The House of Representatives convened at 9:30 a.m. and was called to order by Speaker pro tempore McElroy.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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:

A quorum was present.

Osthoff was excused until 11:35 a.m. Jennings was excused until 12:30 p.m.

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

House Rule 4.03 requires the Chair of the Committee on Ways and Means to certify to the House of Representatives that the Committee has reconciled any finance and revenue bills with the budget resolution and targets.

Please accept this letter as certification that H. F. Nos. 211, 2622, 2710, 2970, 3031, 3183, 3270 and 3643; and S. F. No. 3026 reconcile with the budget resolution and targets.

Sincerely,

REPRESENTATIVE DAVE BISHOP
Chair, House Ways and Means Committee

REPORTS OF CHIEF CLERK

S. F. No. 2697 and H. F. No. 3079, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Holberg moved that the rules be so far suspended that S. F. No. 2697 be substituted for H. F. No. 3079 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2821 and H. F. No. 3078, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Stang moved that the rules be so far suspended that S. F. No. 2821 be substituted for H. F. No. 3078 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3200 and H. F. No. 3443, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Juhnke moved that the rules be so far suspended that S. F. No. 3200 be substituted for H. F. No. 3443 and that the House File be indefinitely postponed. The motion prevailed.
Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 861, A bill for an act relating to crime; providing that a person who causes the death of a child under the age of 14 and with premeditation and intent shall be sentenced to life imprisonment without the possibility of release; amending Minnesota Statutes 2000, sections 609.106, subdivision 2; and 609.185.

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:

H. F. No. 2550, A bill for an act relating to public safety; modifying emergency 911 telephone system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 3, 4, by adding subdivisions; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

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

H. F. No. 2613, A bill for an act relating to firearms; providing that a person who is convicted of a crime of violence is prohibited from possessing, receiving, shipping, or transporting a firearm for the remainder of the person's lifetime unless permitted by court order; establishing procedures for certain convicted felons to obtain court orders to possess firearms; amending Minnesota Statutes 2000, sections 242.31, subdivision 2a; 260B.245, subdivision 1; 609.165, subdivisions 1a, 1b, by adding a subdivision; 609A.03, subdivision 5a; 624.713, subdivisions 1, 3; 638.02, subdivision 2.

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:

H. F. No. 2787, A bill for an act relating to public safety; requiring that employees and prospective employees of electronic security system companies, certain electrical contractors, and alarm and communication contractors undergo criminal history background checks; providing procedures for these background checks; authorizing the discharge of employees based on the results of the background checks and providing that there is no liability for so
doing; providing for license disqualification in certain instances; imposing criminal penalties for failure to request background checks as required; amending Minnesota Statutes 2000, sections 326.01, subdivision 5; 326.2421, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299C.

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:

H. F. No. 3166, A bill for an act relating to human services; making changes to certain licensing provisions and continuing care programs; planning for a pilot program to provide deaf-blind services; adding certain requirements when reporting incidents involving a person with mental retardation; changing provisions for nursing home license surcharge, case management services, mental health services, supplemental drug rebate program, personal care services, predetection screening, and miscellaneous provisions; amending Minnesota Statutes 2000, sections 13.41, subdivision 1; 13.46, subdivision 3; 144.05, by adding a subdivision; 150A.06, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.50, subdivisions 1, 2, 5; 245A.02, by adding subdivisions; 245A.035, subdivision 3; 245A.04, by adding a subdivision; 245B.02, subdivision 10; 245B.05, subdivision 7; 245B.07, subdivision 1; 256.9657, subdivision 1; 256B.0625, by adding a subdivision; 256B.0915, subdivisions 4, 6, by adding a subdivision; 256B.431, subdivisions 14, 30; 256B.5012, subdivision 2; 261.063; 626.557, subdivisions 3a, 14; Minnesota Statutes 2001 Supplement, sections 13.46, subdivisions 1, 4; 144A.071, subdivision 1a; 144A.36, subdivision 1; 149A.90, subdivision 1; 245A.03, subdivision 2; 245A.04, subdivisions 3, 3a, 3b, 3d; 245A.07, subdivisions 2a, 3; 245A.144; 245A.16, subdivision 1; 256.045, subdivisions 3b, 4; 256B.0625, subdivision 13; 256B.0627, subdivision 10; 256B.0911, subdivisions 4b, 4d; 256B.0913, subdivisions 4, 5, 8, 10, 12, 14; 256B.0915, subdivisions 3, 5; 256B.0924, subdivision 6; 256B.0951, subdivisions 7, 8; 256B.431, subdivisions 2e, 33; 256B.437, subdivisions 3, 6; 256B.438, subdivision 1; 256B.69, subdivision 5b; 256B.76; 626.556, subdivision 10i; 626.557, subdivision 9d; proposing coding for new law in Minnesota Statutes, chapters 245A; 604A; repealing Minnesota Statutes 2000, section 147B.01, subdivisions 8, 15; Minnesota Statutes 2001 Supplement, section 256B.0621, subdivision 1.

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:

H. F. No. 3169, 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.

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

The report was adopted.

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

H. F. No. 3270, A bill for an act relating to state government; modifying election of house officers; creating office of state treasurer and modifying related provisions; providing for governor's cabinet and organizing certain government agencies; providing for inspection of certain buildings; modifying certain fund provisions; requiring certain payments; modifying certain fee provisions; modifying provisions of constitutional officers' salaries; reducing certain appropriations; modifying consulting moratorium and hiring freeze provisions; amending Minnesota Statutes
Reported the same back with the following amendments:

Page 5, line 21, after the period, insert "Secretaries serve at the pleasure of the governor. The salary of a secretary may not exceed 95 percent of the salary of the governor."

Page 6, line 9, delete "and"

Page 6, after line 9, insert:

"(9) perform statutory duties assigned to a commissioner or other agency head, if the position of the commissioner or agency head is abolished; and"

Page 6, line 10, delete "(9)" and insert "(10)"

Page 6, line 23, before the period, insert ", or to inspections necessary to obtain the first certificate of occupancy upon initial construction of a residential building"

Pages 10 and 11, delete section 17

Page 19, line 25, delete "(105,000)" and insert "(74,000)"

Page 19, line 27, delete "(457,000)" and insert "(595,000)"

Page 19, line 29, delete "(353,000)" and insert "(246,000)"

Page 19, delete lines 30 to 37

Page 20, lines 4, 8, 12, and 22, delete "37" and insert "36"

Page 21, line 2, delete "or"

Page 21, after line 2, insert:

"(3) that is paid for entirely with funds from the trunk highway fund, county state-aid highway fund, or municipal state-aid street fund, and that is directly related to a specific highway or street project; or"

Page 21, line 3, delete "(3)" and insert "(4)"

Page 24, line 4, after "revenue," insert "and"

Page 24, lines 5 to 7, delete ", Minnesota state retirement system, public employees retirement association, and teachers retirement association"

Page 24, after line 35, insert:

"Subd. 9. [OTHER AGENCIES.] The governor must assign an executive branch agency to the jurisdiction of a secretary if this section does not make this assignment. This subdivision does not apply to an executive agency created in the constitution."
Page 25, lines 3, 14, 24, and 31, delete "35" and insert "34"

Page 25, line 25, delete "2004" and insert "2003"

Page 26, lines 23 and 26, delete "35, and 36" and insert "34, and 35"

Page 26, line 27, delete "22" and insert "21"

Page 26, line 30, delete "21, and 23 to 34" and insert "20, and 22 to 33"

Page 26, line 32, delete "18, 19, and 20" and insert "17, 18, and 19"

Adjust amounts accordingly

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "modifying certain fee provisions;"

Page 1, line 16, delete "179A.06, subdivision 3;"

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.

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

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

Reported the same back with the following amendments:

Page 1, line 21, delete everything after "is"

Page 1, line 22, delete everything before the period and insert "a Minnesota state colleges and universities contract paid for from any funds that are not state general fund appropriations"

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.
Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2460, A bill for an act relating to crimes; imposing special civil liability for destruction of field crop products, animals, and organisms; providing criminal penalties for persons who promote, advocate, and take responsibility for criminal acts under certain circumstances; amending Minnesota Statutes 2001 Supplement, section 609.495, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 604.

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. 2989, 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; authorizing an independent, contracted, board-certified forensic pathologist to sign the record of death on department incarcerated deaths; amending Minnesota Statutes 2000, section 241.67, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 169A.276, subdivision 1; 390.23.

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 and be re-referred to the Committee on Ways and Means.

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.241] [CONDITIONS FOR SAME-SEX DOMESTIC PARTNER BENEFITS.]

Subdivision 1. [COMPLIANCE WITH THIS SECTION.] A collective bargaining agreement or compensation plan providing insurance benefits to a same-sex domestic partner of a state employee must require compliance with the terms and conditions of this section."
Subd. 2. [CRITERIA.] The state employee and the same-sex domestic partner must certify that they:

(1) are of the same gender;

(2) are at least 18 years old and are mentally competent to enter into legally binding contracts;

(3) are not related by blood or adoption in a manner that would prohibit marriage and are neither married nor in another domestic partnership;

(4) have a committed interdependent relationship which they intend to continue indefinitely;

(5) agree to assume all the legal spousal obligations to each other that would apply if they were legally married;

(6) are jointly responsible for each other’s basic common welfare and well-being, including food, shelter, and health care, and will demonstrate this, upon request of the employer, by showing two of the following: (i) a joint obligation on a commercial loan; (ii) a mutually granted power of attorney; (iii) a joint bank account; (iv) a federal income tax return which claimed the partner as a dependent; (v) a designation as beneficiary under the other’s life insurance policy, retirement benefits, or will; or (vi) joint ownership or holding of real property or investments;

(7) share a common domicile and principal residence with each other on a permanent basis, and intend to do so indefinitely, and will demonstrate this, upon request of the employer, by showing one of the following: (i) driver’s licenses with the same principal residence; (ii) lease of principal residence bearing the name of both partners; (iii) home title to principal residence bearing the name of both partners; or (iv) other documentation satisfactory to the employer.

(8) will promptly inform the employer if they become aware that a statement made in the certification has ceased to be true or was inaccurate when made, and will submit a certificate of termination of domestic partnership if the conditions necessary to qualify for domestic partnership benefits no longer are met;

(9) acknowledge that false statements or failure to timely inform the employer as required in clause (8) are grounds for disciplinary action of the state employee; and

(10) agree that in the event of a false declaration, the employer may recover damages for all losses related to the false declaration and reasonable attorney fees incurred by the employer to recover these damages.

Subd. 3. [FORM OF CERTIFICATION.] The certification required by this section must be in a form required by the commissioner of employee relations. The certification must be notarized and be attested to by two witnesses.

Sec. 2. [RATIFICATIONS.]

Subdivision 1. [ENGINEERS.] The labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, is ratified.

Subd. 2. [COUNCIL 6.] The labor agreement between the state of Minnesota and the American federation of state, county, and municipal employees, units 2, 3, 4, 6, and 7, submitted to the legislative coordinating commission subcommittee on employee relations on November 21, 2001, and implemented after 30 days on December 21, 2001, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 3. [PROFESSIONAL EMPLOYEES.] The labor agreement between the state of Minnesota and the Minnesota association of professional employees, submitted to the legislative coordinating commission subcommittee on employee relations on November 21, 2001, and implemented after 30 days on December 21, 2001, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.
Subd. 4. [UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] The amendments to the compensation plan for administrators of the Minnesota state colleges and universities, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified.

Subd. 5. [MANAGERIAL PLAN.] The amendments to the managerial plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified.

Subd. 6. [COMMISSIONER'S PLAN.] The amendments to the commissioner's plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified.

Subd. 7. [SUPERVISORS.] The labor agreement between the state of Minnesota and the middle management association, submitted to the legislative coordinating commission subcommittee on employee relations on December 21, 2001, and implemented after 30 days on January 20, 2002, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 8. [RESIDENTIAL SCHOOLS TEACHERS.] The labor agreement between the state of Minnesota and the state residential schools education association, submitted to the legislative coordinating commission subcommittee on employee relations on December 21, 2001, and implemented after 30 days on January 20, 2002, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 9. [ADMINISTRATIVE AND SERVICE FACULTY.] The labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, submitted to the legislative coordinating commission subcommittee on employee relations on December 28, 2001, and implemented after 30 days on January 27, 2002, as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is ratified.

Subd. 10. [UNREPRESENTED MANAGERS; MINNESOTA STATE COLLEGES AND UNIVERSITIES.] 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, is ratified.

Subd. 11. [SALARY FOR THE DIRECTOR OF THE STATE BOARD OF INVESTMENT.] The proposal to increase the salary of the executive director of the state board of investment, as modified and approved by the legislative coordinating commission subcommittee on employee relations on February 1, 2002, is ratified.

Subd. 12. [MANAGERIAL PLAN.] The managerial plan as approved by the legislative coordinating commission subcommittee on employee relations on March 18, 2002, is ratified.

Subd. 13. [COMMISSIONER'S PLAN.] The commissioner's plan as approved by the legislative coordinating commission subcommittee on employee relations on March 18, 2002, is ratified.

Sec. 3. [EFFECTIVE DATE.] Sections 1 and 2 are effective the day following final enactment. Section 1 applies to any collective bargaining agreement or compensation plan submitted to the legislative coordinating commission or its subcommittee on employee relations on or after that date, and to any plan initially implemented in the legislative or judicial branch after that date.

Delete the title and insert:

"A bill for an act relating to public employment; providing criteria for state employees to qualify for same-sex domestic partner benefits; ratifying labor agreements and amendments to certain plans; ratifying a salary increase; proposing coding for new law in Minnesota Statutes, chapter 43A."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means without further recommendation.

The report was adopted.
Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 3278, 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; 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; proposing coding for new law in Minnesota Statutes, chapter 171.

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

The report was adopted.

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


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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 861, 2550, 2613, 2787, 3166 and 3169 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2697, 2821, 3200, 2460, 2989, 3278 and 3352 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hackbarth, Mares, Erickson and Eastlund introduced:

H. F. No. 3698, A bill for an act relating to education; requiring a school or school district to apply the same grading structure to all rigorous courses and programs that its students complete; amending Minnesota Statutes 2000, section 124D.09, subdivision 10.

The bill was read for the first time and referred to the Committee on Education Policy.
Dorman, Leighton, Gunther, Ruth and McElroy introduced:

H. F. No. 3699, A bill for an act relating to taxes; sales and use tax; providing a sales tax exemption for construction of a motor home production facility; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

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

Wilkin, Sviggum, Workman and Osskopp introduced:

H. F. No. 3700, A bill for an act relating to metropolitan government; requiring the metropolitan airports commission to submit proposed budgets to legislative committees; amending Minnesota Statutes 2000, section 473.661, by adding a subdivision.

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

Boudreau, Abeler, Huntley, Jacobson and Howes introduced:

H. F. No. 3701, A bill for an act relating to human services; providing an annual adjustment in hospital payment rates; appropriating money; amending Minnesota Statutes 2000, section 256.969, subdivision 1.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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

The Senate has appointed as such committee:

Senators Murphy, Sams and Fischbach.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate
Mr. Speaker:

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

H. F. No. 3618, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other public improvements of a capital nature with certain conditions; requiring certain studies and reports; authorizing sale of state bonds; canceling earlier appropriations and reducing bond authorizations; making technical corrections; making changes to statutes related to administration of the state's capital improvement program; requiring an inventory of state-owned land; providing a certain exemption from any moratorium on state professional or technical contracts; authorizing a lease of certain Minneapolis park and recreation board land; modifying the wastewater infrastructure program; establishing a local road improvement account; prohibiting any action on the Dan Patch Commuter Rail Line; establishing a multiagency working group on mitigation of effects of DM&E rail project in southern Minnesota; authorizing the purchase of certain state park inholdings; appropriating money; amending Minnesota Statutes 2000, sections 13.462, subdivision 2; 16A.11, subdivision 6; 16A.501; 16A.86, subdivision 3; 16B.335, subdivision 3; 119A.45; 446A.072, subdivisions 1, 3, 6, 7, 8, 9, 11, 12, by adding subdivisions; Laws 1998, chapter 404, section 18, subdivision 4; Laws 2000, chapter 492, article 1, section 12, subdivision 7; Laws 2000, chapter 492, article 1, section 15, subdivision 4; Laws 2000, chapter 492, article 1, section 22, subdivisions 3, as amended, 4; Laws 2000, chapter 492, article 1, section 27; Laws 2001, First Special Session chapter 12, section 10; proposing coding for new law in Minnesota Statutes, chapters 16B; 174; repealing Minnesota Statutes 2000, section 446A.072, subdivisions 2, 4, 5, 10, 13.

PATRICKE.FLAHAVEN, Secretary of the Senate

Knoblach moved that the House refuse to concur in the Senate amendments to H. F. No. 3618, that the Speaker appoint a Conference Committee of 5 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. 2570, A bill for an act relating to insurance; providing that automobile insurance may cover damage to automotive glass on the same basis as damage to other parts of an automobile; amending Minnesota Statutes 2000, section 72A.201, subdivision 6; repealing Minnesota Statutes 2000, section 72A.202.

PATRICKE.FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wolf moved that the House concur in the Senate amendments to H. F. No. 2570 and that the bill be repassed as amended by the Senate.

Tuma moved that the House refuse to concur in the Senate amendments to H. F. No. 2570, 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.

A roll call was requested and properly seconded.
The question was taken on the Tuma motion and the roll was called. There were 30 yeas and 102 nays as follows:

Those who voted in the affirmative were:

Abeler  Dehler  Howes  Mahoney  Ozment  Swapinski
Abrams  Fuller  Jaros  Mariani  Peterson  Tingelstad
Anderson, B.  Gerlach  Krinke  Olson  Slawik  Tuma
Boudreau  Hackbarth  Kubly  Osskopp  Solberg  Walz
Buesgens  Hilty  Lipman  Otrema  Stang  Winter

Those who voted in the negative were:

Anderson, I.  Dorman  Hausman  Kuisle  Ness  Skoe
Bakk  Dorn  Hilstrom  Larson  Nornes  Skoglund
Bernardy  Eastlund  Holberg  Leighton  Opatz  Smith
Biernat  Entenza  Holsten  Lenczewski  Paulsen  Stanek
Bishop  Erhardt  Huntley  Leppik  Pawlenty  Swenson
Blaine  Erickson  Jacobson  Lieder  Paymar  Sykora
Bradley  Evans  Johnson, J.  Lindner  Pelowski  Thompson
Carlson  Finseth  Johnson, R.  Mares  Penas  Vandeveer
Cassell  Follisard  Johnson, S.  Marko  Pugh  Wagenius
Clark, J.  Gleason  Jordan  Marquart  Rhodes  Walker
Clark, K.  Goodno  Juhnke  McElroy  Rifenberg  Wasiluk
Daggett  Goodwin  Kahn  McGuire  Rukavina  Westerberg
Davids  Gray  Kalis  Milbert  Ruth  Westrom
Davnie  Greiling  Kellihner  Molnau  Schumacher  Wilkin
Dawkins  Gunther  Kielkucki  Mulder  Seagren  Wolf
Dempsey  Haas  Knoblach  Mullery  Seifert  Workman
Dibble  Harder  Koskinen  Murphy  Sertich  Spk. Sviggum

The motion did not prevail.

The question recurred on the Wolf motion that the House concur in the Senate amendments to H. F. No. 2570 and that the bill be repassed as amended by the Senate. The motion prevailed.


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 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler  Bernardy  Buesgens  Daggett  Dempsey  Entenza
Abrams  Biernat  Carlson  Davids  Dibble  Erhardt
Anderson, B.  Bishop  Cassell  Davnie  Dorn  Erickson
Anderson, I.  Blaine  Clark, J.  Dawkins  Dorn  Evans
Bakk  Bradley  Clark, K.  Dehler  Eastlund  Finseth
Those who voted in the negative were:

Boudreau Fuller Kielkucki Krinkie Tuma Walz

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

Mr. Speaker:

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

S. F. No. 3174, A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

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

Senators Kelley, S. P.; Moua and Lesewski.

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

PATRICKE. FLAHAVEN, Secretary of the Senate

Gunther 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. 3174. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 2673, 2486, 2909, 3148, 2392, 2569, 2859, 2986, 2793 and 3075.

PATRICKE. FLAHAVEN, Secretary of the Senate
FIRST READING OF SENATE BILLS

S. F. No. 2673, A bill for an act relating to family law: providing for custody of children by de facto custodians and third parties; making related technical changes; providing for hearings on petitions for orders of protection; providing for notice to law enforcement agencies of continuance of order for protection; amending Minnesota Statutes 2000, sections 518.156, subdivision 1; 518B.01, subdivisions 5, 7, 13; Minnesota Statutes 2001 Supplement, section 260C.201, subdivision 11; proposing coding for new law as Minnesota Statutes, chapter 257C; repealing Minnesota Statutes 2000, section 518.158.

The bill was read for the first time.

Holberg moved that S. F. No. 2673 and H. F. No. 2596, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2486, A bill for an act relating to health; modifying requirements for certain major spending commitments; amending Minnesota Statutes 2000, section 62J.17, subdivision 8.

The bill was read for the first time.

Goodno moved that S. F. No. 2486 and H. F. No. 2903, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2909, A bill for an act relating to health; permitting a health maintenance organization rural demonstration project; modifying enrollee cost-sharing provisions for health maintenance organizations; amending Minnesota Statutes 2000, sections 62D.02, subdivision 8; 62D.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

The bill was read for the first time.

Penas moved that S. F. No. 2909 and H. F. No. 2935, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3148, A bill for an act relating to housing; affordable housing; providing for accessory dwelling units; requiring municipalities to report separate permit totals for certain types of residential units; amending Minnesota Statutes 2000, sections 462.352, by adding a subdivision; 462.357, by adding a subdivision; 462A.33, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 16B.685.

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

S. F. No. 2392, A bill for an act relating to public safety; modifying emergency 911 telecommunication system provisions to establish emergency 911 telecommunications system; amending Minnesota Statutes 2000, sections 403.01; 403.02, subdivisions 3, 6, 7, by adding subdivisions; 403.05; 403.06; 403.07; 403.08; 403.09; 403.10, subdivision 1; 403.11, subdivisions 3, 4, by adding subdivisions; 403.113, subdivision 1; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, sections 403.04; 403.11, subdivision 2; 403.113, subdivision 5; 403.12, subdivision 1; 403.13; 403.14; Minnesota Rules, parts 1215.0400; 1215.0600; 1215.0700; 1215.1200, subpart 3; 1215.1500.

The bill was read for the first time.

Osskopp moved that S. F. No. 2392 and H. F. No. 2550, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.
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 first time.

Erickson moved that S. F. No. 2569 and H. F. No. 2647, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2859, A bill for an act relating to state government; changing the deadline for the submission of the governor’s budget to the legislature; amending Minnesota Statutes 2000, section 16A.11, subdivision 1.

The bill was read for the first time and referred to the Committee on State Government Finance.

S. F. No. 2986, A bill for an act relating to education; requiring school districts to submit timely information about teacher contract settlements; proposing coding for new law in Minnesota Statutes, chapter 123B.

The bill was read for the first time.

Wolf moved that S. F. No. 2986 and H. F. No. 3069, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2793, A bill for an act relating to health services; requiring the commissioner of human services to develop a plan to certify out-of-state facilities that care for children with severe emotional disturbance.

The bill was read for the first time.

Harder moved that S. F. No. 2793 and H. F. No. 3223, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3075, 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 penalties for certain offenses relating to vehicle titles; amending Minnesota Statutes 2000, section 297B.035, subdivision 3; repealing Minnesota Statutes 2000, section 168A.30, subdivision 2.

The bill was read for the first time.

Entenza moved that S. F. No. 3075 and H. F. No. 2687, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

The Speaker assumed the Chair.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3618:

Knoblach, Osthoff, Bishop, McElroy and Clark, J.
The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3174:

McElroy, Gunther and Clark, K.

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

RECESS

RECONVENED

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

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 2622.

H. F. No. 2622 was reported to the House.

Stanek moved to amend H. F. No. 2622, the third engrossment, as follows:

Page 54, line 45, before the period, insert "', except the base for fiscal year 2004 and 2005 shall be $96,000 each year for the additional personnel in the department of public safety's division of emergency management"

Page 56, line 8, after the period, insert "This is a one-time appropriation."

The motion prevailed and the amendment was adopted.

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

CALL OF THE HOUSE

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

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Clark, K.</th>
<th>Evans</th>
<th>Hilstrom</th>
<th>Kahn</th>
<th>Lindner</th>
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<td>Abrams</td>
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<td>Bernardy</td>
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<td>Bradley</td>
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<td>Johnson, J.</td>
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<td>Buesgens</td>
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<td>Mulder</td>
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<td>Carlson</td>
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<td>Hackbarth</td>
<td>Johnson, S.</td>
<td>Lenczewski</td>
<td>Mullery</td>
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<td>Cassell</td>
<td>Erhardt</td>
<td>Harder</td>
<td>Jordan</td>
<td>Leppik</td>
<td>Murphy</td>
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<tr>
<td>Clark, J.</td>
<td>Erickson</td>
<td>Hausman</td>
<td>Juhnke</td>
<td>Lieder</td>
<td>Ness</td>
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</table>
Nornes  Pawlenty  Rukavina  Slawik  Thompson  Westerberg
Olson   Paymar   Ruth    Smith   Tingelstad Westrom
Opatz   Pelowski Schumacher Solberg Tuma Wilkin
Osskopp Penas   Seagren  Stanek Vandeveer Winter
Osthoff Peterson Seifert  Stang  Wagenius Wolf
Otremba  Fugh    Sertich Swapinski Walker Workman
Ozment  Rhodes  Skoe    Swenson Walz Spk. Sviggum
Paulsen Rifenberg Skoglund Sykora Wasiluk

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.

Skoglund; Clark, K., and Davnie moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 20, line 27, delete "of a distinguishing color; (2) plainly marked"

Page 20, line 28, delete "nonrenewable"; and (3) and insert "(2)"

Page 56, delete lines 1 to 8

Renumber the remaining subdivisions in sequence

A roll call was requested and properly seconded.

The question was taken on the Skoglund et al amendment and the roll was called. There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams Cassell Erhardt Hackbarth Kielkucki McElroy
Anderson, B. Clark, J. Erickson Harder Knoblauch Molnau
Bishop Davids Fuller Harder Krinkie Mulder
Blaine Dehler Gerlach Holberg Kuisle Ness
Boudreau Dempsey Goodno Howes Leppik Nornes
Bradley Dorman Gunther Jacobson Lindner Olson
Buesgens Eastlund Haas Jordan Lipman Osiskopp

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

Skoglund moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 33, line 23, before "If" insert "(a)"

Page 33, line 24, after "any" insert "posted."

Page 33, after line 32, insert:

"(b) For purposes of paragraph (a), public utility or critical public service facility grounds are posted if there are signs that:

(1) state "no trespassing" or similar terms;

(2) display letters at least two inches high;

(3) state that the property is grounds of a public utility or critical public service facility; and

(4) are posted in a conspicuous place on the exterior of any building located on the grounds and at intervals of 100 feet or less along the boundary of the grounds."

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:


Those who voted in the negative were:

Abeler Abrams Anderson, B. Bishop Blaine Boudreau Bradley Buesgens Cassell Clark, J. Daggett Dempsey Erhardt Erickson Eastlund

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

Skoglund moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 41, line 9, before "gives" insert "knowingly"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Wagenius moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 11, after line 15, insert:

"Sec. 14. [18D.3025] [STRUCTURAL PEST APPLICATOR LICENSE BACKGROUND CHECK.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Disqualifying crime" means a crime of violence as defined in section 624.712, subdivision 5; or a gross misdemeanor violation of section 609.2231; 609.2242; 609.377; 609.66; or 609.749.

Subd. 2. [STRUCTURAL PEST APPLICATOR; BACKGROUND CHECK.] (a) An individual who seeks a structural pest applicator license issued under this chapter must agree to undergo a background check under this section. The individual must request the superintendent of the bureau of criminal apprehension to perform a background check under this section and to notify the commissioner in writing whether the individual is or is not eligible for a structural pest applicator license. The superintendent shall charge the individual for the cost of a background check performed under this subdivision.

(b) The commissioner shall deny a license application by an individual who has been convicted of a disqualifying crime, unless the individual has been pardoned for the offense.

Subd. 3. [BACKGROUND CHECK PROCESS.] (a) The superintendent of the bureau of criminal apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system. If the subject of the check has resided in Minnesota for fewer than five years or does not reside in Minnesota, the superintendent shall also either:

(1) conduct a search of the national criminal records repository, including the criminal justice data communications network; or
(2) conduct a search of the criminal justice data communications network records in any state where the subject of the check has resided during the preceding five years. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the background check. The superintendent shall reply to the commissioner in writing, indicating whether the person is or is not eligible for a structural pest applicator license.

[EFFECTIVE DATE; APPLICATION.] This section is effective July 1, 2002, and applies to applicants for a structural pest applicator license on or after that date.

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 Wagenius amendment and the roll was called.

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

There were 35 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Davnie  Goodwin  Johnson, R.  Leighton  Skoglund
Bakk  Dibble  Gray  Johnson, S.  Mariani  Solberg
Bernardy  Dorn  Greiling  Kahn  Mullery  Swapinski
Biernat  Entenza  Hausman  Kalis  Pugh  Wagenius
Bishop  Folliard  Huntley  Kelliher  Rukavina  Wasiluk
Clark, K.  Gleason  Jaros  Koskinen  Sertich

Those who voted in the negative were:

Abeler  Eastlund  Howes  Lipman  Pawlenty  Swenson
Abrams  Erhardt  Jacobson  Mahoney  Paymar  Sykora
Anderson, B.  Erickson  Jennings  Mares  Pelowski  Thompson
Blaine  Evans  Johnson, J.  Marquart  Penas  Tingelstad
Boudreau  Finseth  Jordan  McElroy  Peterson  Tuma
Bradley  Fuller  Juhnke  Milbert  Rhodes  Vandeveer
Buesgens  Gerlach  Kielkucki  Molnau  Rifenberg  Walker
Carlson  Goodno  Knoblauch  Mulder  Ruth  Walz
Cassell  Gunther  Krickie  Ness  Schumacher  Westerberg
Clark, J.  Haas  Kubly  Nornes  Seagren  Westrom
Daggett  Hackbart  Kuise  Olson  Seifert  Wilkin
Davids  Harder  Larson  Opatz  Slawik  Wolf
Dawkins  Hilstrom  Lenczewski  Osskopp  Smith  Workman
Dehler  Hilty  Leppik  Otremba  Stanek  Spk. Sviggum
Dempsey  Holberg  Lieder  Ozment  Stang
Dorman  Holsten  Lindner  Paulsen  Stang

The motion did not prevail and the amendment was not adopted.
Rukavina moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Delete article 1, section 36

The motion prevailed and the amendment was adopted.

Clark, K.; Gray; Otremba; Kalis and Entenza moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 11, after line 15, insert:

"Sec. 14. [18D.3025] [AERIAL APPLICATOR LICENSE BACKGROUND CHECK.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Disqualifying crime" means a crime of violence as defined in section 624.712, subdivision 5; or a gross misdemeanor violation of section 609.2231; 609.2242; 609.377; 609.66; or 609.749.

Subd. 2. [AERIAL APPLICATOR; BACKGROUND CHECK.] (a) An individual who seeks an aerial applicator license issued under this chapter must agree to undergo a background check under this section. The individual must request the superintendent of the bureau of criminal apprehension to perform a background check under this section and to notify the commissioner in writing whether the individual is or is not eligible for an aerial applicator license. The superintendent shall charge the individual for the cost of a background check performed under this subdivision.

(b) The commissioner shall deny a license application by an individual who has been convicted of a disqualifying crime, unless the individual has been pardoned for the offense.

Subd. 3. [BACKGROUND CHECK PROCESS.] (a) The superintendent of the bureau of criminal apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system. If the subject of the check has resided in Minnesota for fewer than five years or does not reside in Minnesota, the superintendent shall also either:

(1) conduct a search of the national criminal records repository, including the criminal justice data communications network; or

(2) conduct a search of the criminal justice data communications network records in any state where the subject of the check has resided during the preceding five years. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the background check. The superintendent shall reply to the commissioner in writing, indicating whether the person is or is not eligible for an aerial applicator license.

[EFFECTIVE DATE; APPLICATION.] This section is effective July 1, 2002, and applies to new applicants for an aerial applicator license on or after that date."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.
Juhnke moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 33, line 26, delete "(1)"

Page 33, line 29, delete "; or" and insert a period

Page 33, delete lines 30 to 32

A roll call was requested and properly seconded.

The question was taken on the Juhnke amendment and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Entenza  Hilty  Koskinen  Murphy  Skoglund
Bakk  Evans  Holsten  Kubly  Opatz  Slawik
Bernardy  Folliard  Howes  Leighton  Otremba  Solberg
Biernat  Gerlach  Huntley  Leppik  Paymar  Stang
Carlson  Gleason  Jaros  Lieder  Pelowski  Swapinski
Clark, K.  Goodwin  Johnson, R.  Mahoney  Peterson  Swenson
Davnie  Gray  Johnson, S.  Mariani  Pugh  Wagenius
Dawkins  Greiling  Juhnke  Marko  Rukavina  Walker
Dehler  Hackbart  Kahn  Marquart  Schumacher  Wasiluk
Dibble  Hausman  Kalis  Milbert  Sertich  Westrom
Dorn  Hilstrom  Kelliher  Mullery  Skoe  Winter

Those who voted in the negative were:

Abeler  Dempsey  Jacobson  Mares  Penas  Vandeveer
Abrams  Dorman  Jennings  McElroy  Rhodes  Walz
Anderson, B.  Eastlund  Johnson, J.  Molnau  Rifenberg  Westerberg
Bishop  Erhardt  Jordan  Mulder  Ruth  Wilkin
Blaine  Erickson  Kielkucki  Ness  Seagren  Wolf
Boudreau  Finseth  Knoblach  Nornes  Seifert  Workman
Bradley  Fuller  Krinkie  Olson  Smith  Spk. Sviggum
Buesgens  Goodno  Kuisle  Osskopp  Stanek
Cassell  Gunther  Larson  Osthoff  Sykora
Clark, J.  Haas  Lenczewski  Ozment  Thompson
Daggett  Harder  Lindner  Paulsen  Tingelstad
Davids  Holberg  Lipman  Pawlenty  Tuma

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

Goodwin and Skoglund offered an amendment to H. F. No. 2622, the third engrossment, as amended.

POINT OF ORDER

Tuma raised a point of order pursuant to rule 3.21 that the Goodwin and Skoglund amendment was not in order.
The Speaker resumed the Chair.

The Speaker ruled the point of order well taken and the Goodwin and Skoglund amendment out of order.

Goodwin appealed the decision of the Speaker.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Seifert moved to lay the Goodwin 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.

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

There were 72 yeas and 59 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the appeal of the decision of the Speaker was laid on the table.
Rukavina moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 56, after line 49, insert:

"Subdivision 15. Crime Victim Services Center; Shelter Per Diems

$600,000 is appropriated from the general fund to the commissioner of public safety for increased funding for shelters for the fiscal year ending June 30, 2003.

Subd. 16. Crime Victim Services Staff and Grants

$384,000 for the fiscal year ending June 30, 2002, and $768,000 for the fiscal year ending June 30, 2003, are appropriated from the general fund to the commissioner of public safety for crime victim services staff and grants."

Page 57, delete sections 5 to 9 and insert:

"Sec. 5. OMBUDSMAN FOR CORRECTIONS

$168,000 is appropriated from the general fund to the ombudsman for corrections for the fiscal year ending June 30, 2003.

Sec. 6. DISTRICT COURTS

The budget for the district courts for fiscal year 2002 is reduced by $384,000 and is reduced for fiscal year 2003 by $1,965,000. These reductions are in addition to the reduction in Laws 2002, chapter 220.

Sec. 7. CRIME VICTIM OMBUDSMAN

$411,000 is appropriated from the general fund to the crime victim ombudsman for the fiscal year ending June 30, 2003. Notwithstanding Laws 2002, chapter 220, article 7, the powers and duties of the crime victim ombudsman that were in effect on January 1, 2002, are restored and the related powers and duties transferred to the commissioner of public safety are revoked. The revisor of statutes must develop and recommend the statutory amendments that are necessary to effectuate the changes required by this section and must report those recommendations to the chair of the house judiciary finance committee by January 1, 2003."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.
The Speaker called Paulsen to the Chair.

The question was taken on the Rukavina amendment and the roll was called. There were 63 yeas and 70 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Entenza</th>
<th>Jaros</th>
<th>Lieder</th>
<th>Pelowski</th>
<th>Thompson</th>
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<td>Bakk</td>
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<td>Bernardy</td>
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<td>Rukavina</td>
<td>Walker</td>
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<td>Biernat</td>
<td>Goodwin</td>
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<td>Carlson</td>
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<td>Sertich</td>
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<td>Clark, K.</td>
<td>Greiling</td>
<td>Kellher</td>
<td>Mullery</td>
<td>Skoe</td>
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<td>Davnie</td>
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<td>Murphy</td>
<td>Skoglund</td>
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<td>Opatz</td>
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<td>Dibble</td>
<td>Hilty</td>
<td>Leighton</td>
<td>Otremba</td>
<td>Solberg</td>
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<tr>
<td>Dorn</td>
<td>Huntley</td>
<td>Lenczewski</td>
<td>Paymar</td>
<td>Swapinski</td>
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</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Abrams</th>
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<td>Hackbart</td>
<td>Kuisle</td>
<td>Osskopp</td>
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</table>

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

Skoglund offered an amendment to H. F. No. 2622, the third engrossment, as amended.

**POINT OF ORDER**

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

Skoglund appealed the decision of Speaker pro tempore Paulsen.

A roll call was requested and properly seconded.
LAY ON THE TABLE

Seifert moved to lay the Skoglund appeal of the decision of Speaker pro tempore Paulsen 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 69 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Bernardy moved to amend H. F. No. 2622, the third engrossment, as amended, as follows:

Page 53, delete section 1

Page 57, after line 12, insert:

"Sec. 6. [BALANCES CANCELED TO GENERAL FUND.]

$22,000,000 of the unobligated balance in the cash flow account in Minnesota Statutes, section 16A.152, subdivision 1, is canceled to the general fund in fiscal year 2003."
This transfer is in addition to transfers under Laws 2002, chapter 220.

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

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 Bernardy amendment and the roll was called. There were 62 yeas and 71 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Anderson, I.</th>
<th>Evans</th>
<th>Jaros</th>
<th>Lenczewski</th>
<th>Otremba</th>
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<td>Jacobson</td>
<td>Leighton</td>
<td>Opatz</td>
<td>Slawik</td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative were:

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

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

The Speaker resumed the Chair.

H. F. No. 2622, A bill for an act relating to terrorism; data practices; enacting the Minnesota Anti-Terrorism Act of 2002; establishing crimes and setting penalties for crimes involving weapons of mass destruction, explosives, and hoaxes relating to such crimes; interception of communications; establishing hazardous materials driver's
endorsement regulations; establishing a biological agents registry; providing for background checks of new
applicants for aerial applicator licenses; providing for a civil penalty; providing criminal penalties; providing for
expedited management and disposal of waste in peacetime emergencies; authorizing closing public meetings to
discuss certain security issues; authorizing embargoes limiting food and commodity movement; authorizing
quarantine zones if disease is present; requiring certain trucks to have USDOT carrier numbers; requiring proof of
residency for drivers’ licenses; providing for expense reimbursement of bomb disposal units; upon commission of
terrorist offenses providing for attachment of financial assets and seizure and forfeiture of property associated with
those offenses; prohibiting trespass on utility property; prohibiting placing explosive or simulated explosive devices
near utilities and transportation centers; prohibiting introducing organisms pathogenic to livestock, captive cervidae,
or poultry; enhancing penalties and creating new crimes designed to deter and punish terrorist activities; updating
the wiretapping law to help interception of terroristic communications; prescribing penalties; establishing an anti-
terrorism account in the special revenue fund; abolishing the office of corrections ombudsman; transferring certain
funds from the tobacco use prevention and local public health endowment funds to the general fund; providing for
additional collection of biological specimens for DNA testing of certain convicted felons and adjudicated delinquents;
requiring a report on the best way to exchange data with the federal government with respect to foreign students;
appropriating money; amending Minnesota Statutes 2000, sections 12.03, subdivision 4; 12.21, subdivisions 1, 2,
3; 12.22, subdivision 2; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.36; 13.381, by adding a subdivision;
13D.05, subdivision 3; 31.05, subdivision 1, by adding a subdivision; 171.07, subdivisions 1a, 4; 171.27; 221.0355,
subdivisions 2, 3; 299A.49, subdivisions 2, 4; 299C.063, subdivision 2; 609.185; 609.505; 609.531, subdivision 1;
609.532, subdivision 3; 609.625, by adding a subdivision; 609.668, subdivision 6; 609.713, subdivision 1, by adding a
subdivision; 624.712, subdivision 5; 626A.01, subdivisions 3, 4; 626A.05, subdivision 2; 626A.06, subdivisions 11,
12; 626A.27; 626A.28; Minnesota Statutes 2001 Supplement, sections 28A.085, subdivision 4; 35.0661, subdivision 2;
260B.171, subdivision 1; repealing Minnesota Statutes 2000, sections 241.41; 241.42; 241.43; 241.44; 241.441;
Minnesota Statutes 2001 Supplement, section 241.45; proposing coding for new law in Minnesota Statutes,
chapters 18D; 144; 168; 171; 609.

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 94 yeas and 39 nays as
follows:

Those who voted in the affirmative were:

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<tr>
<th>Abeler</th>
<th>Dorn</th>
<th>Johnson, J.</th>
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<td>Evans</td>
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The bill was passed, as amended, 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 for Wednesday, March 20, 2002:

S. F. No. 2953; H. F. No. 2780; S. F. Nos. 2692, 2933, 2433, 3244 and 3034; H. F. No. 3163; S. F. Nos. 3315, 3288, 3293, 2814 and 3145; and H. F. Nos. 2972, 3031, 3625 and 3359.

CALENDAR FOR THE DAY

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

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. 3270, A bill for an act relating to state government; modifying election of house officers; creating office of state treasurer and modifying related provisions; providing for governor's cabinet and organizing certain government agencies; providing for inspection of certain buildings; modifying certain fund provisions; requiring certain payments; modifying provisions of constitutional officers' salaries; reducing certain appropriations; modifying consulting moratorium and hiring freeze provisions; amending Minnesota Statutes 2000, sections 3.06, subdivision 1; 4.06; 8.05; 10.01; 11A.08, subdivision 1; 40A.151, subdivision 1; 40A.152, subdivisions 1, 3; 43A.18, subdivision 4; 168A.40, subdivision 4, as amended; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; 240A.08; 471.975; Minnesota Statutes 2001 Supplement, section 16E.09, subdivision 1; Laws 2001, First Special Session chapter 10, article 1, section 2, subdivision 4; Laws 2002, chapter 220, article 10, sections 2; 3; 7; 10, subdivision 3; 15; 16; 36; 37; 38; proposing coding for new law in Minnesota Statutes, chapters 7; 15; 16B; 43A.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 3270 was read for the second time.
MOTIONS AND RESOLUTIONS

Paulsen moved that the name of Jordan be added as an author on H. F. No. 643. The motion prevailed.

Ozment moved that the name of Skoe be added as an author on H. F. No. 1359. The motion prevailed.

Solberg moved that the name of Howes be added as an author on H. F. No. 2678. The motion prevailed.

Greiling moved that the names of Clark, K.; Walker and Evans be added as authors on H. F. No. 2735. The motion prevailed.

Gunther moved that the name of Abrams be added as chief author on H. F. No. 2836. The motion prevailed.

Stang moved that the name of Knoblach be added as an author on H. F. No. 2933. The motion prevailed.

Howes moved that the name of Clark, K., be added as an author on H. F. No. 2993. The motion prevailed.

Knoblach moved that his name be stricken as an author on H. F. No. 3364. The motion prevailed.

Pawlenty moved that the name of Jordan be added as an author on H. F. No. 3625. The motion prevailed.

Hackbarth moved that S. F. No. 2960, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Bishop announced his intention to place H. F. No. 3270 on the Fiscal Calendar for Thursday, March 21, 2002.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:30 a.m., Thursday, March 21, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Thursday, March 21, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives