Lindner	Pawlenty	Sykora
Bakk	Erhardt	Howes	Lipman	Pelowski	Thompson
Bernardy	Erickson	Huntley	Mares	Penas	Tingelstad
Bishop	Finseth	Jacobson	Marko	Pugh	Tuma
Blaine	Fuller	Jaros	Marquart	Rhodes	Vandever
Boudreau	Gerlach	Johnson, J.	McElroy	Rifenberg	Walker
Bradley	Gleason	Johnson, R.	McGuire	Rukavina	Walz
Buesgens	Goodno	Jordan	Molnau	Ruth	Wasiluk
Carlson	Goodwin	Juhnke	Mulder	Schumacher	Westerberg
Cassell	Gray	Kahn	Murphy	Seagren	Westrom
Clark, J.	Greiling	Kalis	Ness	Seifert	Wilkin
Clark, K.	Gunther	Kielkucki	Nornes	Sertich	Winter
Daggett	Haas	Knoblach	Olson	Skoe	Wolf
Davids	Hackbarth	Kubly	Opatz	Smith	Workman
Dehler	Harder	Kuisle	Osskopp	Solberg	Spk. Sviggum

Those who voted in the negative were:

Biernat	Evans	Kelliher	Mahoney	Skoglund
Davnie	Folliard	Koskinen	Milbert	Slawik
Dawkins	Hausman	Larson	Paymar	Swapinski
Entenza	Johnson, S.	Leighton	Peterson	Wagenius

The bill was passed and its title agreed to.

S. F. No. 2680 was reported to the House.

Boudreau moved to amend S. F. No. 2680 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3029, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 16B.617, is amended to read:

16B.617 [ENERGY CODE RULES REMAIN IN EFFECT.]

(a) Notwithstanding Laws 1999, chapter 135, section 9, Minnesota Rules, chapter 7670, does not expire on April 15, 2000, but remains in effect for residential buildings not covered by Minnesota Rules, chapter 7676. The provisions of Minnesota Rules, chapter 7670, that apply to category 1 buildings govern new, detached single one- and two-family R-3 occupancy residential buildings. All new, detached single one- and two-family R-3 occupancy buildings subject to Minnesota Rules, chapter 7670, submitting an application for a building permit after April 14, 2000, must meet the requirements for category 1 buildings, as set out in Minnesota Rules, chapter 7670. ~~All new detached single one- and two-family R-3 occupancy buildings having fuel burning equipment using nonsolid fuels for space heating, service water heating, or hearth products must install direct vent, power vent, or sealed combustion equipment. All new detached single one- and two-family R-3 occupancy buildings must have a mechanical ventilation system which replaces, by direct or indirect means, air from habitable rooms with outdoor air. If any single exhaust device over 300 cubic feet per minute is installed, sealed combustion space heating equipment or an alternative make-up air source must be used.~~

(b) As an alternative to compliance with paragraph (a), compliance with Minnesota Rules, chapters 7672 and 7674, is optional for a contractor or owner.

(c) The department of administration, building codes and standards division (BCSD), shall issue a report to the legislature by December 1, 2001, addressing the cost benefit, as well as air quality, building durability, moisture, enforcement, enforceability, and liability regarding implementation of Minnesota Rules, chapters 7670, 7672, and 7674. The report must include a feasibility study of establishing new criteria for category 2 detached single one- and two-family R-3 occupancy buildings that are energy efficient, enforceable, and provide sufficient nonmechanical ventilation or permeability for a home to maintain good air quality, building durability, and adequate release of moisture.

(d) This section expires when the commissioner of administration adopts a new energy code in accordance with section 2.

Sec. 2. [ENERGY CODE.]

Notwithstanding Minnesota Statutes, section 16B.617, the commissioner of administration, in consultation with the construction codes advisory council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with practitioners in residential construction and building science and an affirmative recommendation by the construction code advisory council.

## Sec. 3. [EFFECTIVE DATE.]

Notwithstanding any contrary provision of Minnesota Statutes, section 16B.617, paragraph (a), the commissioner of administration may adopt appropriate provisions addressing combustion air and make-up air in residential construction as part of the mechanical code. Section 1 is effective when rules containing these provisions are adopted. Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy codes; changing certain requirements; requiring the commissioner of administration to take certain actions; amending Minnesota Statutes 2000, section 16B.617."

The motion prevailed and the amendment was adopted.

S. F. No. 2680, A bill for an act relating to energy codes; adding a member to the construction codes advisory council; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1; Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 112 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Lenczewski	Otremba	Stang
Abrams	Eastlund	Holsten	Leppik	Ozment	Swapinski
Anderson, B.	Entenza	Howes	Lieder	Paulsen	Swenson
Anderson, I.	Erhardt	Huntley	Lindner	Pawlenty	Sykora
Bakk	Erickson	Jacobson	Lipman	Pelowski	Thompson
Biernat	Finseth	Jaros	Mahoney	Penas	Tingelstad
Bishop	Folliard	Johnson, J.	Mares	Pugh	Tuma
Blaine	Fuller	Johnson, R.	Marquart	Rhodes	Vandever
Boudreau	Gerlach	Jordan	McElroy	Rifenberg	Walz
Bradley	Gleason	Juhnke	McGuire	Rukavina	Wasiluk
Buesgens	Goodno	Kahn	Milbert	Ruth	Westerberg
Carlson	Gray	Kalis	Molnau	Schumacher	Westrom
Cassell	Gunther	Kelliher	Mulder	Seagren	Wilkin
Clark, J.	Haas	Kielkucki	Murphy	Seifert	Winter
Daggett	Hackbarth	Knoblach	Ness	Sertich	Wolf
Davids	Harder	Kubly	Nornes	Skoe	Workman
Dehler	Hausman	Kuisle	Olson	Smith	Spk. Sviggum
Dibble	Hilstrom	Larson	Opatz	Solberg	
Dorman	Hilty	Leighton	Osskopp	Stanek	

Those who voted in the negative were:

Bernardy	Dawkins	Greiling	Paymar	Slawik
Clark, K.	Evans	Johnson, S.	Peterson	Wagenius
Davnie	Goodwin	Koskinen	Skoglund	Walker

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

H. F. No. 2988 was reported to the House.

Haas moved that H. F. No. 2988 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2434, A bill for an act relating to Polk county; providing a process for making certain offices appointive in Polk county.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Lenczewski	Osskopp	Stanek
Abrams	Dorn	Hilty	Leppik	Ozment	Stang
Anderson, I.	Entenza	Howes	Lieder	Pelowski	Swapinski
Bakk	Erhardt	Huntley	Lipman	Penas	Sykora
Bernardy	Evans	Jacobson	Mahoney	Peterson	Thompson
Biernat	Folliard	Jaros	Mares	Pugh	Tingelstad
Bishop	Fuller	Jennings	Mariani	Rhodes	Tuma
Boudreau	Gleason	Johnson, J.	Marko	Rukavina	Vandever
Bradley	Goodno	Johnson, R.	Marquart	Ruth	Wagenius
Carlson	Goodwin	Johnson, S.	McElroy	Schumacher	Walker
Cassell	Gray	Jordan	McGuire	Seagren	Walz
Clark, K.	Greiling	Kahn	Milbert	Sertich	Westerberg
Daggett	Gunther	Kalis	Murphy	Skoe	Wolf
Davnie	Haas	Kelliher	Ness	Skoglund	Workman
Dawkins	Hackbarth	Koskinen	Nornes	Slawik	Spk. Sviggum
Dehler	Hausman	Kubly	Opatz	Solberg	

Those who voted in the negative were:

Anderson, B.	Eastlund	Holsten	Leighton	Paulsen	Swenson
Blaine	Erickson	Juhnke	Lindner	Pawlenty	Wasiluk
Buesgens	Finseth	Kielkucki	Molnau	Paymar	Westrom
Clark, J.	Gerlach	Knoblach	Mulder	Rifenberg	Wilkin
Davids	Harder	Kuisle	Olson	Seifert	Winter
Dorman	Holberg	Larson	Otremba	Smith	

The bill was passed and its title agreed to.

Lenczewski was excused between the hours of 10:15 a.m. and 2:45 p.m.

S. F. No. 2627, A bill for an act relating to health; requiring optometrists and ophthalmologists to give patients copies of their prescriptions for contact lenses; establishing other requirements for access to and the content of prescriptions for contact lenses; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilty	Leppik	Pawlenty	Swenson
Abrams	Dorn	Holberg	Lieder	Paymar	Sykora
Anderson, B.	Eastlund	Holsten	Lindner	Pelowski	Thompson
Anderson, I.	Entenza	Howes	Lipman	Penas	Tingelstad
Bakk	Erhardt	Huntley	Mares	Peterson	Tuma
Bernardy	Erickson	Jacobson	Mariani	Pugh	Vandever
Biernat	Evans	Jaros	Marko	Rhodes	Wagenius
Bishop	Finseth	Jennings	Marquart	Rifenberg	Walker
Blaine	Folliard	Johnson, J.	McGuire	Rukavina	Walz
Boudreau	Fuller	Johnson, R.	Milbert	Ruth	Wasiluk
Bradley	Gerlach	Johnson, S.	Molnau	Schumacher	Westerberg
Buesgens	Gleason	Jordan	Mulder	Seagren	Westrom
Carlson	Goodno	Juhnke	Murphy	Seifert	Wilkin
Cassell	Goodwin	Kalis	Ness	Sertich	Winter
Clark, J.	Gray	Kelliher	Nornes	Skoe	Wolf
Clark, K.	Greiling	Kielkucki	Olson	Skoglund	Workman
Daggett	Gunther	Knoblach	Opatz	Slawik	Spk. Sviggum
Davids	Haas	Koskinen	Osskopp	Smith	
Davnie	Hackbarth	Kubly	Osthoff	Solberg	
Dawkins	Harder	Kuisle	Otremba	Stanek	
Dehler	Hausman	Larson	Ozment	Stang	
Dibble	Hilstrom	Leighton	Paulsen	Swapinski	

The bill was passed and its title agreed to.

Biernat was excused between the hours of 10:20 a.m. and 2:10 p.m.

S. F. No. 3115, A bill for an act relating to state government; regulating state energy savings contracts; amending Minnesota Statutes 2000, section 16C.14.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dibble	Fuller	Hausman	Johnson, J.
Abrams	Carlson	Dorman	Gerlach	Hilstrom	Johnson, R.
Anderson, B.	Cassell	Dorn	Gleason	Hilty	Johnson, S.
Anderson, I.	Clark, J.	Eastlund	Goodno	Holberg	Jordan
Bakk	Clark, K.	Entenza	Gray	Holsten	Juhnke
Bernardy	Daggett	Erhardt	Greiling	Howes	Kahn
Bishop	Davids	Erickson	Gunther	Huntley	Kalis
Blaine	Davnie	Evans	Haas	Jacobson	Kelliher
Boudreau	Dawkins	Finseth	Hackbarth	Jaros	Kielkucki
Bradley	Dehler	Folliard	Harder	Jennings	Knoblach

Koskinen	Marko	Opatz	Pugh	Slawik	Vandever
Kubly	Marquart	Osskopp	Rhodes	Smith	Wagenius
Kuisle	McElroy	Osthoff	Rifenberg	Solberg	Walz
Larson	McGuire	Otremba	Rukavina	Stanek	Wasiluk
Leighton	Milbert	Ozment	Ruth	Stang	Westerberg
Leppik	Molnau	Paulsen	Schumacher	Swapinski	Westrom
Lieder	Mulder	Pawlenty	Seagren	Swenson	Wilkin
Lindner	Murphy	Paymar	Seifert	Sykora	Winter
Lipman	Ness	Pelowski	Sertich	Thompson	Wolf
Mares	Nornes	Penas	Skoe	Tingelstad	Workman
Mariani	Olson	Peterson	Skoglund	Tuma	Spk. Sviggum

Those who voted in the negative were:

Goodwin

The bill was passed and its title agreed to.

S. F. No. 3080, A bill for an act relating to auditing; modifying certain provisions relating to preneed funeral trust accounts; amending Minnesota Statutes 2000, section 149A.97, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Lieder	Paulsen	Swapinski
Abrams	Eastlund	Howes	Lindner	Pawlenty	Swenson
Anderson, B.	Entenza	Huntley	Lipman	Paymar	Sykora
Anderson, I.	Erhardt	Jacobson	Mahoney	Pelowski	Thompson
Bakk	Evans	Jaros	Mares	Penas	Tingelstad
Bernardy	Finseth	Jennings	Mariani	Peterson	Tuma
Bishop	Folliard	Johnson, J.	Marko	Pugh	Vandever
Blaine	Fuller	Johnson, R.	Marquart	Rhodes	Wagenius
Boudreau	Gerlach	Johnson, S.	McElroy	Rifenberg	Walker
Bradley	Gleason	Jordan	McGuire	Rukavina	Walz
Buesgens	Goodno	Juhnke	Milbert	Ruth	Wasiluk
Carlson	Goodwin	Kahn	Molnau	Schumacher	Westerberg
Cassell	Gray	Kalis	Mulder	Seagren	Westrom
Clark, J.	Greiling	Kelliher	Murphy	Seifert	Wilkin
Clark, K.	Gunther	Kielkucki	Ness	Sertich	Winter
Daggett	Haas	Knoblach	Nornes	Skoe	Wolf
Davids	Hackbarth	Koskinen	Olson	Skoglund	Workman
Davnie	Harder	Kubly	Opatz	Slawik	Spk. Sviggum
Dawkins	Hausman	Kuisle	Osskopp	Smith	
Dehler	Hilstrom	Larson	Osthoff	Solberg	
Dibble	Hilty	Leighton	Otremba	Stanek	
Dorman	Holberg	Leppik	Ozment	Stang	

The bill was passed and its title agreed to.

H. F. No. 2618 was reported to the House.

Holberg moved that H. F. No. 2618 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 3057 was reported to the House.

Kielkucki moved that H. F. No. 3057 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 1224 was reported to the House.

Dorman moved that H. F. No. 1224 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 643 was reported to the House.

Paulsen moved that H. F. No. 643 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 1224, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

H. F. No. 1224, A bill for an act relating to health; creating registration for medical response units; proposing coding for new law in Minnesota Statutes, chapter 144E.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Holberg	Leppik	Paulsen	Stang
Abrams	Entenza	Holsten	Lieder	Pawlenty	Swapinski
Anderson, I.	Erhardt	Howes	Lindner	Paymar	Swenson
Bakk	Erickson	Huntley	Mahoney	Pelowski	Sykora
Bernardy	Evans	Jacobson	Mares	Penas	Thompson
Bishop	Finseth	Jaros	Mariani	Peterson	Tingelstad
Blaine	Folliard	Jennings	Marko	Pugh	Tuma
Boudreau	Fuller	Johnson, J.	Marquart	Rhodes	Vandever
Bradley	Gerlach	Johnson, R.	McElroy	Rifenberg	Wagenius
Carlson	Gleason	Johnson, S.	McGuire	Rukavina	Walker
Cassell	Goodno	Jordan	Milbert	Ruth	Walz
Clark, J.	Goodwin	Juhnke	Molnau	Schumacher	Wasiluk
Clark, K.	Gray	Kahn	Mulder	Seagren	Westerberg
Daggett	Greiling	Kalis	Murphy	Seifert	Westrom
Davids	Gunther	Kelliher	Ness	Sertich	Wilkin
Davnie	Haas	Knoblach	Nornes	Skoe	Winter
Dawkins	Hackbarth	Koskinen	Opatz	Skoglund	Wolf
Dehler	Harder	Kubly	Osskopp	Slawik	Workman
Dibble	Hausman	Kuisle	Osthoff	Smith	Spk. Sviggum
Dorman	Hilstrom	Larson	Otremba	Solberg	
Dorn	Hilty	Leighton	Ozment	Stanek	

Those who voted in the negative were:

Anderson, B.      Buesgens      Kielkucki      Krinkie      Olson

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 3136 was reported to the House.

Rukavina moved to amend S. F. No. 3136 as follows:

Page 2, after line 15, insert:

"Sec. 3. Minnesota Statutes 2000, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] (a) For injury producing temporary total disability, the compensation is 66-2/3 percent of the weekly wage at the time of injury.

(b)(1) Commencing on October 1, 2000, the maximum weekly compensation payable is \$750 per week.

(2) The workers' compensation advisory council may consider adjustment increases and make recommendations to the legislature.

(c) The minimum weekly compensation payable is \$130 per week or the injured employee's actual weekly wage, whichever is less.

(d) Temporary total compensation shall be paid during the period of disability subject to the cessation and commencement conditions in paragraphs (e) to (l).

(e) Temporary total disability compensation shall cease when the employee returns to work. Except as otherwise provided in section 176.102, subdivision 11, temporary total disability compensation may only be recommenced following cessation under this paragraph, paragraph (h), or paragraph (j) prior to payment of ~~104~~ 208 weeks of temporary total disability compensation and only as follows:

(1) if temporary total disability compensation ceased because the employee returned to work, it may be recommenced if the employee is laid off or terminated for reasons other than misconduct if the layoff or termination occurs prior to 90 days after the employee has reached maximum medical improvement. Recommended temporary total disability compensation under this clause ceases when any of the cessation events in paragraphs (e) to (l) occurs; or

(2) if temporary total disability compensation ceased because the employee returned to work or ceased under paragraph (h) or (j), it may be recommenced if the employee is medically unable to continue at a job due to the injury. Where the employee is medically unable to continue working due to the injury, temporary total disability compensation may continue until any of the cessation events in paragraphs (e) to (l) occurs following commencement. If an employee who has not yet received temporary total disability compensation becomes medically unable to continue working due to the injury after reaching maximum medical improvement, temporary total disability compensation shall commence and shall continue until any of the events in paragraphs (e) to (l) occurs following commencement. For purposes of commencement or recommencement under this clause only, a new



period of maximum medical improvement under paragraph (j) begins when the employee becomes medically unable to continue working due to the injury. Temporary total disability compensation may not be recommenced under this clause and a new period of maximum medical improvement does not begin if the employee is not actively employed when the employee becomes medically unable to work. All periods of initial and recommenced temporary total disability compensation are included in the ~~104-week~~ 208-week limitation specified in paragraph (k).

(f) Temporary total disability compensation shall cease if the employee withdraws from the labor market. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee reenters the labor market prior to 90 days after the employee reached maximum medical improvement and prior to payment of ~~104~~ 208 weeks of temporary total disability compensation. Once recommenced, temporary total disability ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(g) Temporary total disability compensation shall cease if the total disability ends and the employee fails to diligently search for appropriate work within the employee's physical restrictions. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee begins diligently searching for appropriate work within the employee's physical restrictions prior to 90 days after maximum medical improvement and prior to payment of ~~104~~ 208 weeks of temporary total disability compensation. Once recommenced, temporary total disability compensation ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(h) Temporary total disability compensation shall cease if the employee has been released to work without any physical restrictions caused by the work injury.

(i) Temporary total disability compensation shall cease if the employee refuses an offer of work that is consistent with a plan of rehabilitation filed with the commissioner which meets the requirements of section 176.102, subdivision 4, or, if no plan has been filed, the employee refuses an offer of gainful employment that the employee can do in the employee's physical condition. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced.

(j) Temporary total disability compensation shall cease 90 days after the employee has reached maximum medical improvement, except as provided in section 176.102, subdivision 11, paragraph (b). For purposes of this subdivision, the 90-day period after maximum medical improvement commences on the earlier of: (1) the date that the employee receives a written medical report indicating that the employee has reached maximum medical improvement; or (2) the date that the employer or insurer serves the report on the employee and the employee's attorney, if any. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced except if the employee returns to work and is subsequently medically unable to continue working as provided in paragraph (e), clause (2).

(k) Temporary total disability compensation shall cease entirely when ~~104~~ 208 weeks of temporary total disability compensation have been paid, except as provided in section 176.102, subdivision 11, paragraph (b). Notwithstanding anything in this section to the contrary, initial and recommenced temporary total disability compensation combined shall not be paid for more than ~~104~~ 208 weeks, regardless of the number of weeks that have elapsed since the injury, except that if the employee is in a retraining plan approved under section 176.102, subdivision 11, the ~~104~~ 208 week limitation shall not apply during the retraining, but is subject to the limitation before the plan begins and after the plan ends.

(l) Paragraphs (e) to (k) do not limit other grounds under law to suspend or discontinue temporary total disability compensation provided under this chapter.

(m) Once an employee has been paid 52 weeks of temporary total compensation, the employer or insurer must notify the employee in writing of the ~~104-week~~ 208-week limitation on payment of temporary total compensation. A copy of this notice must also be filed with the department.

Sec. 4. Minnesota Statutes 2000, section 176.101, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY PARTIAL DISABILITY.] (a) In all cases of temporary partial disability the compensation shall be  $66\frac{2}{3}$  percent of the difference between the weekly wage of the employee at the time of injury and the wage the employee is able to earn in the employee's partially disabled condition. This compensation shall be paid during the period of disability except as provided in this section, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to the maximum rate for temporary total compensation.

(b) Temporary partial compensation may be paid only while the employee is employed, earning less than the employee's weekly wage at the time of the injury, and the reduced wage the employee is able to earn in the employee's partially disabled condition is due to the injury. Except as provided in section 176.102, subdivision 11, paragraphs (b) and (c), temporary partial compensation may not be paid for more than ~~225~~ 350 weeks, ~~or after 450 weeks after the date of injury, whichever occurs first.~~

(c) Temporary partial compensation must be reduced to the extent that the wage the employee is able to earn in the employee's partially disabled condition plus the temporary partial disability payment otherwise payable under this subdivision exceeds 500 percent of the statewide average weekly wage.

Sec. 5. Minnesota Statutes 2001 Supplement, section 176.102, subdivision 11, is amended to read:

Subd. 11. [RETRAINING; COMPENSATION.] (a) Retraining is limited to 156 weeks. An employee who has been approved for retraining may petition the commissioner or compensation judge for additional compensation not to exceed 25 percent of the compensation otherwise payable. If the commissioner or compensation judge determines that this additional compensation is warranted due to unusual or unique circumstances of the employee's retraining plan, the commissioner may award additional compensation in an amount not to exceed the employee's request. This additional compensation shall cease at any time the commissioner or compensation judge determines the special circumstances are no longer present.

(b) If the employee is not employed during a retraining plan that has been specifically approved under this section, temporary total compensation is payable for up to 90 days after the end of the retraining plan; except that, payment during the 90-day period is subject to cessation in accordance with section 176.101. If the employee is employed during the retraining plan but earning less than at the time of injury, temporary partial compensation is payable at the rate of  $66\frac{2}{3}$  percent of the difference between the employee's weekly wage at the time of injury and the weekly wage the employee is able to earn in the employee's partially disabled condition, subject to the maximum rate for temporary total compensation. Temporary partial compensation is not subject to the ~~225-week or 450-week limitations~~ 350-week limitation provided by section 176.101, subdivision 2, during the retraining plan, but is subject to those limitations before and after the plan.

(c) Any request for retraining shall be filed with the commissioner before 156 weeks of any combination of temporary total or temporary partial compensation have been paid. Retraining shall not be available after 156 weeks of any combination of temporary total or temporary partial compensation benefits have been paid unless the request for the retraining has been filed with the commissioner prior to the time the 156 weeks of compensation have been paid.

(d) The employer or insurer must notify the employee in writing of the 156-week limitation for filing a request for retraining with the commissioner. This notice must be given before 80 weeks of temporary total disability or temporary partial disability compensation have been paid, regardless of the number of weeks that have elapsed since the date of injury. If the notice is not given before the 80 weeks, the period of time within which to file a request for retraining is extended by the number of days the notice is late, but in no event may a request be filed later than ~~225~~ 350 weeks after any combination of temporary total disability or temporary partial disability compensation have been

paid. The commissioner may assess a penalty of \$25 per day that the notice is late, up to a maximum penalty of \$2,000, against an employer or insurer for failure to provide the notice. The penalty is payable to the commissioner for deposit in the assigned risk safety account."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Rukavina amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Folliard	Jennings	Mahoney	Pelowski	Swapinski
Bakk	Gleason	Johnson, R.	Mariani	Peterson	Thompson
Bernardy	Goodwin	Johnson, S.	Marko	Pugh	Tuma
Carlson	Gray	Juhnke	McGuire	Rukavina	Wagenius
Clark, K.	Greiling	Kahn	Milbert	Schumacher	Walker
Davnie	Hausman	Kalis	Mullery	Sertich	Walz
Dawkins	Hilstrom	Kelliher	Murphy	Skoe	Wasiluk
Dibble	Hilty	Koskinen	Osthoff	Skoglund	Winter
Dorn	Howes	Kubly	Otremba	Slawik	
Entenza	Huntley	Leighton	Ozment	Smith	
Evans	Jaros	Lieder	Paymar	Solberg	

Those who voted in the negative were:

Abeler	Dehler	Harder	Lindner	Paulsen	Tingelstad
Abrams	Dorman	Holberg	Lipman	Pawlenty	Vandever
Anderson, B.	Eastlund	Holsten	Mares	Penas	Westerberg
Bishop	Erhardt	Jacobson	Marquart	Rhodes	Westrom
Blaine	Erickson	Johnson, J.	McElroy	Rifenberg	Wilkin
Boudreau	Finseth	Jordan	Molnau	Ruth	Wolf
Bradley	Fuller	Kielkucki	Mulder	Seagren	Workman
Buesgens	Gerlach	Knoblach	Ness	Seifert	Spk. Sviggum
Cassell	Goodno	Krinkie	Nornes	Stanek	
Clark, J.	Gunther	Kuisle	Olson	Stang	
Daggett	Haas	Larson	Opatz	Swenson	
Davids	Hackbarth	Leppik	Osskopp	Sykora	

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

The Speaker called Tuma to the Chair.

S. F. No. 3136, A bill for an act relating to workers' compensation; modifying payment provisions; modifying intervention procedures; changing the calculation of special fund assessments; amending Minnesota Statutes 2000, sections 176.092, subdivision 1, by adding a subdivision; 176.106, subdivision 6; 176.111, subdivision 22; 176.129, subdivisions 7, 9, by adding subdivisions; 176.130, subdivisions 8, 9; 176.139, subdivision 2; 176.155,

subdivision 2; 176.181, subdivision 3; 176.182; 176.185, subdivision 5a; 176.194, subdivision 3; 176.361; 176.84, subdivision 2; Minnesota Statutes 2001 Supplement, sections 176.103, subdivision 3; 176.129, subdivisions 10, 13; 176.194, subdivision 4; repealing Minnesota Statutes 2000, section 176.129, subdivisions 3, 4, 4a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Leighton	Osthoff	Solberg
Abrams	Eastlund	Holsten	Leppik	Otremba	Stanek
Anderson, B.	Entenza	Howes	Lieder	Ozment	Stang
Anderson, I.	Erhardt	Huntley	Lindner	Paulsen	Swapinski
Bakk	Erickson	Jacobson	Lipman	Pawlenty	Swenson
Bernardy	Evans	Jaros	Mahoney	Paymar	Sykora
Bishop	Finseth	Jennings	Mares	Pelowski	Thompson
Blaine	Folliard	Johnson, J.	Mariani	Penas	Tingelstad
Boudreau	Fuller	Johnson, R.	Marko	Peterson	Tuma
Bradley	Gerlach	Johnson, S.	Marquart	Pugh	Vandever
Buesgens	Gleason	Jordan	McElroy	Rhodes	Wagenius
Carlson	Goodno	Juhnke	McGuire	Rifenberg	Walker
Cassell	Goodwin	Kahn	Milbert	Rukavina	Walz
Clark, J.	Gray	Kalis	Molnau	Ruth	Wasiluk
Clark, K.	Greiling	Kelliher	Mulder	Schumacher	Westerberg
Daggett	Gunther	Kielkucki	Mullery	Seagren	Westrom
Davids	Haas	Knoblach	Murphy	Seifert	Wilkin
Davnie	Hackbarth	Koskinen	Ness	Sertich	Winter
Dawkins	Harder	Krinkie	Nornes	Skoe	Wolf
Dehler	Hausman	Kubly	Olson	Skoglund	Workman
Dibble	Hilstrom	Kuisle	Opatz	Slawik	Spk. Sviggum
Dorman	Hilty	Larson	Osskopp	Smith	

The bill was passed and its title agreed to.

H. F. No. 2908 was reported to the House.

Hilty moved that H. F. No. 2908 be returned to the General Register. The motion prevailed.

S. F. No. 2590, A bill for an act relating to Carlton and Pine counties; permitting the appointment of the county recorder.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 95 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Boudreau	Cassell	Davnie	Dibble
Abrams	Bernardy	Bradley	Clark, K.	Dawkins	Dorn
Anderson, I.	Bishop	Carlson	Daggett	Dehler	Entenza

Erhardt	Hilstrom	Kubly	Mullery	Rukavina	Tingelstad
Evans	Hilty	Leighton	Murphy	Ruth	Tuma
Folliard	Howes	Leppik	Ness	Schumacher	Vandever
Fuller	Huntley	Lieder	Nornes	Seagren	Wagenius
Gleason	Jaros	Lindner	Opatz	Sertich	Walker
Goodno	Jennings	Mahoney	Osskopp	Skoe	Walz
Goodwin	Johnson, R.	Mares	Osthoff	Skoglund	Wasiluk
Gray	Johnson, S.	Mariani	Ozment	Slawik	Westerberg
Greiling	Jordan	Marko	Paymar	Solberg	Winter
Gunther	Kahn	Marquart	Pelowski	Stang	Wolf
Haas	Kalis	McElroy	Penas	Swapinski	Workman
Hackbarth	Kelliher	McGuire	Pugh	Sykora	Spk. Sviggum
Hausman	Koskinen	Milbert	Rhodes	Thompson	

Those who voted in the negative were:

Anderson, B.	Eastlund	Holsten	Krinkie	Otremba	Stanek
Blaine	Erickson	Jacobson	Kuisle	Paulsen	Swenson
Buesgens	Finseth	Johnson, J.	Lipman	Pawlenty	Westrom
Clark, J.	Gerlach	Juhnke	Molnau	Rifenberg	Wilkin
Davids	Harder	Kielkucki	Mulder	Seifert	
Dorman	Holberg	Knoblach	Olson	Smith	

The bill was passed and its title agreed to.

S. F. No. 3117 was reported to the House.

Dibble moved to amend S. F. No. 3117 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3061, the first engrossment:

"Section 1. [473.5111] [TRANSFER OR DISPOSAL OF NONMETROPOLITAN INTERCEPTORS.]

Subdivision 1. [DEFINITIONS.] In this section, the definitions in this subdivision apply, except as otherwise expressly provided or indicated by the context.

(a) The term "in good operating condition" with reference to an interceptor means that the facility is currently operational and that the pipes or sewer mains portion only of the facility is expected to have structural integrity, as appropriate for the proposed use of the pipe, for a period of ten or more years after the date of a determination or certification of good operating condition under this section.

(b) The term "interceptor" has the meaning given it in section 473.121, subdivision 23, and includes a designated portion of an interceptor.

(c) The term "local government unit," with respect to an interceptor that is a storm sewer, means a local governmental unit as defined in section 473.121, subdivision 6. The term local government unit, with respect to an interceptor that is not a storm sewer, means a local government unit as defined in section 473.501, subdivision 3.

(d) The term "storm sewer" means a facility that currently carries exclusively water runoff, surface water, or other drainage, rather than sewage.

(e) The term "use as a local facility" includes use as either a sanitary sewer or a storm sewer.

Subd. 2. [NONMETROPOLITAN STATUS DETERMINATION.] The council may determine that an interceptor is no longer needed to implement the council's comprehensive plan for the collection, treatment, and disposal of sewage in the metropolitan area. If the council makes the determination, it may use the procedures in this section to sell, transfer, abandon, or otherwise dispose of the interceptor.

Subd. 3. [LOCAL BENEFIT DETERMINATION; TRANSFER TO BENEFITED COMMUNITY.] (a) If the council uses the procedures in this section, it must, with regard to each interceptor for which the determination is made in subdivision 2, determine whether or not the interceptor continues to be of benefit for use as a local facility for one or more local government units. If the council determines that the interceptor does not continue to be of benefit as a local facility, it must notify each local government unit in which the interceptor is located, of this determination.

(b) Such a government unit may notify the council in writing within 90 days from receipt of notice that it believes the interceptor provides a local benefit to the government unit and that it desires to take possession of the interceptor. The council may extend the time for a government unit to provide this notice. If a government unit delivers a written notice to the council in accordance with this paragraph, the council must transfer the interceptor at no cost to the government unit by preparing and transmitting a bill of sale for the facility, and quit claim deeds for any property rights associated with the facility that are no longer needed for the council's purposes. Upon receipt of the bill of sale, the government unit is the owner of the interceptor and thereafter responsible for its operation and maintenance.

(c) If the council does not receive notice from a government unit under paragraph (b), the council may sell, transfer, abandon, or otherwise dispose of the interceptor in such manner as it may deem fit.

Subd. 4. [PRELIMINARY COUNCIL DETERMINATIONS; NOTICE TO LOCAL GOVERNMENT UNITS.] If the council determines that an interceptor continues to be of benefit for use as a local facility for one or more local government units, it must designate those units that are so benefited and the portions of the interceptor that should properly be transferred to the benefited units. It must also determine whether the interceptor is in good operating condition and, if not, the necessary repairs, and their cost, needed to put the interceptor in good operating condition. The council must provide written notice to each designated unit of the council's determinations in this subdivision.

Subd. 5. [CONTESTED CASE; ADMINISTRATIVE AND JUDICIAL REVIEW.] (a) The council's preliminary determinations under subdivision 4 may be contested by a local government unit which has been designated by the council under that subdivision. The unit has 90 days from receiving notice of the council's determinations under subdivision 4 within which to make a written request to the council for a hearing on the council's determinations. The unit in its request for hearing must specify the determinations with which it disagrees and its position with regard to those determinations. If within 90 days no designated unit has requested a hearing in writing, the council's preliminary determinations become its final decision with respect to the determinations under subdivision 4 and the final decision is binding on all designated units. If a designated unit requests a hearing, the request for hearing must be granted and the hearing must be conducted by the office of administrative hearings in the manner provided by chapter 14 for contested cases. The subject of the hearing must extend only to those council determinations under subdivision 4 for which a hearing has been requested. The council and all local government units designated by the council under subdivision 4 are parties to the contested case proceeding.

(b) Charges of the office of administrative hearings must be divided equally among the council and those parties who requested a hearing under paragraph (a). Otherwise, each party is responsible for its own costs and expenses in the proceeding.

(c) After receipt of the report of the office of administrative hearings, the council must make a final decision with respect to the determinations in subdivision 4. Any party to the contested case proceeding who is aggrieved by the final decision of the council may make a judicial appeal in the manner provided in chapter 14 for contested cases.

Subd. 6. [COUNCIL OPTIONS.] (a) If the council's final decision after a proceeding under subdivision 5 is that the interceptor does not continue to be of benefit for use as a local facility, it may sell, transfer, abandon, or otherwise dispose of the interceptor in such manner as it may deem fit.

(b) If the council's final decision is that the interceptor continues to be of benefit for use as a local facility, but is not in good operating condition, it may either:

(1) continue to operate the interceptor until sold, transferred, abandoned, or otherwise disposed of in such manner as it may deem fit; or

(2) repair the interceptor as necessary to put the interceptor in good operating condition, certify that it is in good operating condition, and proceed under subdivision 7.

(c) If the council's final decision is that the interceptor continues to be of benefit for use as a local facility and is in good operating condition, it must proceed under subdivision 7.

Subd. 7. [TRANSFER AGREEMENT; LOCAL BENEFIT CHARGE; TRANSFER TO BENEFITED COMMUNITY.] (a) This subdivision applies if an interceptor designated in subdivision 2 continues to be of benefit as a local facility and is determined or, after repair is certified, by the council to be in good operating condition.

(b) The council and each local government unit that has been determined to have a benefit in accordance with the procedures in this section must negotiate and enter into an agreement governing transfer of an interceptor that has been determined to have benefit for use as a local facility.

(c) The agreement may provide for the council to share in the cost of emergency repairs to the transferred interceptor for an agreed warranty period not exceeding ten years beyond the later of:

(1) the date of the preliminary council determination of good operating condition in subdivision 4; or

(2) the date of the certification in subdivision 6, paragraph (b), clause (2).

(d) The agreement may also contain arrangements between one or more local government units concerning shared use, ownership, operation, or maintenance of the transferred interceptor.

(e) If the interceptor is not a storm sewer and is not transferred in its entirety to local government units, the council must charge a local benefit charge for the portions of the interceptor not transferred.

(f) The charge must begin on the later of:

(1) two years from the date of the determination in subdivision 2; or

(2) the day after the completion of any contested case proceeding under subdivision 5, including any judicial appeals.

(g) The local benefit charge must be:

(1) based on the costs of overhead, operation, maintenance, rehabilitation, and debt service of that portion of the interceptor not transferred;

(2) charged to all local government units which have not taken ownership of their allocated portion of the interceptor; and

(3) allocated in accordance with the final decision of the council under subdivision 5.

(h) The local benefit charge is considered a charge payable by the local government unit to the council under section 473.521 and must continue to be paid by the local government unit until the interceptor is transferred to it.

(i) If the facility is a storm sewer and is not transferred in its entirety to the benefited local government unit or units by the later of:

(1) two years from the date of the determination in subdivision 2; or

(2) the day after the completion of any contested case proceeding under subdivision 5, including any judicial appeals, then the facility is transferred effective on the later of the dates in clauses (1) and (2), by operation of law, to the unit or units determined to have a benefit in accordance with the procedures under this section.

(j) The transfer is not dependent on an agreement between the council and the local government unit or units and is at no cost to the receiving unit.

(k) The local government unit is thereafter the owner of the interceptor and responsible for its operation and maintenance.

(l) The council must prepare and transmit to the appropriate government unit or units bills of sale for the facility, and quit claim deeds for any property rights associated with the facility which are no longer needed for the council's purposes.

Subd. 8. [POWER TO OPERATE, MAINTAIN, AND REPAIR FACILITY.] Until such time as an interceptor is sold, transferred, abandoned, or otherwise disposed of under this section, the council has all powers under this chapter to operate, maintain, and repair the interceptor. After transfer of an interceptor, the council has all powers under this chapter to provide emergency repairs under any agreed warranty period incorporated into a transfer agreement under subdivision 7.

Sec. 2. [APPLICATION.]

Section 1 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 3. [EFFECTIVE DATE.]

This act is effective on December 31, 2002."

The motion prevailed and the amendment was adopted.

S. F. No. 3117, A bill for an act relating to the metropolitan council; providing for the transfer or disposal of interceptor facilities; proposing coding for new law in Minnesota Statutes, chapter 473.

The bill was read for the third time, as amended, and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Leighton	Osthoff	Solberg
Abrams	Eastlund	Holsten	Leppik	Otremba	Stanek
Anderson, B.	Entenza	Howes	Lieder	Ozment	Stang
Anderson, I.	Erhardt	Huntley	Lindner	Paulsen	Swapinski
Bakk	Erickson	Jacobson	Lipman	Pawlenty	Swenson
Bernardy	Evans	Jaros	Mahoney	Paymar	Sykora
Bishop	Finseth	Jennings	Mares	Pelowski	Thompson
Blaine	Folliard	Johnson, J.	Mariani	Penas	Tingelstad
Boudreau	Fuller	Johnson, R.	Marko	Peterson	Tuma
Bradley	Gerlach	Johnson, S.	Marquart	Pugh	Vandever
Buesgens	Gleason	Jordan	McElroy	Rhodes	Wagenius
Carlson	Goodno	Juhnke	McGuire	Rifenberg	Walker
Cassell	Goodwin	Kahn	Milbert	Rukavina	Walz
Clark, J.	Gray	Kalis	Molnau	Ruth	Wasiluk
Clark, K.	Greiling	Kelliher	Mulder	Schumacher	Westerberg
Daggett	Gunther	Kielkucki	Mullery	Seagren	Westrom
Dauids	Haas	Knoblach	Murphy	Seifert	Wilkin
Davnie	Hackbarth	Koskinen	Ness	Sertich	Winter
Dawkins	Harder	Krinkie	Nornes	Skoe	Wolf
Dehler	Hausman	Kubly	Olson	Skoglund	Workman
Dibble	Hilstrom	Kuisle	Opatz	Slawik	Spk. Sviggum
Dorman	Hilty	Larson	Osskopp	Smith	

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

Speaker pro tempore Tuma called Abrams to the Chair.

H. F. No. 2706 was reported to the House.

Jaros offered an amendment to H. F. No. 2706, the first engrossment.

#### POINT OF ORDER

Tuma raised a point of order pursuant to rule 3.21 that the Jaros amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Jaros amendment out of order.

Tuma moved to amend H. F. No. 2706, the first engrossment, as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2000, section 169.03, subdivision 2, is amended to read:

Subd. 2. [STOPS.] The driver of any authorized emergency vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety, but may proceed cautiously past such red or stop sign or signal after sounding siren and displaying red lights, except that a law enforcement vehicle responding to an emergency call shall sound its siren or display at least one lighted red light to the front.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2706, A bill for an act relating to traffic regulations; modifying traffic laws relating to emergency vehicles; imposing misdemeanor penalty for intentionally obstructing emergency vehicle during emergency duty; making clarifying changes; amending Minnesota Statutes 2000, sections 169.03, subdivision 2; 169.20, subdivision 5a; Minnesota Statutes 2001 Supplement, section 169.20, subdivision 5.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Leighton	Osthoff	Solberg
Abrams	Eastlund	Holsten	Leppik	Otremba	Stanek
Anderson, B.	Entenza	Howes	Lieder	Ozment	Stang
Anderson, I.	Erhardt	Huntley	Lindner	Paulsen	Swapinski
Bakk	Erickson	Jacobson	Lipman	Pawlenty	Swenson
Bernardy	Evans	Jaros	Mahoney	Paymar	Sykora
Bishop	Finseth	Jennings	Mares	Pelowski	Thompson
Blaine	Folliard	Johnson, J.	Mariani	Penas	Tingelstad
Boudreau	Fuller	Johnson, R.	Marko	Peterson	Tuma
Bradley	Gerlach	Johnson, S.	Marquart	Pugh	Vandever
Buesgens	Gleason	Jordan	McElroy	Rhodes	Wagenius
Carlson	Goodno	Juhnke	McGuire	Rifenberg	Walker
Cassell	Goodwin	Kahn	Milbert	Rukavina	Walz
Clark, J.	Gray	Kalis	Molnau	Ruth	Wasiluk
Clark, K.	Greiling	Kelliher	Mulder	Schumacher	Westerberg
Daggett	Gunther	Kielkucki	Mullery	Seagren	Westrom
Davids	Haas	Knoblach	Murphy	Seifert	Wilkin
Davnie	Hackbarth	Koskinen	Ness	Sertich	Winter
Dawkins	Harder	Krinkie	Nornes	Skoe	Wolf
Dehler	Hausman	Kubly	Olson	Skoglund	Workman
Dibble	Hilstrom	Kuisele	Opatz	Slawik	Spk. Sviggum
Dorman	Hilty	Larson	Osskopp	Smith	

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

H. F. No. 2618, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

H. F. No. 2618, A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holberg	Leighton	Osthoff	Solberg
Abrams	Eastlund	Holsten	Leppik	Otremba	Stanek
Anderson, B.	Entenza	Howes	Lieder	Ozment	Stang
Anderson, I.	Erhardt	Huntley	Lindner	Paulsen	Swapinski
Bakk	Erickson	Jacobson	Lipman	Pawlenty	Swenson
Bernardy	Evans	Jaros	Mahoney	Paymar	Sykora
Bishop	Finseth	Jennings	Mares	Pelowski	Thompson
Blaine	Folliard	Johnson, J.	Mariani	Penas	Tingelstad
Boudreau	Fuller	Johnson, R.	Marko	Peterson	Tuma
Bradley	Gerlach	Johnson, S.	Marquart	Pugh	Vandever
Buesgens	Gleason	Jordan	McElroy	Rhodes	Wagenius
Carlson	Goodno	Juhnke	McGuire	Rifenberg	Walker
Cassell	Goodwin	Kahn	Milbert	Rukavina	Walz
Clark, J.	Gray	Kalis	Molnau	Ruth	Wasiluk
Clark, K.	Greiling	Kelliher	Mulder	Schumacher	Westerberg
Daggett	Gunther	Kielkucki	Mullery	Seagren	Westrom
Davids	Haas	Knoblach	Murphy	Seifert	Wilkin
Davnie	Hackbarth	Koskinen	Ness	Sertich	Winter
Dawkins	Harder	Krinkie	Nornes	Skoe	Wolf
Dehler	Hausman	Kubly	Olson	Skoglund	Workman
Dibble	Hilstrom	Kuisle	Opatz	Slawik	Spk. Sviggum
Dorman	Hilty	Larson	Osskopp	Smith	

The bill was passed and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Holsten moved that the name of Jordan be added as an author on H. F. No. 1543. The motion prevailed.

Tuma moved that the name of Goodwin be added as an author on H. F. No. 2613. The motion prevailed.

Opatz moved that the names of Pugh; Jennings; Johnson, R., and Dorn be added as authors on H. F. No. 2688. The motion prevailed.

Seifert moved that the name of Rhodes be added as an author on H. F. No. 3164. The motion prevailed.

Seifert moved that H. F. No. 3690, now on the General Register, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2884:

Osskopp, Mulder and Juhnke.

Milbert was excused between the hours of 11:45 a.m. and 2:45 p.m.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Abrams.

Penas was excused for the remainder of today's session.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Tuesday, March 19, 2002:

S. F. Nos. 3045, 3109, 3055, 2611, 1030, 222 and 2739; H. F. No. 2886; S. F. Nos. 2578, 2463, 3073, 3167, 1226, 3100, 3124 and 3126; H. F. Nos. 2903 and 3213; and S. F. No. 2768.

There being no objection, the order of business reverted to the Calendar for the Day.

**CALENDAR FOR THE DAY**

S. F. No. 3045, A bill for an act relating to domestic abuse; authorizing extension of the domestic fatality review team pilot project in the fourth judicial district.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cassell	Erhardt	Haas	Johnson, S.	Leppik
Abrams	Clark, J.	Erickson	Hackbarth	Jordan	Lieder
Anderson, B.	Clark, K.	Evans	Harder	Juhnke	Lindner
Anderson, I.	Daggett	Finseth	Hilstrom	Kahn	Lipman
Bakk	Davids	Folliard	Hilty	Kalis	Mahoney
Bernardy	Davnie	Fuller	Holberg	Kelliher	Mares
Biernat	Dawkins	Gerlach	Holsten	Kielkucki	Mariani
Bishop	Dehler	Gleason	Howes	Knoblach	Marko
Blaine	Dibble	Goodno	Huntley	Koskinen	Marquart
Boudreau	Dorman	Goodwin	Jaros	Kubly	McElroy
Bradley	Dorn	Gray	Jennings	Kuisle	Molnau
Buesgens	Eastlund	Greiling	Johnson, J.	Larson	Mulder
Carlson	Entenza	Gunther	Johnson, R.	Leighton	Mullery

Murphy	Ozment	Rukavina	Slawik	Thompson	Westrom
Ness	Paulsen	Ruth	Smith	Tingelstad	Wilkin
Nornes	Pawlenty	Schumacher	Solberg	Tuma	Winter
Olson	Pelowski	Seagren	Stanek	Wagenius	Wolf
Opatz	Peterson	Seifert	Stang	Walker	Workman
Osskopp	Pugh	Sertich	Swapinski	Walz	Spk. Sviggum
Osthoff	Rhodes	Skoe	Swenson	Wasiluk	
Otremba	Rifenberg	Skoglund	Sykora	Westerberg	

The bill was passed and its title agreed to.

S. F. No. 3109, A bill for an act relating to public safety; permitting municipal police departments to utilize black patrol vehicles; striking references to constables in the law addressing the color of police vehicles; amending Minnesota Statutes 2000, section 169.98, subdivisions 1, 1a, 1b, 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Larson	Otremba	Swapinski
Abrams	Dorman	Hilty	Leighton	Ozment	Swenson
Anderson, B.	Dorn	Holberg	Leppik	Paulsen	Sykora
Anderson, I.	Eastlund	Holsten	Lieder	Pawlenty	Thompson
Bakk	Entenza	Howes	Lindner	Paymar	Tingelstad
Bernardy	Erhardt	Huntley	Lipman	Pelowski	Tuma
Biernat	Erickson	Jacobson	Mahoney	Peterson	Vandever
Bishop	Evans	Jaros	Mares	Pugh	Walker
Blaine	Finseth	Jennings	Mariani	Rhodes	Walz
Boudreau	Folliard	Johnson, J.	Marko	Rifenberg	Wasiluk
Bradley	Fuller	Johnson, R.	Marquart	Rukavina	Westerberg
Buesgens	Gerlach	Johnson, S.	McElroy	Ruth	Westrom
Carlson	Gleason	Jordan	McGuire	Schumacher	Wilkin
Cassell	Goodno	Juhnke	Molnau	Seagren	Winter
Clark, J.	Goodwin	Kahn	Mulder	Seifert	Wolf
Clark, K.	Gray	Kelliher	Mullery	Sertich	Workman
Daggett	Greiling	Kielkucki	Ness	Skoe	Spk. Sviggum
Dauids	Gunther	Knoblach	Nornes	Slawik	
Davnie	Haas	Koskinen	Olson	Smith	
Dawkins	Hackbarth	Krinkie	Opatz	Solberg	
Dehler	Harder	Kubly	Osskopp	Stanek	
Dempsey	Hausman	Kuisle	Osthoff	Stang	

Those who voted in the negative were:

Skoglund

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 2611, A bill for an act relating to crime prevention; adopting a new compact for interstate adult offender supervision and repealing the existing compact; creating an advisory council on interstate adult offender supervision; requiring the appointment of a compact administrator; imposing criminal penalties for a violation of the new compact; appropriating money; amending Minnesota Statutes 2000, section 243.161; proposing coding for new law in Minnesota Statutes, chapter 243; repealing Minnesota Statutes 2000, section 243.16.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Kuise	Osskopp	Solberg
Abrams	Dorman	Hilty	Larson	Osthoff	Stanek
Anderson, B.	Dorn	Holberg	Leighton	Otremba	Stang
Anderson, I.	Eastlund	Holsten	Leppik	Ozment	Swapinski
Bakk	Entenza	Hoves	Lieder	Paulsen	Swenson
Bernardy	Erhardt	Huntley	Lindner	Pawlenty	Sykora
Biernat	Erickson	Jacobson	Lipman	Paymar	Thompson
Bishop	Evans	Jaros	Mahoney	Pelowski	Tingelstad
Blaine	Finseth	Jennings	Mares	Peterson	Tuma
Boudreau	Folliard	Johnson, J.	Mariani	Pugh	Vandever
Bradley	Fuller	Johnson, R.	Marko	Rhodes	Wagenius
Buesgens	Gerlach	Johnson, S.	Marquart	Rifenberg	Walker
Carlson	Gleason	Jordan	McElroy	Rukavina	Walz
Cassell	Goodno	Juhnke	McGuire	Ruth	Wasiluk
Clark, J.	Goodwin	Kahn	Molnau	Schumacher	Westerberg
Clark, K.	Gray	Kalis	Mulder	Seagren	Westrom
Daggett	Greiling	Kelliher	Mullery	Seifert	Wilkin
Davids	Gunther	Kielkucki	Murphy	Sertich	Winter
Davnie	Haas	Knoblach	Ness	Skoe	Wolf
Dawkins	Hackbarth	Koskinen	Nornes	Skoglund	Workman
Dehler	Harder	Krinkie	Olson	Slawik	Spk. Sviggum
Dempsey	Hausman	Kubly	Opatz	Smith	

The bill was passed and its title agreed to.

S. F. No. 1030, A bill for an act relating to government data; providing for a National Crime Prevention and Privacy Compact; providing for an electronic information sharing system between the federal government and the state to access criminal history data; proposing coding for new law in Minnesota Statutes, chapter 299C.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilstrom	Leighton	Osthoff	Solberg
Abrams	Dorn	Hilty	Lenczewski	Otremba	Stanek
Anderson, I.	Eastlund	Holsten	Leppik	Ozment	Stang
Bakk	Entenza	Howes	Lieder	Paulsen	Swapinski
Bernardy	Erhardt	Huntley	Lindner	Pawlenty	Swenson
Biernat	Erickson	Jacobson	Lipman	Paymar	Sykora
Bishop	Evans	Jaros	Mahoney	Pelowski	Thompson
Blaine	Finseth	Jennings	Mares	Peterson	Tingelstad
Boudreau	Folliard	Johnson, J.	Mariani	Pugh	Tuma
Bradley	Fuller	Johnson, R.	Marko	Rhodes	Vandever
Carlson	Gerlach	Johnson, S.	Marquart	Rifenberg	Wagenius
Cassell	Gleason	Jordan	McElroy	Rukavina	Walker
Clark, J.	Goodno	Juhnke	McGuire	Ruth	Walz
Clark, K.	Goodwin	Kahn	Milbert	Schumacher	Wasiluk
Daggett	Gray	Kalis	Molnau	Seagren	Westerberg
Dauids	Greiling	Kelliher	Mullery	Seifert	Westrom
Davnie	Gunther	Knoblach	Murphy	Sertich	Winter
Dawkins	Haas	Koskinen	Ness	Skoe	Wolf
Dehler	Hackbarth	Kubly	Nornes	Skoglund	Workman
Dempsey	Harder	Kuisle	Opatz	Slawik	Spk. Sviggum
Dibble	Hausman	Larson	Osskopp	Smith	

Those who voted in the negative were:

Anderson, B.	Kielkucki	Mulder	Wilkin
Buesgens	Krinkie	Olson	

The bill was passed and its title agreed to.

S. F. No. 222, A bill for an act relating to natural resources; establishing a gross misdemeanor penalty for gross overlimit violations of fish and game laws; setting certain restitution values; providing criminal penalties; requiring fish and game license seizure for certain violations; establishing possession criteria for commercial fishing operations; modifying commercial license reinstatement provisions; amending Minnesota Statutes 2000, sections 97A.015, by adding a subdivision; 97A.225, subdivision 1; 97A.255, by adding a subdivision; 97A.421, subdivision 5, by adding a subdivision; 97C.505, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 97A; 97C.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Boudreau	Carlson	Clark, K.
Abrams	Bakk	Bishop	Bradley	Cassell	Daggett
Anderson, B.	Bernardy	Blaine	Buesgens	Clark, J.	Dauids

Davnie	Gray	Juhnke	Mariani	Pawlenty	Stang
Dawkins	Greiling	Kahn	Marko	Paymar	Swapinski
Dehler	Gunther	Kalis	Marquart	Pelowski	Swenson
Dempsey	Haas	Kelliher	McElroy	Peterson	Sykora
Dibble	Harder	Kielkucki	McGuire	Pugh	Thompson
Dorman	Hausman	Knoblach	Milbert	Rhodes	Tingelstad
Dorn	Hilstrom	Koskinen	Molnau	Rifenberg	Tuma
Eastlund	Hilty	Krinkie	Mulder	Rukavina	Vandever
Entenza	Holberg	Kubly	Mullery	Ruth	Wagenius
Erhardt	Holsten	Kuisle	Murphy	Schumacher	Walker
Erickson	Howes	Larson	Ness	Seagren	Walz
Evans	Huntley	Leighton	Nornes	Seifert	Wasiluk
Finseth	Jacobson	Lenczewski	Olson	Sertich	Westerberg
Folliard	Jaros	Leppik	Opatz	Skoe	Westrom
Fuller	Jennings	Lieder	Osskopp	Skoglund	Wilkin
Gerlach	Johnson, J.	Lindner	Osthoff	Slawik	Winter
Gleason	Johnson, R.	Lipman	Otremba	Smith	Wolf
Goodno	Johnson, S.	Mahoney	Ozment	Solberg	Workman
Goodwin	Jordan	Mares	Paulsen	Stanek	

Those who voted in the negative were:

Hackbarth

The bill was passed and its title agreed to.

S. F. No. 2739 was reported to the House.

Stang moved that S. F. No. 2739 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 2886, A bill for an act relating to elections; providing additional identification procedures; changing certain registration procedures; amending Minnesota Statutes 2000, sections 201.061, subdivision 3; 201.171.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dibble	Gerlach	Hilstrom	Johnson, S.
Abrams	Carlson	Dorman	Gleason	Hilty	Jordan
Anderson, B.	Cassell	Dorn	Goodno	Holberg	Juhnke
Anderson, I.	Clark, J.	Eastlund	Goodwin	Holsten	Kahn
Bakk	Clark, K.	Entenza	Gray	Howes	Kalis
Bernardy	Daggett	Erhardt	Greiling	Huntley	Kelliher
Biernat	Davids	Erickson	Gunther	Jacobson	Kielkucki
Bishop	Davnie	Evans	Haas	Jaros	Knoblach
Blaine	Dawkins	Finseth	Hackbarth	Jennings	Koskinen
Boudreau	Dehler	Folliard	Harder	Johnson, J.	Krinkie
Bradley	Dempsey	Fuller	Hausman	Johnson, R.	Kubly



Kuisle	Marquart	Osskopp	Rukavina	Stang	Westerberg
Larson	McElroy	Osthoff	Ruth	Swapinski	Westrom
Leighton	McGuire	Otremba	Schumacher	Swenson	Wilkin
Lenczewski	Milbert	Ozment	Seagren	Sykora	Winter
Leppik	Molnau	Paulsen	Seifert	Thompson	Wolf
Lieder	Mulder	Pawlenty	Sertich	Tingelstad	Workman
Lindner	Mullery	Paymar	Skoe	Tuma	Spk. Sviggum
Lipman	Murphy	Pelowski	Skoglund	Vandever	
Mahoney	Ness	Peterson	Slawik	Wagenius	
Mares	Nornes	Pugh	Smith	Walker	
Mariani	Olson	Rhodes	Solberg	Walz	
Marko	Opatz	Rifenberg	Stanek	Wasiluk	

The bill was passed and its title agreed to.

H. F. No. 2988, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Haas and Huntley moved to amend H. F. No. 2988, the second engrossment, as follows:

Page 5, after line 12, insert:

"Sec. 6. Minnesota Statutes 2000, section 62A.02, subdivision 2, is amended to read:

Subd. 2. [APPROVAL.] (a) The health plan form shall not be issued, nor shall any application, rider, endorsement, or rate be used in connection with it, until the expiration of 60 days after it has been filed unless the commissioner approves it before that time.

(b) Notwithstanding paragraph (a), a rate filed with respect to a policy of accident and sickness insurance as defined in section 62A.01 by an insurer licensed under chapter 60A, may be used on or after the date of filing with the commissioner. Rates that are not approved or disapproved within the 60-day time period are deemed approved.

Sec. 7. Minnesota Statutes 2000, section 62A.021, subdivision 1, is amended to read:

Subdivision 1. [LOSS RATIO STANDARDS.] (a) Notwithstanding section 62A.02, subdivision 3, relating to loss ratios, health care policies or certificates shall not be delivered or issued for delivery to an individual or to a small employer as defined in section 62L.02, unless the policies or certificates can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to Minnesota policyholders and certificate holders in the form of aggregate benefits not including anticipated refunds or credits, provided under the policies or certificates, (1) at least 75 percent of the aggregate amount of premiums earned in the case of policies issued in the small employer market, as defined in section 62L.02, subdivision 27, calculated on an aggregate basis; and (2) at least 65 percent of the aggregate amount of premiums earned in the case of each policy form or certificate form issued in the individual market; calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and according to accepted actuarial principles and practices. Assessments by the reinsurance association created in chapter 62L and all types of taxes, surcharges, or assessments created by Laws 1992, chapter 549, or created on or after April 23, 1992, are included in the calculation of incurred claims experience or incurred health care expenses. The applicable percentage for policies and certificates issued in the small employer market, as defined in section 62L.02, increases by one percentage point on July 1 of each year, beginning on July 1, 1994, until an 82 percent loss ratio is reached on July 1, 2000. The applicable percentage for policy forms and certificate forms issued in the individual market increases by one percentage point on July 1 of each

year, beginning on July 1, 1994, until a 72 percent loss ratio is reached on July 1, 2000. A health carrier that enters a market after July 1, 1993, does not start at the beginning of the phase-in schedule and must instead comply with the loss ratio requirements applicable to other health carriers in that market for each time period. Premiums earned and claims incurred in markets other than the small employer and individual markets are not relevant for purposes of this section.

(b) All filings of rates and rating schedules shall demonstrate that actual expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards, and aggregate loss ratio from inception of the policy form or certificate form shall equal or exceed the appropriate loss ratio standards.

(c) A health carrier that issues health care policies and certificates to individuals or to small employers, as defined in section 62L.02, in this state shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy form or certificate form duration for approval by the commissioner according to the filing requirements and procedures prescribed by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. If the data submitted does not confirm that the health carrier has satisfied the loss ratio requirements of this section, the commissioner shall notify the health carrier in writing of the deficiency. The health carrier shall have 30 days from the date of the commissioner's notice to file amended rates that comply with this section. If the health carrier fails to file amended rates within the prescribed time, the commissioner shall order that the health carrier's filed rates for the nonconforming policy form or certificate form be reduced to an amount that would have resulted in a loss ratio that complied with this section had it been in effect for the reporting period of the supplement. The health carrier's failure to file amended rates within the specified time or the issuance of the commissioner's order amending the rates does not preclude the health carrier from filing an amendment of its rates at a later time. The commissioner shall annually make the submitted data available to the public at a cost not to exceed the cost of copying. The data must be compiled in a form useful for consumers who wish to compare premium charges and loss ratios.

(d) Each sale of a policy or certificate that does not comply with the loss ratio requirements of this section is an unfair or deceptive act or practice in the business of insurance and is subject to the penalties in sections 72A.17 to 72A.32.

(e)(1) For purposes of this section, health care policies issued as a result of solicitations of individuals through the mail or mass media advertising, including both print and broadcast advertising, shall be treated as individual policies.

(2) For purposes of this section, (i) "health care policy" or "health care certificate" is a health plan as defined in section 62A.011; and (ii) "health carrier" has the meaning given in section 62A.011 and includes all health carriers delivering or issuing for delivery health care policies or certificates in this state or offering these policies or certificates to residents of this state.

(f) The loss ratio phase-in as described in paragraph (a) does not apply to individual policies and small employer policies issued by a health plan company that is assessed less than three percent of the total annual amount assessed by the Minnesota comprehensive health association. These policies must meet a 68 percent loss ratio for individual policies, a 71 percent loss ratio for small employer policies with fewer than ten employees, and a 75 percent loss ratio for all other small employer policies.

(g) Notwithstanding paragraphs (a) and (f), the loss ratio shall be 60 percent for a policy or certificate of accident and sickness insurance as defined in section 62A.01, offered by an insurance company licensed under chapter 60A that is assessed less than ten percent of the total annual amount assessed by the Minnesota Comprehensive Health Association. For purposes of the percentage calculation of the association's assessments, an insurance company's assessments include those of its affiliates.

(h) The commissioners of commerce and health shall each annually issue a public report listing, by health plan company, the actual loss ratios experienced in the individual and small employer markets in this state by the health plan companies that the commissioners respectively regulate. The commissioners shall coordinate release of these reports so as to release them as a joint report or as separate reports issued the same day. The report or reports shall be released no later than June 1 for loss ratios experienced for the preceding calendar year. Health plan companies shall provide to the commissioners any information requested by the commissioners for purposes of this paragraph."

Page 7, after line 13, insert:

"Sec. 10. Minnesota Statutes 2000, section 62A.65, subdivision 5, is amended to read:

Subd. 5. [PORTABILITY AND CONVERSION OF COVERAGE.] (a) No individual health plan may be offered, sold, issued, or with respect to children age 18 or under renewed, to a Minnesota resident that contains a preexisting condition limitation, preexisting condition exclusion, or exclusionary rider, unless the limitation or exclusion is permitted under this subdivision and under chapter 62L, provided that, except for children age 18 or under, underwriting restrictions may be retained on individual contracts that are issued without evidence of insurability as a replacement for prior individual coverage that was sold before May 17, 1993. The individual may be subjected to an 18-month preexisting condition limitation, unless the individual has maintained continuous coverage as defined in section 62L.02. The individual must not be subjected to an exclusionary rider. An individual who has maintained continuous coverage may be subjected to a one-time preexisting condition limitation of up to 12 months, with credit for time covered under qualifying coverage as defined in section 62L.02, at the time that the individual first is covered under an individual health plan by any health carrier. Credit must be given for all qualifying coverage with respect to all preexisting conditions, regardless of whether the conditions were preexisting with respect to any previous qualifying coverage. The individual must not be subjected to an exclusionary rider. Thereafter, the individual must not be subject to any preexisting condition limitation, preexisting condition exclusion, or exclusionary rider under an individual health plan by any health carrier, except an unexpired portion of a limitation under prior coverage, so long as the individual maintains continuous coverage as defined in section 62L.02.

(b) A health carrier must offer an individual health plan to any individual previously covered under a group health plan issued by that health carrier, regardless of the size of the group, so long as the individual maintained continuous coverage as defined in section 62L.02. If the individual has available any continuation coverage provided under sections 62A.146; 62A.148; 62A.17, subdivisions 1 and 2; 62A.20; 62A.21; 62C.142; 62D.101; or 62D.105, or continuation coverage provided under federal law, the health carrier need not offer coverage under this paragraph until the individual has exhausted the continuation coverage. The offer must not be subject to underwriting, except as permitted under this paragraph. A health plan issued under this paragraph must be a qualified plan as defined in section 62E.02 and must not contain any preexisting condition limitation, preexisting condition exclusion, or exclusionary rider, except for any unexpired limitation or exclusion under the previous coverage. The individual health plan must cover pregnancy on the same basis as any other covered illness under the individual health plan. The initial premium rate for the individual health plan must comply with subdivision 3. The premium rate upon renewal must comply with subdivision 2. In no event shall the premium rate exceed ~~90~~ 100 percent of the premium charged for comparable individual coverage by the Minnesota comprehensive health association, and the premium rate must be less than that amount if necessary to otherwise comply with this section. An individual health plan offered under this paragraph to a person satisfies the health carrier's obligation to offer conversion coverage under section 62E.16, with respect to that person. Coverage issued under this paragraph must provide that it cannot be canceled or nonrenewed as a result of the health carrier's subsequent decision to leave the individual, small employer, or other group market. Section 72A.20, subdivision 28, applies to this paragraph."

Page 9, after line 27, insert:

"Sec. 15. Minnesota Statutes 2000, section 62H.01, is amended to read:

62H.01 [AUTHORITY TO JOINTLY SELF-INSURE.]

Any two or more employers, excluding the state and its political subdivisions as described in section 471.617, subdivision 1, who are authorized to transact business in Minnesota may jointly self-insure employee health, dental, short-term disability benefits, or other benefits permitted under the Employee Retirement Income Security Act of

1974, United States Code, title 29, sections 1001 et seq. If an employer chooses to jointly self-insure in accordance with this chapter, the employer must participate in the joint plan for at least three consecutive years. If an employer terminates participation in the joint plan before the conclusion of this three-year period, a financial penalty may be assessed under the joint plan, not to exceed the amount contributed by the employer to the plan's reserves as determined under Minnesota Rules, part 2765.1200. Joint plans must have a minimum of ~~100~~ 1,000 covered employees and meet all conditions and terms of sections 62H.01 to 62H.08. Joint plans covering employers not resident in Minnesota must meet the requirements of sections 62H.01 to 62H.08 as if the portion of the plan covering Minnesota resident employees was treated as a separate plan. A plan may cover employees resident in other states only if the plan complies with the applicable laws of that state.

A multiple employer welfare arrangement as defined in United States Code, title 29, section 1002(40)(a), is subject to this chapter to the extent authorized by the Employee Retirement Income Security Act of 1974, United States Code, title 29, sections 1001 et seq. The commissioner of commerce may, on behalf of the state, enter into an agreement with the United States Secretary of Labor for delegation to the state of some or all of the secretary's enforcement authority with respect to multiple employer welfare arrangements, as described in United States Code, title 29, section 1136(c).

Sec. 16. Minnesota Statutes 2000, section 62H.02, is amended to read:

#### 62H.02 [REQUIRED PROVISIONS.]

A joint self-insurance plan must include aggregate excess stop-loss coverage and individual excess stop-loss coverage provided by an insurance company licensed by the state of Minnesota. Aggregate excess stop-loss coverage must include provisions to cover incurred, unpaid claim liability in the event of plan termination, unless the commissioner determines that such coverage is not available in the market for stop-loss coverage. In addition, the plan of self-insurance must have participating employers fund an amount at least equal to the point at which the excess or stop-loss insurer has contracted to assume 100 percent of additional liability. A joint self-insurance plan must submit its proposed excess or stop-loss insurance contract to the commissioner of commerce at least 30 days prior to the proposed plan's effective date and at least 30 days subsequent to any renewal date. The commissioner shall review the contract to determine if they meet the standards established by sections 62H.01 to 62H.08 and respond within a 30-day period. Any excess or stop-loss insurance plan must contain a provision that the excess or stop-loss insurer will give the plan and the commissioner of commerce a minimum of 180 days' notice of termination or nonrenewal. If the plan fails to secure replacement coverage within 60 days after receipt of the notice of cancellation or nonrenewal, the commissioner shall issue an order providing for the orderly termination of the plan.

Sec. 17. Minnesota Statutes 2000, section 62H.04, is amended to read:

#### 62H.04 [COMPLIANCE WITH OTHER LAWS.]

(a) A joint self-insurance plan is subject to the requirements of chapters 62A, 62E, ~~and 62L, and 62Q,~~ and sections 72A.17 to 72A.32 unless otherwise specifically exempt. ~~A joint self-insurance plan must not offer less than a number two qualified plan or its actuarial equivalent. A joint self-insurance plan must pay assessments made by the Minnesota Comprehensive Health Association, as required under section 62E.11.~~

(b) A joint self-insurance plan is exempt from providing the mandated health benefits described in chapters 62A, 62E, 62L, and 62Q if it otherwise provides the benefits required under the Employee Retirement Income Security Act of 1974, United States Code, title 29, sections 1001, et seq., for all employers and not just for the employers with 50 or more employees who are covered by that federal law.

(c) A joint self-insurance plan is exempt from section 62L.03, subdivision 1, if the plan offers an annual open enrollment period of no less than 15 days during which all employers that qualify for membership may enter the plan without preexisting condition limitations or exclusions except those permitted under chapter 62L.

(d) A joint self-insurance plan is exempt from sections 62A.16, 62A.17, 62A.20, and 62A.21 if the joint self-insurance plan complies with the continuation requirements under the Employee Retirement Income Security Act of 1974, United States Code, title 29, sections 1001, et seq., for all employers and not just for the employers with 20 or more employees who are covered by that federal law.

(e) A joint self-insurance plan must provide to all employers the maternity coverage required by federal law for employers with 15 or more employees."

Page 13, line 12, delete "or"

Page 13, line 13, delete "(c)"

Page 13, line 15, delete everything after "(b)"

Page 13, delete lines 16 to 18

Page 13, line 19, delete "(c)"

Page 13, line 20, delete "fewer than two employees" and insert "one employee"

Page 13, line 21, delete "changes" and insert "is reduced" and after "one" insert "employee"

Page 13, line 22, delete "(d)" and insert "(c)"

Page 14, line 5, delete "(e)" and insert "(d)"

Page 14, line 10, delete "(f)" and insert "(e)"

Page 15, line 16, delete "paragraphs" and insert "paragraph" and delete "and (c)"

Page 15, after line 28, insert:

"Sec. 25. Minnesota Statutes 2000, section 62L.08, is amended by adding a subdivision to read:

Subd. 2a. [RENEWAL PREMIUM INCREASES LIMITED.] (a) Beginning January 1, 2003, the percentage increase in the premium rate charged to a small employer for a new rating period must not exceed the sum of the following:

(1) the percentage change in the index rate measured from the first day of the prior rating period to the first day of the new rating period;

(2) an adjustment, not to exceed 15 percent annually and adjusted pro rata for rating periods of less than one year, due to the claims experience, health status, or duration of coverage of the employees or dependents of the employer; and

(3) any adjustment due to change in coverage or in the case characteristics of the employer.

(b) This subdivision does not apply if the employer, employee, or any applicant provides the health carrier with false, incomplete, or misleading information."

Delete page 16, line 13 to page 17, line 20

Page 21, after line 25, insert:

"Sec. 33. Minnesota Rules, part 2765.1300, subpart 2, is amended to read:

Subp. 2. **Individual excess.** A plan must have and maintain individual excess stop-loss insurance, that provides for the insurer to assume all liability in excess of ~~\$25,000~~ the per person limit per year under all coverages the plan offers. The reporting period under this coverage must be no less than one year after the fund year's conclusion. A

plan ~~may~~ must apply to the commissioner for ~~increasing a~~ determination of the individual excess stop-loss insurance limit, ~~up to \$50,000~~. The commissioner must approve ~~this the~~ application ~~if the increased limit would not be detrimental to the solvency and stability of the plan~~, considering the plan's experience, size, surplus, and other factors affecting financial integrity.

Sec. 34. Minnesota Rules, part 2765.1300, subpart 5, is amended to read:

Subp. 5. **Surety coverage.** A plan must have and maintain the following language in its required aggregate excess stop-loss insurance policy, unless the commissioner determines that such coverage is not available in the market for stop-loss coverage: "The insurer shall, at the commissioner's request, assume direct responsibility for the plan's coverage and all other responsibilities under this chapter and related statutes, if the plan becomes insolvent, ceases operations without authorization, or otherwise fails to fulfill its responsibilities under this chapter and related statutes. The insurer may attempt to collect reimbursement from the plan or a member on whose behalf the insurer is called upon to pay premium, pay claims, or incur other extraordinary expenses. However, the insurer must fulfill its responsibilities under this section while any collection attempts are pending. The insurer's responsibilities extend to all matters arising during or attributable to the policy period, and do not terminate with the end of the policy period." The policy must not alter or qualify these terms to harm the plan's rights materially."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Haas and Huntley amendment and the roll was called. There were 97 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Lieder	Otremba	Sykora
Abrams	Eastlund	Huntley	Lindner	Ozment	Thompson
Anderson, B.	Erhardt	Jacobson	Lipman	Paulsen	Tingelstad
Bakk	Erickson	Jennings	Mares	Pawlenty	Tuma
Bishop	Finseth	Johnson, J.	Marko	Pelowski	Vandever
Blaine	Folliard	Johnson, R.	Marquart	Pugh	Walz
Boudreau	Fuller	Jordan	McElroy	Rhodes	Westerberg
Bradley	Gerlach	Juhnke	Milbert	Rifenberg	Westrom
Buesgens	Goodno	Kalis	Molnau	Ruth	Wilkin
Carlson	Goodwin	Kelliher	Mulder	Schumacher	Wolf
Cassell	Gunther	Kielkucki	Murphy	Seagren	Workman
Clark, J.	Haas	Knoblach	Ness	Seifert	Spk. Sviggum
Daggett	Hackbarth	Krinkie	Nornes	Skoe	
Davids	Harder	Kubly	Olson	Smith	
Dehler	Hilstrom	Larson	Opatz	Stanek	
Dempsey	Holberg	Lenczewski	Osskopp	Stang	
Dorman	Holsten	Leppik	Osthoff	Swenson	

Those who voted in the negative were:

Anderson, I.	Clark, K.	Dibble	Gleason	Hausman	Johnson, S.
Bernardy	Davnie	Entenza	Gray	Hilty	Kahn
Biernat	Dawkins	Evans	Greiling	Jaros	Koskinen

Leighton	McGuire	Peterson	Skoglund	Swapinski	Wasiluk
Mahoney	Mullery	Rukavina	Slawik	Wagenius	Winter
Mariani	Paymar	Sertich	Solberg	Walker	

The motion prevailed and the amendment was adopted.

H. F. No. 2988, A bill for an act relating to insurance; regulating certain licenses, fees, rates, and coverages; providing for health care administrative simplification; making certain technical changes; amending Minnesota Statutes 2000, sections 61A.092, subdivision 6; 62A.02, subdivision 2; 62A.021, subdivision 1; 62A.25, subdivision 2; 62A.31, subdivision 1h; 62A.65, subdivision 5; 62E.11, subdivision 6; 62E.14, subdivisions 4, 5, 6; 62H.01; 62H.02; 62H.04; 62J.51, subdivision 19; 62J.535, subdivision 2, by adding subdivisions; 62J.581; 62L.03, subdivisions 1, 5; 62L.08, by adding a subdivision; 62Q.68, subdivision 1; 79.251, subdivision 1; 79.252, subdivision 3; 79A.04, subdivision 9; Minnesota Statutes 2001 Supplement, sections 60A.14, subdivision 1; 60K.56, subdivisions 6, 8, 9; 62M.03, subdivision 2; Laws 2001, chapter 117, article 1, section 29; Minnesota Rules, part 2765.1300, subparts 2, 5; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2000, section 62J.535, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Howes	Lindner	Paulsen	Stang
Abrams	Dorn	Huntley	Lipman	Pawlenty	Swenson
Anderson, B.	Eastlund	Jacobson	Mares	Pelowski	Sykora
Anderson, I.	Entenza	Jennings	Marko	Peterson	Thompson
Bakk	Erhardt	Johnson, J.	Marquart	Pugh	Tingelstad
Biernat	Erickson	Johnson, R.	McElroy	Rhodes	Tuma
Bishop	Finseth	Jordan	McGuire	Rifenberg	Vandever
Blaine	Folliard	Juhnke	Milbert	Rukavina	Walz
Boudreau	Fuller	Kalis	Molnau	Ruth	Wasiluk
Bradley	Gerlach	Kielkucki	Murphy	Schumacher	Westerberg
Buesgens	Goodno	Knoblach	Ness	Seagren	Westrom
Carlson	Gunther	Krinkie	Nornes	Seifert	Wilkin
Cassell	Haas	Kubly	Olson	Sertich	Winter
Clark, J.	Hackbarth	Kuisle	Opatz	Skoe	Wolf
Daggett	Harder	Larson	Osskopp	Slawik	Workman
Davids	Hilstrom	Lenczewski	Osthoff	Smith	Spk. Sviggum
Dehler	Holberg	Leppik	Otremba	Solberg	
Dempsey	Holsten	Lieder	Ozment	Stanek	

Those who voted in the negative were:

Bernardy	Evans	Hausman	Kelliher	Paymar
Clark, K.	Gleason	Hilty	Koskinen	Skoglund
Davnie	Goodwin	Jaros	Leighton	Swapinski
Dawkins	Gray	Johnson, S.	Mariani	Wagenius
Dibble	Greiling	Kahn	Mullery	Walker

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

S. F. No. 2739, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Stang moved to amend S. F. No. 2739 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3058, the first engrossment:

"Section 1. Minnesota Statutes 2001 Supplement, section 340A.412, subdivision 4, is amended to read:

Subd. 4. [LICENSES PROHIBITED IN CERTAIN AREAS.] (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the capitol or on the capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or section 13, paragraph (b), of this act;

(3) on the state fairgrounds or at any place in a city of the first class within one-half mile of the fairgrounds, except as otherwise provided by charter;

(4) on the campus of the college of agriculture of the University of Minnesota or at any place in a city of the first class within one-half mile of the campus, provided that a city may issue one on-sale wine license in this area that is not included in the area described in clause (3), except as provided by charter;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it;

(7) at any place on the east side of the Mississippi River within one-tenth of a mile of the main building of the University of Minnesota unless (i) the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940, for and by former students of the University of Minnesota, or (ii) the licensed premises is Northrop Auditorium;

(8) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus;



(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(v) this restriction does not apply to the area surrounding the premises leased by Metropolitan State University at 730 Hennepin Avenue South in Minneapolis; and

(9) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

Sec. 2. Minnesota Statutes 2000, section 340A.504, is amended by adding a subdivision to read:

Subd. 2a. [CERTAIN DISPENSING EXEMPT.] Where a hotel possessing an on-sale intoxicating liquor license places containers of intoxicating liquor in cabinets in hotel rooms for the use of guests staying in those hotel rooms, and a charge is made for withdrawals from those cabinets, the dispensing of intoxicating liquor from those cabinets does not constitute a sale for purposes of subdivision 2.

Sec. 3. Laws 1999, chapter 202, section 12, is amended to read:

Sec. 12. [CITY OF PROCTOR; LIQUOR LICENSE LICENSES.]

The city of Proctor may issue ~~one~~ three on-sale intoxicating liquor ~~license~~ licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 4. [CITY OF ALBERT LEA; LIQUOR LICENSES.]

The city of Albert Lea may issue three on-sale liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 5. [CITY OF EDEN PRAIRIE; ON-SALE LICENSES.]

The city of Eden Prairie may issue five on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 6. [CITY OF WEST ST. PAUL.]

The city of West St. Paul may issue six on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to intoxicating liquor; exempting certain sales from hotel room cabinets from on-sale hours restrictions; providing for measurement of minimum distances from state university campuses for location of licenses; authorizing issuance of additional on-sale licenses in Albert Lea, Eden Prairie, Proctor, and West St. Paul; amending Minnesota Statutes 2000, section 340A.504, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 340A.412, subdivision 4; Laws 1999, chapter 202, section 12."

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 2739, as amended, as follows:

Page 3, after line 12, insert:

"Sec. 2. Minnesota Statutes 2000, section 340A.504, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] No sale of intoxicating liquor for consumption on the licensed premises may be made:

(1) between ~~1:00~~ 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;

(2) after ~~1:00~~ 2:00 a.m. on Sundays, except as provided by subdivision 3."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Skoglund raised a point of order pursuant to rule 3.21 that the Kahn amendment was not in order. The Speaker ruled the point of order not well taken and the Kahn amendment in order.

The question recurred on the Kahn amendment and the roll was called. There were 24 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Biernat	Gleason	Jaros	Leighton	Murphy	Seifert
Buesgens	Goodwin	Kahn	Mariani	Osskopp	Sertich
Davnie	Hackbarth	Kelliher	Milbert	Paymar	Solberg
Dibble	Hausman	Krinkie	Mullery	Rukavina	Walker

Those who voted in the negative were:

Abeler	Dawkins	Greiling	Juhnke	Marquart	Pugh
Abrams	Dehler	Gunther	Kalis	McElroy	Rhodes
Anderson, B.	Dempsey	Haas	Kielkucki	McGuire	Rifenberg
Anderson, I.	Dorman	Harder	Knoblach	Molnau	Ruth
Bakk	Dorn	Hilstrom	Koskinen	Mulder	Schumacher
Bernardy	Eastlund	Hilty	Kubly	Ness	Seagren
Bishop	Entenza	Holberg	Kuisle	Nornes	Skoe
Blaine	Erhardt	Holsten	Larson	Olson	Skoglund
Boudreau	Erickson	Howes	Lenczewski	Opatz	Slawik
Bradley	Evans	Huntley	Leppik	Osthoff	Smith
Carlson	Finseth	Jacobson	Lieder	Otremba	Stanek
Cassell	Folliard	Jennings	Lindner	Ozment	Stang
Clark, J.	Fuller	Johnson, J.	Lipman	Paulsen	Swapinski
Clark, K.	Gerlach	Johnson, R.	Mahoney	Pawlenty	Swenson
Daggett	Goodno	Johnson, S.	Mares	Pelowski	Sykora
Davids	Gray	Jordan	Marko	Peterson	Thompson

Tingelstad	Wagenius	Westerberg	Winter	Spk. Sviggum
Tuma	Walz	Westrom	Wolf	
Vandever	Wasiluk	Wilkin	Workman	

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

Walz moved to amend S. F. No. 2739, as amended, as follows:

Page 3, after line 29, insert:

"Sec. 4. [CITY OF BRAINERD; LIQUOR LICENSES.]

The city of Brainerd may issue five on-sale liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Swapinski moved to amend S. F. No. 2739, as amended, as follows:

Page 3, line 25, delete "three" and insert "two"

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

Koskinen moved to amend S. F. No. 2739, as amended, as follows:

Page 4, after line 11, insert:

"Sec. 7. [COON RAPIDS; ADDITIONAL LICENSES.]

The city of Coon Rapids may issue six on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section."

Page 4, line 13, delete "6" and insert "7"

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 4, line 7, after the first comma, insert "Coon Rapids,"

The motion prevailed and the amendment was adopted.

Lipman was excused for the remainder of today's session.

Kelliher, Milbert, Mariani, Mullery, Workman, Paymar, Dibble and Gunther moved to amend S. F. No. 2739, as amended, as follows:

Page 3, after line 21, insert:

"Sec. 3. Minnesota Statutes 2000, section 340A.504, is amended by adding a subdivision to read:

Subd. 7. [EXTENDED HOURS FOR ON-SALE.] Notwithstanding subdivision 2, the cities of Minneapolis, St. Paul, Duluth, St. Cloud and Bloomington may enact an ordinance that authorizes the issuance of on-sale intoxicating liquor licenses that permit a hotel licensee to make on-sales of intoxicating liquor between the hours of 1:00 a.m. and 2:00 a.m. Monday through Friday and between the hours of 1:00 a.m. and 2:30 a.m. on Saturday and Sunday. An ordinance may not limit licenses issued under this paragraph to a particular geographic area of the city. The city enacting the ordinance may issue a temporary permit to a hotel licensee that authorizes the hotel to sell intoxicating liquor at on-sale between the hours of 1:00 a.m. and 2:00 a.m. Monday through Friday and 1:00 a.m. and 2:30 a.m. Saturday and Sunday. Such a temporary permit may only be issued to a hotel for the period of time between the date of issuance and the date on which the hotel's license under section 340A.404, subdivision 1, expires. No more than one permit under this paragraph may be issued to any hotel. A permit under this subdivision may be revoked or suspended in the same manner as a license under section 340A.415."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Osthoff moved to amend the Kelliher et al amendment to S. F. No. 2739, as amended, as follows:

Page 1, line 7, delete "St. Paul,"

The motion did not prevail and the amendment to the amendment was not adopted.

The Speaker called Goodno to the Chair.

The question recurred on the Kelliher et al amendment and the roll was called. There were 37 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Biernat	Goodwin	Johnson, J.	Lieder	Sertich	Wasiluk
Bishop	Gray	Johnson, S.	Mariani	Skoe	Workman
Buesgens	Gunther	Juhnke	Milbert	Solberg	
Davnie	Hackbarth	Kahn	Mullery	Stang	
Dawkins	Hausman	Kelliher	Murphy	Swapinski	
Dibble	Hilty	Krinkie	Paymar	Sykora	
Gleason	Jaros	Leighton	Rukavina	Walker	

Those who voted in the negative were:

Abeler	Dorman	Holberg	Leppik	Otremba	Stanek
Abrams	Dorn	Holsten	Lindner	Ozment	Swenson
Anderson, B.	Eastlund	Howes	Mahoney	Paulsen	Thompson
Anderson, I.	Entenza	Huntley	Mares	Pawlenty	Tingelstad
Bakk	Erhardt	Jacobson	Marko	Pelowski	Tuma
Blaine	Erickson	Jennings	Marquart	Peterson	Vandever
Boudreau	Evans	Johnson, R.	McElroy	Pugh	Wagenius
Bradley	Finseth	Jordan	McGuire	Rhodes	Walz
Carlson	Folliard	Kalis	Molnau	Rifenberg	Westerberg
Cassell	Fuller	Kielkucki	Mulder	Ruth	Westrom
Clark, J.	Gerlach	Knoblach	Ness	Schumacher	Wilkin
Clark, K.	Goodno	Koskinen	Nornes	Seagren	Winter
Daggett	Greiling	Kubly	Olson	Seifert	Wolf
Davids	Haas	Kuisle	Opatz	Skoglund	Spk. Sviggum
Dehler	Harder	Larson	Osskopp	Slawik	
Dempsey	Hilstrom	Lenczewski	Osthoff	Smith	

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

S. F. No. 2739, A bill for an act relating to liquor; exempting hotel honor bars from hours of sale restrictions; modifying minimum distance from specified state universities; authorizing the cities of Proctor, Albert Lea, Eden Prairie, West St. Paul, Brainerd, and Coon Rapids to issue on-sale licenses; amending Minnesota Statutes 2000, section 340A.504, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 340A.412, subdivision 4; Laws 1999, chapter 202, section 12.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 105 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Howes	Leighton	Otremba	Stang
Anderson, I.	Entenza	Huntley	Lenczewski	Ozment	Swenson
Bakk	Erhardt	Jacobson	Leppik	Paulsen	Sykora
Biernat	Erickson	Jennings	Lieder	Paymar	Thompson
Blaine	Folliard	Johnson, J.	Mahoney	Pelowski	Tingelstad
Boudreau	Fuller	Johnson, R.	Mares	Peterson	Tuma
Bradley	Gerlach	Johnson, S.	Mariani	Pugh	Vandever
Buesgens	Gleason	Jordan	Marquart	Rhodes	Walker
Carlson	Goodno	Juhnke	McElroy	Rifenberg	Walz
Cassell	Gray	Kahn	Milbert	Rukavina	Wasiluk
Clark, J.	Gunther	Kalis	Molnau	Ruth	Westrom
Daggett	Haas	Kelliher	Mulder	Schumacher	Wilkin
Davids	Hackbarth	Kielkucki	Mullery	Seifert	Winter
Davnie	Harder	Knoblach	Murphy	Sertich	Wolf
Dehler	Hausman	Koskinen	Ness	Skoe	Spk. Sviggum
Dempsey	Hilstrom	Kubly	Nornes	Smith	
Dibble	Hilty	Kuisle	Opatz	Solberg	
Dorman	Holsten	Larson	Osskopp	Stanek	

Those who voted in the negative were:

Abeler	Eastlund	Jaros	Olson	Skoglund	Westerberg
Anderson, B.	Evans	Krinkie	Osthoff	Slawik	Workman
Bernardy	Greiling	Lindner	Pawlenty	Swapinski	
Dawkins	Holberg	McGuire	Seagren	Wagenius	

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

S. F. No. 2578, A bill for an act relating to county government; providing for client-directed support programs; amending Minnesota Statutes 2000, section 375.18, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Hilty	Larson	Osskopp	Stanek
Abrams	Dorn	Holberg	Leighton	Osthoff	Stang
Anderson, B.	Eastlund	Holsten	Lenczewski	Ozment	Swapinski
Anderson, I.	Entenza	Howes	Leppik	Paulsen	Swenson
Bernardy	Erhardt	Huntley	Lieder	Pawlenty	Sykora
Biernat	Erickson	Jacobson	Lindner	Paymar	Thompson
Bishop	Evans	Jaros	Mahoney	Pelowski	Tingelstad
Blaine	Finseth	Jennings	Mares	Peterson	Tuma
Boudreau	Folliard	Johnson, J.	Mariani	Pugh	Vandever
Bradley	Fuller	Johnson, R.	Marko	Rhodes	Wagenius
Buesgens	Gerlach	Johnson, S.	Marquart	Rifenberg	Walker
Carlson	Gleason	Jordan	McElroy	Rukavina	Walz
Cassell	Goodno	Juhnke	McGuire	Ruth	Wasiluk
Clark, J.	Goodwin	Kahn	Milbert	Schumacher	Westerberg
Clark, K.	Gray	Kalis	Molnau	Seagren	Westrom
Daggett	Greiling	Kelliher	Mulder	Seifert	Wilkin
Davids	Gunther	Kielkucki	Mullery	Sertich	Winter
Davnie	Haas	Knoblach	Murphy	Skoe	Wolf
Dawkins	Hackbarth	Koskinen	Ness	Skoglund	Workman
Dehler	Harder	Krinkie	Nornes	Slawik	Spk. Sviggum
Dempsey	Hausman	Kubly	Olson	Smith	
Dibble	Hilstrom	Kuisle	Opatz	Solberg	

The bill was passed and its title agreed to.

S. F. No. 2463, A bill for an act relating to employment; regulating overtime for nurses; allowing reciprocity for border state nursing licensees; amending Minnesota Statutes 2000, sections 148.211, by adding a subdivision; 148.261, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holberg	Leighton	Osthoff	Stanek
Abrams	Dorn	Holsten	Lenczewski	Otremba	Stang
Anderson, B.	Eastlund	Howes	Leppik	Ozment	Swapinski
Anderson, I.	Entenza	Huntley	Lieder	Paulsen	Swenson
Bakk	Erhardt	Jacobson	Lindner	Pawlenty	Sykora
Bernardy	Erickson	Jaros	Mahoney	Paymar	Thompson
Bishop	Evans	Jennings	Mares	Pelowski	Tingelstad
Blaine	Finseth	Johnson, J.	Mariani	Peterson	Tuma
Boudreau	Folliard	Johnson, R.	Marko	Pugh	Vandever
Bradley	Fuller	Johnson, S.	Marquart	Rhodes	Wagenius
Buesgens	Gerlach	Jordan	McElroy	Rifenberg	Walker
Carlson	Gleason	Juhnke	McGuire	Rukavina	Walz
Cassell	Goodno	Kahn	Milbert	Ruth	Wasiluk
Clark, J.	Goodwin	Kalis	Molnau	Schumacher	Westerberg
Clark, K.	Gray	Kelliher	Mulder	Seagren	Westrom
Daggett	Greiling	Kielkucki	Mullery	Seifert	Wilkin
Dauids	Gunther	Knoblach	Murphy	Sertich	Winter
Davnie	Haas	Koskinen	Ness	Skoe	Wolf
Dawkins	Hackbarth	Krinkie	Nornes	Skoglund	Workman
Dehler	Hausman	Kubly	Olson	Slawik	Spk. Sviggum
Dempsey	Hilstrom	Kuisle	Opatz	Smith	
Dibble	Hilty	Larson	Osskopp	Solberg	

Those who voted in the negative were:

Harder

The bill was passed and its title agreed to.

S. F. No. 3073 was reported to the House.

Holberg moved to amend S. F. No. 3073 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3579, the second engrossment:

"Section 1. Minnesota Statutes 2001 Supplement, section 518B.01, subdivision 14, is amended to read:

Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or

other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who knowingly violates this subdivision during the time period between a previous qualified domestic violence-related offense conviction and the end of the five years following discharge from sentence for that offense. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person knowingly violates this subdivision:

(1) during the time period between the first of two or more previous qualified domestic violence-related offense convictions and the end of the five years following discharge from sentence for that offense; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person ~~knowingly violated the order~~ knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order ~~but shall be~~ without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.



(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

Sec. 2. Minnesota Statutes 2000, section 518B.01, subdivision 22, is amended to read:

Subd. 22. [VIOLATION OF A DOMESTIC ABUSE NO CONTACT ORDER.] (a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for domestic abuse. It includes pretrial orders before final disposition of the case and probationary orders after sentencing.

(b) A person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.

(c) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated a domestic abuse no contact order, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2002, and apply to crimes committed on or after that date."

The motion prevailed and the amendment was adopted.

S. F. No. 3073, A bill for an act relating to domestic abuse; clarifying the standard for a misdemeanor violation of an order for protection or no contact order; amending Minnesota Statutes 2000, section 518B.01, subdivision 22; Minnesota Statutes 2001 Supplement, section 518B.01, subdivision 14.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilty	Larson	Osskopp	Solberg
Abrams	Dorman	Holberg	Leighton	Osthoff	Stanek
Anderson, B.	Dorn	Holsten	Lenczewski	Otremba	Stang
Anderson, I.	Eastlund	Howes	Leppik	Ozment	Swapinski
Bakk	Entenza	Huntley	Lieder	Paulsen	Swenson
Bernardy	Erhardt	Jacobson	Lindner	Pawlenty	Sykora
Biernat	Evans	Jaros	Mahoney	Paymar	Thompson
Bishop	Finseth	Jennings	Mares	Pelowski	Tingelstad
Blaine	Folliard	Johnson, J.	Mariani	Peterson	Tuma
Boudreau	Fuller	Johnson, R.	Marko	Pugh	Vandever
Bradley	Gerlach	Johnson, S.	Marquart	Rhodes	Wagenius
Buesgens	Gleason	Jordan	McElroy	Rifenberg	Walker
Carlson	Goodno	Juhnke	McGuire	Rukavina	Walz
Cassell	Goodwin	Kahn	Milbert	Ruth	Wasiluk
Clark, J.	Gray	Kalis	Molnau	Schumacher	Westerberg
Clark, K.	Greiling	Kelliher	Mulder	Seagren	Westrom
Daggett	Gunther	Kielkucki	Mullery	Seifert	Wilkin
Davids	Haas	Knoblach	Murphy	Sertich	Winter
Davnie	Hackbarth	Koskinen	Ness	Skoe	Wolf
Dawkins	Harder	Krinkie	Nornes	Skoglund	Workman
Dehler	Hausman	Kubly	Olson	Slawik	Spk. Sviggum
Dempsey	Hilstrom	Kuise	Opatz	Smith	

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

S. F. No. 3167, A bill for an act relating to corrections; providing access to data for purposes of the commissioner's preliminary determination whether a petition of civil commitment as a sexual psychopathic personality or sexually dangerous person is appropriate; amending Minnesota Statutes 2000, section 244.05, subdivision 7.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Kuisle	Osskopp	Solberg
Abrams	Dorman	Hilty	Larson	Osthoff	Stanek
Anderson, B.	Dorn	Holberg	Leighton	Otremba	Stang
Anderson, I.	Eastlund	Holsten	Lenczewski	Ozment	Swapinski
Bakk	Entenza	Howes	Leppik	Paulsen	Swenson
Bernardy	Erhardt	Huntley	Lieder	Pawlenty	Sykora
Biernat	Erickson	Jacobson	Lindner	Paymar	Thompson
Bishop	Evans	Jaros	Mahoney	Pelowski	Tingelstad
Blaine	Finseth	Jennings	Mares	Peterson	Tuma
Boudreau	Folliard	Johnson, J.	Mariani	Pugh	Vandever
Bradley	Fuller	Johnson, R.	Marko	Rhodes	Wagenius
Buesgens	Gerlach	Johnson, S.	Marquart	Rifenberg	Walker
Carlson	Gleason	Jordan	McElroy	Rukavina	Walz
Cassell	Goodno	Juhnke	McGuire	Ruth	Wasiluk
Clark, J.	Goodwin	Kahn	Milbert	Schumacher	Westerberg
Clark, K.	Gray	Kalis	Molnau	Seagren	Westrom
Daggett	Greiling	Kelliher	Mulder	Seifert	Wilkin
Davids	Gunther	Kielkucki	Mullery	Sertich	Winter
Davnie	Haas	Knoblach	Murphy	Skoe	Wolf
Dawkins	Hackbarth	Koskinen	Ness	Skoglund	Workman
Dehler	Harder	Krinkie	Nornes	Slawik	Spk. Sviggum
Dempsey	Hausman	Kubly	Opatz	Smith	

The bill was passed and its title agreed to.

Opatz was excused for the remainder of today's session.

S. F. No. 1226, A bill for an act relating to insurance; no-fault auto; regulating basic economic loss benefits; amending Minnesota Statutes 2000, section 65B.44, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Biernat	Boudreau	Carlson	Clark, K.
Abrams	Bakk	Bishop	Bradley	Cassell	Daggett
Anderson, B.	Bernardy	Blaine	Buesgens	Clark, J.	Davids

Davnie	Gray	Jordan	Mariani	Paymar	Swapinski
Dawkins	Greiling	Juhnke	Marko	Pelowski	Swenson
Dehler	Gunther	Kahn	Marquart	Peterson	Sykora
Dempsey	Haas	Kalis	McElroy	Pugh	Thompson
Dibble	Hackbarth	Kelliher	McGuire	Rhodes	Tingelstad
Dorman	Harder	Kielkucki	Milbert	Rifenberg	Tuma
Dorn	Hausman	Knoblach	Molnau	Rukavina	Vandever
Eastlund	Hilstrom	Koskinen	Mulder	Ruth	Wagenius
Entenza	Hilty	Krinkie	Mullery	Schumacher	Walker
Erhardt	Holberg	Kubly	Murphy	Seagren	Walz
Erickson	Holsten	Kuisle	Ness	Seifert	Wasiluk
Evans	Howes	Larson	Nornes	Sertich	Westerberg
Finseth	Huntley	Leighton	Olson	Skoe	Westrom
Folliard	Jacobson	Lenczewski	Osskopp	Skoglund	Wilkin
Fuller	Jaros	Leppik	Osthoff	Slawik	Winter
Gerlach	Jennings	Lieder	Otremba	Smith	Wolf
Gleason	Johnson, J.	Lindner	Ozment	Solberg	Spk. Sviggum
Goodno	Johnson, R.	Mahoney	Paulsen	Stanek	
Goodwin	Johnson, S.	Mares	Pawlenty	Stang	

The bill was passed and its title agreed to.

S. F. No. 3100, A bill for an act relating to human services; establishing approved tribal health professionals as medical assistance providers; reimbursement for certain health services; American Indian contracting provisions; requiring an evaluation of managed care regional rate differences; authorizing new rate regions; amending Minnesota Statutes 2000, sections 254B.09, subdivision 2; 256B.02, subdivision 7; 256B.32; Minnesota Statutes 2001 Supplement, sections 256B.0644; 256B.69, subdivision 5b; 256B.75; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Gray	Johnson, S.	Mahoney	Ozment
Abrams	Dawkins	Greiling	Jordan	Mares	Paulsen
Anderson, B.	Dehler	Gunther	Juhnke	Mariani	Pawlenty
Anderson, I.	Dempsey	Haas	Kahn	Marko	Paymar
Bakk	Dibble	Hackbarth	Kalis	Marquart	Pelowski
Bernardy	Dorman	Harder	Kelliher	McElroy	Peterson
Biernat	Dorn	Hausman	Kielkucki	McGuire	Rhodes
Bishop	Eastlund	Hilstrom	Knoblach	Milbert	Rifenberg
Blaine	Erhardt	Hilty	Koskinen	Molnau	Rukavina
Boudreau	Erickson	Holberg	Krinkie	Mulder	Ruth
Bradley	Evans	Holsten	Kubly	Mullery	Schumacher
Buesgens	Finseth	Howes	Kuisle	Murphy	Seagren
Carlson	Folliard	Huntley	Larson	Ness	Seifert
Cassell	Fuller	Jacobson	Leighton	Nornes	Sertich
Clark, J.	Gerlach	Jaros	Lenczewski	Olson	Skoe
Clark, K.	Gleason	Jennings	Leppik	Osskopp	Skoglund
Daggett	Goodno	Johnson, J.	Lieder	Osthoff	Slawik
Davids	Goodwin	Johnson, R.	Lindner	Otremba	Smith

Solberg	Swenson	Tuma	Walz	Wilkin	Spk. Sviggum
Stanek	Sykora	Vandever	Wasiluk	Winter	
Stang	Thompson	Wagenius	Westerberg	Wolf	
Swapinski	Tingelstad	Walker	Westrom	Workman	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 3124, A bill for an act relating to health; modifying resident reimbursement classifications; clarifying minimum nursing staff requirements; amending Minnesota Statutes 2000, section 144A.04, subdivision 7; Minnesota Statutes 2001 Supplement, section 144.0724, subdivisions 3, 5, 7, 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Leppik	Ozment	Swapinski
Abrams	Eastlund	Jacobson	Lieder	Paulsen	Swenson
Anderson, B.	Erhardt	Jaros	Lindner	Pawlenty	Sykora
Anderson, I.	Erickson	Jennings	Mahoney	Pelowski	Thompson
Bakk	Finseth	Johnson, J.	Mares	Peterson	Tingelstad
Bishop	Folliard	Johnson, R.	Mariani	Pugh	Tuma
Blaine	Fuller	Johnson, S.	Marko	Rhodes	Vandever
Boudreau	Gerlach	Jordan	Marquart	Rifenberg	Walz
Bradley	Gleason	Juhnke	McElroy	Rukavina	Wasiluk
Buesgens	Goodno	Kahn	Milbert	Ruth	Westerberg
Carlson	Goodwin	Kalis	Molnau	Schumacher	Westrom
Cassell	Gunther	Kelliher	Mulder	Seagren	Wilkin
Clark, J.	Haas	Kielkucki	Mullery	Seifert	Winter
Daggett	Hackbarth	Knoblach	Murphy	Sertich	Workman
Davids	Harder	Krinkie	Ness	Skoe	Spk. Sviggum
Davnie	Hilstrom	Kubly	Nornes	Slawik	
Dawkins	Hilty	Kuisle	Olson	Smith	
Dehler	Holberg	Larson	Osskopp	Solberg	
Dempsey	Holsten	Leighton	Osthoff	Stanek	
Dorman	Howes	Lenczewski	Otremba	Stang	

Those who voted in the negative were:

Bernardy	Dibble	Hausman	Paymar	Walker
Biernat	Evans	Koskinen	Skoglund	
Clark, K.	Greiling	McGuire	Wagenius	

The bill was passed and its title agreed to.

S. F. No. 3126, A bill for an act relating to human services; making technical changes in health care programs; amending Minnesota Statutes 2000, sections 13.05, subdivision 4; 245.4932, subdivision 3; 253B.045, subdivision 2; 256.01, subdivision 11; 256.023; 256.9685, subdivision 1; 256.9866; 256B.041, subdivision 5; 256B.0575; 256B.0625, subdivision 27; 256B.0629, subdivision 2; 256B.0915, subdivision 1c; 256B.0945, subdivision 4; 256B.19, subdivisions 1, 1d, 2b; 256B.37, subdivision 5a; 256B.692, subdivision 3; 256F.10, subdivision 9; 256F.13, subdivision 1; 256L.05, subdivision 3; 256L.07, subdivision 3; Minnesota Statutes 2001 Supplement, sections 245.474, subdivision 4; 256B.0623, subdivision 14; 256B.0625, subdivisions 13, 20; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.19, subdivision 1c; 256L.06, subdivision 3; Laws 2001, First Special Session chapter 9, article 2, section 76; repealing Minnesota Statutes 2000, sections 256.025; 256B.0635, subdivision 3; 256B.19, subdivision 1a; 256B.77, subdivision 24.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Kuise	Osskopp	Solberg
Abrams	Dorman	Hilty	Larson	Osthoff	Stanek
Anderson, B.	Dorn	Holberg	Leighton	Otremba	Stang
Anderson, I.	Eastlund	Holsten	Lenczewski	Ozment	Swapinski
Bakk	Entenza	Howes	Leppik	Paulsen	Swenson
Bernardy	Erhardt	Huntley	Lieder	Pawlenty	Sykora
Biernat	Erickson	Jacobson	Lindner	Paymar	Thompson
Bishop	Evans	Jaros	Mahoney	Pelowski	Tingelstad
Blaine	Finseth	Jennings	Mares	Peterson	Tuma
Boudreau	Folliard	Johnson, J.	Mariani	Pugh	Vandever
Bradley	Fuller	Johnson, R.	Marko	Rhodes	Wagenius
Buesgens	Gerlach	Johnson, S.	Marquart	Rifenberg	Walz
Carlson	Gleason	Jordan	McElroy	Rukavina	Wasiluk
Cassell	Goodno	Juhnke	McGuire	Ruth	Westerberg
Clark, J.	Goodwin	Kahn	Milbert	Schumacher	Westrom
Clark, K.	Gray	Kalis	Molnau	Seagren	Wilkin
Daggett	Greiling	Kelliher	Mulder	Seifert	Winter
Davids	Gunther	Kielkucki	Mullery	Sertich	Wolf
Davnie	Haas	Knoblach	Murphy	Skoe	Workman
Dawkins	Hackbarth	Koskinen	Ness	Skoglund	Spk. Sviggum
Dehler	Harder	Krinkie	Nornes	Slawik	
Dempsey	Hausman	Kubly	Olson	Smith	

The bill was passed and its title agreed to.

H. F. No. 3213, A bill for an act relating to human services; correcting inconsistencies in mental health services coverage under provided health plans; amending Minnesota Statutes 2000, section 245.50, subdivisions 1, 2, 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilty	Larson	Osthoff	Stanek
Abrams	Dorman	Holberg	Leighton	Otremba	Stang
Anderson, B.	Dorn	Holsten	Lenczewski	Ozment	Swapinski
Anderson, I.	Eastlund	Howes	Leppik	Paulsen	Swenson
Bakk	Entenza	Huntley	Lieder	Pawlenty	Sykora
Bernardy	Erhardt	Jacobson	Lindner	Paymar	Thompson
Biernat	Erickson	Jaros	Mahoney	Pelowski	Tingelstad
Bishop	Evans	Jennings	Mares	Peterson	Tuma
Blaine	Finseth	Johnson, J.	Mariani	Pugh	Vandever
Boudreau	Folliard	Johnson, R.	Marko	Rhodes	Wagenius
Bradley	Fuller	Johnson, S.	Marquart	Rifenberg	Walker
Buesgens	Gleason	Jordan	McElroy	Rukavina	Walz
Carlson	Goodno	Juhnke	McGuire	Ruth	Wasiluk
Cassell	Goodwin	Kahn	Milbert	Schumacher	Westerberg
Clark, J.	Gray	Kalis	Molnau	Seagren	Westrom
Clark, K.	Greiling	Kelliher	Mulder	Seifert	Wilkin
Daggett	Gunther	Kielkucki	Mullery	Sertich	Winter
Davids	Haas	Knoblach	Murphy	Skoe	Wolf
Davnie	Hackbarth	Koskinen	Ness	Skoglund	Workman
Dawkins	Harder	Krinkie	Nornes	Slawik	Spk. Sviggum
Dehler	Hausman	Kubly	Olson	Smith	
Dempsey	Hilstrom	Kuisle	Osskopp	Solberg	

The bill was passed and its title agreed to.

S. F. No. 2768 was reported to the House.

Solberg moved to amend S. F. No. 2768 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2678, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 256B.69, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given.

(a) "Commissioner" means the commissioner of human services. For the remainder of this section, the commissioner's responsibilities for methods and policies for implementing the project will be proposed by the project advisory committees and approved by the commissioner.

(b) "Demonstration provider" means a health maintenance organization, community integrated service network, or accountable provider network authorized and operating under chapter 62D, 62N, or 62T that participates in the demonstration project according to criteria, standards, methods, and other requirements established for the project and approved by the commissioner. For purposes of this section, a county board, or group of county boards operating

under a joint powers agreement, is considered a demonstration provider if the county or group of county boards meets the requirements of section 256B.692. Notwithstanding the above, Itasca county may continue to participate as a demonstration provider until July 1, ~~2002~~ 2004.

(c) "Eligible individuals" means those persons eligible for medical assistance benefits as defined in sections 256B.055, 256B.056, and 256B.06.

(d) "Limitation of choice" means suspending freedom of choice while allowing eligible individuals to choose among the demonstration providers.

(e) This paragraph supersedes paragraph (c) as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, this paragraph expires and the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. "Eligible individuals" means those persons eligible for medical assistance benefits as defined in sections 256B.055, 256B.056, and 256B.06. Notwithstanding sections 256B.055, 256B.056, and 256B.06, an individual who becomes ineligible for the program because of failure to submit income reports or recertification forms in a timely manner, shall remain enrolled in the prepaid health plan and shall remain eligible to receive medical assistance coverage through the last day of the month following the month in which the enrollee became ineligible for the medical assistance program."

Delete the title and insert:

"A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; amending Minnesota Statutes 2000, section 256B.69, subdivision 2."

The motion prevailed and the amendment was adopted.

S. F. No. 2768, A bill for an act relating to human services; changing provisions in the medical assistance demonstration project; adding requirements for the prepaid medical assistance and prepaid general assistance medical programs; amending Minnesota Statutes 2000, section 256B.69, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, J.	Erickson	Harder	Jordan	Leppik
Abrams	Clark, K.	Evans	Hausman	Juhnke	Lieder
Anderson, B.	Daggett	Finseth	Hilstrom	Kahn	Lindner
Anderson, I.	Davids	Folliard	Hilty	Kalis	Mahoney
Bakk	Davnie	Fuller	Holberg	Kelliher	Mares
Bernardy	Dawkins	Gerlach	Holsten	Kielkucki	Mariani
Biernat	Dehler	Gleason	Howes	Knoblach	Marko
Bishop	Dempsey	Goodno	Huntley	Koskinen	Marquart
Blaine	Dibble	Goodwin	Jacobson	Krinkie	McElroy
Boudreau	Dorman	Gray	Jaros	Kubly	McGuire
Bradley	Dorn	Greiling	Jennings	Kuisle	Milbert
Buesgens	Eastlund	Gunther	Johnson, J.	Larson	Molnau
Carlson	Entenza	Haas	Johnson, R.	Leighton	Mulder
Cassell	Erhardt	Hackbarth	Johnson, S.	Lenczewski	Mullery



Murphy	Paulsen	Rukavina	Slawik	Thompson	Westerberg
Ness	Pawlenty	Ruth	Smith	Tingelstad	Westrom
Nornes	Paymar	Schumacher	Solberg	Tuma	Wilkin
Olson	Pelowski	Seagren	Stanek	Vandever	Wolf
Osskopp	Peterson	Seifert	Stang	Wagenius	Workman
Osthoff	Pugh	Sertich	Swapinski	Walker	Spk. Sviggum
Otremba	Rhodes	Skoe	Swenson	Walz	
Ozment	Rifenberg	Skoglund	Sykora	Wasiluk	

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

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Olson moved that H. F. No. 3007 be recalled from the Committee on Rules and Legislative Administration and be re-referred to the Committee on Ways and Means. The motion prevailed.

### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Bishop announced his intention to place H. F. No. 2622 on the Fiscal Calendar for Wednesday, March 20, 2002.

### ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:30 a.m., Wednesday, March 20, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Wednesday, March 20, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

