

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

EIGHTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 21, 2002

The House of Representatives convened at 9:30 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Molly Koop, Director of Middle School Faith Formation and Confirmation, St. Hubert Catholic Church, Chanhassen, Minnesota.

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

The Speaker called Paulsen to the Chair.

The roll was called and the following members were present:

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

A quorum was present.

McGuire was excused.

Gleason and Stanek were excused until 11:30 a.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 2392 and H. F. No. 2550, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osskopp moved that the rules be so far suspended that S. F. No. 2392 be substituted for H. F. No. 2550 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2486 and H. F. No. 2903, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Goodno moved that the rules be so far suspended that S. F. No. 2486 be substituted for H. F. No. 2903 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2569 and H. F. No. 2647, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Erickson moved that the rules be so far suspended that S. F. No. 2569 be substituted for H. F. No. 2647 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2673 and H. F. No. 2596, 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. 2673 be substituted for H. F. No. 2596 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2793 and H. F. No. 3223, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Harder moved that S. F. No. 2793 be substituted for H. F. No. 3223 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2909 and H. F. No. 2935, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Penas moved that the rules be so far suspended that S. F. No. 2909 be substituted for H. F. No. 2935 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2986 and H. F. No. 3069, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Wolf moved that S. F. No. 2986 be substituted for H. F. No. 3069 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3075 and H. F. No. 2687, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Entenza moved that the rules be so far suspended that S. F. No. 3075 be substituted for H. F. No. 2687 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2214, A bill for an act relating to a baseball park; financing a major league baseball park; creating a Minnesota sports facilities commission; directing a transfer from the metropolitan sports commission; establishing a sports facilities account; requiring a statewide advisory referendum on state assistance on financing a major league baseball park; requiring a determination of whether to provide state financing; providing a process for site selection; requiring agreements and preconditions for agreements; providing a property tax exemption for the baseball park; extending the sales tax to certain sales of newspapers and magazines if the state determines to assist in financing the baseball park; exempting construction materials for the baseball park from the sales tax; authorizing local revenue bonds; requiring a guaranteed maximum price on the baseball park; requiring one-half of baseball park costs to be privately funded; authorizing city taxes on food, beverages, lodging, and admission subject to a local referendum; authorizing a parking tax or surcharge; authorizing reservation of media outlet fees; requiring a guaranty from major league baseball; requiring obligations of the major league baseball team; authorizing an additional intoxicating liquor license; authorizing the establishment of a condominium; requiring evaluation of an olympic bid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.68, subdivision 10; 297A.71, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 297A.94; proposing coding for new law as Minnesota Statutes, chapter 240B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16A.88] [SPORT FACILITIES FUND.]

(a) A sports facilities fund is established in the state treasury. The metropolitan sports facilities commission shall transfer \$15,000,000 from its accumulated reserves to the commissioner of finance for deposit in the fund.

(b) Amounts in the fund may be used to pay the principal and interest on state revenue bonds issued to finance the baseball park. In addition, any available amounts in the fund may be used, as appropriated by law, to provide financial assistance to construct a football stadium and to make improvements to other sports facilities in the state.

Sec. 2. Minnesota Statutes 2000, section 272.02, is amended by adding a subdivision to read:

Subd. 50. [BASEBALL PARK.] Real or personal property acquired, owned, leased, controlled, used, or occupied as a baseball park by a major league professional baseball team is exempt from taxation but the property is subject to special assessments levied by a political subdivision under chapter 429. The baseball park includes parking

facilities and land necessary to and part of the use of the baseball park. A use of the property in any manner different from its use as a baseball park must not be considered in determining the special benefit under chapter 429 received by the properties. Notwithstanding section 272.01, subdivision 2, or 273.19, real or personal property on the premises of the baseball park leased by the local government unit that operates the baseball park to another person or entity for uses directly related to the operation of the baseball park is exempt from taxation regardless of the length of the lease. This subdivision expires one month after repayment of the bonds issued to finance the baseball park.

Sec. 3. Minnesota Statutes 2000, section 297A.71, is amended by adding a subdivision to read:

Subd. 28. [CONSTRUCTION MATERIALS; BASEBALL PARK.] Materials, supplies used or consumed in, and equipment incorporated into the construction or improvement of the baseball park constructed under sections 4 to 7, are exempt. This subdivision expires one year after the first major league baseball game is played in the baseball park.

Sec. 4. [SITE SELECTION FOR BASEBALL PARK.]

Subdivision 1. [DEFINITION.] (a) For purposes of sections 4 through 7, the following terms have the meanings given, unless the context indicates otherwise.

(b) "City" means the statutory or home rule charter city, designated by the council as the site for the baseball park.

(c) "Commissioner" means the commissioner of finance.

(d) "Council" means the executive council under Minnesota Statutes, section 9.011.

Subd. 2. [SITE SELECTION PROCESS.] On or before July 1, 2002, the council shall select a city to provide a site for the new baseball park. The required elements of the selection process are:

(1) the council shall accept bids from any city within the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2;

(2) acceptable bids must provide, at a minimum, for the provision of land of a site that is of adequate size for the baseball park and adjacent parking facilities to be made available to the team;

(3) the site must be in a condition appropriate for development;

(4) the bid must specify the intent of the city to own and operate the baseball park and demonstrate a reasonable capacity to do so;

(5) the bid must demonstrate the financial capacity of the city to make the annual payments under and satisfy any other conditions of the loan under section 5; and

(6) the legislative commission on planning and fiscal policy has reviewed the bids and made a recommendation to the council regarding the proposed host city and site for the baseball park.

Subd. 3. [SELECTION CRITERIA.] In selecting a site, the council shall consider, at least the following:

(1) the adequacy of the size of the site relative to preferred design for the baseball park;

(2) the adequacy of existing public infrastructure serving the site, including parking and highway, road, and transit access to meet the demands created by events at the baseball park in combination with other uses or events in the area that create traffic, transit or parking demands;

(3) the costs of any likely infrastructure improvements for the facility;

(4) potential development advantages including development of compatible mixed use, commercial, and housing developments in the area surrounding the baseball park;

(5) compatibility of surrounding uses with the baseball park; and

(6) appropriate aesthetic considerations.

Subd. 4. [PRE-CONDITIONS FOR SELECTION.] Before the council may designate a city as the host city for the baseball park with the powers granted under sections 5 to 9, the council must determine that each of the following is met for the proposed baseball park:

(1) all of the requirements of sections 4 to 7 have been met by the city, the team, and major league baseball;

(2) the pledged facility and local tax revenues will be sufficient to pay the debt service on the revenue bonds;

(3) the city has established a baseball park district to foster the development and continuing growth of compact, pedestrian-oriented, compatible mixed uses within buildings and blocks around the baseball park;

(4) the requirements of subdivision 5 have been met; and

(5) the legislative commission on planning and fiscal policy has approved the site, in its recommendation to the council.

Subd. 5. [COMMUNITY OWNERSHIP.] (a) The owner of the major league baseball team must agree that before the owner sells a majority ownership interest in the team, the owner will attempt for a reasonable time to comply with the requirements of paragraphs (b) and (c).

(b) The owner of the team must work with the governor, the commissioner, and a community foundation or corporation on a plan to:

(1) transfer by gift to a foundation or corporation all ownership interests in the team;

(2) provide for sale of shares in the team by the foundation or corporation to the community, in a manner such that up to 49 percent of the voting stock may be dispersed so that no person owns more than five percent; and

(3) ensure that the franchise may not move from Minnesota without approval of 75 percent of the shares of voting stock.

(c) The owner of the team must attempt to reach an agreement on the sale of a majority interest in the team to one or more Minnesota buyers before attempting to sell the majority interest to others.

(d) If the owner of the team attempts to sell a majority interest in the team, the commissioner must report to the legislature at the beginning of the next legislative session on efforts to work with the owner of the team to implement this subdivision.

Sec. 5. [REVENUE BONDS; BASEBALL PARK.]

Subdivision 1. [REVENUE BOND AUTHORITY.] (a) The commissioner may issue state revenue bonds in a principal amount of up to \$330,000,000 to make a loan to the city to finance the costs of designing, acquiring, constructing, furnishing, and equipping a baseball park for a major league baseball franchise, to pay principal interest on the bonds, to establish a reserve fund or funds, and to pay the cost of issuance of the bonds. The commissioner may issue and sell the bonds upon the terms and conditions as the commissioner determines to be in

the best interests of the state. The bonds may be issued at public or private sale. The commissioner may enter any agreements or pledges the commissioner determines necessary or useful to sell the bonds that are not inconsistent with this act. The bonds are payable only from the following sources:

- (1) the principal and any investment earnings on the proceeds of the baseball fund under subdivision 3;
- (2) payments of the city and team under the loan made by the commissioner; and
- (3) other revenues pledged to the payment of the bonds.

(b) The commissioner may issue bonds to refund outstanding bonds issued under paragraph (a), including the payment of any redemption premiums on the bonds and any interest accrued or to accrue to the first redemption date after delivery of the refunding bonds. The proceeds of the refunding bonds may, in the discretion of the commissioner, be applied to the purchases or payment at maturity of the bonds to be refunded, or the redemption of the outstanding bonds on the first redemption date after delivery of the refunding bonds and may, until so used, be placed in escrow to be applied to such purchase, retirement, or redemption. Refunding bonds issued under the provisions of this paragraph must be issued and secured in the manner provided by the commissioner.

(c) Bonds issued under this section are not public debt, and the full faith, credit, and taxing powers of the state are not pledged for their payment. The bonds may not be paid, directly in whole or part from a tax of statewide application on any class of property, income, transaction, or privilege.

(d) The commissioner may contract with and appoint a trustee for bond holders. The trustee has the powers and authority vested in it by the commissioner under the bond and trust indentures.

Subd. 2. [PRE-CONDITIONS TO ISSUING BONDS.] Before issuing bonds or making a loan under this act, the commissioner must determine that:

(1) \$165,000,000 in cash has been received for the baseball park gift fund under subdivision 3 from the team or other private sources;

(2) the city and the team have agreed to make payments on the ballpark loan at the times and in the amounts provided in the loan agreement, but not less than \$10,000,000 per year;

(3) the commissioner determines the revenues pledged to pay the bonds from the baseball park gift fund and team and local tax revenues will be sufficient to pay and make the bonds marketable; and

(4) the conditions required under section 7, subdivision 1, have been met.

Subd. 3. [BASEBALL PARK GIFT FUND.] (a) A baseball park gift fund is established in the state treasury. The proceeds of this fund and its investment earnings are pledged to and may only be used to pay principal and interest obligations on bonds issued under this section.

(b) The state board of investment shall contract with the investment advisors specified by the team to invest money in the fund. The fund must be invested in authorized investments under Minnesota Statutes, section 11A.24, except (i) corporate obligations described in Minnesota Statutes, section 11A.24, subdivision 3, paragraph (b) and (ii) investments described in Minnesota Statutes, section 11A.24, subdivision 6, paragraph (a), clauses (1) to (4).

(c) The commissioner shall enter an agreement with the team to review the performance of investment of the fund at least once every four years. If the rate of return earned on money in the fund during the period was less than 8.5 percent per year, the team must pay the commissioner for deposit in the fund an amount of money sufficient to equal the money that would be in the fund, if an 8.5 percent annual rate of return had been earned. If the rate of return on the fund during the period exceeded 8.5 percent, the commissioner may use the excess to retire or defease the bonds or to pay for other improvements to the baseball park.

(d) In addition, the commissioner may require, as part of the loan agreement, that the city exercise its authority under section 6 to provide funds to the commissioner to make up any deficiency resulting from a default by the team on its obligation under paragraph (c). The city may recover from the team or its owners, any payments made in this paragraph.

Subd. 4. [LOCAL GOVERNING BODY APPROVAL.] The governing body of the city must approve by two-thirds vote a resolution confirming that it will own the baseball park and agree to the terms of the state loan.

Subd. 5. [CONSTRUCTION OF BASEBALL PARK; MAXIMUM PRICE.] The city must have executed agreements that provide for the construction of a roof-ready baseball park to be owned by the city for a guaranteed maximum price not to exceed \$330,000,000, and that requires performance bonds in an amount at least equal to 100 percent of the guaranteed maximum price to cover any costs incurred over and above the guaranteed maximum price, including, but not limited to, costs incurred by the city and loss of revenues resulting from incomplete construction on the substantial completion date. The agreement must include that at least one-half of the cost of the baseball park must be financed by the owner of the major league baseball team or by other private sector financing and that the major league baseball team is responsible for and must pay all cost overruns.

Subd. 6. [MANAGER.] The city must have entered into a contract with a manager to operate the baseball park for the use of the major league baseball team.

Subd. 7. [AGREEMENT; TEAM.] The city must have entered into a use agreement with the major league baseball team that provides:

(1) the major league baseball team is responsible for and must pay for all cost overruns incurred in construction of the baseball park;

(2) the major league baseball team will use the baseball park for all scheduled home preseason, regular season, and postseason games that the major league baseball team is entitled to play at home for not less than 30 years without an escape clause for the major league baseball team;

(3) that transfer of any portion of ownership or equity in the major league baseball team does not change any obligations, responsibilities, or privileges under the agreement, this section, or section 7;

(4) the major league baseball team will ensure that a portion of the tickets for its games are accessible and affordable;

(5) the major league baseball team will receive all revenue generated at the stadium except as otherwise specifically provided in this act;

(6) a listing of all revenue streams generated from use of the baseball park with a specification of what revenues are available to cover the major league baseball team operations, which accrue to the city and which are available for repayment of bonds;

(7) the major league baseball team must operate and maintain the stadium in excellent condition during the duration of the agreement. The city must verify that the team complies with this requirement;

(8) delineation of the responsibility for repair, maintenance, and replacement of equipment or property in the baseball park, including inspections by the city and a representative of the state;

(9) the major league baseball team shall provide a letter of credit in an amount that protects the public interest in the event of a default by the major league baseball team or a disruption in the season due to a player strike or lockout;

(10) the agreement must afford to the city the rights and remedies at law and equity that are deemed necessary and appropriate to provide reasonable assurance that the baseball team and the owner will comply with the agreements through the 30-year term. The remedies must include, but not be limited to, specific performance and

injunctive relief, and may include any other equitable remedies, and any additional remedies or ownership, voting, or other security arrangements the city reasonably determines to be effective in ensuring the baseball team will play the required games in the baseball park throughout the 30-year term. The legislature intends that a material breach of an agreement between the city and professional athletic teams that commit to the long-term playing of major league games at public facilities is deemed to cause irreparable harm for which no adequate remedy at law is available and that the grant of equitable relief to remedy the breach is in the public interest and shall be liberally so construed;

(11) that the major league baseball team has the following obligations during the period of construction of a baseball stadium:

(i) the payment of the prevailing wage rate as defined in Minnesota Statutes, section 177.42, to all construction workers;

(ii) the provision to the city of a signed agreement between the major league baseball team and the construction unions that will work on the new stadium that mandates a no-strike and no-lockout period during construction of a baseball park;

(iii) all construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota; and

(12) if there is a sale or transfer of ownership of the major league baseball team, the owner of the team shall pay to the state an amount equal to the state's share of the appreciated value of the team. The state's share must be based on the value of the state investment in the baseball park and must be determined according to a formula included in the use agreement.

Subd. 8. [AMATEUR SPORTS.] The city must provide that the baseball park will be available for use by the state high school and amateur sports leagues when practicable.

Sec. 6. [FINANCING; CONSTRUCTION.]

Subdivision 1. [OWNERSHIP; TAX AUTHORITY.] The city shall own the baseball park and, subject to the restrictions in this section, may impose one or more of the taxes under this section to make the payments or meet other obligations under the loan agreement under section 5.

Subd. 2. [BASEBALL PARK ADMISSIONS TAX.] Notwithstanding any other law, the city may impose an admissions tax of up to ten percent of the sale price upon the granting, issuance, sales, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities at the baseball park. No other tax, surcharge, or governmental imposition, except the taxes collected under Minnesota Statutes, chapter 297A, may be levied by any other unit of government upon any such sale or distribution.

The admission tax must be stated and charged separately from the sales price so far as practicable and must be collected by the grantor, seller, or distributor from the person admitted. The admission tax collected must be used for repayment of the bonds issued under section 5. The tax is a debt from that person to the grantor, issuer, seller, or distributor, and the tax required to be collected is a debt owed by the grantor, issuer, seller, or distributor to the local government unit, recoverable at law in the same manner as other debts. Every person granting, issuing, selling, or distributing tickets for admissions to the ballpark may be required to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay the penalties for nonpayment and interest on late payments, as deemed necessary or expedient to assure the prompt and uniform collection of the tax.

Subd. 3. [FOOD AND BEVERAGE TAXES.] Notwithstanding Minnesota Statutes, section 477A.016, or any other limitation of law or charter, and in addition to other taxes previously authorized by law, the city may by ordinance impose liquor and food taxes not to exceed five percent at a retail level on any business within the city. The ordinance must provide for dedication of the taxes or fees, after payment of collection and administrative expenses and refunds, to payment of principal and interest on bonds issued under section 5.

Subd. 4. [LODGING TAX.] Notwithstanding Minnesota Statutes, section 477A.016, or any other limitation of law or charter to the contrary, the city may impose, by ordinance, a lodging tax at a rate of no more than five percent on the gross receipts from the furnishing for consideration of lodging as described in Minnesota Statutes, section 469.190, subdivision 1. The city may impose this tax on all or part of the city, as provided in the ordinance and may provide for exempting hotels or motels based on the number of rooms they have available. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the principal and interest on bonds issued for the baseball park.

Subd. 5. [PARKING TAX, SURCHARGE, OR BOTH.] The city may, by ordinance, impose a parking tax or surcharge or both of not less than \$2 per vehicle per event at the baseball park. The parking tax and surcharge apply to public and privately owned parking facilities in the area that the city determines in its ordinance provide event parking for the baseball park. The ordinance must provide for dedication of the taxes and other income from the tax, after payment of collection and administrative expenses and refunds, to payment of the principal and interest on bonds issued for the baseball park.

Subd. 6. [MAJOR LEAGUE BASEBALL GUARANTY.] Before bonds are issued under section 5, with the advice of the attorney general, the city must execute an agreement with the major league of which the baseball team is a member and with major league baseball that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (i) 30 years or (ii) the term of the bonds issued to finance the baseball park.

Subd. 7. [REFERENDUM.] (a) Before any city imposes a tax under this section, the imposition of the tax must be approved by the voters of the city at a special election held on the first Tuesday in June 2002.

(b) Notwithstanding any statute, charter provision, or other law to the contrary, if the tax is approved in a referendum under this subdivision, an ordinance enacting the tax is not subject to another vote of the electorate by referendum, initiative, charter amendment, or in any other manner.

Subd. 8. [EXPIRATION; LOCAL OPTION TAXES.] When the bonds issued under section 5 have been defeased or retired, subdivisions 3 to 5 and the taxes authorized by them expire.

Sec. 7. [OBLIGATIONS; MAJOR LEAGUE PROFESSIONAL BASEBALL TEAM.]

Subdivision 1. [OBLIGATIONS PRIOR TO BOND ISSUANCE.] (a) The major league professional baseball team must fully and completely do its part to accomplish the requirements of paragraphs (b) and (c) before the commissioner may issue bonds to finance the baseball park.

(b) The requirements are that:

(1) a signed lease for not less than 30 years between the city and the major league professional baseball team must be completed with no escape clauses;

(2) the major league professional baseball team has signed an agreement with the city agreeing to allow the baseball park to be available on nongame days for potential use by the University of Minnesota, Minnesota state colleges and universities, private colleges and universities, the state high school league, the city for community events, and the Minnesota amateur sports commission;

(3) the major league of which the baseball team is a member and major league baseball have both executed an agreement with the city that guarantees the continuance of a major league franchise in the metropolitan area for the greater of (i) 30 years from the date of the agreement or (ii) the term of the bonds under section 5;

(4) the major league professional baseball team and major league baseball have signed an agreement with the city to cooperate in maintaining the facility as a smoke-free facility; and

(5) the major league professional baseball team has agreed to make all reasonable efforts to ensure that businesses owned by socially disadvantaged persons are awarded contracts for construction and operation of the baseball park in proportion to the number of qualified businesses owned by socially disadvantaged persons in the metropolitan

area. In addition, the team has agreed to make all reasonable efforts to ensure that employment of socially disadvantaged persons for the construction or operation of the baseball park will be proportionate to the number of qualified workers who are socially disadvantaged persons in the metropolitan area. For the purposes of this clause, "socially disadvantaged persons" is as defined in Minnesota Rules, part 1230.0150, subpart 24. The city must report to the legislature annually on the implementation of this clause.

(c) The major league baseball team must sign, as a condition of receiving any public assistance, a contract with the city under which the city would obtain from the team the rights to the control and use of the team name and logo in the event that the team relocates to another state. Under such a contract, the team must notify the city within 24 hours of signing an agreement to relocate, and at midnight immediately following notification, all income from existing contracts for the use of the team name and logo and all team property with the team name and logo, other than personal property of team members and principals, will become the property of the city. This agreement and the requirement that it be entered may not be construed as authorizing or permitting the team to relocate before the end of the lease and use agreements with the city.

Subd. 2. [DESIGN AND CONSTRUCTION.] (a) The major league professional baseball team shall design and construct the baseball park. Before the design process is complete and construction begins, the city and the team must hold at least one public hearing on the proposed design. All funds appropriated to the city under this act must be managed by the city and made available to the team as the team deems necessary for construction purposes.

(b) All construction materials for the baseball park produced from or containing steel, so far as practicable, must use steel produced in the United States from taconite produced in Minnesota. The city shall establish and impose on the major league professional baseball team appropriate compliance procedures.

Subd. 3. [OBLIGATIONS DURING CONSTRUCTION.] The major league professional baseball team during the period of construction of a baseball park must:

- (1) pay the prevailing wage rate as defined in Minnesota Statutes, section 177.42, to all construction workers;
- (2) provide to the city a signed agreement between the major league professional baseball team and the construction unions that will work on the new baseball park that mandates a no-strike and no-lockout period during construction of the baseball park; and
- (3) pay any cost overruns that occur during the construction period.

Sec. 8. [BASEBALL PARK; LIQUOR LICENSE.]

The city in which the baseball park is located may issue an intoxicating liquor license for the premises of the baseball park. This license is in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 9. [CONDOMINIUM.]

The city selected to be the location of the baseball park may, by itself or together with another owner, and any other public or private person or entity, as to real or personal property comprising or appurtenant or ancillary to the baseball park, act as a declarant and establish a condominium or leasehold condominium under Minnesota Statutes, chapter 515A, or as a common interest community or leasehold common interest community under Minnesota Statutes, chapter 515B, and may grant, establish, create, or join in other or related easements, agreements, and similar benefits and burdens that the city may deem necessary or appropriate, and may exercise any and all rights and privileges, and assume obligations under them as a declarant, unit owner, or otherwise, insofar as practical and consistent with this act. The city may be a member of an association and the chair, any members of its governing body, and any officers and employees of the city may serve on the board of an association under Minnesota Statutes, chapter 515A or 515B.

Sec. 10. [OLYMPIC BID; FACILITY CONSTRUCTION.]

The governor must evaluate: (1) the feasibility of Minnesota preparing a bid to host the 2012 or future summer Olympics; and (2) the possibility that hosting the 2012 or future summer Olympics may result in sources other than the state or a local governmental unit constructing facilities that could be used by Minnesota professional sports teams after completion of the Olympics.

If the governor determines that preparation of a bid to host the 2012 or future Olympics could be cost beneficial to the state, the governor, in consultation with appropriate persons in the public and private sector, must take steps necessary to begin bid preparation.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment."

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2710, A bill for an act relating to trade practices; limiting unsolicited telephone calls to certain individuals; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 3, delete lines 35 and 36

Page 4, delete lines 1 to 21

Page 6, after line 5, insert:

"Sec. 7. [APPROPRIATION.]

\$482,000 is appropriated from the general fund in fiscal year 2003 to the commissioner of commerce for purposes of this act. The general fund base in fiscal year 2004 is \$349,000, and in fiscal year 2005 is \$299,000."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2920, A bill for an act relating to natural resources; modifying certain definitions; modifying planting stock restrictions; modifying timber sale, permit, and lease provisions; modifying certain restrictions on fishing and motorboat operations; creating a prairie chicken hunting license; allowing fundraisers to serve game;

modifying trapper education provisions; modifying the all season buck license; modifying requirements for taking turtles; modifying lifetime deer hunting license provisions; modifying big game ammunition provisions; modifying provisions for fishing contest permits; eliminating certain experimental trout stream restrictions; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.421, subdivision 4; 97A.473, subdivisions 1, 4; 97A.4742, subdivision 1; 97A.475, subdivisions 2, 41; 97B.025; 97B.031, subdivision 1; 97B.301, subdivision 7; 97B.601, subdivision 4; 97C.025; 97C.081, by adding a subdivision; 97C.605; 97C.611; Minnesota Statutes 2001 Supplement, sections 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003; 97C.605, subdivision 4.

Reported the same back with the following amendments:

Page 6, line 17, strike "\$70" and insert "\$250"

Page 6, line 20, delete "\$25" and insert "\$100"

Page 11, line 21, delete "June 1, 2002" and insert "March 1, 2003"

Page 11, line 25, before the period, insert ", but may not take them for commercial resale"

Page 12, line 1, delete everything after the period

Page 12, delete lines 2 to 4

Page 17, after line 35, insert:

"Sec. 23. [STUDY AND REPORT.]

The commissioner of natural resources must review Minnesota Statutes 2000, sections 84.029, 84A.55, and 85.04, and the February 2002 operational order on natural resources officers, and analyze the citation authority for nonconservation officers and how that differs from conservation officer authority generally under the jurisdiction of the commissioner. Included in the review must be an analysis of citations given and proposed to be given by any employee under the commissioner. A report on the study's findings must be given to the house and senate chairs of the environmental and natural resources policy and the crime prevention committees by January 15, 2003."

Page 17, line 36, delete "23" and insert "24"

Page 18, line 3, delete "24" and insert "25"

Amend the title as follows:

Page 1, line 14, after the first semicolon, insert "requiring a study and report;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2973, A bill for an act relating to natural resources; providing for maintenance of leased property; permitting aquatic plant grants; making certain state park permit exemptions; providing for federal law compliance; modifying certain appropriations; appropriating money; amending Minnesota Statutes 2000, sections 84.153; 84.975,

by adding a subdivision; 85.054, by adding a subdivision; 97A.055, by adding a subdivision; Laws 2001, First Special Session chapter 2, section 5, subdivisions 2, 5, 6, 7, 8, 11; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reported the same back with the following amendments:

Page 6, lines 2 to 5, delete the new language and insert "The appropriation in the first year is available in the second year. Notwithstanding Minnesota Statutes, section 16A.28, amounts encumbered under contract on or before June 30, 2003, are available until June 30, 2004."

Page 7, lines 17 to 20, delete the new language and insert "The appropriation in the first year is available in the second year. Notwithstanding Minnesota Statutes, section 16A.28, amounts encumbered under contract on or before June 30, 2003, are available until June 3, 2004."

Page 14, lines 7 to 10, delete the new language and insert "The appropriation in the first year is available in the second year. Notwithstanding Minnesota Statutes, section 16A.28, amounts encumbered under contract on or before June 30, 2003, are available until June 3, 2004."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3350, A bill for an act relating to health; establishing a donated dental services program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 2, delete lines 10 to 14 and insert:

"In fiscal year 2003 only, \$75,000 of the general fund appropriations for HIV/AIDS grants that are no longer needed as a result of greater than anticipated collections under the AIDS drug assistance program rebate must be transferred to the commissioner of health and is appropriated"

With the recommendation that when so amended the bill pass.

The report was adopted.

Knoblach from the Committee on Capital Investment to which was referred:

H. F. No. 3364, A bill for an act relating to transportation; providing for increase in motor fuel taxes; establishing major highway project account; authorizing bonding; exempting certain contracts from moratorium on state contracts for professional or technical services; appropriating money; amending Minnesota Statutes 2000, sections 296A.07, by adding a subdivision; 296A.08, subdivisions 2, 4, 6, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 296A.07, subdivision 4; 296A.08, subdivision 3; Laws 2002, chapter 220, article 10, section 37; proposing coding for new law in Minnesota Statutes, chapter 161.

Reported the same back with the following amendments:

Page 1, line 18, delete "296A.07, subdivision 3a, and 296A.08, subdivision 2a" and insert "10"

Page 3, delete lines 4 and 5

Page 4, line 11, delete everything after the period

Page 4, delete line 12

Page 6, line 24, delete everything after the period

Page 6, delete lines 25 to 35 and insert:

"Sec. 11. [ENCUMBRANCE LIMIT.]

Encumbrances by the commissioner of transportation of money appropriated to the commissioner from the major projects account in the trunk highway fund under section 1 may not exceed the following limits:

(1) in fiscal year 2003, \$150,000,000;

(2) in fiscal year 2004, \$50,000,000;

(3) in fiscal year 2005, \$150,000,000;

(4) in fiscal years 2006 and 2007, \$200,000,000 each year; and

(5) in fiscal years 2008 through 2012, \$100,000,000 each year.

Sec. 12. [ADDITIONAL FUEL TAXES IN FISCAL YEAR 2003.]

The commissioner of finance shall, within 15 days of the effective date of this section, determine the amount of additional taxes on gasoline and special fuel needed in fiscal year 2003 to equal payments to be made in that fiscal year from the trunk highway fund for principal and interest on bonds issued in that fiscal year under section 10. The additional taxes are effective on the first day of the second month after the month in which the commissioner makes the determination. All provisions of sections 2 and 5 relating to additional taxes on gasoline and special fuel not inconsistent with this section apply to the additional taxes imposed under this section.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 11 are effective July 1, 2002. Section 12 is effective the day following final enactment."

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

The report was adopted.

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

H. F. No. 3386, A bill for an act relating to crimes; requiring presumptive executed sentences for persons convicted of certain criminal sexual conduct offenses in the second degree; clarifying payment of costs for criminal sexual conduct medical examinations; amending Minnesota Statutes 2000, sections 609.343, subdivision 2; 609.35.

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. 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 22, delete everything after "from"

Page 1, line 23, delete "appropriations" and insert "student fees or funds from private sources"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 3015, A bill for an act relating to commerce; establishing a division of insurance fraud prevention within the department of commerce to investigate and prosecute insurance fraud; appropriating money; prescribing a criminal penalty for the employment of runners, cappers, or steerers; amending Minnesota Statutes 2000, sections 60A.951, subdivisions 1, 2, by adding subdivisions; 60A.952, subdivisions 1, 2, by adding subdivisions; 60A.953; proposing coding for new law in Minnesota Statutes, chapters 45; 60A; 609; repealing Minnesota Statutes 2000, section 175.16, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [45.0135] [DIVISION OF INSURANCE FRAUD PREVENTION.]

Subdivision 1. [CREATION.] The division of insurance fraud prevention is established in the department of commerce. The division of insurance fraud prevention shall:

(1) initiate inquiries and conduct investigations when the division has reason to believe that insurance fraud has been or is being committed;

(2) respond to notifications or complaints of suspected insurance fraud generated by state and local police, other law enforcement authorities, governmental units, including the federal government, and any other person;

(3) review notices and reports of insurance fraud submitted by authorized insurers, their employees, and agents or producers, and to investigate those incidents of alleged fraud that, in its judgment, require further investigation; and

(4) report incidents of alleged insurance fraud disclosed by its investigations to appropriate law enforcement authorities, including, but not limited to, the attorney general, county attorneys, and to any other appropriate law enforcement, administrative, regulatory, or licensing agency, and to assemble evidence, prepare charges, and otherwise assist any law enforcement authority having jurisdiction.

Subd. 2. [POWERS.] The division of insurance fraud prevention may employ investigators who are certified by the board of peace officers standards and training. The general laws applicable to law enforcement officers of this state are applicable to the investigators. The powers of the division include, but are not limited to, the following powers:

(1) to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require production of any books, papers, correspondence, memoranda, agreements, or other documents or records that the division considers relevant or material to an inquiry concerning insurance fraud;

(2) to make arrests for criminal violations established as a result of their investigations; and

(3) to execute arrest and search warrants for the same criminal violations.

Subd. 3. [EVIDENCE, DOCUMENTATION, AND RELATED MATERIALS.] If the division seeks evidence, documentation, and related materials pertinent to an investigation, and the matter is located outside of this state, the division may designate representatives, including officials of the state where the matter is located, to secure the matter or inspect the matter on its behalf.

Subd. 4. [CONFIDENTIALITY AND IMMUNITY.] The provisions of chapter 13, including, but not limited to, section 13.82, apply to the classification, disclosure, and collection of data relating to the division of insurance fraud prevention.

Subd. 5. [ANNUAL REPORT ON ACTIVITIES AND COST-EFFECTIVENESS.] The division of insurance fraud prevention shall maintain records and information in order to produce an annual report of its activities as may be prescribed by the commissioner of commerce. The commissioner shall report annually to the house and senate standing committees with jurisdiction over insurance issues as to the activities of the division and the cost-effectiveness of the programs established by the division.

Subd. 6. [INSURANCE FRAUD PREVENTION ACCOUNT.] The insurance fraud prevention account is created in the state treasury. It consists of any appropriations made by law. Money in this fund is appropriated to the commissioner of commerce for the purposes specified in this section and sections 60A.951 to 60A.956.

Sec. 2. Minnesota Statutes 2000, section 60A.951, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] The definitions in this section apply to sections 60A.951 to ~~60A.955~~ 60A.956.

Sec. 3. Minnesota Statutes 2000, section 60A.951, subdivision 2, is amended to read:

Subd. 2. [AUTHORIZED PERSON.] "Authorized person" means the county attorney, sheriff, or chief of police responsible for investigations in the county where the suspected insurance fraud occurred; the superintendent of the bureau of criminal apprehension; the commissioner of commerce; the division of insurance fraud; the commissioner of labor and industry; the attorney general; or any duly constituted criminal investigative department or agency of the United States.

Sec. 4. Minnesota Statutes 2000, section 60A.951, is amended by adding a subdivision to read:

Subd. 4a. [INSURANCE POLICY OR POLICY.] "Insurance policy" or "policy" means the written instrument in which are set forth the terms of any certificate of insurance, binder of coverage, or contract of insurance, including a certificate, binder, or contract issued by a state-assigned risk plan; benefit plan; nonprofit hospital service plan; motor club service plan; or surety bond, cash bond, or any other alternative to insurance authorized by the Minnesota Financial Responsibility Act.

Sec. 5. Minnesota Statutes 2000, section 60A.951, is amended by adding a subdivision to read:

Subd. 4b. [INSURANCE PROFESSIONAL.] "Insurance professional" means sales agents, agencies, managing general agents, brokers, producers, claims representatives, adjusters, and third-party administrators.

Sec. 6. Minnesota Statutes 2000, section 60A.951, is amended by adding a subdivision to read:

Subd. 4c. [INSURANCE TRANSACTION.] "Insurance transaction" means a transaction by, between, or among:

(1) an insurer or a person who acts on behalf of an insurer; and

(2) an insured, claimant, applicant for insurance, public adjuster, insurance professional, practitioner who performs professional services as defined by section 319B.02, subdivision 19, attorney, or any person who acts on behalf of any of the foregoing for the purpose of obtaining insurance or reinsurance, calculating insurance premiums, submitting a claim, negotiating or adjusting a claim, or otherwise obtaining insurance, self-insurance, or reinsurance, or obtaining the benefits or annuities thereof or therefrom.

Sec. 7. Minnesota Statutes 2000, section 60A.951, is amended by adding a subdivision to read:

Subd. 5a. [PERSON.] "Person" means a natural person, company, corporation, unincorporated association, partnership, professional corporation, and any other entity.

Sec. 8. Minnesota Statutes 2000, section 60A.951, is amended by adding a subdivision to read:

Subd. 5b. [PREMIUM.] "Premium" means consideration paid or payable for coverage under an insurance policy. Premium includes any payment, whether due within the insurance policy term or otherwise; any deductible payment, whether advanced by the insurer or insurance professional and subject to reimbursement by the insured or otherwise; any self-insured retention or payment, whether advanced by the insurer or insurance professional and subject to reimbursement by the insured or otherwise; and any collateral or security to be provided to collateralize any such obligations to pay.

Sec. 9. Minnesota Statutes 2000, section 60A.952, subdivision 1, is amended to read:

Subdivision 1. [REQUEST.] After receiving a written request from an authorized person stating that the authorized person has reason to believe that a crime or civil fraud has been committed in connection with an insurance claim, insurance transaction, payment, or application, an insurer must release to the authorized person all relevant information in the insurer's possession.

Sec. 10. Minnesota Statutes 2000, section 60A.952, subdivision 2, is amended to read:

Subd. 2. [~~NOTIFICATION BY INSURER REQUIRED~~ NOTICE TO AND COOPERATION WITH THE DIVISION OF INSURANCE FRAUD PREVENTION.] If an insurer has reason to believe that an insurance fraud has been committed, the insurer shall, in writing, notify an authorized person and provide the authorized person with all relevant information in the insurer's possession. It is sufficient for the purpose of this subdivision if an insurer notifies and provides relevant information to one authorized person. The insurer may also release relevant information to any person authorized to receive the information under section 72A.502, subdivision 2: Any insurer or insurance professional that has reasonable belief that an act of insurance fraud will be, is being, or has been committed, shall furnish and disclose all relevant information to the division of insurance fraud prevention or to any authorized person and cooperate fully with any investigation conducted by the division of insurance fraud prevention. Any person that has a reasonable belief that an act of insurance fraud will be, is being, or has been committed, or any person who collects, reviews, or analyzes information concerning insurance fraud may furnish and disclose any information in its possession concerning the act to the division of insurance fraud prevention, any authorized person, or to an authorized representative of an insurer that requests the information for the purpose of detecting, prosecuting, or preventing insurance fraud. The insurer may also release relevant information to any person authorized to receive the information under section 72A.502, subdivision 2. If disclosure is made to an authorized person other than the division of insurance fraud prevention, a copy of the disclosure must be sent to the division of insurance fraud prevention.

Sec. 11. Minnesota Statutes 2000, section 60A.952, is amended by adding a subdivision to read:

Subd. 4. [TOLLING OF TIME PERIODS.] If an insurer has a reasonable or probable cause to believe that an insurance fraud has been committed in connection with an insurance claim, and has properly notified the division of insurance fraud prevention of its suspicions according to subdivision 2, the notification tolls any applicable time period in any unfair claims practices statute or related regulations, or any action on the claim against the insurer to whom the claim had been presented for bad faith, until 30 days after determination by the division of insurance fraud prevention and notice to the insurer that the division will not recommend action on the claim.

Sec. 12. Minnesota Statutes 2000, section 60A.952, is amended by adding a subdivision to read:

Subd. 5. [REWARD FOR INFORMATION.] The division of insurance fraud prevention, in cooperation with authorized insurers and insurance professionals, may establish a voluntary fund to reward persons not connected with the insurance industry who provide information or furnish evidence leading to the arrest and conviction of persons responsible for insurance fraud.

Sec. 13. Minnesota Statutes 2000, section 60A.953, is amended to read:

60A.953 [ENFORCEMENT; REFUSAL TO COOPERATE WITH AN INVESTIGATION.]

The intentional failure to provide relevant information as required by section 60A.952, subdivision 1, or to provide notification of insurance fraud as required by section 60A.952, subdivision 2, is punishable as a misdemeanor. It is unlawful for any person to knowingly or intentionally interfere with the enforcement of the provisions of sections 60A.951 to 60A.956 or investigation of suspected or actual violations of sections 60A.951 to 60A.956 and is punishable as a misdemeanor.

Sec. 14. [60A.956] [OTHER LAW ENFORCEMENT AUTHORITY.]

Nothing in sections 60A.951 to 60A.956 preempts the authority of or relieve the duty of any other law enforcement agencies to investigate and prosecute alleged violations of law, prevent or prohibit a person from voluntarily disclosing any information concerning insurance fraud to any law enforcement agency other than the division of insurance fraud prevention, or limit any of the powers granted elsewhere by the laws of this state to the commissioner of commerce to investigate alleged violations of law and to take appropriate action.

Sec. 15. [TRANSFER OF POWERS.]

The powers and duties of the department of labor and industry under Minnesota Statutes, section 175.16, subdivision 2, are transferred to the division of insurance fraud prevention of the department of commerce. The provisions of Minnesota Statutes, section 15.039, apply to this transfer of powers.

Sec. 16. [REPEALER.]

Minnesota Statutes 2000, section 175.16, subdivision 2, is repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 15 and 16 are effective August 1, 2003."

Delete the title and insert:

"A bill for an act relating to commerce; establishing a division of insurance fraud prevention within the department of commerce to investigate and prosecute insurance fraud; appropriating money; prescribing criminal penalties; amending Minnesota Statutes 2000, sections 60A.951, subdivisions 1, 2, by adding subdivisions; 60A.952, subdivisions 1, 2, by adding subdivisions; 60A.953; proposing coding for new law in Minnesota Statutes, chapters 45; 60A; repealing Minnesota Statutes 2000, section 175.16, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 3172, A bill for an act relating to crimes; requiring a ten-year conditional release period when a person has a previous sex offense conviction regardless of the state in which it occurred; making it a ten-year felony when a person commits certain prohibited acts when the act is committed with sexual or aggressive intent; defining aggravated harassing conduct to include acts of criminal sexual conduct as predicate offenses for a pattern of harassing conduct; prescribing penalties; amending Minnesota Statutes 2000, sections 609.109, subdivision 7; 609.749, subdivisions 1a, 3; Minnesota Statutes 2001 Supplement, section 609.749, subdivisions 4, 5.

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:

S. F. No. 3208, 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [43A.183] [SICK LEAVE.]

If a collective bargaining agreement or compensation plan provides for sick leave with pay, an employee must be granted sick leave with pay, to the extent of the employee's accumulation of sick leave, for absences:

(1) due to illness or disability of a regular member of the employee's immediate household for a reasonable period as the employee's attendance is necessary; and

(2) due to the death of a regular member of the employee's immediate household, for a reasonable period.

Sec. 2. Minnesota Statutes 2000, section 43A.24, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Employees, including persons on layoff from a civil service position, and employees who are employed less than full time, shall be eligible for state paid life insurance and hospital, medical and dental benefits as provided in collective bargaining agreements or plans established pursuant to section 43A.18.

A collective bargaining agreement or compensation plan may provide state-paid benefits only to one or more of the following:

(1) an employee;

(2) the employee's spouse;

(3) the employee's dependent children; or

(4) the employee's dependent grandchildren.

A collective bargaining agreement or compensation plan may define a dependent child to include a biological child, a child legally adopted or placed for adoption with the employee, a foster child, or a stepchild. A collective bargaining agreement or compensation plan need not cover all people who are eligible for coverage, and may provide conditions and limitations on coverage.

Sec. 3. [RATIFICATIONS; REJECTIONS.]

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 rejected.

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 rejected.

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, except that provisions in conflict with section 2 are not ratified, and must cease to be implemented.

Subd. 5. [MANAGERIAL PLAN.] The amendments to the managerial plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, and March 18, 2002, are ratified, except that provisions in conflict with section 2 are not ratified, and must cease to be implemented.

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, and March 18, 2002, are ratified, except that provisions in conflict with section 2 are not ratified, and must cease to be implemented.

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 rejected.

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 rejected.

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 rejected.

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, except that provisions in conflict with section 2 are not ratified, and must cease to be implemented.

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. [TERMS AND CONDITIONS.] This subdivision applies to parties affected by each proposed collective bargaining agreement that is rejected under this section. Until the parties to a rejected proposed agreement enter into a subsequent agreement that complies with section 2 and that is approved through the process established in Minnesota Statutes, section 3.855, the terms and conditions of employment for employees covered by the rejected collective bargaining agreement are as contained in the agreement submitted to the legislative coordinating commission's subcommittee on employee relations, except that any provisions that are in conflict with section 2 are void and must cease to be implemented.

Sec. 4. [RELATION TO OTHER LAW.]

Sections 2 and 3 supersede Minnesota Statutes, chapter 179A, and any other provision of law.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2003. Sections 2 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; imposing certain restrictions on state employee collective bargaining agreements and compensation plans; ratifying certain state employee collective bargaining agreements and compensation plans and rejecting certain others; amending Minnesota Statutes 2000, section 43A.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2214, 2710, 2920, 2973, 3350, 3386 and 3690 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2392, 2486, 2569, 2673, 2793, 2909, 2986, 3075, 3015, 3172 and 3208 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Westrom, Pawlenty and Molnau introduced:

H. F. No. 3702, A bill for an act relating to education finance; modifying the debt service equalization aid program to encourage sound historic preservation and cost-efficient remodeling projects; amending Minnesota Statutes 2001 Supplement, section 123B.53, subdivision 5.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Sertich introduced:

H. F. No. 3703, A bill for an act relating to the city of Meadowlands; providing for the forgiveness of a loan.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Kelliher, Bishop, Dibble, Entenza, Leppik, Kahn and Clark, K., introduced:

H. F. No. 3704, A resolution urging the Food and Drug Administration to approve emergency contraceptive pills for over-the-counter purchase.

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

The Speaker resumed the Chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 197, A bill for an act relating to appropriations; reducing an earlier general fund appropriation; authorizing the sale of state bonds; appropriating money for grants to noncommercial television stations and to design and construct bus garages; amending Laws 2000, chapter 479, article 1, section 3, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of 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. 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.

The Senate has appointed as such committee:

Senators Langseth, Samuelson, Wiener, Larson and Cohen.

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. 3274, A bill for an act relating to military; providing certain protections to persons called or ordered to active service; proposing coding for new law in Minnesota Statutes, chapter 190.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Blaine moved that the House concur in the Senate amendments to H. F. No. 3274 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3274, A bill for an act relating to military; providing certain protections to persons called or ordered to active service; proposing coding for new law in Minnesota Statutes, chapters 190; 192.

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

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

Those who voted in the affirmative were:

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

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

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

Mr. Speaker:

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

S. F. Nos. 3134, 3028, 2675, 3272, 2542 and 2908.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3134, A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

The bill was read for the first time.

Holsten moved that S. F. No. 3134 and H. F. No. 3129, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3028, A bill for an act relating to education; authorizing the Minnesota commission on national and community service to create and delegate duties to a private, nonprofit corporation; amending Minnesota Statutes 2000, section 124D.385, subdivision 3, by adding a subdivision.

The bill was read for the first time.

Dawkins moved that S. F. No. 3028 and H. F. No. 2835, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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

The bill was read for the first time.

Ozment moved that S. F. No. 2675 and H. F. No. 3519, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3272, A bill for an act relating to telecommunications; enacting Telecommunications Consumer Privacy Act; providing for privacy of telecommunications customer information; requiring consent for disclosure of customer information; providing penalties; proposing coding for new law in Minnesota Statutes, chapters 13; 237.

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

S. F. No. 2542, A bill for an act relating to business organizations; regulating business corporations, nonprofit corporations, and limited liability companies; providing legal recognition of electronic records and signatures; regulating meetings by means of remote communications and dissolutions and terminations; regulating use of names by successor corporations; regulating investment company authority to issue shares; defining terms; making technical and conforming changes; providing for mergers and acquisitions by business corporations; amending Minnesota Statutes 2000, sections 302A.011, subdivisions 17, 21, 31, 38, 50, by adding subdivisions; 302A.115, subdivision 5; 302A.135, by adding a subdivision; 302A.231; 302A.239, subdivisions 1, 2; 302A.431, subdivision 3; 302A.433, subdivision 3; 302A.436; 302A.441; 302A.449, subdivision 1; 302A.471, subdivision 1; 302A.621, subdivisions 1, 2, 3, 4; 302A.673, subdivision 1; 302A.734; 303.11; 317A.011, by adding subdivisions; 317A.231; 317A.239, subdivisions 1, 2; 317A.431, subdivision 3; 317A.433, subdivision 3; 317A.445; 317A.453, subdivision 1; 317A.733, subdivisions 3, 4; 322A.03; 322B.03, subdivisions 36a, 45a, by adding subdivisions; 322B.12, subdivision 4; 322B.333, subdivision 3; 322B.336, subdivision 3; 322B.343; 322B.35, subdivisions 1, 2; 322B.363, subdivision 1; 322B.643; 322B.656, subdivisions 1, 2; 322B.826; 323A.11-02; 333.055, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 302A; 317A; 322B; repealing Minnesota Statutes 2000, section 317A.449.

The bill was read for the first time.

Goodno moved that S. F. No. 2542 and H. F. No. 2785, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

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

The bill was read for the first time.

Pawlenty moved that S. F. No. 2908 and H. F. No. 3625, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

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

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

The bill was passed and its title agreed to.

Seifert 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 Goodno.

FISCAL CALENDAR

Pursuant to rule 1.22, Bishop requested immediate consideration of H. F. No. 3270.

H. F. No. 3270 was reported to the House.

Krinkie moved to amend H. F. No. 3270, the second engrossment, as follows:

Delete section 1

Page 6, line 23, before "residential" insert ", single-family"

Page 6, line 24, delete "intended for dwelling by four or fewer families"

Page 6, line 26, before "residential" insert ", single-family"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bishop and Osthoff moved to amend H. F. No. 3270, the second engrossment, as amended, as follows:

Page 18, line 14, delete "(1,370,000)" and insert "(1,579,000)"

Page 18, delete section 27

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Pugh moved to amend the Bishop and Osthoff amendment to H. F. No. 3270, the second engrossment, as amended, as follows:

Page 1, delete lines 3 and 4

Page 1, after line 4, insert:

"Page 17, line 48, delete "(6,894,000)" and insert "(7,103,000)""

Adjust amounts accordingly

Renumber or reletter in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dibble	Gray	Johnson, R.	Leighton	Marquart
Bakk	Dorn	Greiling	Juhnke	Lenczewski	Milbert
Bernardy	Entenza	Hilstrom	Kahn	Leppik	Mullery
Biernat	Evans	Hilty	Kalis	Lieder	Murphy
Carlson	Folliard	Huntley	Kelliher	Mahoney	Opatz
Clark, K.	Gleason	Jaros	Kubly	Mariani	Otremba
Davnie	Goodwin	Jennings	Larson	Marko	Paymar

Pelowski	Rhodes	Sertich	Slawik	Thompson	Walker
Peterson	Rukavina	Skoe	Solberg	Vandever	Wasiluk
Pugh	Schumacher	Skoglund	Swapinski	Wagenius	Winter

Those who voted in the negative were:

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

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

The question recurred on the Bishop and Osthoff amendment and the roll was called. There were 119 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens	Gerlach	Jennings	Kalis	Krinkie	Olson
Erickson	Holberg	Johnson, J.	Kielkucki	Lipman	Paymar

The motion prevailed and the amendment was adopted.

Davnie, Winter, Hilty, Mahoney, Folliard, Paymar, Marko, Kelliher, Kahn, Bakk, Mariani, Hilstrom, Dibble and Juhnke moved to amend H. F. No. 3270, the second engrossment, as amended, as follows:

Pages 6 and 7, delete section 9

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

The Speaker called Dorman to the Chair.

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

Those who voted in the affirmative were:

Anderson, I.	Entenza	Huntley	Leighton	Paymar	Stang
Bakk	Evans	Jaros	Lenczewski	Pelowski	Swapinski
Bernardy	Finseth	Jennings	Leppik	Peterson	Swenson
Biernat	Folliard	Johnson, R.	Lieder	Pugh	Thompson
Carlson	Fuller	Johnson, S.	Mahoney	Rhodes	Wagenius
Clark, K.	Gleason	Jordan	Mariani	Rukavina	Walker
Daggett	Goodwin	Juhnke	Marko	Sertich	Walz
Davnie	Gray	Kahn	Marquart	Skoe	Wasiluk
Dawkins	Greiling	Kalis	Mullery	Skoglund	Winter
Dempsey	Hausman	Kelliher	Murphy	Slawik	
Dibble	Hilstrom	Koskinen	Opatz	Smith	
Dorman	Hilty	Kubly	Otremba	Solberg	
Dorn	Holsten	Larson	Ozment	Stanek	

Those who voted in the negative were:

Abeler	Davids	Harder	Lipman	Osthoff	Tingelstad
Abrams	Dehler	Holberg	Mares	Paulsen	Tuma
Anderson, B.	Eastlund	Howes	McElroy	Pawlenty	Vandever
Bishop	Erhardt	Jacobson	Milbert	Penas	Westerberg
Blaine	Erickson	Johnson, J.	Molnau	Rifenberg	Westrom
Boudreau	Gerlach	Kielkucki	Mulder	Ruth	Wilkin
Bradley	Goodno	Knoblach	Ness	Schumacher	Wolf
Buesgens	Gunther	Krinkie	Nornes	Seagren	Workman
Cassell	Haas	Kuisle	Olson	Seifert	Spk. Sviggum
Clark, J.	Hackbarth	Lindner	Osskopp	Sykora	

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Bishop moved to amend H. F. No. 3270, the second engrossment, as amended, as follows:

Page 6, after line 19, insert:

"Sec. 9. Minnesota Statutes 2000, section 16A.103, subdivision 1, is amended to read:

Subdivision 1. [STATE REVENUE AND EXPENDITURES.] In February and November each year and in September in each even-numbered year, the commissioner shall prepare a forecast of state revenue and expenditures. The November forecast must be delivered to the legislature and governor no later than the end of the first week of December. The February forecast must be delivered to the legislature and governor by the end of February. The September forecast must be delivered to the legislature and the governor by the end of September. Forecasts must be delivered to the legislature and governor on the same day. If requested by the legislative commission on planning and fiscal policy, delivery to the legislature must include a presentation to the commission.

Sec. 10. Minnesota Statutes 2000, section 16A.11, subdivision 4, is amended to read:

Subd. 4. [INFORMATION; HEARINGS.] (a) The commissioner shall, on request, give the governor or the legislature information on the budget and attend legislative budget hearings.

(b) The commissioner shall provide for each biennial budget that covers the general fund and each capital budget and as part of any supplemental budget recommendations prepared in response to a reduction in available general fund resources of five percent or more for a fiscal year, an analysis of the potential impact of the budget on the state's bond rating."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

Solberg moved to amend the Bishop amendment to H. F. No. 3270, the second engrossment, as amended, as follows:

Page 1, lines 7, 13 and 14, delete "September" and insert "July"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Bishop amendment, as amended, to H. F. No. 3270, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

The Speaker called Stang to the Chair.

The Speaker resumed the Chair.

Goodwin; Thompson; Anderson, I.; Lieder; Hilstrom; Winter; Bernardy; Otremba and Kubly offered an amendment to H. F. No. 3270, the second engrossment, as amended.

Skoglund requested a division of the Goodwin et al amendment to H. F. No. 3270, the second engrossment, as amended.

The first portion of the Goodwin et al amendment to H. F. No. 3270, the second engrossment, as amended, reads as follows:

Page 6, after line 19, insert:

"Sec. 13. [REVIEW OF CONTRACTING PRACTICES.]

The legislative auditor must review and report to the legislature by January 15, 2003, on professional or technical services contracting practices of the departments of human services, transportation, natural resources, administration, finance, and revenue. The auditor must examine the general practices of these agencies in entering into contracts for professional or technical services, including compliance with law, length of contracts, and average hourly costs for contractors compared with costs of using state employees. The auditor also must examine the use of master contracts, single source contracts, and emergency contracts for obtaining professional or technical services in these agencies."

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 first portion of the Goodwin et al amendment and the roll was called. There were 34 yeas and 95 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, K.	Hilstrom	Lieder	Pugh	Vandever
Anderson, I.	Dawkins	Hilty	Mariani	Rukavina	Wasiluk
Bakk	Entenza	Jaros	Marquart	Ruth	Westerberg
Bernardy	Folliard	Johnson, S.	Opatz	Sertich	Winter
Bishop	Gleason	Kahn	Otremba	Smith	
Carlson	Goodwin	Kalis	Ozment	Thompson	

Those who voted in the negative were:

Abrams	Dorn	Holsten	Larson	Osskopp	Solberg
Anderson, B.	Eastlund	Howes	Leighton	Osthoff	Stanek
Biernat	Erhardt	Huntley	Lenczewski	Paulsen	Stang
Blaine	Erickson	Jacobson	Leppik	Pawlenty	Swapinski
Boudreau	Evans	Jennings	Lindner	Paymar	Swenson
Bradley	Finseth	Johnson, J.	Lipman	Pelowski	Sykora
Buesgens	Fuller	Johnson, R.	Mares	Penas	Tingelstad
Cassell	Gerlach	Jordan	McElroy	Peterson	Tuma
Clark, J.	Goodno	Juhnke	Milbert	Rhodes	Wagenius
Daggett	Greiling	Kelliher	Molnau	Rifenberg	Walz
Davids	Gunther	Kielkucki	Mulder	Schumacher	Westrom
Davnie	Haas	Knoblach	Mullery	Seagren	Wilkin
Dehler	Hackbarth	Koskinen	Murphy	Seifert	Wolf
Dempsey	Harder	Krinkie	Ness	Skoe	Workman
Dibble	Hausman	Kubly	Nornes	Skoglund	Spk. Sviggum
Dorman	Holberg	Kuisle	Olson	Slawik	

The motion did not prevail and the first portion of the Goodwin et al amendment was not adopted.

The second portion of the Goodwin et al amendment to H. F. No. 3270, the second engrossment, as amended, reads as follows:

Page 6, after line 19, insert:

"Sec. 9. Minnesota Statutes 2000, section 16A.11, subdivision 3, is amended to read:

Subd. 3. [PART TWO: DETAILED BUDGET.] (a) Part two of the budget, the detailed budget estimates both of expenditures and revenues, must contain any statements on the financial plan which the governor believes desirable or which may be required by the legislature. The detailed estimates shall include the governor's budget arranged in tabular form.

(b) The detailed estimates must include a separate line listing, by fund, the total number of professional or technical service contracts and the total cost of those contracts for the prior biennium and the projected number of professional or technical service contracts and the projected costs of those contracts for the current and upcoming biennium. They must also include a summary of the personnel employed by the agency, reflected as full-time equivalent positions, and the number of professional or technical service consultants for the current biennium. The detailed estimates required by this paragraph must be integrated into the budget information and proposals for each agency program, and may not be presented as a separate document.

(c) The detailed estimates for internal service funds must include the number of full-time equivalents by program; detail on any loans from the general fund, including dollar amounts by program; proposed investments in technology or equipment of \$100,000 or more; an explanation of any operating losses or increases in retained earnings; and a history of the rates that have been charged, with an explanation of any rate changes and the impact of the rate changes on affected agencies."

Page 7, after line 15, insert:

"Sec. 11. Minnesota Statutes 2000, section 16C.08, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF CONTRACTING AGENCY.] Before an agency may seek approval of a professional or technical services contract in which the initial contract, including any possible extensions, is valued in excess of \$5,000, it must certify to the commissioner that:

- (1) no current state employee is able and available to perform the services called for by the contract;
- (2) the normal competitive bidding mechanisms will not provide for adequate performance of the services;
- (3) the contractor has certified that the product of the services will be original in character;
- (4) reasonable efforts were made to publicize the availability of the contract to the public;
- (5) the agency has received, reviewed, and accepted a detailed work plan from the contractor for performance under the contract, if applicable;
- (6) the agency has developed, and fully intends to implement, a written plan providing for the assignment of specific agency personnel to managing the contract, including a monitoring and liaison function, the periodic review of interim reports or other indications of past performance, and the ultimate utilization of the final product of the services; ~~and~~
- (7) the agency will not allow the contractor to begin work before funds are fully encumbered; and

(8) in the case of a contract involving development of information or communications technology or systems, the contractor is required to include state employees in the development of the technology or systems to the extent necessary to ensure that after completion of the contract, state employees can perform any further development and implementation work.

Sec. 12. Minnesota Statutes 2000, section 16C.10, subdivision 1, is amended to read:

Subdivision 1. [SINGLE SOURCE.] (a) The solicitation process described in this chapter is not required when there is clearly and legitimately only a single source for the goods and services and the commissioner determines that the price has been fairly and reasonably established.

(b) The commissioner must report to the governor and the legislature by September 1 each year on single source contracts for professional or technical services entered into by executive branch agencies during the prior fiscal year. For each contract, the report must list the name of the contractor and the contracting agency; the amount of the contract; the duration of the contract, including possible extensions; and the duration of previous single source contracts, if any, between the agency and the same contractor. The report must also include the total number and dollar amount of single source contracts entered into by each agency, and by all agencies during the fiscal year.

Page 26, after line 10, insert:

"(f) Sections 9, 11, 12, and 13 are effective the day following final enactment. The provisions of sections 11 to 13 that relate to entering into contracts apply to contracts for which a solicitation is issued on or after the effective date."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Skoglund moved to amend the second portion of the Goodwin et al amendment to H. F. No. 3270, the second engrossment, as amended, as follows:

Page 4, line 2, after "11," insert "and"

Page 4, line 2, delete ", and 13"

Page 4, line 3, delete "13" and insert "12"

The motion prevailed and the Skoglund amendment to the second portion of the Goodwin et al amendment was adopted.

The question recurred on the second portion of the Goodwin et al amendment, as amended, and the roll was called. There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Gray	Johnson, R.	Larson	Marquart
Anderson, I.	Dibble	Greiling	Johnson, S.	Leighton	Milbert
Bakk	Dorn	Hausman	Juhnke	Lenczewski	Mullery
Bernardy	Entenza	Hilstrom	Kahn	Leppik	Murphy
Biernat	Evans	Hilty	Kalis	Lieder	Opatz
Carlson	Folliard	Huntley	Kelliher	Mahoney	Otremba
Clark, K.	Gleason	Jaros	Koskinen	Mariani	Ozment
Davnie	Goodwin	Jennings	Kubly	Marko	Paymar

Pelowski	Rhodes	Sertich	Slawik	Swapinski	Walker
Peterson	Rukavina	Skoe	Smith	Thompson	Wasiluk
Pugh	Schumacher	Skoglund	Solberg	Wagenius	Winter

Those who voted in the negative were:

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

The motion did not prevail and the second portion of the Goodwin et al amendment, as amended, was not adopted.

Dorman, Finseth, Winter, Kielkucki, Kalis, Rifenberg, Davids, Westrom, Dehler, Harder, Juhnke, Gunther, Kuisle, Swenson, Osskopp and Mulder moved to amend H. F. No. 3270, the second engrossment, as amended, as follows:

Page 5, delete lines 18 and 19 and insert "administration; agriculture, commerce, and trade; education; finance; health and human resources; environment and natural resources; public safety; and"

Page 22, line 42, delete "COMMERCE" and insert "AGRICULTURE, COMMERCE,"

Page 22, line 43, delete "commerce" and insert "agriculture, commerce,"

The motion prevailed and the amendment was adopted.

H. F. No. 3270, A bill for an act relating to state government; creating office of state treasurer and modifying related provisions; providing for governor's cabinet and organizing certain government agencies; modifying certain fund provisions; requiring the commissioner of finance to prepare a forecast of state revenues and expenditures in July in each even-numbered year; requiring certain payments; modifying provisions of constitutional officers' salaries; reducing certain appropriations; modifying consulting moratorium and hiring freeze provisions; amending Minnesota Statutes 2000, sections 4.06; 8.05; 10.01; 11A.08, subdivision 1; 16A.103, 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; 16; 36; 37; 38; proposing coding for new law in Minnesota Statutes, chapters 7; 15; 43A.

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 76 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

CALENDAR FOR THE DAY

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

Davnie, Leighton, Slawik, Skoglund, Koskinen, Goodwin, Bernardy, Entenza, Wagenius and Biernat moved to amend H. F. No. 643, the third engrossment, as follows:

Page 1, line 18, after the period, insert "An initiative of the people must not propose, and a referendum of the people must not repeal, a law dealing with religion, public employee pensions, creating or abolishing courts, or changing the jurisdiction of courts."

A roll call was requested and properly seconded.

The question was taken on the Davnie et al amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Dibble, Mahoney, Kelliher, Mariani, Gray and Clark, K., moved to amend H. F. No. 643, the third engrossment, as follows:

Page 1, line 18, after the period, insert "No initiative or referendum shall eliminate or diminish human or civil rights."

A roll call was requested and properly seconded.

The question was taken on the Dibble et al amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Carlson	Dibble	Folliard	Greiling	Huntley
Bakk	Clark, K.	Dorn	Gleason	Hausman	Jaros
Bernardy	Davnie	Entenza	Goodwin	Hilstrom	Jennings
Biernat	Dawkins	Evans	Gray	Hilty	Johnson, R.

Johnson, S.	Larson	Marko	Otremba	Schumacher	Thompson
Juhnke	Leighton	Marquart	Paymar	Sertich	Wagenius
Kahn	Lenczewski	Milbert	Pelowski	Skoe	Walker
Kalis	Leppik	Mullery	Peterson	Skoglund	Wasiluk
Kelliher	Lieder	Murphy	Pugh	Slawik	Winter
Koskinen	Mahoney	Opatz	Rhodes	Solberg	
Kubly	Mariani	Osthoff	Rukavina	Swapinski	

Those who voted in the negative were:

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

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

H. F. No. 643, A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2000, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

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 76 yeas and 57 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

The Speaker called McElroy to the Chair.

S. F. No. 2546 was reported to the House.

Tuma moved to amend S. F. No. 2546 as follows:

Page 3, after line 35, insert:

"Sec. 3. [MONTGOMERY; REPEAL OF WARD SYSTEM.]

The city of Montgomery may by ordinance abolish its ward system and provide for election of council members at-large. The ordinance must be adopted by July 1, of year in which it is to take effect."

Page 4, line 1, delete "Sections 1 and 2 are" and insert "This act is"

The motion prevailed and the amendment was adopted.

S. F. No. 2546, A bill for an act relating to local government; permitting the cities of Rockville and Pleasant Lake and the town of Rockville to jointly develop a consolidation plan; permitting the cities of New London and Spicer and the town of New London to jointly develop a consolidation plan; requiring hearings, approval by the governing bodies, and referenda.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

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

The bill was read for the 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 3 nays as follows:

Those who voted in the affirmative were:

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

Thompson	Vandev eer	Walz	Westrom	Wolf
Tingelstad	Wagenius	Wasiluk	Wilkin	Workman
Tuma	Walker	Westerberg	Winter	Spk. Sviggum

Those who voted in the negative were:

Buesgens	Mullery	Skoglund
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The bill was passed and its title agreed to.

S. F. No. 2459, A bill for an act relating to health; modifying requirements for supplemental nursing services agencies; providing for revocation of supplemental nursing services agency's registration if the agency supplies persons with illegal diplomas to health care facilities; providing for revocation procedures; amending Minnesota Statutes 2001 Supplement, sections 144A.70, subdivision 6; 144A.71, subdivision 2; 144A.72, subdivision 1, by adding subdivisions; 144A.74.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2115, A bill for an act relating to motor vehicles; regulating dealers; clarifying licensed motor vehicle dealer bonding requirements; amending Minnesota Statutes 2000, section 168.27, subdivision 24.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2764, A bill for an act relating to human services licensing; modifying standards for reporting incidents in licensed programs serving persons with mental retardation or related conditions; amending Minnesota Statutes 2000, sections 245B.02, subdivision 10; 245B.05, subdivision 7; 245B.07, subdivision 1; 626.557, subdivision 14.

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

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

Those who voted in the affirmative were:

Abeler	Bernardy	Bradley	Clark, K.	Dehler	Eastlund
Abrams	Biernat	Buesgens	Daggett	Dempsey	Entenza
Anderson, B.	Bishop	Carlson	Davids	Dibble	Erhardt
Anderson, I.	Blaine	Cassell	Davnie	Dorman	Erickson
Bakk	Boudreau	Clark, J.	Dawkins	Dorn	Evans

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

The bill was passed and its title agreed to.

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

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

S. F. No. 2614, A bill for an act relating to foster care; requiring disclosure of an individual's communicable disease to a foster care provider; amending Minnesota Statutes 2001 Supplement, section 260C.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

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

Those who voted in the affirmative were:

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

Rukavina	Skoe	Stang	Tuma	Westerberg	Spk. Sviggum
Ruth	Skoglund	Swapinski	Vandever	Westrom	
Schumacher	Slawik	Swenson	Wagenius	Wilkin	
Seagren	Smith	Sykora	Walker	Winter	
Seifert	Solberg	Thompson	Walz	Wolf	
Sertich	Stanek	Tingelstad	Wasiluk	Workman	

The bill was passed and its title agreed to.

S. F. No. 2550 was reported to the House.

Bradley moved to amend S. F. No. 2550 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2635, the second engrossment:

"Section 1. Minnesota Statutes 2000, section 125A.21, subdivision 2, is amended to read:

Subd. 2. [THIRD PARTY REIMBURSEMENT.] (a) Beginning July 1, 2000, districts shall seek reimbursement from insurers and similar third parties for the cost of services provided by the district whenever the services provided by the district are otherwise covered by the child's health coverage. Districts shall request, but may not require, the child's family to provide information about the child's health coverage when a child with a disability begins to receive services from the district of a type that may be reimbursable, and shall request, but may not require, updated information after that as needed.

(b) For children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health coverage, a district shall provide an initial written notice to the enrolled child's parent or legal representative of its intent to seek reimbursement from medical assistance or MinnesotaCare for the individual education plan health-related services provided by the district.

(c) The district shall give the parent or legal representative annual written notice of:

(1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare for individual education plan health-related services provided by the district;

(2) the right of the parent or legal representative to request a copy of all records concerning individual education plan health-related services disclosed by the district to any third party; and

(3) the right of the parent or legal representative to withdraw consent for disclosure of a child's records at any time without consequence.

The written notice shall be provided as part of the written notice required by Code of Federal Regulations, title 34, section 300.503.

Districts shall request, but may not require, the child's parent or legal representative to sign a consent form, permitting the school district to apply for and receive reimbursement directly from the insurer or other similar third party, to the extent permitted by the insurer or other third party and subject to their networking credentialing, prior authorization, and determination of medical necessity criteria.

(d) In order to access the private health care coverage of a child who is covered by private health care coverage in whole or in part, a district must:

(1) obtain annual written informed consent from the parent or legal representative, in compliance with subdivision 5; and

(2) inform the parent or legal representative that a refusal to permit the district or state Medicaid agency to access their private health care coverage does not relieve the district of its responsibility to provide all services necessary to provide free and appropriate public education at no cost to the parent or legal representative.

(e) If the commissioner of human services obtains federal approval to exempt covered individual education plan health-related services from the requirement that private health care coverage refuse payment before medical assistance may be billed, paragraphs (b), (c), and (d), shall also apply to students with a combination of private health care coverage and health care coverage through medical assistance or MinnesotaCare.

(f) In the event that Congress or any federal agency or the Minnesota legislature or any state agency establishes lifetime limits, limits for any health care services, cost-sharing provisions, or otherwise provides that individual education plan health-related services impact benefits for persons enrolled in medical assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are repealed on the effective date of any federal or state law or regulation that imposes the limits. In that event, districts must obtain informed consent consistent with this subdivision as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement for children enrolled in medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health care coverage."

Delete the title and insert:

"A bill for an act relating to human services; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, section 125A.21, subdivision 2."

The motion prevailed and the amendment was adopted.

Seagren, Bradley and Greiling moved to amend S. F. No. 2550, as amended, as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2000, section 125A.03, is amended to read:

125A.03 [SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.]

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for children with a disability who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state education code means a free and appropriate public education provided to an eligible child with disabilities and includes special education and related services defined in the Individuals with Disabilities Education Act, subpart A, section 300.24.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and

services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

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

Page 3, after line 18, insert:

"Sec. 3. Minnesota Statutes 2000, section 125A.27, subdivision 10, is amended to read:

Subd. 10. [INDIVIDUALIZED FAMILY SERVICE PLAN.] "Individualized family service plan" or "IFSP" means a written plan for providing services to a child age birth to three years and the child's family.

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

Sec. 4. Minnesota Statutes 2000, section 125A.43, is amended to read:

125A.43 [MEDIATION PROCEDURE.]

(a) The commissioner, or the commissioner's designee, of the state lead agency must use federal funds to provide mediation for the activities in paragraphs (b) and (c).

(b) A parent may resolve a dispute regarding issues in section 125A.42, paragraph (b), clause (5), through mediation. If the parent chooses mediation, ~~all public agencies involved in the dispute must participate in the mediation process~~ mediation must be voluntary on the part of the parties. The parent and the public agencies must complete the mediation process within 30 calendar days of the date the office of dispute resolution receives a parent's written request for mediation. The mediation process may not be used to delay a parent's right to a due process hearing. The resolution of the mediation is not binding on any party.

(c) Resolution of a dispute through mediation, or other form of alternative dispute resolution, is not limited to formal disputes arising from the objection of a parent or guardian and is not limited to the period following a request for a due process hearing.

(d) The commissioner shall provide training and resources to school districts to facilitate early identification of disputes and access to mediation.

(e) The local primary agency may request mediation on behalf of involved agencies when there are disputes between agencies regarding responsibilities to coordinate, provide, pay for, or facilitate payment for early intervention services.

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

Sec. 5. Minnesota Statutes 2000, section 125A.76, subdivision 7, is amended to read:

Subd. 7. [REVENUE ALLOCATION FROM COOPERATIVE CENTERS AND INTERMEDIATES.] For the purposes of this section, a special education cooperative, a service cooperative, an education district, or an intermediate district must allocate its approved expenditures for special education programs among participating school districts.

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

Sec. 6. Minnesota Statutes 2000, section 256B.0625, subdivision 26, is amended to read:

Subd. 26. [SPECIAL EDUCATION SERVICES.] (a) Medical assistance covers medical services identified in a recipient's individualized education plan and covered under the medical assistance state plan. Covered services include occupational therapy, physical therapy, speech-language therapy, clinical psychological services, nursing services, school psychological services, school social work services, personal care assistants serving as management aides, assistive technology devices, transportation services, health assessments, and other services covered under the medical assistance state plan. Mental health services eligible for medical assistance reimbursement must be provided or coordinated through a children's mental health collaborative where a collaborative exists if the child is included in the collaborative operational target population. The provision or coordination of services does not require that the individual education plan be developed by the collaborative.

The services may be provided by a Minnesota school district that is enrolled as a medical assistance provider or its subcontractor, and only if the services meet all the requirements otherwise applicable if the service had been provided by a provider other than a school district, in the following areas: medical necessity, physician's orders, documentation, personnel qualifications, and prior authorization requirements. The nonfederal share of costs for services provided under this subdivision is the responsibility of the local school district as provided in section 125A.74. Services listed in a child's individual education plan are eligible for medical assistance reimbursement only if those services meet criteria for federal financial participation under the Medicaid program.

(b) Approval of health-related services for inclusion in the individual education plan does not require prior authorization for purposes of reimbursement under this chapter. The commissioner may require physician review and approval of the plan not more than once annually or upon any modification of the individual education plan that reflects a change in health-related services.

(c) Services of a speech-language pathologist provided under this section are covered notwithstanding Minnesota Rules, part 9505.0390, subpart 1, item L, if the person:

(1) holds a masters degree in speech-language pathology;

(2) is licensed by the Minnesota board of teaching as an educational speech-language pathologist; and

(3) either has a certificate of clinical competence from the American Speech and Hearing Association, has completed the equivalent educational requirements and work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) Medical assistance coverage for medically necessary services provided under other subdivisions in this section may not be denied solely on the basis that the same or similar services are covered under this subdivision.

(e) The commissioner shall develop and implement package rates, bundled rates, or per diem rates for special education services under which separately covered services are grouped together and billed as a unit in order to reduce administrative complexity.

(f) The commissioner shall develop a cost-based payment structure for payment of these services.

(g) Effective July 1, 2000, medical assistance services provided under an individual education plan or an individual family service plan by local school districts shall not count against medical assistance authorization thresholds for that child.

(h) Nursing services as defined in section 148.171, subdivision 15, and provided as an individual education plan health-related service, are eligible for medical assistance payment if they are otherwise a covered service in the medical assistant program.

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

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2550, A bill for an act relating to human services; amending provisions relating to special education; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, sections 125A.03; 125A.21, subdivision 2; 125A.27, subdivision 10; 125A.43; 125A.76, subdivision 7; 256B.0625, subdivision 26; Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 125A.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 2697 was reported to the House.

Holberg moved that S. F. No. 2697 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3055, A bill for an act relating to the metropolitan council; clarifying the jurisdiction of the metropolitan transit police; authorizing metropolitan transit police officers to apply for and execute search warrants; amending Minnesota Statutes 2000, sections 473.407, subdivisions 1, 2, 3; 626.05, subdivision 2; Minnesota Statutes 2001 Supplement, sections 626.11; 626.13; repealing Minnesota Statutes 2000, section 473.407, subdivision 4a.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Eastlund	Kahn	Krinkie	Wilkin
Buesgens	Erickson	Kielkucki	Olson	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

S. F. No. 2953 was reported to the House.

Ruth moved to amend S. F. No. 2953 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3222, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 65A.09, is amended to read:

65A.09 [INSURANCE IN EXCESS OF VALUE.]

Subdivision 1. [INSURANCE LIMITED.] No company shall knowingly issue any policy upon property in this state for an amount which, together with any existing insurance thereon, exceeds the fair value of replacement cost of the buildings and any other covered improvements on the property. Any company willfully insuring property for more than its real value that amount shall forfeit to the state, for the benefit of the school fund, double the premium collected on the policy.

Subd. 2. [LENDERS; EXCESS INSURANCE.] No mortgage company, bank, savings association, finance company, or other mortgage lender of any kind may require insurance coverage in violation of section 72A.31, subdivision 1, clause (4). Any lender that willfully violates this subdivision is subject to penalties available under chapter 45.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to insurance; prohibiting issuing or requiring excess insurance on property; amending Minnesota Statutes 2000, section 65A.09."

The motion prevailed and the amendment was adopted.

S. F. No. 2953, A bill for an act relating to insurance; prohibiting issuing or requiring excess insurance on property; regulating real estate appraisals; amending Minnesota Statutes 2000, section 65A.09.

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

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

Those who voted in the affirmative were:

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

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

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

H. F. No. 2780 was reported to the House.

Lipman moved that H. F. No. 2780 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2692, A bill for an act relating to human services; modifying requirements for background studies; requiring a review and report to the legislature on these requirements; limiting authority of commissioner of human services to set aside a disqualification; modifying list of disqualifying crimes; requesting a study and recommendations regarding methods for tracking civil actions involving sexual abuse; amending Minnesota Statutes 2001 Supplement, section 245A.04, subdivisions 3b, 3d.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2780, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

H. F. No. 2780, A bill for an act relating to real property; creating a curative act for conveyances by counties; providing for recording of documents written in foreign language; providing for an affidavit of custodian; repealing sunset on nonconsensual common law lien statute; proposing coding for new law in Minnesota Statutes, chapters 507; 527; repealing Minnesota Statutes 2000, section 514.99, 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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker called Abrams to the Chair.

S. F. No. 2933, A bill for an act relating to pollution; allowing installation of certain individual sewage treatment systems; appropriating money; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 22 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bernardy	Dibble	Greiling	Johnson, R.	Mullery	Walker
Biernat	Entenza	Hausman	Johnson, S.	Paymar	Wasiluk
Clark, K.	Evans	Hilstrom	Kelliher	Skoglund	
Davnie	Gray	Jaros	Mariani	Wagenius	

The bill was passed and its title agreed to.

S. F. No. 2433 was reported to the House.

Clark, J.; Skoglund and Tuma moved to amend S. F. No. 2433 as follows:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 2000, section 609.343, subdivision 2, is amended to read:

Subd. 2. [PENALTY.] (a) Except as otherwise provided in section 609.109, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 25 years or to a payment of a fine of not more than \$35,000, or both.

(b) Unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines provide for a longer presumptive executed sentence, the court shall presume that an executed sentence of 90 months must be imposed on an offender convicted of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner other than that described in this paragraph is a departure from the sentencing guidelines."

Page 6, after line 32, insert:

"Sec. 6. Minnesota Statutes 2000, section 609.35, is amended to read:

609.35 [COSTS OF MEDICAL EXAMINATION.]

No Costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be ~~charged directly or indirectly to the complainant paid by the county in which the alleged offense was committed.~~ ~~The~~ Reasonable costs of the examination ~~shall be paid by the county in which the alleged offense was committed~~ include, but are not limited to, full cost of the rape kit examination, associated tests relating to the complainant's sexually transmitted disease status and pregnancy status prior to the assault. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private."

Page 6, line 34, delete "to 4" and insert "and 3 to 5"

Page 6, line 35, after the period, insert "Sections 2 and 6 are effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

The 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2882, A bill for an act relating to traffic regulations; regulating the operation of electric personal assistive mobility devices on roadways and sidewalks; amending Minnesota Statutes 2000, sections 168.011, subdivision 4; 169.01, subdivision 3, by adding a subdivision; 171.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

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

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

Senators Metzen, Scheid and Schwab.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Dehler 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. 2739. The motion prevailed.

Mr. Speaker:

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

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

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

Senators Limmer, Wiener and Metzen.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Boudreau 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. 2680. The motion prevailed.

Mr. Speaker:

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

S. F. No. 2707.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

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

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2680:

Boudreau, Bradley and Mahoney.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2739:

Stang, Davids and Entenza.

MOTIONS AND RESOLUTIONS

Davids moved that the name of Haas be added as an author on H. F. No. 1868. The motion prevailed.

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

Gerlach moved that the name of Bernardy be added as an author on H. F. No. 3342. The motion prevailed.

Erickson moved that S. F. No. 2963 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Ways and Means. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 8:00 a.m., Friday, March 22, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 8:00 a.m., Friday, March 22, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives