

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

 NINETY-FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 26, 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 Dave Smith, Fair Lakes Apostolic Church, Fairmont, 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	Dibble	Hilstrom	Kuisle	Olson	Smith
Abrams	Dorman	Hilty	Larson	Opatz	Solberg
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	Lipman	Pelowski	Tingelstad
Blaine	Finseth	Jennings	Mahoney	Penas	Tuma
Boudreau	Folliard	Johnson, J.	Mares	Peterson	Vandever
Bradley	Fuller	Johnson, R.	Mariani	Pugh	Wagenius
Buesgens	Gerlach	Johnson, S.	Marko	Rhodes	Walker
Carlson	Gleason	Jordan	Marquart	Rifenberg	Walz
Cassell	Goodno	Juhnke	McElroy	Rukavina	Wasiluk
Clark, J.	Goodwin	Kahn	McGuire	Ruth	Westerberg
Clark, K.	Gray	Kalis	Milbert	Schumacher	Westrom
Daggett	Greiling	Kelliher	Molnau	Seagren	Wilkin
Davids	Gunther	Kielkucki	Mulder	Seifert	Winter
Davnie	Haas	Knoblach	Mullery	Sertich	Wolf
Dawkins	Hackbarth	Koskinen	Murphy	Skoe	Workman
Dehler	Harder	Krinkie	Ness	Skoglund	Spk. Sviggum
Dempsey	Hausman	Kubly	Nornes	Slawik	

A quorum was present.

Stanek was excused.

Osskopp was excused until 10:20 a.m. Osthoff was excused until 10:30 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Lindner 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. 2674 and H. F. No. 2920, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Ozment moved that the rules be so far suspended that S. F. No. 2674 be substituted for H. F. No. 2920 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3114 and H. F. No. 3393, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Boudreau moved that the rules be so far suspended that S. F. No. 3114 be substituted for H. F. No. 3393 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3298 and H. F. No. 3199, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kuisle moved that the rules be so far suspended that S. F. No. 3298 be substituted for H. F. No. 3199 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 22, 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 Files:

H. F. No. 2531, relating to health; regulating hospice care providers; providing criminal penalties.

H. F. No. 2796, 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.

H. F. No. 2792, relating to the environment; providing for the indemnification of municipalities participating in household hazardous waste programs.

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>
	2531	252	2:05 p.m. March 22	March 22
2932		253	2:03 p.m. March 22	March 22
2971		254	2:01 p.m. March 22	March 22
1072		255	2:00 p.m. March 22	March 22
2834		256	2:10 p.m. March 22	March 22
3258		257	2:01 p.m. March 22	March 22
2434		258	2:11 p.m. March 22	March 22
2627		259	2:07 p.m. March 22	March 22
3115		260	2:02 p.m. March 22	March 22
3080		261	2:07 p.m. March 22	March 22
3136		262	2:12 p.m. March 22	March 22
2590		263	2:11 p.m. March 22	March 22
	2796	264	2:12 p.m. March 22	March 22
	2792	265	2:04 p.m. March 22	March 22

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 289, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; providing staggered four-year terms for representatives and senators.

Reported the same back with the following amendments:

Page 1, after line 24, insert:

"Sec. 2. [TRANSITION.]

If the amendment proposed in section 1 is adopted, the members of each body of the legislature shall be elected at the 2006 state general election in the following manner. Members who are elected from odd-numbered districts shall serve two-year terms, and members who are elected from even-numbered districts shall serve four-year terms. At the 2008 state general election, members elected from odd-numbered districts shall be elected to four-year terms. At the 2010 state general election, members elected from even-numbered districts shall be elected to two-year terms."

Page 1, line 25, delete "2" and insert "3"

Page 2, line 4, after "senators" insert "beginning at the 2006 state general election"

With the recommendation that when so amended the bill pass.

The report was adopted.

Abrams from the Committee on Taxes to which was referred:

H. F. No. 1359, A bill for an act relating to natural resources; modifying provisions for all-terrain vehicle use on certain wildlife management area lands; modifying disposition of lottery ticket in lieu of sales tax receipts; adding to state wildlife management areas; providing for certain land exchanges; permitting the sale of certain consolidated conservation land in Roseau county; providing for enforcement on certain designated land; creating certain wildlife management area working groups; amending Minnesota Statutes 2000, section 97A.133, subdivision 3; Minnesota Statutes 2001 Supplement, section 297A.94.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Bishop from the Committee on Ways and Means 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 following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [STUDY; FEASIBILITY OF SCHOOL EMPLOYEE HEALTH INSURANCE PLAN.]

Subdivision 1. [APPROPRIATION.] The commissioner of finance shall transfer \$200,000 from the endowment created in Minnesota Statutes, section 144.395, subdivision 1, to the general fund. Those funds are appropriated to the commissioner of commerce for disbursement to the committee created in subdivision 2 as a grant for the study described in subdivision 3. The appropriation is available the day following final enactment and is available until December 31, 2003.

Subd. 2. [LABOR-MANAGEMENT COMMITTEE.] (a) Eligible statewide affiliates of exclusive representatives of eligible employees, as defined in paragraph (f), with at least 1,500 members statewide are entitled to appoint members to serve on the labor-management health insurance study committee, provided that the total number of such members must be five. These five board positions must be allocated among statewide affiliates proportionally based upon the relative numbers of eligible employees whom they represent.

(b) The Minnesota school boards association is entitled to appoint five members representing eligible employers as defined in paragraph (f).

(c) All appointments must be made no later than 30 days after final enactment of this section.

(d) The committee expires upon completion of the study described in subdivision 3.

(e) The committee may contract to receive services from a state agency or any other entity.

(f) For purposes of this section:

(1) "eligible employee" means a person who is insurance eligible and is employed by an eligible employer, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); and

(2) "eligible employer" means a school district as defined in section 120A.05, a service cooperative as defined in section 123A.21, an intermediate district as defined in section 136D.01, a cooperative center for vocational education as defined in section 123A.22, a regional management information center as defined in section 123A.23, an education unit organized under section 471.59, or an exclusive representative of employees of an eligible employer or statewide affiliate.

Subd. 3. [DESCRIPTION OF STUDY.] (a) The labor-management health insurance study committee created under subdivision 2 must study the feasibility and desirability of a school employee health insurance plan for the eligible employees of eligible employers. The school employee health insurance plan study must address the issues of costs, coverage provided, financial feasibility and solvency, and management. The study must compare:

(1) purchase of fully insured coverage through a pooling arrangement;

(2) use of a multiple employer welfare arrangement under Minnesota Statutes, chapter 62H; and

(3) coverage otherwise available to school districts through existing sources.

The study must consider health insurance pools of various sizes, including a pool that would include all eligible employers as one option. The study must consider the desirability and effects of the pool on eligible employers of various sizes, financial resources, and geographic locations within the state. The study must include development of a plan, based upon the findings of the study.

(b) The committee must provide, in compliance with Minnesota Statutes, sections 3.195, subdivision 1; and 3.197, a preliminary written report of the study to the legislature no later than December 31, 2002, and a final written report no later than December 31, 2003.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to school employees; providing for a study of the feasibility of a school employee health insurance plan; appropriating money."

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:

S. F. No. 2960, A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 2, after line 8, insert:

"Sec. 2. [624.222] [FIREWORKS; LIMITED PERSONAL USE; AUTHORIZATION.]

Subdivision 1. [LIMITED PERSONAL USE OF FIREWORKS.] Notwithstanding sections 624.20 to 624.25, 1.4G fireworks may be used or ignited from July 1 to July 7 and December 25 to January 2 of each year for personal use only. A seller at retail may offer for sale, advertise, or sell at retail 1.4G fireworks, as defined in Code of Federal Regulations, title 49, for personal use from May 1 to July 15 and December 1 to January 2 of each year. Personal use of fireworks is not permitted on public property. Anyone selling 1.4G fireworks under authority of this section must post in a conspicuous location the following warning in block letters not less than one inch in height: "FIREWORKS PURCHASED FOR PERSONAL USE UNDER MINNESOTA STATUTES, SECTION 624.222, MAY BE USED OR IGNITED ONLY JULY 1 TO JULY 7 AND DECEMBER 25 TO JANUARY 2." A seller at retail of 1.4G fireworks shall require each purchaser of 1.4G fireworks for limited personal use to complete an application stating that:

- (1) the purchaser is 18 years of age or older verified by a photograph identification;
- (2) the purchaser has received a copy of fireworks use safety information;
- (3) the purchaser agrees to use the 1.4G fireworks in Minnesota only from July 1 to July 7 and December 25 to January 2; and
- (4) the purchaser agrees to supervise and be responsible for any use of 1.4G fireworks.

Subd. 2. [LICENSING OF SALES FACILITIES.] 1.4G fireworks shall be sold only from facilities that are licensed by the state fire marshal and that meet the following criteria:

- (1) the facility must be limited in size to 5,000 square feet of selling area to which the public may be admitted;

(2) aisles in the facility shall be a minimum of four feet wide, and they shall be kept free and unobstructed at all times;

(3) there must be one exit door for every 1,000 square feet of selling space to which the public may be admitted, with a minimum of three emergency exit doors in the facility;

(4) the exit doors shall be metal and shall be equipped with push-panic locks;

(5) exit doors shall be clearly marked with lighted exit signs with battery backups;

(6) the facility must be a stand-alone building;

(7) the facility shall be equipped with an adequate number of smoke detectors in both the retail and storage areas for which smoke detectors shall be inspected and tested annually prior to the opening of the facility;

(8) storage areas shall be separated from areas to which the public may be admitted by appropriately rated fire separation walls;

(9) the facility shall be located no closer than 50 feet from any facility selling or dispensing gasoline, propane, or other such flammable products;

(10) portable fire extinguishing equipment shall be located in the premises at all times, with one such fire extinguisher located every 75 feet of travel space. The fire extinguishers shall be inspected and certified annually prior to the opening of the facility;

(11) no 1.4G fireworks sales facility shall be located within 250 feet of another 1.4G fireworks sales facility, with priority being given on a first-come basis; and

(12) a fireworks facility may be used for sale of other merchandise during days when fireworks sales are not allowed if all fireworks have been removed from the premises.

Subd. 3. [LICENSE APPLICATIONS; FEES.] Applications for licenses to sell 1.4G fireworks shall be submitted to the state fire marshal by January 15 of each year on forms prescribed and provided by the state fire marshal. Licenses shall be issued no later than March 1 of each year. The license application shall be accompanied by an annual license fee of \$5,000. The fire marshal shall deposit the fee in the general fund. There shall be an inspection of the facility within one month prior to July 4 to ensure that all rules are followed. No license may be issued to any convicted felons or to entities where a convicted felon owns five percent or more of the equity.

Subd. 4. [OPERATIONAL REQUIREMENTS.] The 1.4G fireworks sales facility shall be exclusively dedicated to the sale of 1.4G fireworks and related items, and the facility shall operate in accordance with the following rules:

(1) there must be certified security personnel on the premises for the seven days preceding and including July 4 and for the three days preceding and including December 31;

(2) no smoking may be permitted in the facility;

(3) no cigarettes or tobacco products, matches, lighters, or any other flame-producing devices may be permitted in the facility;

(4) no minors may be permitted in the facility unless accompanied by an adult, and the minors must stay with the adult in the facility;

(5) all 1.4G fireworks sold in the facility must comply with United States Consumer Product Safety Commission standards;

- (6) all facilities must carry at least \$2,000,000 in personal and product liability insurance;
- (7) all licensees must attend at least six hours of training per year, the training to be given by the state fire marshal in the area of operational safety;
- (8) no 1.3G, commercial, Class B fireworks shall be stored or located at the facility;
- (9) no person under the influence of intoxicating liquor or drugs may be admitted to the facility and no liquor, beer, or wine may be permitted in the facility;
- (10) no fireworks may be ignited within 300 feet of a licensed 1.4G fireworks sales facility;
- (11) there must be no sale of 1.4G fireworks from tents or temporary structures;
- (12) emergency evacuation plans must be conspicuously posted in appropriate locations within the facility; and
- (13) information on safe use of fireworks must be distributed to all purchasers.

Subd. 5. [EXEMPTION FOR NOVELTY ITEMS.] Sale of novelty items which include, but are not limited to, snake or glow worms, smoke devices, party poppers, snappers, drop pops, and sparklers are exempt from the licensing requirements specified in subdivisions 2 and 3 and the operational requirements specified in subdivision 4.

For purposes of this subdivision, "sparklers" means wire or wood sparklers or not more than 100 grams of pyrotechnic mixture per item; other sparkling devices which are nonexplosive and nonaerial, sometimes produce a crackling or whistling effect, and contain 75 grams or less of chemical compound per tube or a total of 200 grams or less for multiple tubes; snake and glow worms; and trick noisemakers which include paper streamers, party poppers, string poppers, and snappers, each consisting of 25/100 grains or less of explosive mixture.

Subd. 6. [FIREWORKS SAFETY GUIDELINES.] The state fire marshal shall disseminate information on 1.4G fireworks safety designed to ensure that personal use and ignition of 1.4G fireworks from July 1 to July 7 and December 25 to January 2 each year follows best fireworks safety practices.

Subd. 7. [PENALTY.] A person who uses or ignites any fireworks in violation of this section is guilty of a misdemeanor.

Subd. 8. [CONSUMER SURCHARGE.] (a) A seller of 1.4G consumer fireworks must pay to the commissioner of revenue a fee equal to \$1 on each retail sale of fireworks, other than novelty items.

(b) The retailer must pay the amount of the surcharge annually by September 15 for sales made during the 12-month period ending on the immediately preceding July 31. Payment must be made in a manner and on a return as prescribed by the commissioner of revenue.

(c) The commissioner of revenue shall deposit the surcharge in an account created in the state treasury. Money in the account is appropriated to the commissioner of public safety for the purpose of purchasing equipment for volunteer firefighters and emergency medical technicians in the state on the terms and subject to the conditions established by the commissioner.

Sec. 3. [APPROPRIATION.]

\$250,000 for fiscal year 2003 is appropriated from the general fund to the commissioner of public safety to administer section 2.

Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing limited personal use and sale of fireworks; regulating sale of fireworks; providing criminal penalties; imposing a surcharge; appropriating money;"

Page 1, line 5, delete "chapter 181" and insert "chapters 181; 624"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 289 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2674, 3114, 3298 and 2960 were read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2433, A bill for an act relating to crimes; defining the crimes of sexual conduct in third and fourth degrees to include persons who sexually penetrate vulnerable adults under certain circumstances and who are agents of special transportation service providers; prescribing penalties; amending Minnesota Statutes 2000, sections 609.341, by adding a subdivision; 609.349; Minnesota Statutes 2001 Supplement, sections 609.344, subdivision 1; 609.345, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Betzold, Berglin and Neuville.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Tuma moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2433. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3208, A bill for an act relating to public employment; modifying procedures for legislative approval or disapproval of collective bargaining agreements and arbitration awards; amending Minnesota Statutes 2000, section 3.855, subdivision 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Moe, R. D.; Orfield and Robertson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3208. 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

Holberg moved that the House refuse to concur in the Senate amendments to H. F. No. 2618, 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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dauids moved that the House concur in the Senate amendments to H. F. No. 1224 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, 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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

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

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 the Speaker.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 3379, A bill for an act relating to elections; changing certain provisions of the campaign finance and public disclosure law; amending Minnesota Statutes 2000, sections 10A.01, subdivision 35; 10A.02, subdivision 11; 10A.025, subdivisions 2, 4; 10A.03, subdivision 3; 10A.04, subdivisions 4, 5, 6; 10A.08; 10A.09, subdivision 7; 10A.11, subdivision 7; 10A.12, subdivision 6; 10A.13, subdivision 1; 10A.14, subdivision 4; 10A.15, subdivision 4; 10A.16; 10A.17, subdivision 5, by adding a subdivision; 10A.18; 10A.20, subdivision 12, by adding a subdivision; 10A.25, subdivision 10; 10A.255, subdivision 1; 10A.27, subdivisions 2, 9, 11, 13, by adding a subdivision; 10A.273, subdivisions 1, 4, 5; 10A.28, subdivisions 1, 2, 4, by adding a subdivision; 10A.29; 10A.322, subdivision 1; 10A.323; 356A.06, subdivision 4; Minnesota Statutes 2001 Supplement, section 10A.31, subdivision 7.

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

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2707, A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; extending the effective date for the surcharges; appropriating money; amending Minnesota Statutes 2001 Supplement, sections 357.18, subdivision 3; 508.82, subdivision 1; 508A.82, subdivision 1; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2001, First Special Session chapter 10, article 2, section 98; Laws 2001, First Special Session chapter 10, article 2, section 99.

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

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2963, A bill for an act relating to state government; transferring duties of the state treasurer to the commissioner of finance; amending Minnesota Statutes 2000, sections 7.26; 16A.27, subdivision 5; 16A.626; 35.08; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision 2; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 280.29; 293.06; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5;

385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; Minnesota Statutes 2001 Supplement, sections 35.09, subdivision 3; 122A.21; 276.11, subdivision 1; 299D.03, subdivision 5; repealing Minnesota Statutes 2000, section 7.21.

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

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 3054, A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 3379 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2707, 2963 and 3054 were read for the second time.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 3364.

H. F. No. 3364, A bill for an act relating to transportation; establishing major highway project account; authorizing bonding; exempting certain contracts from moratorium on state contracts for professional or technical services; appropriating money; amending Laws 2002, chapter 220, article 10, section 37; proposing coding for new law in Minnesota Statutes, chapter 161.

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 71 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Cassell	Dehler	Erhardt	Gerlach
Abrams	Boudreau	Clark, J.	Dempsey	Erickson	Goodno
Anderson, B.	Bradley	Daggett	Dorman	Finseth	Gunther
Bishop	Buesgens	Davids	Eastlund	Fuller	Haas

Hackbarth	Juhnke	Mares	Ozment	Seifert	Walz
Harder	Kielkucki	McElroy	Paulsen	Smith	Westerberg
Holberg	Knoblach	Molnau	Pawlenty	Stang	Westrom
Holsten	Krinkie	Mulder	Penas	Swenson	Wilkin
Howes	Kuisle	Ness	Rhodes	Sykora	Wolf
Jacobson	Leppik	Nornes	Rifenberg	Tingelstad	Workman
Johnson, J.	Lindner	Olson	Ruth	Tuma	Spk. Sviggum
Jordan	Lipman	Osskopp	Seagren	Vandevveer	

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

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, immediately following the remaining bills on the Calendar for the Day, for Tuesday, March 26, 2002:

S. F. Nos. 2988, 2533, 2989 and 3238.

CALENDAR FOR THE DAY

S. F. No. 2908, as amended, was reported to the House.

Pawlenty moved that S. F. No. 2908, as amended, be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2542, A bill for an act relating to business organizations; regulating business corporations, nonprofit corporations, and limited liability companies; providing legal recognition of electronic records and signatures; regulating meetings by means of remote communications and dissolutions and terminations; regulating use of names by successor corporations; regulating investment company authority to issue shares; defining terms; making technical and conforming changes; providing for mergers and acquisitions by business corporations; amending Minnesota Statutes 2000, sections 302A.011, subdivisions 17, 21, 31, 38, 50, by adding subdivisions; 302A.115, subdivision 5; 302A.135, by adding a subdivision; 302A.231; 302A.239, subdivisions 1, 2; 302A.431, subdivision 3; 302A.433, subdivision 3; 302A.436; 302A.441; 302A.449, subdivision 1; 302A.471, subdivision 1; 302A.621, subdivisions 1, 2, 3, 4; 302A.673, subdivision 1; 302A.734; 303.11; 317A.011, by adding subdivisions; 317A.231; 317A.239,

subdivisions 1, 2; 317A.431, subdivision 3; 317A.433, subdivision 3; 317A.445; 317A.453, subdivision 1; 317A.733, subdivisions 3, 4; 322A.03; 322B.03, subdivisions 36a, 45a, by adding subdivisions; 322B.12, subdivision 4; 322B.333, subdivision 3; 322B.336, subdivision 3; 322B.343; 322B.35, subdivisions 1, 2; 322B.363, subdivision 1; 322B.643; 322B.656, subdivisions 1, 2; 322B.826; 323A.11-02; 333.055, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 302A; 317A; 322B; repealing Minnesota Statutes 2000, section 317A.449.

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

The bill was passed and its title agreed to.

S. F. No. 3322 was reported to the House.

Buesgens moved that S. F. No. 3322 be continued on the Calendar for the Day. The motion prevailed.

The Speaker called Goodno to the Chair.

H. F. No. 3350 was reported to the House.

Abeler moved that H. F. No. 3350 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2580 was reported to the House.

Tuma moved to amend S. F. No. 2580 as follows:

Page 3, after line 22, insert:

"Sec. 2. Minnesota Statutes 2001 Supplement, section 260B.007, subdivision 16, as amended by Laws 2002, chapter 220, article 6, section 10, is amended to read:

Subd. 16. [JUVENILE PETTY OFFENDER; JUVENILE PETTY OFFENSE.] (a) "Juvenile petty offense" includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult. ~~"Juvenile petty offense" also includes a habitual truant, as defined in section 260C.007, subdivision 19, unless a petition brought under chapter 260C states that an out-of-home placement is sought for the child.~~

(b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes an offense that would be a misdemeanor if committed by an adult.

(c) "Juvenile petty offense" does not include any of the following:

(1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242, 609.324, 609.563, 609.576, 609.66, 609.746, 609.748, 609.79, or 617.23;

(2) a major traffic offense or an adult court traffic offense, as described in section 260B.225;

(3) a misdemeanor-level offense committed by a child whom the juvenile court previously has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

(4) a misdemeanor-level offense committed by a child whom the juvenile court has found to have committed a misdemeanor-level juvenile petty offense on two or more prior occasions, unless the county attorney designates the child on the petition as a juvenile petty offender notwithstanding this prior record. As used in this clause, "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

(d) A child who commits a juvenile petty offense is a "juvenile petty offender."

Sec. 3. Minnesota Statutes 2001 Supplement, section 260C.141, subdivision 3, as amended by Laws 2002, chapter 220, article 6, section 11, is amended to read:

Subd. 3. [CHILD IN NEED OF PROTECTION OR SERVICES; HABITUAL TRUANT.] If there is a school attendance review board or county attorney mediation program operating in the child's school district, a petition alleging that a child is in need of protection or services as a habitual truant under section 260C.007, subdivision 6, clause (14), may not be filed until the applicable procedures under section 260A.06 or 260A.07 have been followed.

~~(b) A petition alleging that a child is in need of protection or services as a habitual truant under section 260C.007, subdivision 6, clause (14), must give notice that the petitioner is seeking an out-of-home placement of the child. If the petition does not state that an out-of-home placement is sought for the child, the matter must proceed as a juvenile petty offense action under chapter 260B.~~

Sec. 4. Minnesota Statutes 2000, section 260C.163, subdivision 3, as amended by Laws 2002, chapter 220, article 6, section 12, is amended to read:

Subd. 3. [APPOINTMENT OF COUNSEL.] (a) The child, parent, guardian or custodian has the right to effective assistance of counsel in connection with a proceeding in juvenile court.

(b) Except in proceedings where the sole basis for the petition is habitual truancy, if they the child, parent, guardian, or custodian desire counsel but are unable to employ it, the court shall appoint counsel to represent the child who is ten years of age or older or the parents or guardian in any case in which it feels that such an appointment is appropriate.

(c) In any proceeding where the sole basis for the petition is habitual truancy, the child, parent, guardian, and custodian do not have the right to appointment of a public defender or other counsel at public expense. However, before any out-of-home placement, including foster care or inpatient treatment, can be ordered, the court must appoint a public defender or other counsel at public expense in accordance with paragraph (b).

(d) Counsel for the child shall not also act as the child's guardian ad litem.

~~(d)~~ (e) In any proceeding where the subject of a petition for a child in need of protection or services is not represented by an attorney, the court shall determine the child's preferences regarding the proceedings, if the child is of suitable age to express a preference.

~~(e) A child, parent, guardian, or custodian is not entitled to counsel at public expense in a case involving a child alleged to be in need of protection or services as a habitual truant under section 260C.007, subdivision 6, clause (14); unless the petition states that an out-of-home placement is sought for the child."~~

Page 9, line 10, delete "1 to 5" and insert "1 and 5 to 8"

Page 9, line 11, after the period, insert "Sections 2 to 4 are effective July 1, 2002, except that the amendments to section 260C.163, subdivision 3, paragraphs (b) and (c) are not effective in the fourth judicial district until July 1, 2003."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2580, A bill for an act relating to crimes; providing that certain license revocation hearings do not give rise to an estoppel on any issues in criminal prosecutions; providing for jurisdiction over persons found to have caused a delinquent act or charged by a juvenile petition; making it child endangerment to permit a child to be present when a person possesses certain chemical substances used to manufacture controlled substances; prescribing penalties for persons who escape from electronic monitoring; amending Minnesota Statutes 2000, sections 169A.53, subdivision 3; 260B.193, subdivision 5; 609.378, subdivision 1; 609.485, subdivisions 3, 4; 634.20.

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 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dibble	Hilstrom	Larson	Osskopp	Smith
Abrams	Dorman	Hilty	Leighton	Osthoff	Solberg
Anderson, B.	Dorn	Holberg	Lenczewski	Otremba	Stang
Anderson, I.	Eastlund	Holsten	Leppik	Ozment	Swapinski
Bakk	Entenza	Howes	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	Penas	Tuma
Boudreau	Folliard	Johnson, J.	Mariani	Peterson	Vandever
Bradley	Fuller	Johnson, R.	Marko	Pugh	Wagenius
Buesgens	Gerlach	Johnson, S.	Marquart	Rhodes	Walker
Carlson	Gleason	Jordan	McElroy	Rifenberg	Walz
Cassell	Goodno	Juhnke	McGuire	Rukavina	Wasiluk
Clark, J.	Goodwin	Kahn	Milbert	Ruth	Westerberg
Clark, K.	Gray	Kalis	Molnau	Schumacher	Westrom
Daggett	Greiling	Kelliher	Mullery	Seagren	Wilkin
Davids	Gunther	Kielkucki	Murphy	Seifert	Winter
Davnie	Haas	Knoblach	Ness	Sertich	Wolf
Dawkins	Hackbarth	Koskinen	Nornes	Skoe	Workman
Dehler	Harder	Kubly	Olson	Skoglund	Spk. Sviggum
Dempsey	Hausman	Kuisle	Opatz	Slawik	

Those who voted in the negative were:

Krinkie Mulder

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

S. F. No. 2612 was reported to the House.

Knoblach moved that S. F. No. 2612 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3203 was reported to the House.

Kuisle and Molnau moved to amend H. F. No. 3203, the second engrossment, as follows:

Page 2, delete lines 6 and 7

Pages 65 to 75, delete article 2

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kuisle moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Page 35, line 1, delete "The advertisement" and insert "A classified advertisement in a print medium"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Mullery moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Page 51, after line 14, insert:

"Sec. 47. Minnesota Statutes 2000, section 169.974, subdivision 5, is amended to read:

Subd. 5. [DRIVING RULES.] (a) An operator of a motorcycle shall ride only upon a permanent and regular seat which is attached to the vehicle for that purpose. No other person shall ride on a motorcycle; except that passengers may ride upon a permanent and regular operator's seat if designed for two persons, or upon additional seats attached to the vehicle to the rear of the operator's seat, or in a sidecar attached to the vehicle; provided, however, that the operator of a motorcycle shall not carry passengers in a number in excess of the designed capacity of the motorcycle or sidecar attached to it. No passenger shall be carried in a position that will interfere with the safe operation of the motorcycle or the view of the operator.

(b) No person shall ride upon a motorcycle as a passenger unless, when sitting astride the seat, the person can reach the foot rests with both feet.

(c) No person, except passengers of sidecars or drivers and passengers of three-wheeled motorcycles, shall operate or ride upon a motorcycle except while sitting astride the seat, facing forward, with one leg on either side of the motorcycle.

(d) No person shall operate a motorcycle while carrying animals, packages, bundles, or other cargo which prevent the person from keeping both hands on the handlebars.

(e) No person shall operate a motorcycle between lanes of moving or stationary vehicles headed in the same direction, nor shall any person drive a motorcycle abreast of or overtake or pass another vehicle within the same traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(f) Motor vehicles including motorcycles are entitled to the full use of a traffic lane and no motor vehicle may be driven or operated in a manner so as to deprive a motorcycle of the full use of a traffic lane.

(g) A person operating a motorcycle upon a roadway must be granted the rights and is subject to the duties applicable to a motor vehicle as provided by law, except as to those provisions which by their nature can have no application.

(h) Paragraph (e) of this subdivision does not apply to police officers in the performance of their official duties.

(i) No person shall operate a motorcycle on a street or highway unless the headlight or headlights are lighted at all times the motorcycle is so operated.

(j) When parking on the right-of-way of a street or highway, the motorcycle must be parked completely within the parking spot, if marked. The front of the motorcycle should be pointed or angled toward the roadway as practicable and necessary to allow the operator (1) to view any traffic in both directions of the street or highway without having to move the motorcycle into a lane of traffic and without losing balance or control of the motorcycle and (2) to ride the motorcycle forward and directly into the roadway when sufficiently clear of traffic."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Mullery moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Page 11, after line 11, insert:

"Sec. 8. Minnesota Statutes 2000, section 168.123, subdivision 2, is amended to read:

Subd. 2. [DESIGN.] The commissioner of veterans affairs shall design the special plates, subject to the approval of the registrar, that satisfy the following requirements:

(a) For a Vietnam veteran who served after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "VIETNAM VET" and the letters "V" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(b) For a veteran stationed on the island of Oahu, Hawaii, or offshore, during the attack on Pearl Harbor on December 7, 1941, the special plates must bear the inscription "PEARL HARBOR SURVIVOR" and the letters "P" and "H" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(c) For a veteran who served during World War I or World War II, the special plates must bear the inscription "WORLD WAR VET" and:

(1) for a World War I veteran, the characters "W" and "I" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number; or

(2) for a World War II veteran, the characters "W" and "II" with the first character directly above the second character and both characters just preceding the first numeral of the special license plate number.

(d) For a veteran who served during the Korean Conflict, the special plates must bear the inscription "KOREAN VET" and the letters "K" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(e) For a combat wounded veteran who is a recipient of the purple heart medal, the special plates must bear the inscription "COMBAT WOUNDED VET" and inscribed with a facsimile of the official purple heart medal and the letters "c" over "w" with the first letter directly over the second letter just preceding the first numeral of the special license plate number.

(f) For a Persian Gulf war veteran, the special plates must bear the inscription "GULF WAR VET" and the letters "G" and "W" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number. For the purposes of this section, "Persian Gulf war veteran" means a

person who served on active duty after August 1, 1990, in a branch of the armed forces of the United States or United Nations during Operation Desert Shield, Operation Desert Storm, or other military operation in the Persian Gulf area combat zone as designated in United States Presidential Executive Order No. 12744, dated January 21, 1991.

(g) For a veteran who served in the Laos War after July 1, 1961, and before July 1, 1978, the special plates must bear the inscription "LAOS WAR VET" and the letters "L" and "V" with the first letter directly above the second letter and both letters just preceding the first numeral of the special license plate number.

(h) For any other veteran, as defined in section 197.447, the special plates must bear the inscription "PROUD TO BE A VETERAN" on the bottom of the plate, and the flag of the United States of America on the left side of the plate just preceding the first letter or numeral of the special license plate number. The registrar must determine both the actual costs and fees paid for the plates, and must pay the fees into the state treasury to be credited as follows:

- (1) a sum equal to the cost of the plates must be credited to the highway user tax distribution fund; and
- (2) any remainder must be credited to the World War II memorial donation match account.

Sec. 9. [168.1255] [SPECIAL PATRIOT LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] The registrar shall issue special patriot license plates to an applicant who:

- (1) is an owner or joint owner of a passenger automobile, pickup truck, or van;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter; and
- (5) complies with laws and rules governing registration and licensing of vehicles and drivers.

Subd. 2. [DESIGN.] The special patriot plates must bear the inscription "PROUD TO BE AN AMERICAN" on the bottom of the plate, and the flag of the United States of America on the left side of the plate just preceding the first letter or numeral of the special license plate number. The special license plates must be of a design and size to be determined by the registrar.

Subd. 3. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, pickup truck, or van owned or jointly owned by the person to whom the special plates were issued.

Subd. 4. [FEES CREDITED.] The registrar must determine both the actual costs and fees paid for the special plates, and must pay the fees into the state treasury to be credited as follows:

- (1) a sum equal to the cost of the plates must be credited to the highway user tax distribution fund; and
- (2) any remainder must be credited to the state World War II memorial fund.

Subd. 5. [RECORD.] The registrar shall maintain a record of the number of special plates issued under this section."

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 Mullery amendment and the roll was called. There were 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hausman	Johnson, S.	Lieder	Osthoff	Wolf
Jaros	Kahn	McGuire	Rukavina	

The motion prevailed and the amendment was adopted.

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

The Speaker called Abrams to the Chair.

Kuisle, Rukavina and Molnau moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Page 75, after line 29, insert:

"ARTICLE 3

COMMERCIAL VEHICLE ENFORCEMENT

Section 1. Minnesota Statutes 2000, section 168.011, subdivision 17, is amended to read:

Subd. 17. [FARM TRUCK.] (a) "Farm truck" means all single unit trucks, truck-tractors, tractors, semitrailers, and trailers used by the owner thereof to transport agricultural, horticultural, dairy, and other farm products, including livestock, produced or finished by the owner of the truck, and any other personal property owned by the

farmer to whom the license for the truck is issued, from the farm to market, and to transport property and supplies to the farm of the owner. Trucks, truck-tractors, tractors, semitrailers, and trailers registered as "farm trucks" may be used by the owner thereof to occasionally transport unprocessed and raw farm products, not produced by the owner of the truck, from the place of production to market when the transportation constitutes the first haul of the products, and may be used by the owner thereof, either farmer or logger who harvests and hauls forest products only, to transport logs, pulpwood, lumber, chips, railroad ties and other raw and unfinished forest products from the place of production to an intermediate or final assembly point or transfer yard or railhead ~~when the transportation constitutes, which transportation may be continued by another farm truck to a place for final processing or manufacture~~ located within 200 miles of the place of production and all of which is deemed to constitute the first haul thereof, of unfinished wood products; provided that the owner and operator of the vehicle transporting planed lumber shall have in immediate possession a statement signed by the producer of the lumber designating the governmental subdivision, section, and township where the lumber was produced and that this haul, indicating the date, is the first haul thereof. The licensed vehicles may also be used by the owner thereof to transport, to and from timber-harvesting areas, equipment and appurtenances incidental to timber harvesting, and gravel and other road-building materials for timber haul roads.

(b) "Farm trucks" shall also include only single unit trucks, ~~which that~~, because of their construction, cannot be used for any other purpose and are used exclusively to transport milk and cream en route from a farm to an assembly point or place for final manufacture, and for transporting milk and cream from an assembly point to a place for final processing or manufacture. This section shall not be construed to mean that the owner or operator of the truck cannot carry on usual accommodation services for patrons on regular return trips, such as butter, cream, cheese, and other dairy supplies.

Sec. 2. Minnesota Statutes 2000, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHT FORBIDDEN.] (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry thereon, the sum of which shall constitute the gross weight upon which the license tax shall be paid, but in no case shall the declared gross weight upon which the tax is paid be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of ~~no~~ a motor vehicle, trailer, or semitrailer shall not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater; provided that, a vehicle transporting unfinished forest products in accordance with paragraph (d)(3) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid shall be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates shall be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, shall be guilty of a misdemeanor and be subject to increased registration or reregistration according to the following schedule:

(1) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it is registered by more than ~~four percent or 1,000 pounds, whichever is greater;~~ the allowance set forth in paragraph (b) but less than 25 percent or for operating or using a motor vehicle,

trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by more than ~~four percent or 1,000 pounds, whichever is greater~~, the allowance set forth in paragraph (b) but less than 25 percent, in addition to any penalty imposed for the misdemeanor shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying, the increase computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under section 169.825, that additional amount shall nevertheless be paid into the highway fund, but the additional tax thus paid shall not permit the vehicle to be operated with a gross weight in excess of the maximum legal weight as provided by section 169.825. Unless the owner within 30 days after a conviction shall apply to increase the authorized weight and pay the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) The owner or driver or user of a motor vehicle, trailer, or semitrailer upon conviction for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more, or for operating or using a vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in section 169.825 by 25 percent or more, in addition to any penalty imposed for the misdemeanor, shall have the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity canceled by the registrar, or if the vehicle is not being operated under reciprocity, the certificate of registration on the vehicle operated shall be canceled by the registrar and the registrar shall demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (ii) ~~the first, continuous or noncontinuous~~ transportation of unfinished forest products from the place of production to the place of first unloading final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to provisions of this section, the vehicle shall not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee shall be the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 shall be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state.

Sec. 3. Minnesota Statutes 2000, section 169.771, subdivision 2, is amended to read:

Subd. 2. [INSPECTION BY STATE TROOPER.] (a) The commissioner of public safety is directed to accelerate spot check inspections for unsafe motor vehicles and motor vehicle equipment. Such inspections shall be conducted by the personnel of the state patrol who shall give the operator of a commercial motor vehicle a signed and dated document as evidence of the inspection.

(b) However, personnel of the state patrol may not conduct another spot inspection of a commercial motor vehicle if (1) the operator of the vehicle can show evidence of an inspection, which is free of critical defects, conducted in Minnesota according to this section or section 169.781 within the previous 90 days and (2) a state trooper does not have probable cause to believe the vehicle or its equipment is unsafe or that the operator has engaged in illegal activity. In addition, if the operator shows the state trooper evidence that the commercial motor vehicle has been

inspected within the previous 90 days, but the officer has probable cause to believe the vehicle or its equipment is unsafe or to suspect illegal activity, then the vehicle may be inspected to confirm the existence or absence of an unsafe condition or of the suspected illegal activity.

Sec. 4. Minnesota Statutes 2000, section 169.771, subdivision 3, is amended to read:

Subd. 3. [RULES.] The commissioner of public safety may establish such reasonable rules as are necessary to carry out the provisions of this section, but all spot check inspections shall be held in compliance with subdivision 2 and in such a manner that the motor vehicle operators, either private or commercial, shall not be unnecessarily inconvenienced either by extended detours, unnecessary delays, or any other unreasonable cause.

Sec. 5. Minnesota Statutes 2000, section 169.85, subdivision 1, is amended to read:

Subdivision 1. [DRIVER TO STOP FOR WEIGHING.] (a) The driver of a vehicle ~~which~~ that has been lawfully stopped may be required by an officer to submit the vehicle and load to a weighing by means of portable or stationary scales; ~~and~~.

(b) In addition, the officer may require that the vehicle be driven to the nearest available scales, but only if:

(1) the distance to the scales is no further than five miles, or if the distance from the point where the vehicle is stopped to the vehicle's destination is not increased by more than ten miles as a result of proceeding to the nearest available scales; and

(2) if the vehicle is a commercial motor vehicle, no more than two other commercial motor vehicles are waiting to be inspected at the scale.

(c) Official traffic control devices as authorized by section 169.06 may be used to direct the driver to the nearest scale.

(d) When a truck weight enforcement operation is conducted by means of portable or stationary scales and signs giving notice of the operation are posted within the highway right-of-way and adjacent to the roadway within two miles of the operation, the driver of a truck or combination of vehicles registered for or weighing in excess of 12,000 pounds shall proceed to the scale site and submit the vehicle to weighing and inspection.

Sec. 6. Minnesota Statutes 2000, section 169.85, subdivision 2, is amended to read:

Subd. 2. [UNLOADING.] (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or 169.825, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that ~~(a)~~ (1) on routes subject to the provisions of section 169.825, the weight on an axle exceeds the lawful gross weight prescribed by section 169.825, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by section 169.825, by 4,000 pounds or more; or ~~(b)~~ (2) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by section 169.825; or ~~(c)~~ (3) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), then the driver is not required to unload under paragraph (b).

Sec. 7. Minnesota Statutes 2000, section 169.851, subdivision 3, is amended to read:

Subd. 3. [FIRST HAUL.] "~~First haul~~" ~~means the first, continuous transportation from the place of production or on farm storage site to any other location within 50 miles of the place of production or on farm storage site~~ has the meaning given it in section 168.013, subdivision 3, paragraph (d)(3).

Sec. 8. Minnesota Statutes 2000, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS TO TRUNK HIGHWAY FUND.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.825, subdivision 11, paragraph (a), clause (3);

(4) special pulpwood vehicles described in section 169.863; and

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of section 169.825, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that

paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0 - 2,000	.12	.05	.04
2,001 - 4,000	.14	.06	.05
4,001 - 6,000	.18	.07	.06
6,001 - 8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.825, subdivision 14, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

Sec. 9. [NORTHERN ZONE LOAD RESTRICTION STUDY.]

The commissioner of transportation shall conduct a study of load restrictions and seasonal load increases in the northern zone of Minnesota and make recommendations regarding the establishment of one or more new zones given the varying climate in the northern area of the state. The commissioner shall report findings back to the committees of the senate and house of representatives with jurisdiction over transportation policy by December 15, 2002.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kuisle et al amendment and the roll was called. There were 107 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Davids	Erickson	Gray	Holberg
Abrams	Bradley	Dehler	Finseth	Gunther	Holsten
Anderson, B.	Buesgens	Dempsey	Folliard	Haas	Howes
Anderson, I.	Carlson	Dorman	Fuller	Hackbarth	Huntley
Bakk	Cassell	Dorn	Gerlach	Harder	Jacobson
Bishop	Clark, J.	Eastlund	Gleason	Hilstrom	Jaros
Blaine	Daggett	Erhardt	Goodno	Hilty	Johnson, J.

Johnson, R.	Lieder	Murphy	Pelowski	Sertich	Tuma
Jordan	Lindner	Ness	Penas	Skoe	Vanderveer
Juhnke	Lipman	Nornes	Peterson	Slawik	Walz
Kalis	Mahoney	Olson	Pugh	Smith	Wasiluk
Kielkucki	Mares	Opatz	Rhodes	Solberg	Westrom
Knoblach	Mariani	Osskopp	Rifenberg	Stang	Wilkin
Kubly	Marko	Osthoff	Rukavina	Swapinski	Winter
Kuisle	Marquart	Otremba	Ruth	Swenson	Wolf
Larson	McElroy	Ozment	Schumacher	Sykora	Workman
Leighton	Milbert	Paulsen	Seagren	Thompson	Spk. Sviggum
Leppik	Molnau	Pawlenty	Seifert	Tingelstad	

Those who voted in the negative were:

Bernardy	Dibble	Hausman	Koskinen	Mullery
Biernat	Entenza	Jennings	Krinkie	Paymar
Clark, K.	Evans	Johnson, S.	Lenczewski	Skoglund
Davnie	Goodwin	Kahn	McGuire	Wagenius
Dawkins	Greiling	Kelliher	Mulder	Walker

The motion prevailed and the amendment was adopted.

Workman moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Page 75, after line 5, insert:

"Sec. 21. Minnesota Statutes 2000, section 169.06, is amended by adding a subdivision to read:

Subd. 9. [AFFIRMATIVE DEFENSE RELATING TO UNCHANGING TRAFFIC CONTROL SIGNAL.] (a) A person operating a motorcycle or bicycle who violates subdivision 4 by entering or crossing an intersection controlled by a traffic-control signal against a red light has an affirmative defense to that charge if the person establishes all of the following conditions:

(1) the motorcycle or bicycle has been brought to a complete stop;

(2) the traffic control signal continues to show a red light for an unreasonable time;

(3) the traffic control signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle or bicycle; and

(4) no motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

(b) The affirmative defense in this subdivision applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Evans, Biernat and Wagenius offered an amendment to H. F. No. 3203, the second engrossment, as amended.

Kuisle requested a division of the Evans et al amendment to H. F. No. 3203, the second engrossment, as amended.

The first portion of the Evans et al amendment to H. F. No. 3203, the second engrossment, as amended, reads as follows:

Page 2, after line 7, insert:

"Section 1. [123B.885] [DIESEL SCHOOL BUSES; OPERATION OF ENGINE.]

Subdivision 1. [OPERATION OF ENGINE.] No person shall cause or permit the operation of the engine of a diesel school bus while the bus is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply in the case of a bus stalled in traffic or in inclement weather conditions where engine power is required to serve an associated power need other than movement for passenger or driver safety and substitute alternate power means are not available.

[EFFECTIVE DATE.] This section is effective July 1, 2003."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Wagenius moved to amend the first portion of the Evans et al amendment to H. F. No. 3203, the second engrossment, as amended, as follows:

Page 1, line 11, after "required" insert a period and delete the remainder of the line

Page 1, delete lines 12 and 13

A roll call was requested and properly seconded.

The question was taken on the Wagenius amendment to the first portion of the Evans et al amendment and the roll was called. There were 121 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Lipman	Mullery	Paulsen	Schumacher	Swenson	Westrom
Mahoney	Murphy	Pawlenty	Seagren	Sykora	Wilkin
Mares	Ness	Paymar	Seifert	Thompson	Winter
Mariani	Nornes	Pelowski	Sertich	Tingelstad	Wolf
Marko	Olson	Penas	Skoglund	Tuma	Workman
Marquart	Opatz	Peterson	Slawik	Vandever	
McElroy	Osskopp	Pugh	Smith	Wagenius	
McGuire	Osthoff	Rhodes	Solberg	Walker	
Milbert	Otremba	Rifenberg	Stang	Walz	
Molnau	Ozment	Ruth	Swapinski	Wasiluk	

Those who voted in the negative were:

Buesgens	Haas	Knoblach	Lieder	Rukavina	Spk. Sviggum
Gunther	Kielkucki	Krinkie	Mulder	Skoe	

The motion prevailed and the Wagenius amendment to the first portion of the Evans et al amendment was adopted.

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

Dawkins was excused between the hours of 1:35 p.m. and 2:40 p.m.

Kuisle withdrew his request for division on the Evans et al amendment to H. F. No. 3203, the second engrossment, as amended.

POINT OF ORDER

Kuisle raised a point of order pursuant to rule 3.21 that the Evans et al amendment, as amended, was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the Evans et al amendment, as amended, out of order.

Evans appealed the decision of Speaker pro tempore Abrams.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Kuisle moved to lay the Evans appeal of the decision of Speaker pro tempore Abrams on the table.

A roll call was requested and properly seconded.

The question was taken on the Kuisle motion and the roll was called. There were 68 yeas and 62 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the appeal of the decision of Speaker pro tempore Abrams was laid on the table.

Clark, J.; Molnau and Lieder moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Page 65, after line 12, insert:

"Sec. 60. [EXEMPTION FROM MATCHING REQUIREMENT.]

All money received under Public Law Number 107-71, the Aviation and Transportation Security Act, is exempt from the matching requirements of Minnesota Statutes, section 360.305, subdivision 4."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kahn, Skoglund, Krinkie, Jaros, Bishop and Biernat moved to amend H. F. No. 3203, the second engrossment, as amended, as follows:

Pages 54 and 55, delete section 50

ReNUMBER the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3203, A bill for an act relating to public safety; modifying vehicle registration provisions; regulating certain motor vehicle dealer transactions; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles and requiring a study; allowing certain transactions with department of public safety to be conducted electronically; setting vehicle title fees; modifying bicycle registration provisions; modifying certain traffic regulations; requiring proof of legal presence in this country to obtain driver's license, permit, or identification card; modifying certain license plate display requirements; authorizing special veteran and patriot license plates; modifying commercial driver's license exemption for snowplow drivers; providing for driver's license to be issued to legally emancipated minor; modifying commercial driver's license provisions to conform to federal law; exempting certain funds from matching requirements; authorizing rules; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivisions 4, 17, 34; 168.013, subdivision 3; 168.09, subdivisions 1, 3; 168.10, subdivision 1c; 168.123, subdivision 2; 168.27, as amended; 168.31, subdivision 4; 168.33, subdivision 6, by adding a subdivision; 168A.01, subdivisions 2, 24, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 5a; 168A.09, subdivision 1; 168A.11, subdivision 2; 168A.12, subdivisions 1, 2; 168A.154; 168A.18; 168A.19, subdivision 2; 168A.20, subdivisions 2, 3, 4; 168A.24, subdivision 1; 168A.29, subdivision 1; 168C.02, subdivisions 1, 5; 168C.03; 168C.04, subdivision 1; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; 168C.13, subdivision 1; 169.06, by adding a subdivision; 169.26, subdivision 1; 169.28, subdivision 1; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; 169.974, subdivision 5; 171.02, subdivisions 1, 5; 171.04, subdivision 1; 171.05, subdivision 2; 171.055, subdivision 1; 171.06, subdivisions 1, 3; 171.07, subdivision 3; 171.13, subdivision 2; 171.165; Minnesota Statutes 2001 Supplement, sections 168.012, subdivision 1; 169.781, subdivision 2; 169.79, subdivisions 3, 8, by adding a subdivision; 171.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 2000, sections 115A.908, subdivision 2; 171.30, subdivision 3; Minnesota Statutes 2001 Supplement, section 115A.908, 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 121 yeas and 8 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Dibble	McGuire	Osthoff	Skoglund
Krinkie	Milbert	Paymar	Wagenius

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

S. F. No. 2908, as amended, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Jordan, Pawlenty and Entenza moved to amend S. F. No. 2908, as amended, on Monday, March 25, 2002, as follows:

Page 6, after line 10, insert:

"(c) When a recipient directs the sender to remove the recipient's e-mail address, or addresses from the sender's mailing list, the sender may not sell, distribute, or otherwise provide the recipient's e-mail address, or addresses, specified by the recipient pursuant to this paragraph to any other person or entity. A recipient may recover \$500, or actual damages, whichever is greater, from a sender for a violation of this paragraph. This remedy is available against all senders communicating by e-mail to individuals residing in the state, regardless of the sender's location, pursuant to the procedures set forth for suit against residents of this state, as well as those for nonresidents under chapter 543."

A roll call was requested and properly seconded.

The question was taken on the Jordan et al amendment and the roll was called. There were 121 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Hilty	Jaros	Krinkie	Lipman	McGuire	Seifert
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The motion prevailed and the amendment was adopted.

Skoglund moved to amend S. F. No. 2908, as amended, as follows:

Page 3, line 16, delete "or"

Page 3, line 17, delete the period and insert "; or

(3) a law enforcement agency if the information appears to contain a pornographic work as defined in section 617.246."

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Penas	Ruth	Skoglund	Swenson	Wagenius	Wolf
Peterson	Schumacher	Slawik	Sykora	Walz	Workman
Pugh	Seagren	Smith	Thompson	Wasiluk	Spk. Sviggum
Rhodes	Seifert	Solberg	Tingelstad	Westrom	
Rifenberg	Sertich	Stang	Tuma	Wilkin	
Rukavina	Skoe	Swapinski	Vandev eer	Winter	

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 2908, as amended, as follows:

Page 6, after line 23, insert:

"Sec. 7. [AREA CODE LIST IN TELEPHONE DIRECTORIES.]

The public utilities commission shall amend its rules governing the content of telephone directories to require publishers of such directories to include a numerical listing of all area codes and a list of the state or country associated with each area code."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2908, A bill for an act relating to data privacy; regulating electronic mail solicitations; protecting privacy of Internet consumers; regulating use of information about Internet users; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 325F; 325M.

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 126 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Krinkie Lipman

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

H. F. No. 2719 was reported to the House.

Leppik moved to amend H. F. No. 2719, the third engrossment, as follows:

Page 1, line 21, after "indirectly" insert "for remuneration"

The motion prevailed and the amendment was adopted.

Leppik moved to amend H. F. No. 2719, the third engrossment, as amended, as follows:

Page 13, delete section 22 and insert:

"Sec. 22. [APPROPRIATION.]

\$30,000 is appropriated from the general fund in fiscal year 2003 to the commissioner of commerce for purposes of this act. The general fund base in fiscal year 2004 is \$21,000, and in fiscal year 2005 is \$22,000."

Re-number the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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.

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 81 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lenczewski	Paulsen	Swenson
Abrams	Dibble	Holberg	Leppik	Pawlenty	Sykora
Bakk	Dorman	Howes	Lieder	Pelowski	Thompson
Bernardy	Dorn	Jacobson	Mares	Penas	Tingelstad
Biernat	Eastlund	Jaros	Marquart	Rhodes	Tuma
Boudreau	Entenza	Johnson, J.	Molnau	Rukavina	Vandever
Bradley	Erhardt	Johnson, R.	Mulder	Ruth	Wagenius
Carlson	Evans	Jordan	Mullery	Schumacher	Westrom
Cassell	Finseth	Kahn	Murphy	Seagren	Wolf
Clark, K.	Gleason	Kalis	Ness	Seifert	Workman
Daggett	Goodno	Kelliher	Nornes	Skoe	Spk. Sviggum
Davids	Greiling	Knoblach	Opatz	Slawik	
Davnie	Gunther	Koskinen	Otremba	Smith	
Dawkins	Haas	Kuisle	Ozment	Stang	

Those who voted in the negative were:

Anderson, B.	Fuller	Holsten	Larson	Olson	Skoglund
Anderson, I.	Gerlach	Huntley	Leighton	Oskopp	Solberg
Blaine	Goodwin	Jennings	Lindner	Osthoff	Swapinski
Buesgens	Gray	Johnson, S.	Mahoney	Paymar	Walz
Clark, J.	Hackbarth	Juhnke	Mariani	Peterson	Wasiluk
Dehler	Hausman	Kielkucki	Marko	Pugh	Wilkin
Erickson	Hilstrom	Krinkie	McGuire	Rifenberg	Winter
Folliard	Hilty	Kubly	Milbert	Sertich	

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

S. F. No. 2949 was reported to the House.

Holberg moved that S. F. No. 2949 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3166 was reported to the House.

Abeler, Bradley and Goodno moved to amend H. F. No. 3166, the third engrossment, as follows:

Page 73, after line 13, insert:

"Sec. 9. Minnesota Statutes 2001 Supplement, section 256.01, subdivision 2, as amended by Laws 2002, chapter 220, article 15, section 4, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(a) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(b) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation;

(c) develop a quality control program or other monitoring program to review county performance and accuracy of benefit determinations;

(d) require county agencies to make an adjustment to the public assistance benefits issued to any individual consistent with federal law and regulation and state law and rule and to issue or recover benefits as appropriate;

(e) delay or deny payment of all or part of the state and federal share of benefits and administrative reimbursement according to the procedures set forth in section 256.017;

(f) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using appropriated funds; and

(g) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal assistance program services. The commissioner may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the programs.

(2) Inform county agencies, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs.

(3) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(4) Administer and supervise all noninstitutional service to handicapped persons, including those who are visually impaired, hearing impaired, or physically impaired or otherwise handicapped. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all

recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(7) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(8) Act as designated guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded. For children under the guardianship of the commissioner whose interests would be best served by adoptive placement, the commissioner may contract with a licensed child-placing agency or a Minnesota tribal social services agency to provide adoption services. A contract with a licensed child-placing agency must be designed to supplement existing county efforts and may not replace existing county programs, unless the replacement is agreed to by the county board and the appropriate exclusive bargaining representative or the commissioner has evidence that child placements of the county continue to be substantially below that of other counties. Funds encumbered and obligated under an agreement for a specific child shall remain available until the terms of the agreement are fulfilled or the agreement is terminated.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by county agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, rules, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed four years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The secretary of health and human services of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity.

(b) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) According to federal requirements, establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children program formerly codified in sections 256.72 to 256.87, medical assistance, or food stamp program in the following manner:

(a) One-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs. For the medical assistance and the AFDC program formerly codified in sections 256.72 to 256.87, disallowances shall be shared by each county board in the same proportion as that county's expenditures

for the sanctioned program are to the total of all counties' expenditures for the AFDC program formerly codified in sections 256.72 to 256.87, and medical assistance programs. For the food stamp program, sanctions shall be shared by each county board, with 50 percent of the sanction being distributed to each county in the same proportion as that county's administrative costs for food stamps are to the total of all food stamp administrative costs for all counties, and 50 percent of the sanctions being distributed to each county in the same proportion as that county's value of food stamp benefits issued are to the total of all benefits issued for all counties. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due.

(b) Notwithstanding the provisions of paragraph (a), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in paragraph (a), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to paragraph (a).

(15) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(16) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(17) Have the authority to establish and enforce the following county reporting requirements:

(a) The commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced.

(b) The county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner.

(c) If the required reports are not received by the deadlines established in clause (b), the commissioner may delay payments and withhold funds from the county board until the next reporting period. When the report is needed to account for the use of federal funds and the late report results in a reduction in federal funding, the commissioner shall withhold from the county boards with late reports an amount equal to the reduction in federal funding until full federal funding is received.

(d) A county board that submits reports that are late, illegible, incomplete, or not in the required format for two out of three consecutive reporting periods is considered noncompliant. When a county board is found to be noncompliant, the commissioner shall notify the county board of the reason the county board is considered noncompliant and request that the county board develop a corrective action plan stating how the county board plans to correct the problem. The corrective action plan must be submitted to the commissioner within 45 days after the date the county board received notice of noncompliance.

(e) The final deadline for fiscal reports or amendments to fiscal reports is one year after the date the report was originally due. If the commissioner does not receive a report by the final deadline, the county board forfeits the funding associated with the report for that reporting period and the county board must repay any funds associated with the report received for that reporting period.

(f) The commissioner may not delay payments, withhold funds, or require repayment under paragraph (c) or (e) if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements. If the county board disagrees with an action taken by the commissioner under paragraph (c) or (e), the county board may appeal the action according to sections 14.57 to 14.69.

(g) Counties subject to withholding of funds under paragraph (c) or forfeiture or repayment of funds under paragraph (e) shall not reduce or withhold benefits or services to clients to cover costs incurred due to actions taken by the commissioner under paragraph (c) or (e).

(18) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal fiscal disallowances or sanctions are based on a statewide random sample for the foster care program under title IV-E of the Social Security Act, United States Code, title 42, in direct proportion to each county's title IV-E foster care maintenance claim for that period.

(19) Be responsible for ensuring the detection, prevention, investigation, and resolution of fraudulent activities or behavior by applicants, recipients, and other participants in the human services programs administered by the department.

(20) Require county agencies to identify overpayments, establish claims, and utilize all available and cost-beneficial methodologies to collect and recover these overpayments in the human services programs administered by the department.

(21) Have the authority to administer a drug rebate program for drugs purchased pursuant to the prescription drug program established under section 256.955 after the beneficiary's satisfaction of any deductible established in the program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in section 256B.0625, subdivision 13. Rebate agreements for prescription drugs delivered on or after July 1, 2002, must include rebates for individuals covered under the prescription drug program who are under 65 years of age. For each drug, the amount of the rebate shall be equal to the basic rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8(c)(1). This basic rebate shall be applied to single-source and multiple-source drugs. The manufacturers must provide full payment within 30 days of receipt of the state invoice for the rebate within the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act. The manufacturers must provide the commissioner with any information necessary to verify the rebate determined per drug. The rebate program shall utilize the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act.

(22) Have the authority to administer the federal drug rebate program for drugs purchased under the medical assistance program as allowed by section 1927 of title XIX of the Social Security Act and according to the terms and conditions of section 1927. Rebates shall be collected for all drugs that have been dispensed or administered in an outpatient setting and that are from manufacturers who have signed a rebate agreement with the United States Department of Health and Human Services.

(23) Have the authority to administer a supplemental drug rebate program for drugs purchased under the medical assistance program and under the prescription drug program established in section 256.955. The commissioner may enter into supplemental rebate contracts with pharmaceutical manufacturers and may require prior authorization for drugs that are from manufacturers that have not signed a supplemental rebate contract. Prior authorization of drugs shall be subject to the provisions of section 256B.0625, subdivision 13, paragraph (b).

(24) Operate the department's communication systems account established in Laws 1993, First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared communication costs necessary for the operation of the programs the commissioner supervises. A communications account may also be established for each regional treatment center which operates communications systems. Each account must be used to manage shared communication costs necessary for the operations of the programs the commissioner supervises. The commissioner may distribute the costs of operating and maintaining communication systems to participants in a manner that reflects actual usage. Costs may include acquisition, licensing, insurance, maintenance, repair, staff time and other costs as determined by the commissioner. Nonprofit organizations and state, county, and local government agencies involved in the operation of programs the commissioner supervises may participate in the use of the department's communications technology and share in the cost of operation. The commissioner may accept on behalf of the state any gift, bequest, devise or personal property of any kind, or money tendered to the state for any lawful purpose pertaining to the communication activities of the department. Any money received for this purpose must be deposited in the department's communication systems accounts. Money collected by the commissioner for the use of communication systems must be deposited in the state communication systems account and is appropriated to the commissioner for purposes of this section.

(25) Receive any federal matching money that is made available through the medical assistance program for the consumer satisfaction survey. Any federal money received for the survey is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received for the consumer satisfaction survey in either year of the biennium.

(26) Incorporate cost reimbursement claims from First Call Minnesota and Greater Twin Cities United Way into the federal cost reimbursement claiming processes of the department according to federal law, rule, and regulations. Any reimbursement received is appropriated to the commissioner and shall be disbursed to First Call Minnesota and Greater Twin Cities United Way according to normal department payment schedules.

(27) Develop recommended standards for foster care homes that address the components of specialized therapeutic services to be provided by foster care homes with those services.

(28) Act as the designed state agent for carrying out responsibilities required under Title II of the federal Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. These responsibilities include:

- (a) coordinating statewide HIV/AIDS needs assessment activities;
- (b) developing the state's plan to meet identified health and support service needs of people living with HIV/AIDS;
- (c) administering federal funds designed to provide comprehensive health and support services to persons living with HIV/AIDS;
- (d) administering federal funds designated for the AIDS drug assistance program (ADAP);
- (e) collecting rebates from pharmaceutical manufacturers on drugs purchased with federal ADAP funds; and
- (f) utilizing ADAP rebate funds in accordance with guidelines of the federal Health Resources and Services Administration.

Rebates collected under this clause shall be deposited into the ADAP account in the special revenue fund and are appropriated to the commissioner for purposes of this clause."

ReNUMBER the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler, Mulder and Bradley moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 7, after line 24, insert:

"Sec. 5. Minnesota Statutes 2000, section 147B.02, subdivision 9, is amended to read:

Subd. 9. [RENEWAL.] (a) To renew a license an applicant must:

- (1) annually, or as determined by the board, complete a renewal application on a form provided by the board;
- (2) submit the renewal fee;
- ~~(3) provide evidence annually of one hour of continuing education in the subject of infection control, including blood borne pathogen diseases;~~
- ~~(4)~~ provide documentation of current and active NCCAOM certification; or
- ~~(5)~~ (4) if licensed under subdivision 5 or 6, meet the same NCCAOM professional development activity requirements as those licensed under subdivision 7.

(b) An applicant shall submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Pages 27 to 29, reinstate the stricken language and delete the new language

Pages 32 to 40, delete section 12

Pages 45 to 48, delete sections 19 to 21

Pages 58 to 59, delete section 27

Pages 132 to 133, delete section 5

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 129, line 8, before "The" insert "(a)"

Page 129, delete lines 19 and 20 and insert:

"(b) Notwithstanding Laws 2001, First Special Session, chapter 9, article 17, section 10, subdivision 3, the commissioner of human services may transfer deaf and hard of hearing grants to operations for purposes of paragraph (a)."

The motion prevailed and the amendment was adopted.

Sykora, Eastlund and Nornes moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 44, after line 31, insert:

"Sec. 18. [245A.151] [FIRE MARSHAL INSPECTION.]

When the requirements for licensure under this chapter require a fire marshal to inspect a facility for compliance with the Minnesota Uniform Fire Code under section 299F.011, a local fire code inspector may conduct the inspection. If a community does not have a local fire code inspector, a local fire code inspector from another community may conduct the inspection, who may charge an applicant or license holder a fee for the actual cost of the inspection not to exceed \$50 per inspection."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Skoglund moved to amend the Sykora et al amendment to H. F. No. 3166, the third engrossment, as amended, as follows:

Page 1, line 13, delete "\$50" and insert "\$25"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 59 yeas and 71 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Dempsey	Hackbarth	Lenczewski	Opatz	Swenson
Anderson, B.	Dorman	Harder	Leppik	Osskopp	Sykora
Bishop	Eastlund	Holberg	Lindner	Ozment	Tingelstad
Blaine	Erhardt	Holsten	Lipman	Paulsen	Tuma
Boudreau	Erickson	Howes	Mares	Penas	Walz
Bradley	Finseth	Jacobson	Marquart	Rhodes	Westrom
Buesgens	Fuller	Johnson, J.	McElroy	Rifenberg	Wilkin
Cassell	Gerlach	Jordan	Molnau	Ruth	Winter
Clark, J.	Goodno	Kielkucki	Mulder	Seagren	Wolf
Daggett	Gray	Knoblach	Ness	Seifert	Workman
Davids	Gunther	Krinkie	Nornes	Smith	Spk. Sviggum
Dehler	Haas	Kuise	Olson	Stang	

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

The Speaker called Abrams to the Chair.

The question recurred on the Sykora et al amendment and the roll was called. There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I.	Entenza	Jacobson	Larson	Murphy	Skoe
Bakk	Evans	Jaros	Leighton	Opatz	Skoglund
Bernardy	Folliard	Jennings	Lenczewski	Osthoff	Slawik
Biernat	Gleason	Johnson, R.	Lieder	Otremba	Solberg
Buesgens	Goodwin	Johnson, S.	Mahoney	Paymar	Swapinski
Carlson	Gray	Juhnke	Mariani	Pelowski	Thompson
Clark, K.	Greiling	Kahn	Marko	Peterson	Vandeveer
Davnie	Hausman	Kalis	Marquart	Pugh	Wagenius
Dawkins	Hilstrom	Kelliher	McGuire	Rukavina	Wasiluk
Dibble	Hilty	Koskinen	Milbert	Schumacher	Winter
Dorn	Huntly	Kubly	Mullery	Sertich	

The motion prevailed and the amendment was adopted.

Abler moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Pages 133 to 135, delete section 6

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Knoblach, Abeler, Opatz, Goodno and Schumacher moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 119, after line 4, insert:

"Sec. 32. Minnesota Statutes 2000, section 256B.431, is amended by adding a subdivision to read:

Subd. 37. [DESIGNATION OF AREAS TO RECEIVE METROPOLITAN RATES.] For rate years beginning on or after July 1, 2003, nursing facilities located in areas designated as metropolitan areas by the federal Office of Management and Budget using census bureau data shall be part of the metropolitan array for purposes of calculating a median, determining a historical base reimbursement rate, or otherwise establishing a statistical measure of nursing facility payment rates, in order to:

(1) determine future rate increases under this section, section 256B.434, or any other section; and

(2) establish nursing facility reimbursement rates for the new nursing facility reimbursement system developed under Laws 2001, First Special Session chapter 9, article 5, section 35."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Anderson, B.; Erickson; Holberg; Eastlund; Otremba; Gunther; Wilkin; Blaine; Knoblach; Marquart; Buesgens; Kielkucki; Seifert and Lindner moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 130, after line 19, insert:

"Sec. 2. Minnesota Statutes 2000, section 144.343, subdivision 1, is amended to read:

Subdivision 1. [MINOR'S CONSENT VALID.] Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required. This section does not preclude parents from having access to the medical records of their unemancipated minor children."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Folliard raised a point of order pursuant to rule 3.21 that the Anderson, B., et al amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," Speaker pro tempore Abrams submitted the following question to the House: "Is it the judgment of the House that the Folliard point of order is well taken?"

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Paulsen and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

The question was taken on the Folliard point of order and the roll was called. There were 52 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abrams	Dibble	Gray	Kahn	McGuire	Skoglund
Bakk	Dorman	Greiling	Kelliher	Milbert	Slawik
Bernardy	Dorn	Hausman	Koskinen	Mullery	Solberg
Biernat	Entenza	Hilstrom	Larson	Osthoff	Swapinski
Bishop	Erhardt	Hilty	Leighton	Paymar	Thompson
Carlson	Evans	Jaros	Leppik	Pugh	Wagenius
Clark, K.	Folliard	Jennings	Mahoney	Rhodes	Wasiluk
Davnie	Gleason	Johnson, R.	Mariani	Rukavina	
Dawkins	Goodwin	Johnson, S.	Marko	Sertich	

Those who voted in the negative were:

Abeler	Erickson	Johnson, J.	Marquart	Pelowski	Tuma
Anderson, B.	Finseth	Jordan	McElroy	Penas	Vandever
Anderson, I.	Fuller	Juhnke	Molnau	Peterson	Walz
Blaine	Gerlach	Kalis	Mulder	Rifenberg	Westrom
Boudreau	Goodno	Kielkucki	Murphy	Ruth	Wilkin
Bradley	Gunther	Knoblach	Ness	Schumacher	Winter
Buesgens	Haas	Krinkie	Nornes	Seagren	Wolf
Cassell	Hackbarth	Kubly	Olson	Seifert	Workman
Clark, J.	Harder	Kuisle	Opatz	Skoe	Spk. Sviggum
Daggett	Holberg	Lenczewski	Osskopp	Smith	
Davids	Holsten	Lieder	Otremba	Stang	
Dehler	Howes	Lindner	Ozment	Swenson	
Dempsey	Huntley	Lipman	Paulsen	Sykora	
Eastlund	Jacobson	Mares	Pawlenty	Tingelstad	

So it was the judgment of the House that the Folliard point of order was not well taken and the Anderson, B., et al amendment was in order.

The Speaker resumed the Chair.

The question recurred on the Anderson, B., et al amendment and the roll was called. There were 78 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Jacobson	Lindner	Ozment	Stang
Anderson, B.	Erickson	Jennings	Lipman	Paulsen	Swenson
Anderson, I.	Finseth	Johnson, J.	Mares	Pawlenty	Sykora
Blaine	Fuller	Jordan	Marquart	Pelowski	Tingelstad
Boudreau	Gerlach	Juhnke	Molnau	Penas	Tuma
Bradley	Goodno	Kalis	Mulder	Peterson	Vandever
Buesgens	Gunther	Kielkucki	Murphy	Rifenberg	Walz
Cassell	Haas	Knoblach	Ness	Ruth	Westrom
Clark, J.	Hackbarth	Krinkie	Nornes	Schumacher	Wilkin
Daggett	Harder	Kubly	Olson	Seagren	Winter
Davids	Holberg	Kuisle	Opatz	Seifert	Wolf
Dehler	Holsten	Lenczewski	Osskopp	Skoe	Workman
Dempsey	Howes	Lieder	Otremba	Smith	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dibble	Gray	Kahn	McElroy	Sertich
Bakk	Dorman	Greiling	Kelliher	McGuire	Skoglund
Bernardy	Dorn	Hausman	Koskinen	Milbert	Slawik
Biernat	Entenza	Hilstrom	Larson	Mullery	Solberg
Bishop	Erhardt	Hilty	Leighton	Osthoff	Swapinski
Carlson	Evans	Huntley	Leppik	Paymar	Thompson
Clark, K.	Folliard	Jaros	Mahoney	Pugh	Wagenius
Davnie	Gleason	Johnson, R.	Mariani	Rhodes	Wasiluk
Dawkins	Goodwin	Johnson, S.	Marko	Rukavina	

The motion prevailed and the amendment was adopted.

Abeler moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 129, line 20, delete "deaf-blind services" and insert "deaf and hard of hearing grants"

The motion prevailed and the amendment was adopted.

Rukavina, Swapinski and Huntley moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 122, after line 33, insert:

"Sec. 34. Minnesota Statutes 2001 Supplement, section 256B.437, is amended by adding a subdivision to read:

Subd. 9. [TRANSFER OF BEDS.] The board of commissioners of Saint Louis county may amend their planned closure rate adjustment application to allow up to 50 beds of a 159-licensed bed county-owned nursing facility that is in the process of closing to be transferred to a hospital-attached nursing facility in Aurora and up to 50 beds to a 235-bed nursing facility in Duluth, and may also assign all or a portion of the planned closure rate adjustment that would be received as a result of closure to the Aurora facility or the Duluth facility."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Johnson, R., moved to amend H. F. No. 3166, the third engrossment, as amended, as follows:

Page 119, after line 4, insert:

"Sec. 32. Minnesota Statutes 2001 Supplement, section 256B.431, is amended by adding a subdivision to read:

Subd. 37. [NURSING FACILITY RATE INCREASES BEGINNING JULY 1, 2002.] For the rate year beginning July 1, 2002, the commissioner shall provide to each nursing facility reimbursed under this section or section 256B.434 an adjustment equal to 2.5 percent of the total operating payment rate.

Sec. 33. Minnesota Statutes 2001 Supplement, section 256B.431, is amended by adding a subdivision to read:

Subd. 38. [NURSING FACILITY RATE INCREASES BEGINNING JULY 1, 2002.] (a) For the rate year beginning July 1, 2002, the money resulting from the rate adjustment under subdivision 37 must be used to increase the wages and benefits and pay associated costs of all employees except management fees, the administrator, and central office staff.

(b) Money received by a facility as a result of the rate adjustments provided in subdivision 37, which must be used as provided in paragraph (a), must be used only for wage and benefit increases implemented on or after July 1, 2002, and must not be used for wage increases implemented prior to those dates.

(c) Nursing facilities may apply for the portions of the rate adjustments under subdivision 37, which must be used as provided in paragraph (a). The application must be made to the commissioner and contain a plan by which the nursing facility will distribute to employees of the nursing facility the funds, which must be used as provided in paragraph (a). For nursing facilities in which the employees are represented by an exclusive bargaining representative, an agreement negotiated and agreed to by the employer and the exclusive bargaining representative

constitutes the plan. A negotiated agreement may constitute the plan only if the agreement is finalized after the date of enactment of all increases for the rate year. The commissioner shall review the plan to ensure that the rate adjustments are used as provided in paragraph (a). To be eligible, a facility must submit its plan for the wage and benefit distribution by December 31 each year. If a facility's plan for wage and benefit distribution is effective for its employees after July 1 of the year that the funds are available, the portion of the rate adjustments, which must be used as provided in paragraph (a), are effective the same date as its plan.

(d) A hospital-attached nursing facility may include costs in their distribution plan for wages and benefits and associated costs of employees in the organization's shared services departments, provided that:

(1) the nursing facility and the hospital share common ownership; and

(2) adjustments for hospital services using the diagnostic-related grouping payment rates per admission under Medicare are less than three percent during the 12 months prior to the effective date of these rate adjustments.

If a hospital-attached facility meets the qualifications in this paragraph, the difference between the rate adjustments approved for nursing facility services and the rate increase approved for hospital services may be permitted as a distribution in the hospital-attached facility's plan regardless of whether the use of those funds is shown as being attributable to employee hours worked in the nursing facility or employee hours worked in the hospital.

For the purposes of this paragraph, a hospital-attached nursing facility is one that meets the definition under subdivision 2j, or, in the case of a facility reimbursed under section 256B.434, met this definition at the time their last payment rate was established under Minnesota Rules, parts 9549.0010 to 9549.0080, and this section.

(e) A copy of the approved distribution plan must be made available to all employees by giving each employee a copy or by posting it in an area of the nursing facility to which all employees have access. If an employee does not receive the wage and benefit adjustment described in the facility's approved plan and is unable to resolve the problem with the facility's management or through the employee's union representative, the employee may contact the commissioner at an address or telephone number provided by the commissioner and included in the approved plan.

(f) Notwithstanding section 256B.48, subdivision 1, clause (a), upon the request of a nursing facility, the commissioner may authorize the facility to raise per diem rates for private-pay residents on July 1 by the amount anticipated to be required upon implementation of the rate adjustments allowable under subdivision 37. The commissioner shall require any amounts collected under this paragraph, which must be used as provided in paragraph (a), to be placed in an escrow account established for this purpose with a financial institution that provides deposit insurance until the medical assistance rate is finalized. The commissioner shall conduct audits as necessary to ensure that:

(1) the amounts collected are retained in escrow until medical assistance rates are increased to reflect the wage-related adjustment; and

(2) any amounts collected from private-pay residents in excess of the final medical assistance rate are repaid to the private-pay residents with interest at the rate used by the commissioner of revenue for the late payment of taxes and in effect on the date the distribution plan is approved by the commissioner of human services."

Page 130, after line 3, insert:

"Sec. 43. [PROVIDER RATE INCREASES.]

(a) For the rate year beginning July 1, 2002, the commissioner of human services shall increase reimbursement rates by 2.5 percent for the providers listed in paragraph (c). The increase is effective for services rendered on or after July 1.

(b) The 2.5 percent rate increase described in this section must be provided to:

(1) home and community-based waived services for persons with mental retardation or related conditions under Minnesota Statutes, section 256B.501;

(2) home and community-based waived services for the elderly under Minnesota Statutes, section 256B.0915;

(3) waived services under community alternatives for disabled individuals under Minnesota Statutes, section 256B.49;

(4) community alternative care waived services under Minnesota Statutes, section 256B.49;

(5) traumatic brain injury waived services under Minnesota Statutes, section 256B.49;

(6) nursing services and home health services under Minnesota Statutes, section 256B.0625, subdivision 6a;

(7) personal care services and nursing supervision of personal care services under Minnesota Statutes, section 256B.0625, subdivision 19a;

(8) private duty nursing services under Minnesota Statutes, section 256B.0625, subdivision 7;

(9) day training and habilitation services for adults with mental retardation or related conditions under Minnesota Statutes, sections 252.40 to 252.46;

(10) alternative care services under Minnesota Statutes, section 256B.0913;

(11) adult residential program grants under Minnesota Rules, parts 9535.2000 to 9535.3000;

(12) adult and family community support grants under Minnesota Rules, parts 9535.1700 to 9535.1760;

(13) the group residential housing supplementary service rate under Minnesota Statutes, section 256I.05, subdivision 1a;

(14) adult mental health integrated fund grants under Minnesota Statutes, section 245.4661;

(15) semi-independent living services under Minnesota Statutes, section 252.275, including SILS funding under county social services grants formerly funded under Minnesota Statutes, chapter 256I;

(16) community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication;

(17) living skills training programs for persons with intractable epilepsy who need assistance in the transition to independent living; and

(18) day training and habilitation services under Minnesota Statutes, chapter 256B.

(c) Providers that receive a rate increase under this section shall use the additional revenue for to increase wages and benefits and pay associated costs for all employees other than the administrator and central office staff. For public employees, the portion of this increase reserved to increase wages and benefits for certain staff is available and pay rates shall be increased only to the extent that they comply with laws governing public employees collective bargaining. Money received by a provider for pay increases under this section must be used only for increases implemented on or after the first day of the state fiscal year in which the increase is available and must not be used for increases implemented prior to that date.

(d) A copy of the provider's plan for complying with paragraph (c) must be made available to all employees by giving each employee a copy or by posting it in an area of the provider's operation to which all employees have access. If an employee does not receive the adjustment described in the plan and is unable to resolve the problem with the provider, the employee may contact the employee's union representative. If the employee is not covered by a collective bargaining agreement, the employee may contact the commissioner at a phone number provided by the commissioner and included in the provider's plan.

Sec. 44. [APPROPRIATION.]

\$30,000,000 is appropriated from the cash flow account for the purposes of sections 32, 33, and 43. This is a onetime appropriation."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Abeler moved that H. F. No. 3166, as amended, be continued on the Calendar for the Day. The motion prevailed.

There being no objection, the order of business reverted to Petitions and Communications.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 26, 2002

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

Dear Speaker Sviggum:

The purpose of this letter is to inform you that I am returning H. F. No. 2570, Chapter No. 283. I am vetoing the bill because it does not support consumers and consumer choice.

If the cost of auto glass replacement is the only consideration used to determine the local market price, several other cost factors that heavily impact small volume glass replacement operations will be ignored. If factors such as advertising and service costs are ignored, we will lose the small glass replacement operators. If the small operators are lost, glass replacement choices will be limited to those large operators with high volumes that have a more direct relationship with insurers. This will hurt the consumer by limiting flexibility and choice.

H. F. No. 2570 also fails to make a major improvement in the methods available to resolve disputed claims. Many small glass replacement operators have a significant number of disputed claims with insurers. H. F. No. 2570 does not remedy this situation.

Finally, no evidence exists that insurance premiums will decline if this bill is enacted into law.

Sincerely,

JESSE VENTURA
Governor

VETO OVERRIDE

Wolf moved that H. F. No. 2570, Chapter No. 283, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the Wolf motion to reconsider and repass H. F. No. 2570, Chapter No. 283, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota and the roll was called. There were 107 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Abrams	Dibble	Hilstrom	Leighton	Opatz	Skoglund
Anderson, I.	Dorman	Hilty	Lenczewski	Osskopp	Slawik
Bakk	Dorn	Holsten	Leppik	Otremba	Smith
Bernardy	Eastlund	Huntley	Lieder	Paulsen	Stang
Biernat	Entenza	Jacobson	Lindner	Pawlenty	Swenson
Bishop	Erhardt	Jennings	Lipman	Paymar	Sykora
Blaine	Evans	Johnson, J.	Mares	Pelowski	Thompson
Bradley	Finseth	Johnson, R.	Marko	Penas	Tingelstad
Buesgens	Folliard	Johnson, S.	Marquart	Pugh	Vandever
Carlson	Gerlach	Jordan	McElroy	Rhodes	Wagenius
Cassell	Gleason	Juhnke	McGuire	Rifenberg	Wasiluk
Clark, J.	Goodno	Kahn	Milbert	Rukavina	Westrom
Clark, K.	Gray	Kelliher	Molnau	Ruth	Wilkin
Daggett	Greiling	Knoblach	Mulder	Schumacher	Winter
Davids	Gunther	Koskinen	Mullery	Seagren	Wolf
Davnie	Haas	Kubly	Murphy	Seifert	Workman
Dehler	Harder	Kuisle	Ness	Sertich	Spk. Sviggum
Dempsey	Hausman	Larson	Nornes	Skoe	

Those who voted in the negative were:

Abeler	Erickson	Holberg	Kielkucki	Olson	Solberg
Anderson, B.	Fuller	Howes	Krinkie	Osthoff	Swapinski
Boudreau	Goodwin	Jaros	Mahoney	Ozment	Tuma
Dawkins	Hackbarth	Kalis	Mariani	Peterson	Walz

Having received the constitutionally required two-thirds vote, the bill was reconsidered and repassed, the objections of the Governor notwithstanding.

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

CALENDAR FOR THE DAY

S. F. No. 2675 was reported to the House.

Ozment moved to amend S. F. No. 2675 as follows:

Page 1, delete section 1 and insert:

"Section 1. [16C.135] [PURCHASES OF FUEL AND VEHICLES BY STATE AGENCIES.]

Subdivision 1. [DEFINITION.] For purposes of this section "cleaner fuels" means:

(1) biodiesel blends of 20 percent or greater by volume (B20-B100);

(2) compressed natural gas;

(3) ethanol blends of 70 percent or greater by volume (E70-E100);

(4) hydrogen;

(5) liquefied natural gas; and

(6) liquefied petroleum gas.

Subd. 2. [FUEL PURCHASES.] When purchasing fuel for use in the central motor pool or for use in a motor vehicle owned or leased by an agency, the commissioner or the agency shall purchase, and shall require persons purchasing on their behalf to purchase, cleaner fuels for use in the motor vehicle if cleaner fuels are reasonably available at similar costs to other fuels and if cleaner fuels are compatible with the use to which the motor vehicle is put.

Subd. 3. [VEHICLE PURCHASES.] When purchasing a motor vehicle for the central motor pool or for use by an agency, the commissioner or the agency shall purchase a motor vehicle that is capable of being powered by cleaner fuels, or a motor vehicle powered by electricity or by a combination of electricity and liquid fuel, if such a motor vehicle is reasonably available at similar costs to other vehicles and if the vehicle is capable of carrying out the purpose for which it is purchased."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn, McGuire, Hausman, Walker, Wagenius and Mariani moved to amend S. F. No. 2675, as amended, as follows:

Page 1, after line 6, insert:

"Section 1. [115A.0725] [ENVIRONMENTAL SUSTAINABILITY.]

Subdivision 1. [POLICY.] The environmental sustainability policy of the state is to:

(1) pursue the sustainable management, use, and protection of resources to achieve the state's economic, environmental, and social goals;

(2) promote using, developing, and protecting resources at a rate and in a manner that enables people to meet their current needs without compromising the ability of future generations to meet their own needs;

(3) encourage cooperation and collaboration between public and private sectors in the development of sustainable environmental and economic products and practices; and

(4) pursue policies that will attain sustainability in Minnesota within one generation or by 2025.

Subd. 2. [DEFINITION.] For the purpose of this section, "sustainability" means the use, development, and protection of resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs. Sustainability requires simultaneously meeting environmental, economic, and community needs."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

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

S. F. No. 2675, A bill for an act relating to the environment; requiring state agencies to use clean fuels; modifying the application of recyclable material container requirements for public entities; amending Minnesota Statutes 2000, section 115A.151; proposing coding for new law in Minnesota Statutes, chapter 16C.

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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Skoe

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

H. F. No. 2970 was reported to the House.

Hackbarth moved that H. F. No. 2970 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3183 was reported to the House.

Finseth moved that H. F. No. 3183 be continued on the Calendar for the Day. The motion prevailed.

CALL OF THE HOUSE LIFTED

Seifert moved that the call of the House be suspended. The motion prevailed and it was so ordered.

S. F. No. 2569 was reported to the House.

Erickson moved to amend S. F. No. 2569 as follows:

Page 1, line 19, strike "sales"

The motion prevailed and the amendment was adopted.

S. F. No. 2569, A bill for an act relating to veterans homes; clarifying items to be considered means of support; amending Minnesota Statutes 2000, section 198.03, 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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

Dawkins and Kalis were excused for the remainder of today's session.

S. F. No. 2881 was reported to the House.

Vandever moved to amend S. F. No. 2881 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3169, the second engrossment:

"Section 1. Minnesota Statutes 2000, section 462.358, is amended by adding a subdivision to read:

Subd. 11. [AFFORDABLE HOUSING.] For the purposes of this subdivision, a "development application" means subdivision, planned unit development, site plan, or other similar type action. If a municipality, in approving a development application that provides all or a portion of the units for persons and families of low and moderate income, so proposes, the applicant may request that provisions authorized by clauses (1) to (4) will apply to housing for persons of low and moderate income, subject to agreement between the municipality and the applicant:

- (1) establishing sales prices or rents for housing affordable to low- and moderate-income households;
- (2) establishing maximum income limits for initial and subsequent purchasers or renters of the affordable units;
- (3) establishing means, including, but not limited to, equity sharing, or similar activities, to maintain the long-term affordability of the affordable units; and
- (4) establishing a land trust agreement to maintain the long-term affordability of the affordable units.

Clauses (1) to (3) shall not apply for more than 20 years from the date of initial occupancy except where public financing or subsidy requires longer terms.

Sec. 2. [462.3612] [HOUSING FISCAL IMPACT NOTES.]

Subdivision 1. [DEFINITION.] "Housing fiscal impact" means increased or decreased costs that a housing development would incur as a result of an official control adopted or amended by a municipality after August 1, 2002, that adds to or changes the regulation of the location, height, width, bulk, type of foundation,

number of stories, size of buildings and other structures, percentage of the lot occupied, size of yards and other open spaces, density and distribution of population, uses of buildings, or design of residential housing in a municipality that has adopted the State Building Code and is located in a county with a population of 30,000 or more.

Subd. 2. [CONDITIONS; CONTENTS.] (a) When there is an increased housing fiscal impact resulting from the adoption or amendment of an official control, the responsible municipality may prepare a housing fiscal impact note prior to the public hearing on the proposed adoption or amendment of an official control.

(b) The housing fiscal impact note may:

- (1) estimate in dollar amounts the increase or decrease in the costs as a result of the municipal proposed action;
- (2) specify long-range implications of the proposed action;
- (3) describe appropriate alternatives to the proposed action; and
- (4) discuss the rationale for the proposed change."

Delete the title and insert:

"A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; providing for housing fiscal impact notes; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462."

The motion prevailed and the amendment was adopted.

Vandever moved to amend S. F. No. 2881, as amended, as follows:

Page 2, line 18, delete "(a) When there is an"

Page 2, delete line 19

Page 2, line 20, delete everything before "the"

Page 2, line 24, delete "(b)"

The motion prevailed and the amendment was adopted.

S. F. No. 2881, A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; amending Minnesota Statutes 2000, section 462.358, 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 127 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	Gunther	Kahn	Marquart	Penas	Sykora
Dehler	Haas	Kelliher	McElroy	Peterson	Thompson
Dempsey	Hackbarth	Kielkucki	McGuire	Pugh	Tingelstad
Dibble	Harder	Knoblach	Milbert	Rhodes	Tuma
Dorman	Hausman	Koskinen	Molnau	Rifenberg	Vandever
Dorn	Hilstrom	Krinkie	Mulder	Rukavina	Wagenius
Eastlund	Hilty	Kubly	Murphy	Ruth	Walz
Entenza	Holberg	Kuisle	Ness	Schumacher	Wasiluk
Erhardt	Holsten	Larson	Nornes	Seagren	Westrom
Erickson	Howes	Leighton	Olson	Seifert	Wilkin
Evans	Huntley	Lenczewski	Opatz	Sertich	Winter
Finseth	Jacobson	Leppik	Osskopp	Skoe	Wolf
Folliard	Jaros	Lieder	Osthoff	Skoglund	Workman
Fuller	Jennings	Lindner	Otremba	Slawik	Spk. Sviggum
Gerlach	Johnson, J.	Lipman	Ozment	Smith	
Gleason	Johnson, R.	Mahoney	Paulsen	Solberg	
Goodno	Johnson, S.	Mares	Pawlenty	Stang	
Goodwin	Jordan	Mariani	Paymar	Swapinski	
Greiling	Juhnke	Marko	Pelowski	Swenson	

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

H. F. No. 3163 was reported to the House.

Lipman and Dawkins moved to amend H. F. No. 3163, the second engrossment, as follows:

Pages 23 to 27, delete sections 42 to 44

Page 5, of the memorandum of explanation, delete sections 42 to 44

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3163, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain legislation; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2000, sections 13.04, subdivision 2; 13.461, subdivision 7; 13.4963, subdivision 2; 13.4967, subdivision 3; 13.741, subdivision 1; 13.7411, subdivision 5; 13D.05, subdivision 2; 15A.086; 16D.11, subdivision 6; 17A.04, subdivision 1; 31.51, subdivision 3; 32.073; 41A.09, subdivision 8; 41B.045, subdivision 2; 41B.046, subdivision 5; 41B.047, subdivision 4; 48.24, subdivision 5; 115A.06, subdivision 5a; 115A.59; 115A.9157, subdivision 6; 115B.20, subdivisions 1, 2, 5; 115B.25, subdivision 2; 115B.26; 115B.28, as amended; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.31, subdivisions 1, 2, 4; 115B.32; 115B.33; 115B.34; 115B.35, subdivisions 2, 3, 4, 8, 9; 115B.36; 115B.37; 115C.08, subdivisions 4, 5; 116J.615; 116J.616; 119A.11, subdivision 3; 119A.20, subdivision 1; 119A.37, subdivision 3; 119A.46, subdivision 6; 122A.20, subdivision 1; 126C.10, subdivision 26; 144E.43, subdivision 1; 148.71, subdivision 3; 219.98; 221.185, subdivision 5a; 222.631, subdivision 1; 260B.171, subdivision 5; 270.708, subdivision 1; 270B.15; 297B.035, subdivision 3; 297I.05, subdivision 12; 297I.30, subdivisions 1, 5; 299F.11, subdivision 2; 349.163, subdivision 6; 349A.10, subdivision 5; 352D.02, subdivision 1;

383C.19; 401.05, subdivision 3; 437.08; 437.09; 437.10; 458D.02, subdivisions 2, 3; 458D.23; 469.110, subdivision 2; 469.116, subdivision 7; 469.118, subdivisions 1, 2, 4; 469.119, subdivision 1; 469.122; 469.154, subdivision 5; 471.415, subdivision 2; 501B.61, as amended; 514.94; 524.2-301; 524.2-604; 524.2-609; 583.24, subdivision 4; 609.26, subdivision 5; 609.341, subdivision 17; Minnesota Statutes 2001 Supplement, sections 16A.151, by adding a subdivision; 17B.15, subdivision 1; 60K.31, subdivision 1; 60K.32; 60K.34, subdivision 1; 60K.39, subdivisions 5, 6; 60K.48; 60K.51, subdivision 6; 60K.52, subdivision 1; 61B.23, subdivision 15; 119A.22; 126C.10, subdivision 4; 136G.03, subdivision 20; 144.057, subdivision 4; 169.073; 214.01, subdivision 3; 216B.098, subdivision 2; 216B.2424, subdivision 5; 216B.2425, subdivision 3; 268.052, subdivision 1; 270.07, subdivision 3a; 275.28, subdivision 1; 275.70, subdivision 5; 290A.03, subdivision 13; 297A.668, subdivision 3; 336.9-334; 356.62; 376.08, subdivision 2; 501B.60, subdivision 3; 514.661, subdivision 5; 626.556, subdivision 11; Laws 1995, chapter 220, sections 141, 142, as amended; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 2000, chapter 399, article 1, section 139; Laws 2001, chapter 171, section 12; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2000, sections 115B.27; 115B.35, subdivisions 1, 5, 6; 116.19; 221.0315; 437.11; 462A.072; 557.11; Minnesota Statutes 2001 Supplement, sections 16A.1286, subdivisions 4, 5; Laws 1997, chapter 85, article 4, section 28; Laws 1999, chapter 159, section 79; Laws 1999, chapter 231, section 180; Laws 2001, chapter 161, section 4; Laws 2001, chapter 162, section 4; Laws 2001, First Special Session chapter 2, section 103; Laws 2001, First Special Session chapter 8, article 7, section 1; Minnesota Rules, parts 5300.0360; 7021.0001, subparts 2, 4; 7190.0002; 7190.0003; 7190.0004; 7190.0008, subparts 1, 2; 7190.0015, subparts 1, 2; 7190.0100, subpart 2; 7190.1000, subpart 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 120 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Finseth	Holsten	Krinkie	Lenczewski	Opatz	Pelowski
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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.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2618:

Holberg, Buesgens and Davnie.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2433:

Tuma; Clark, J., and Johnson, S.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3208:

Bishop, Molnau and Olson.

MOTIONS AND RESOLUTIONS

Bernardy moved that the name of Goodwin be added as an author on H. F. No. 2611. The motion prevailed.

Daggett moved that H. F. No. 289, now on the General Register, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Abrams announced his intention to place S. F. No. 2572 on the Fiscal Calendar for Wednesday, March 27, 2002.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 11:00 a.m., Wednesday, March 27, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Wednesday, March 27, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives