The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Bruce Talso, Brooklyn Park, 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:

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

A quorum was present.

McElroy was excused.

Wasiluk was excused until 4:05 p.m.

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

Mulder moved that the vote whereby the Bishop motion to reconsider and repass H. F. No. 351, Chapter No. 220, the objections of the Governor notwithstanding, did not prevail on Tuesday, February 26, 2002, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Mulder motion and the roll was called. There were 96 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeler  Dempsey  Holsten  Lieder  Paulsen  Solberg
Abrams  Dorman  Howes  Lindner  Pawlenty  Stanek
Anderson, B.  Dorn  Jacobson  Lipman  Paymar  Stang
Anderson, I.  Eastlund  Jaros  Mahoney  Pelowski  Swenson
Bakk  Erhardt  Jennings  Mares  Penas  Sykora
Bishop  Erickson  Johnson, J.  Marquart  Peterson  Tinglestad
Blaine  Finseth  Johnson, R.  Molnau  Rhodes  Tuma
Boudreau  Fuller  Juhike  Mulder  Rifenberg  VanDeveer
Bradley  Gerlach  Kellhier  Ness  Rukavina  Walz
Buesgens  Goodno  Kielkucki  Nornes  Ruth  Westerberg
Cassell  Goodwin  Knoblach  Olson  Schumacher  Westrom
Clark, J.  Hackbart  Kubly  Opatz  Seagren  Wilkin
Clark, K.  Harder  Kuisle  Osskopp  Seifert  Winter
Daggett  Hausman  Larson  Osthoff  Sertich  Wolf
Davids  Hilstrom  Lenczewski  Otremba  Skoe  Workman
Dehler  Holberg  Leppik  Ozment  Smith  Spk. Sviggum

Those who voted in the negative were:

Bernardy  Dibble  Gray  Kahn  McGuire  Slawik
Biernat  Entenza  Greiling  Koskinen  Milbert  Swapinski
Carlson  Evans  Hilty  Leighton  Murphy  Thompson
Dawkins  Folliard  Huntley  Mariani  Pugh  Wagenius
Dawkins  Gleason  Johnson, S.  Marko  Skoglund  Walker

The motion prevailed.

Bishop and Stanek moved that H. F. No. 351, Chapter No. 220, 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.

CALL OF THE HOUSE

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

Abeler  Bakk  Blaine  Carlson  Daggett  Dehler
Abrams  Bernardy  Boudreau  Cassell  Davids  Dempsey
Anderson, B.  Biernat  Bradley  Clark, J.  Davnie  Dibble
Anderson, I.  Bishop  Buesgens  Clark, K.  Dawkins  Dorman
Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Bishop and Stanek motion to reconsider and repass H. F. No. 351, Chapter No. 220, 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 99 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeler  Dorn  Dorman  Holsten  Lieder  Pawlenty  Swenson
Abrams  Dorn  Howes  Jacobsen  Lindner  Paymar  Sykora
Anderson, B.  Eastlund  Davnie  Jacobson  Lipman  Pelowski  Tinglestad
Anderson, I.  Erhardt  Jaros  Mahoney  Mares  Penas  Tuma
Bakk  Erickson  Johnson, J.  Marquart  Molnau  Peterson  Vandeveer
Bishop  Finseth  Johnson, R.  Nornes  Opitz  Pelowski  Walz
Blaine  Fuller  Juhinke  Molnau  Rifenberg  Skoe  Westrom
Boudreau  Gerlach  Kahl  Mulder  Rukavina  Stag
Bradley  Goodno  Kalis  Murphy  Ness  Seagren  Wilkin
Buesgens  Goodwin  Kelliher  Nornes  Seifert  Smith  Workman
Cassell  Gunther  Kielkucki  Opatz  Skoel  Spk. Sviggum
Clark, J.  Haas  Knoblauch  Oskopp  Smith  Stag
Clark, K.  Hackbart  Kubly  Ostrum  Stang
Daggett  Harder  Kuisele  Osthoff  Sertich  Sykora
Davids  Hausman  Larson  Ostremba  Swenson  Thompson
Dehler  Hilstrom  Lengzewski  Ozment  Tuma  Vandeveer
Dempsey  Holberg  Leppik  Paulsen  Walz

Those who voted in the negative were:

Bernardy  Davnie  Entenza  Gleason  Hilty  Johnson, S.
Biernat  Dawkins  Evans  Gray  Huntley  Koskinen
Carlson  Dibble  Folliard  Greiling  Jennings  Krinkie
Having received the constitutionally required two-thirds vote, the bill was reconsidered and repassed, the objections of the Governor notwithstanding.

REPORTS OF STANDING COMMITTEES

Tuma from the Committee on Crime Prevention to which was referred:

H. F. No. 1934, A bill for an act relating to government data; providing for a National Crime Prevention and Privacy Compact; providing for an electronic information sharing system between the federal government and the state to access criminal history data; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2611, A bill for an act relating to Anoka county; authorizing debt for an emergency radio system; providing for reporting of the levy.

Reported the same back with the following amendments:

Page 1, line 10, after "Anoka" insert "county"

Page 1, line 15, delete "or" and insert "and"

Page 1, line 21, after "pay" insert "principal and interest on"

Page 1, line 23, after "pay" insert "principal and interest on"

Page 2, line 2, delete "day on" and insert "year in"

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

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 2687, A bill for an act relating to motor vehicles; providing for payment of sales tax on a motor vehicle sold in violation of dealer licensing requirements; abolishing misdemeanor penalty for committing fraud in an application for certificate of title to a motor vehicle; amending Minnesota Statutes 2000, sections 168A.30, subdivision 2; 297B.035, subdivision 3.

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

The report was adopted.
Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2830, A bill for an act relating to the city of St. Paul; setting out certain local bonding authority limits through 2008; amending Laws 1971, chapter 773, section 1, subdivision 2, as amended.

Reported the same back with the following amendments:

Page 2, line 2, delete "2008" and insert "2013"

Amend the title as follows:

Page 1, line 3, delete "2008" and insert "2013"

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

The report was adopted.

Tuma from the Committee on Crime Prevention to which was referred:

H. F. No. 2841, A bill for an act relating to corrections; defining local correctional fees to include board, room, and other expenses, thereby authorizing collection of those fees from persons convicted of a crime and under control of a local correctional agency; amending Minnesota Statutes 2001 Supplement, section 244.18, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 641.12, is amended by adding a subdivision to read:

   Subd. 3. [INMATE PAYMENT OF ROOM AND BOARD.] (a) A county board may require that an offender convicted of a crime and confined in the county jail, workhouse, or correctional or work farm pay the cost of the offender's room, board, clothing, medical, dental, and other correctional services. The board shall establish a schedule to charge offenders under this subdivision. The costs may be collected at any time while the offender is under sentence or after the sentence has been discharged. During the period of confinement, the costs may be deducted from any money possessed by the offender or any money deposited with the local correctional or law enforcement agency on the offender's behalf. The board, or local correctional agency or sheriff with authority over the jail, workhouse, or farm, may use any available civil means of debt collection in collecting costs under this subdivision.

   (b) The chief executive officer of the local correctional agency or sheriff may waive payment of the costs under this subdivision if the officer or sheriff determines that the offender does not have the ability to pay the costs, payment of the costs would create undue hardship for the offender or the offender's immediate family, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the costs.

   (c) If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the costs under this subdivision. However, if the offender is making reasonable payments to satisfy the restitution obligation, the local correctional agency or sheriff may also collect costs under this section."

Delete the title and insert:

"A bill for an act relating to corrections; requiring persons convicted of a crime and under control of a local correction agency to pay the cost of room, board, clothing, medical, dental, and other correctional services; amending Minnesota Statutes 2000, section 641.12, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2915. A bill for an act relating to local government; clarifying Cook county's powers and authority in relation to the Cook county hospital district; providing for a maximum tax levy; amending Laws 1989, chapter 211, section 8, as amended.

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

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 2952, A bill for an act relating to traffic regulations; providing for designation of senior citizen crossings; deleting requirement that a senior citizen crossing on a trunk highway be with the consent of the commissioner of transportation; prescribing minimum size requirements of residential facilities in order to qualify for senior citizen crossing; amending Minnesota Statutes 2000, section 169.215, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TRUNK HIGHWAY 169 RECONSTRUCTION; PEDESTRIAN SIGNAL.]

The commissioner of transportation shall, as part of the reconstruction of marked trunk highway No. 169 (Ferry Street) in the city of Anoka, install a pedestrian-activated traffic signal at the senior crossing located between Benton Street and Fremont Street if the commissioner determines that the cost of the signal and its installation will be paid from nonstate sources."

Delete the title and insert:

"A bill for an act relating to highways; requiring installation of pedestrian-activated traffic signal in the city of Anoka by the state if paid for by nonstate sources."

With the recommendation that when so amended the bill pass.

The report was adopted.
Smith from the Committee on Civil Law to which was referred:

H. F. No. 3059, A bill for an act relating to adoption; modifying provision for notice to a registered putative father; amending Minnesota Statutes 2000, section 259.52, subdivisions 9, 10; Minnesota Statutes 2001 Supplement, section 259.49, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 13, delete "the" and insert "an"

Page 2, line 14, after "notice" insert "that is sent more than 15 days after the initial notice"

Page 2, line 16, strike "30 days" and delete the new language

Page 2, line 17, delete "is given" and insert "applicable time period"

Page 4, line 14, after "given" insert "and an amended notice is sent more than 15 days after the initial notice"

Page 4, line 18, strike "30 days of"

Page 4, line 19, strike "receipt of the notice to registered putative father"

Page 4, lines 19 to 21, delete the new language and insert "the applicable time period"

With the recommendation that when so amended the bill pass.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3135, A bill for an act relating to highways; transferring three state highways and vacating one state highway; repealing Minnesota Statutes 2000, section 161.115, subdivisions 122, 197, 204, 233.

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

The report was adopted.

Tuma from the Committee on Crime Prevention to which was referred:

H. F. No. 3168, A bill for an act relating to corrections; clarifying mandatory sentences for driving while impaired offenders; enhancing offender accountability by requiring offender co-payment of certain sex offender treatment fees; providing for staff of programs for intensive supervision; requiring an independent, contracted, board-certified forensic pathologist to sign the record of death on department incarcerated deaths; amending Minnesota Statutes 2000, sections 241.272, by adding a subdivision; 244.13, subdivision 2; Minnesota Statutes 2001 Supplement, sections 169A.276, subdivision 1; 390.23.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 2000, section 241.67, is amended by adding a subdivision to read:
Subd. 10. [SEX OFFENDER TREATMENT FEE.] The commissioner of corrections may authorize sex offender treatment providers to charge and collect treatment co-pays from all offenders in their treatment program. The amount of treatment co-pay assessed to each offender shall be based upon a fee schedule approved by the commissioner. Fees collected under this authority shall be used by the treatment provider to fund the cost of treatment provided.

Page 2, line 6, delete "3" and insert "2"

Page 2, line 15, delete "shall" and insert "may"

Page 2, line 18, delete "4" and insert "3"

Page 2, line 24, strike "to" and insert "of"

Amend the title as follows:

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete "supervision;"

Page 1, line 10, delete "sections 241.272, by" and insert "section 241.67, by adding a subdivision;"

Page 1, line 11, delete everything before "Minnesota"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.

Tuma from the Committee on Crime Prevention to which was referred:

H. F. No. 3176, A bill for an act relating to crimes; providing that whoever employs runners to procure clients under certain circumstances involving motor vehicle insurance is guilty of a felony; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Commerce, Jobs and Economic Development.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3192, A bill for an act relating to Cook county; authorizing the county to expend the proceeds of a certain levy for road and bridge purposes.

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

The report was adopted.
Smith from the Committee on Civil Law to which was referred:

H. F. No. 3206, A bill for an act relating to occupational safety and health; eliminating certain responsibilities of the commissioner of health; increasing penalty limits for certain violations; amending Minnesota Statutes 2000, sections 182.65, subdivision 2; 182.656, subdivision 1; 182.666, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Commerce, Jobs and Economic Development.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:


Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 308A.311, subdivision 4, is amended to read:

Subd. 4. [VOTE BY MAIL OR ELECTRONIC MEANS.] (a) A member may not vote by mail or electronic means for a director unless mail or electronic voting is authorized for election of directors by the articles or bylaws.

(b) The ballot shall be in a form prescribed by the board.

(c) If the vote is by mail, the member shall mark the ballot for the candidate chosen and mail the ballot to the cooperative in a sealed plain envelope inside another envelope bearing the member's name.

(d) The member may vote by electronic means if the cooperative is able to authenticate that it is the cooperative member who is casting the vote.

(e) If the ballot of the member is received by the cooperative on or before the date of the regular members' meeting, the ballot shall be accepted and counted as the vote of the absent member.

Sec. 2. Minnesota Statutes 2000, section 308A.311, subdivision 5, is amended to read:

Subd. 5. [VOTE BY MAIL OR ELECTRONIC MEANS FOR TELEPHONE COOPERATIVE.] If voting by mail or by electronic means is authorized by the articles or bylaws of a telephone cooperative, a member may vote by mail or by electronic means for the director in the manner prescribed in the articles or bylaws. The mail voting shall be by secret ballot.

Sec. 3. Minnesota Statutes 2000, section 308A.635, subdivision 4, is amended to read:

Subd. 4. [VOTING METHOD.] A member's vote at a members' meeting must be in person or by mail if a mail vote is authorized by the board, or by electronic means if an electronic vote is authorized by the board, and not by proxy except as provided in subdivisions 2 and 5.

Sec. 4. Minnesota Statutes 2000, section 308A.635, subdivision 6, is amended to read:

Subd. 6. [ABSENTEE BALLOTS.] (a) A member who is absent from a members' meeting may vote by mail or by electronic means on the ballot prescribed in this subdivision on any motion, resolution, or amendment that the board submits for vote by mail to the members.
(b) The ballot shall be in the form prescribed by the board and contain:

(1) the exact text of the proposed motion, resolution, or amendment to be acted on at the meeting; and

(2) spaces opposite the text of the motion, resolution, or amendment in which the member may indicate an affirmative or negative vote.

(c) If the vote is by mail, the member shall express a choice by marking an "X" in the appropriate space on the ballot and mail or deliver the ballot to the cooperative in a plain, sealed envelope inside another envelope bearing the member's name.

(d) The member may vote by electronic means if the cooperative is able to authenticate that it is the cooperative member who is casting the vote.

(e) A properly executed ballot shall be accepted by the board and counted as the vote of the absent member at the meeting.

Delete the title and insert:

"A bill for an act relating to cooperatives; authorizing electronic voting; amending Minnesota Statutes 2000, sections 308A.311, subdivisions 4, 5; 308A.635, subdivisions 4, 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

Tuma from the Committee on Crime Prevention to which was referred:

H. F. No. 3304, A bill for an act relating to crimes; defining the crime of criminal abuse of vulnerable adults to include subjecting those adults to involuntary servitude or cruel discipline; defining the crime of financial exploitation of vulnerable adults to include swindling or otherwise using artifices or tricks on those adults; 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 388.051, subdivision 2; 609.232, subdivision 11; 609.235, subdivision 1; 609.2355; 609.341, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 609.344, subdivision 1; 609.345, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 609.341, is amended by adding a subdivision to read:

Subd. 21. [SPECIAL TRANSPORTATION.] "Special transportation service" means motor vehicle transportation provided on a regular basis by a public or private entity or person that is intended exclusively or primarily to serve individuals who are vulnerable adults, handicapped, or disabled. Special transportation service includes, but is not limited to, service provided by buses, vans, taxis, and volunteers driving private automobiles.

Sec. 2. Minnesota Statutes 2001 Supplement, section 609.344, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;
(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, the actor may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense; or
(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; or

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense.

Sec. 3. Minnesota Statutes 2001 Supplement, section 609.345, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant. Consent by the complainant to the act is not a defense. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. Consent by the complainant is not a defense;
(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense; or

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; or

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, the complainant is not married to the actor, and the sexual contact occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense.

Sec. 4. Minnesota Statutes 2000, section 609.349, is amended to read:

609.349 [VOLUNTARY RELATIONSHIPS.]

A person does not commit criminal sexual conduct under sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b), (d), and (e), and (n), and 609.345, clauses (a), (b), (d), and (e), and (n), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by one legal spouse against the other.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 2002, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; defining the crimes of sexual conduct in the third and fourth degrees to include persons who sexually penetrate vulnerable adults under certain circumstances and who are agents of special transportation services; imposing penalties; amending Minnesota Statutes 2000, sections 609.341, by adding a subdivision; 609.349; Minnesota Statutes 2001 Supplement, section 609.344, subdivision 1; 609.345, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.
Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3320, A bill for an act relating to capital improvements; providing for a grant to the University of Minnesota to study, develop, and construct a demonstration personal rapid transit system; authorizing issuance of bonds; appropriating money.

Reported the same back with the following amendments:

Pages 1 and 2, delete sections 1 and 2
Page 2, line 5, delete "Sec. 3." and insert "Section 1."
Page 2, line 10, after "campuses" insert "and the state fairgrounds"
Page 2, delete section 4
Amend the title as follows:
Page 1, line 5, delete everything after the first semicolon

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3328, A bill for an act relating to drivers' licenses; requiring commissioner of public safety to adopt rules requiring education in organ donation as part of driver education programs; proposing coding for new law in Minnesota Statutes, chapter 171.

Reported the same back with the following amendments:

Page 1, line 10, delete "at least 30"
Page 1, line 11, delete "minutes of"
Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 2000, section 171.13, is amended by adding a subdivision to read:

Subd. 1h. [DRIVER'S MANUAL; ORGAN AND TISSUE DONATION.] The commissioner shall include in each edition of the driver's manual published by the department after August 1, 2002, a section that includes information on the shortage of organs and tissues for transplant, basic facts about donation, use of the driver's license as an indication of donation intent, and the importance of informing family members of the driver's decision."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring commissioner to include information on organ and tissue donation in the driver's manual; amending Minnesota Statutes 2000, section 171.13, by adding a subdivision;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.
Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3407, A bill for an act relating to state government; rejecting certain labor agreements and compensation plans; ratifying a labor agreement.

Reported the same back with the following amendments:

Page 1, line 6, delete "REJECTIONS" and insert "CONTRACTS AND PLANS"

Page 1, line 25, delete "rejected" and insert "ratified"

Page 2, line 4, delete "rejected" and insert "modified to remove all provisions granting insurance benefits to a domestic partner of a state employee, and as modified, the amendments to the plan are ratified"

Page 2, line 8, delete "rejected" and insert "modified to remove all provisions granting insurance benefits to a domestic partner of a state employee, and as modified, the amendments to the plan are ratified"

Page 2, after line 28, insert:

"Subd. 9. [MNSCU MANAGERS.] The amendments to the compensation plan for administrators of the Minnesota state colleges and universities, as modified and approved by the legislative coordinating commission subcommittee on employee relations on February 1, 2002, are ratified."

Page 2, after line 33, insert:

"Sec. 3. [COVERAGE.] As provided under Minnesota Statutes, section 43A.18, subdivision 2, an executive branch state employee is covered by the plan established under that subdivision if the employee is not covered by a collective bargaining agreement because the proposed agreement that would cover the employee is rejected by the legislature, or because the legislature adjourns without ratifying the proposed agreement."

Page 2, line 34, delete "3" and insert "4"

Page 2, line 35, delete "and 2" and insert "to 3"

Amend the title as follows:

Page 1, line 3, delete "and" and insert "; modifying and ratifying certain"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3415, A bill for an act proposing an amendment to the Minnesota Constitution, article XIV, section 5, and by adding a section; allocating proceeds from sales tax on motor vehicles; increasing and indexing the motor fuel tax; authorizing trunk highway bonds; appropriating money; amending Minnesota Statutes 2000, sections
296A.07, subdivision 3, by adding a subdivision; 296A.08, subdivision 2, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 270.

Reported the same back with the following amendments:

Page 2, line 25, delete "section" and insert "sections" and after "5," insert "and 296A.08, subdivision 7."

With the recommendation that when so amended the bill be re-referred to the Committee on Transportation Finance without further recommendation.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 3434, A bill for an act relating to financial institutions; enacting restrictions on certain home loans; proposing coding for new law as Minnesota Statutes, chapter 58A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [58A.01] [CITATION.] Sections 58A.01 to 58A.08 may be cited as the "Responsible Lending Act of 2002."

Sec. 2. [58A.02] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 58A.01 to 58A.08, the terms defined in this section have the meanings given them.

Subd. 2. [AFFILIATE.] "Affiliate" has the meaning given in section 302A.011, subdivision 43.

Subd. 3. [ASSIGNEE.] "Assignee" means a person that purchases or otherwise voluntarily acquires a loan or an interest in a loan. Assignee does not include a purchaser of a mortgage-backed security.

Subd. 4. [AUTHORIZED INDEPENDENT HOME LOAN COUNSELOR.] "Authorized independent home loan counselor" means an individual or organization, authorized by either the housing finance agency or the Department of Housing and Urban Development, or accredited by the American Homeownership Education and Counseling Institute to provide home loan counseling.

Subd. 5. [BONA FIDE ERROR.] "Bona fide error" includes a clerical, calculation, computer malfunction, computer programming, or printing mistake.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of commerce.

Subd. 7. [HIGH-COST HOME LOAN.] "High-cost home loan" means a loan covered under Code of Federal Regulations, title 12, section 226.32(a), as amended.


Subd. 9. [PERSON.] "Person" means an individual, corporation, business trust, partnership, association, or any other legal entity.
Subd. 10. [POINTS AND FEES.] "Points and fees" means:

(1) any charges, points, discount points, fees, compensation, premiums, or any amounts paid, directly or indirectly, other than taxes and interest, to the lender or lenders in connection with a loan secured by a mortgage or deed on real estate that is used as a borrower's primary residence and is equal to or less than the maximum amount for loans eligible for sale to Fannie Mae and Freddie Mac; and

(2) the cost of all premiums financed by the lender, directly or indirectly, for any credit life, credit disability, credit unemployment, or credit property insurance, or any other health or life insurance, or any debt cancellation or debt forgiveness contract.

Subd. 11. [RESCISSION PERIOD.] "Rescission period" means the period provided under United States Code, title 15, section 1635(a), in which a borrower has the right to rescind a loan transaction.

Subd. 12. [SPECIAL MORTGAGE LOAN.] "Special mortgage loan" means a home loan that is originated, subsidized, or guaranteed by or through a federal, state, local, or tribal government or nonprofit organization and that has zero interest; is forgivable; or has one or more payment terms beneficial to the borrower, including, but not limited to, payments that are limited to a percentage of income or payments that vary with income, that will be lost as a result of the refinancing.

Sec. 3. [58A.03] [PROHIBITED ACTS AND PRACTICES.]

Subdivision 1. [ABILITY TO PAY.] (a) No lender may make a high-cost home loan to a borrower where it is presumed that the borrower is unable to repay the loan. It is presumed that the borrower is unable to repay the loan if the borrower's total monthly debt payments, including amounts owed under the loan, including principal, interest, taxes, and insurance, exceed 55 percent of the borrower's monthly gross income, as verified at the time of approval by the lender. This presumption may be overcome by a showing that:

(1) the borrower's income is more than 120 percent of the median family income, as determined and published annually by the Department of Housing and Urban Development, for the metropolitan statistical area in which the real estate is located; or

(2) if the real estate is not located within a metropolitan statistical area, the borrower's income is more than 120 percent of the median family income, as determined and published annually by the Department of Housing and Urban Development, for the county in which the real estate to be secured is located.

(b) Notwithstanding the presumption described in paragraph (a), a lender who determines that the extension of credit is needed to meet a bona fide personal financial emergency shall benefit from a rebuttable presumption that the creditor made a loan with due regard to repayment ability.

Subd. 2. [LOAN FLIPPING.] Neither a lender, nor an affiliate, nor an assignee may make a high-cost home loan that refinances an existing home loan made by either the same lender, or an affiliate, or an assignee to the same borrower within 24 months after consummation of the existing loan unless the lender, affiliate, or assignee refunds the total of the points and fees collected from the existing loan. It is a violation of this chapter for any lender to act in any manner designed to evade the provisions of this subdivision.

Subd. 3. [NEGATIVE AMORTIZATION.] No high-cost home loan may include payment terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of the interest due.

Subd. 4. [REFINANCING OF SPECIAL MORTGAGES.] No lender may refinance a special mortgage loan with a high-cost home loan, unless prior to closing of the new loan or the end of the rescission period, if applicable, the lender obtains documentation signed by an authorized independent home loan counselor or the lender who originally made the special mortgage loan indicating that the borrower has received home loan counseling in which the advantages and disadvantages of the refinancing have been reviewed.
Subd. 5. [FINANCING OF CREDIT INSURANCE.] No lender may finance, directly or indirectly, any credit life, credit disability, or credit involuntary unemployment insurance, or any other life or health insurance premiums through a high-cost home loan, or the advance collection of a fee for any debt cancellation or suspension agreement. Contract insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the lender.

Subd. 6. [PAYOFF BALANCE REQUIREMENTS.] No lender may charge a fee for informing or transmitting to any borrower the balance due to pay off a home loan or to provide a mortgage release upon repayment. A lender shall provide a payoff balance amount as soon as possible but in no case later than 17 days after a request from the borrower or the borrower’s representative is made.

Sec. 4. [58A.04] [DISCLOSURES.]

(a) The commissioner shall develop a simple disclosure notice written in plain language, easily readable and understandable by a person of average intelligence and education, that must be provided by the lender to all applicants for a high-cost loan upon oral, written, or personal application for the loan and again no less than seven days prior to the beginning of the rescission period. The notice must, at a minimum:

1. explain that the loan is subject to special protections under this chapter;

2. explain that the lender will hold the mortgage and that the borrower will lose the home and any money put into it if the borrower fails to make timely payments; and

3. encourage the borrower to seek independent home loan credit counseling prior to signing the loan documents.

(b) The lender must also provide a list of authorized independent home loan counselors each time the notice is provided.

Sec. 5. [58A.05] [UNINTENTIONAL ERRORS.]

A lender who, acting in good faith, fails to comply with any of the provisions of this chapter, shall not be deemed to be in violation if the lender establishes that:

1. the violation was not intentional and was the result of a bona fide error; and

2. within 60 days of discovery of the compliance failure, the lender has made restitution to the borrower, if applicable, and has adjusted the loan to bring it into compliance.

Sec. 6. [58A.06] [ENFORCEMENT; LOCAL REGULATION PROHIBITED.]

(a) The commissioner may bring an enforcement action under chapter 45 against a lender who has violated this chapter.

(b) No political subdivision of the state, including a statutory or home rule charter city, may enact, issue, or enforce any ordinance, resolution, regulation, order, policy, request for proposal, or request for bids that in any way regulates residential mortgage loans as defined in section 58.02, subdivision 18.

Sec. 7. [58A.07] [CONSUMER REMEDIES; LIABILITIES.]

(a) A court in which any action is brought by a borrower for relief against a lender, upon a finding of a violation of this chapter, may enjoin foreclosure, order reformation of the loan to comply with the provisions of this chapter, award actual damages, attorney fees, and court costs, and provide any other relief it deems equitable.
(b) The court shall, upon a finding of a violation of this chapter, award statutory damages to the borrower in the amount of $10,000.

(c) No class action may be commenced or maintained under, or as a result of, alleged violations of this chapter.

Sec. 8. [58A.08] [SEVERABILITY.]

The provisions of this chapter are severable as provided in section 645.20.

Sec. 9. [EXEMPTIONS.]

This chapter shall not apply to loans made by the housing finance agency, or by any lender administering a housing finance agency program, or by a nonprofit housing development agency.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective October 1, 2002, and apply to loans closed on or after that date."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Law.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3499, A bill for an act relating to local government; establishing a retroactive effective date for St. Paul civil service separation.

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

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 3519, A bill for an act relating to the environment; modifying the application of recyclable material container requirements for public entities; amending Minnesota Statutes 2000, section 115A.151.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3579, A bill for an act relating to domestic abuse; clarifying the standard for a misdemeanor violation of an order for protection or no contact order; amending Minnesota Statutes 2000, section 518B.01, subdivision 22; Minnesota Statutes 2001 Supplement, section 518B.01, subdivision 14.

Reported the same back with the following amendments:

Page 3, line 7, strike "knowingly"
Page 3, line 8, strike everything before the period and insert "knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever possible. An order for purposes of this subdivision, includes the short form order described in subdivision 8a."

Page 3, line 11, strike "but shall be" and insert "without first being"

With the recommendation that when so amended the bill be re-referred to the Committee on Crime Prevention without further recommendation.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3584, A bill for an act relating to judgments; changing the formula for certain calculations; amending Minnesota Statutes 2000, section 549.09, subdivision 1.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2687, 2952, 3059, 3135, 3240, 3499 and 3584 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Erhardt introduced:

H. F. No. 3642, A bill for an act relating to taxes; sales and use tax; allowing a refund of sales tax related to bad debt losses of lender; changing the dates for filing a deduction or refund claim on bad debt loss; amending Minnesota Statutes 2000, sections 289A.40, subdivision 2; 289A.50, by adding a subdivision; 297A.81.

The bill was read for the first time and referred to the Committee on Taxes.

Haas, Kalis and Davids introduced:

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

The bill was read for the first time and referred to the Committee on Ways and Means.
Vandeveer introduced:

H. F. No. 3644, A bill for an act relating to government data practices; modifying the classification of data on public employees; amending Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Law.

Schumacher introduced:

H. F. No. 3645, A bill for an act relating to firearms; reconciling state and federal firearms possession prohibitions; providing that persons ineligible to possess firearms under federal law are also ineligible under state law; amending Minnesota Statutes 2000, section 624.713, subdivision 1.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Penas introduced:

H. F. No. 3646, A bill for an act relating to tourism; appropriating money for tourism.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Kelliher, Erhardt and Wagenius introduced:

H. F. No. 3647, A bill for an act relating to taxation; extending the time during which certain improvements to certain older homesteads are excluded from valuation for property tax purposes; amending Minnesota Statutes 2000, section 273.11, subdivision 16.

The bill was read for the first time and referred to the Committee on Taxes.

McElroy introduced:

H. F. No. 3648, A bill for an act relating to unemployment insurance; providing a special assessment to pay interest on a federal loan; amending Minnesota Statutes 2000, section 268.051, subdivision 8.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Mariani and Paymar introduced:

H. F. No. 3649, A bill for an act relating to agriculture; prohibiting payments to ethanol plants that are in violation of certain ordinances; amending Minnesota Statutes 2000, section 41A.09, subdivision 3a.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Goodno introduced:

H. F. No. 3650, A bill for an act relating to human services; appropriating money for the veterans nursing homes board; transferring a certain appropriation; appropriating a potential settlement amount; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.
Stanek introduced:

H. F. No. 3651, A bill for an act relating to education; decreasing the required length of school year by three days; amending Minnesota Statutes 2000, section 120A.41.

The bill was read for the first time and referred to the Committee on Education Policy.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. No. 3019.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3019, A bill for an act relating to public safety; expanding those persons who are required to register as a predatory offender for their lifetime after a second conviction; amending Minnesota Statutes 2001 Supplement, section 243.166, subdivision 6.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Tuma moved that the rule therein be suspended and an urgency be declared so that S. F. No. 3019 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Tuma moved that the rules of the House be so far suspended that S. F. No. 3019 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 3019 was read for the second time.

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

Skoglund offered an amendment to S. F. No. 3019.
POINT OF ORDER

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

Skoglund appealed the decision of the Speaker.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Seifert moved to lay the Skoglund appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.

The question was taken on the Seifert motion and the roll was called. There were 67 yeas and 61 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Walker was excused for the remainder of today's session.
S. F. No. 3019, A bill for an act relating to public safety; expanding those persons who are required to register as a predatory offender for their lifetime after a second conviction; amending Minnesota Statutes 2001 Supplement, section 243.166, subdivision 6.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

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

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

CONSENT CALENDAR

Molnau moved that the Consent Calendar be continued. The motion prevailed.
REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

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

H. F. Nos. 2598 and 3049.

CALENDAR FOR THE DAY

Paymar was excused for the remainder of today’s session.

H. F. No. 2598 was reported to the House.

Rukavina offered an amendment to H. F. No. 2598, the first engrossment.

POINT OF ORDER

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

Rukavina appealed the decision of the Speaker.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Seifert moved to lay the Rukavina appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Abeler
Abrams
Anderson, B.
Anderson, I.
Bakk
Bernardy
Biernat
Bishop
Blaine
Boudreau
Buesgens
Carlson
Cassell
Clark, J.
Clark, K.
Daggett
Davids
Davnie
Dawkins
Dehler
Dibbey
Dorman
Dorn
Eastlund
Entenza
Erhardt
Erickson
Evans
Finseth
Folliard
Fuller
Gerlach
Gleason
Goodno
Goodwin
Haas
Hackbarth
Harder
Hausman
Hilstrom
Holberg
Holsten
Howes
Huntley
Jacobson
Knoblach
Jaros
Koskinen
Johnson, J.
Johnson, R.
Johnson, S.
Kahn
Kelliher
Kielsmeier
Kielkucki
Knoblach
Koskinen
Krinke
Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Seifert motion and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 66 yeas and 58 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, I. Entenza Jaros Lenczewski Osthoff Slawik
Bakk Evans Jennings Lieder Otremba Solberg
Bernardy Folliard Johnson, R. Marko Pelowski Swapsinski
Biermat Gleason Johnson, S. McGuire Peterson Thompson
Carlson Goodwin Juhnke Marquart Pugh Vandevier
Clark, K. Greiling Kahn Milbert Rukavina Wagenius
Davnie Hausman Keliher Mullery Schumacher Wasiluk
Dawkins Hilstrom Koskinen Murphy Sertich Winter
Dibble Howes Kubby Opatz Skoe
Dorn Huntley Leighton Osskopp Skoglund
Dibble, Walker, Paymar, Swapinski, Dawkins, Skoglund, Kelliher, Davnie, Hausman, Jaros and Clark, K., moved to amend H. F. No. 2598, the first engrossment, as follows:

Page 1, line 12, delete "PLEDGE OF ALLEGIANCE." and insert "CIVICS EDUCATION."

Page 1, line 13, delete everything after "charter" and insert "schools must set aside time each week for civics education. Civics education may include, but is not limited to, recitation of the pledge of allegiance, discussion of the history and meaning of the pledge of allegiance, American patriotic or folk songs, the Bill of Rights, discussion of current events, or any other activities related to government."

Page 1, delete lines 14 to 20

Page 1, line 26, delete everything after "directors"

Page 1, line 27, delete everything before "may"

Page 3, line 27, delete "pledge of allegiance" and insert "civics education"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete "pledge of allegiance" and insert "requiring civics education";

A roll call was requested and properly seconded.

The question was taken on the Dibble et al amendment and the roll was called.

Seifert moved that those not voting be excused from voting. The motion prevailed.

There were 33 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Bernardy
Biernat
Clark, K.
Dawkins
Dibble
Entenza
Evans
Folliard
Greling
Hausman
Huntley
Jaros
Jennings
Johnson, S.
Juhnke
Kahn
Kelliher
Kosinen
Leighton
Lieder
McGuire
Murphy

Osthoff
Pugh
Rukavina
Sertich
Skoc
Skoglund
Swapinski
Wagenius
Solberg

Those who voted in the negative were:

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

Hilstrom
Holberg
Holsten
Howes
Jacobson
Johnson, J.
Johnson, R.
Kielkucki
Knoblach
Kriekie

Kubly
Kuisle
Lenczewski
Leppik
Lindner
Lipman
Mares
Mark
Molnau
Mulder
Nornes
Ness
Nol
Olsen
Opat
Olson
Opf
Osskopp
Otremba
Ozment
The motion did not prevail and the amendment was not adopted.

H. F. No. 2598 was read for the third time.

Anderson, I., requested unanimous consent to offer an amendment to H. F. No. 2598, the first engrossment. The request was granted.

Anderson, I., offered an amendment to H. F. No. 2598, the first engrossment.

Anderson, I., withdrew his amendment to H. F. No. 2598, the first engrossment.

The Speaker called Abrams to the Chair.

H. F. No. 2598, A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2000, section 121A.11, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler    Daggett    Gleason    Johnson, J.    Lindner    Otremba
Abrams    Davids    Goodno    Johnson, R.    Lipman    Ozment
Anderson, B.    Davnie    Goodwin    Johnson, S.    Mares    Paulsen
Anderson, I.    Dempsey    Gunther    Juhnke    Marko    Pawlenty
Bak    Dorman    Haas    Kelliher    Marquart    Pelowski
Bernardy    Dorn    Hackbart    Kielkucki    Milbert    Penas
Biernat    Eastlund    Harder    Knoblach    Molnau    Peterson
Blaine    Entenza    Hilstrom    Koskinen    Mulder    Pugh
Boudreaux    Erhardt    Holberg    Krinkie    Mullery    Rhodes
Bradley    Erickson    Holsten    Kubly    Murphy    Rifenberg
Buesgens    Evans    Howes    Kuisle    Ness    Rukavina
Carlson    Finseth    Huntley    Larson    Nornes    Ruth
Cassell    Folliard    Jacobson    Lenczewski    Olson    Schumacher
Clark, J.    Fuller    Jaros    Leppik    Opatz    Seagren
   Seifert

Spk. Sviggum
The bill was passed and its title agreed to.

H. F. No. 3049 was reported to the House.

Tuma moved that H. F. No. 3049 be re-referred to the Committee on Crime Prevention. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Leppik moved that the name of Rhodes be added as an author on H. F. No. 1524. The motion prevailed.

Wilkin moved that the name of Paulsen be added as an author on H. F. No. 2568. The motion prevailed.

Entenza moved that the name of Marko be added as an author on H. F. No. 2710. The motion prevailed.

Sykora moved that the name of Johnson, J., be added as an author on H. F. No. 3172. The motion prevailed.

Sykora moved that the name of Johnson, J., be added as an author on H. F. No. 3409. The motion prevailed.

Tuma moved that the name of Koskinen be added as an author on H. F. No. 3613. The motion prevailed.

Sviggum moved that the name of Abrams be added as chief author on H. F. No. 3621. The motion prevailed.

Stanek moved that the name of Koskinen be added as an author on H. F. No. 3634. The motion prevailed.

Hackbarth moved that H. F. No. 2528 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Taxes. The motion prevailed.

Osthoff moved that H. F. No. 2789 be recalled from the Committee on Capital Investment and be re-referred to the Committee on Taxes. The motion prevailed.

Clark, K., moved that H. F. No. 3324 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Kuisle moved that H. F. No. 3500 be returned to its author. 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.

Pawlenty introduced:

House Concurrent Resolution No. 5, A house concurrent resolution relating to adjournment for more than three days.

SUSPENSION OF RULES

Pawlenty moved that the rules be so far suspended that House Concurrent Resolution No. 5 be now considered and be placed upon its adoption. The motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 5

A house concurrent resolution relating to adjournment for more than three days.

Be it resolved, by the House of Representatives of the State of Minnesota, the Senate concurring:

(1) Upon its adjournment on Thursday, February 28, 2002, the House of Representatives may set its next meeting day for Wednesday, March 6, 2002.

(2) Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to adjournment of the House of Representatives for more than three days.

Pawlenty moved that House Concurrent Resolution No. 5 be now adopted. The motion prevailed and House Concurrent Resolution No. 5 was adopted.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 28, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 3:00 p.m., Thursday, February 28, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives