

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

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EIGHTIETH DAY

St. Paul, Minnesota, Friday, March 8, 2002

The Senate met at 9:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Dean E. Johnson.

The roll was called, and the following Senators answered to their names:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

## MEMBERS EXCUSED

Senator Neuville was excused from the Session of today.

## REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

### Senator Scheid from the Committee on Commerce, to which was referred

**S.F. No. 3024:** A bill for an act relating to commerce; classifying certain data; regulating continuing education and licensing requirements for certain licensees; regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms;

repealing certain obsolete, unnecessary, or redundant rules; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Rules, parts 2705.3000; 2782.0100; 2782.0200; 2782.0300; 2782.0400; 2782.0500; 2782.0600; 2782.0700; 2782.0800; 2800.0100, subparts 6, 10; 2808.2200, subparts 6, 7, 8; 2830.0020; 2830.0030; 2830.0040; 2830.0050; 2830.0060; 2830.0070; 2870.0100; 2870.1100; 2870.1200; 2870.1400; 2870.1500; 2870.1700; 2870.1800; 2870.1900; 2870.2000; 2870.2100; 2870.2200; 2870.2300; 2870.3100; 2870.3200; 2870.3300; 2870.3400; 2870.3500; 2870.3600; 2870.3700; 2870.3800; 2870.3900; 2870.4000; 2870.4100; 2870.5100.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 82.20, subdivision 13, is amended to read:

Subd. 13. [LIMITED BROKER'S LICENSE.] (a) The commissioner shall have the authority to issue a limited real estate broker's license authorizing the licensee to engage in transactions as principal only. Such license shall be issued only after receipt of the application described in subdivision 3 and payment of the fee prescribed by section 82.21, subdivision 1. No salesperson may be licensed to act on behalf of an individual holding a limited broker's license. An officer of a corporation or partner of a partnership licensed as a limited broker may act on behalf of that corporation or partnership without being subject to the licensing requirements.

(b) A limited broker's license shall also authorize the licensee to engage in negotiation of mortgage loans, other than residential mortgage loans, as described in section 82.17, subdivision 4, clause (b).

Sec. 2. Minnesota Statutes 2000, section 82.22, subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) Every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. Every applicant for a salesperson's license shall be required to successfully complete an additional course of study in the real estate field consisting of 60 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules, and of which two hours must consist of training in laws and regulations on agency representation and disclosure, before filing an application for the license. ~~Every salesperson shall, within one year of licensure, be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner.~~

(b) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools. The commissioner shall not approve any course offered by, sponsored by, or affiliated with any person or company licensed to engage in the real estate business. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors.

(c) An applicant for a broker's license must successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner, of which three hours shall consist of training in state and federal fair housing laws, regulations, and rules. The course must have been completed within ~~six~~ 12 months prior to the date of application for the broker's license.

(d) An applicant for a real estate closing agent's license must successfully complete a course of study relating to closing services consisting of eight hours of instruction approved by the commissioner.

Sec. 3. Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) ~~After their first renewal date,~~ All real estate salespersons and all real estate brokers shall be required to successfully complete 30 hours of real estate continuing education, either as a student or a lecturer, in courses of study approved by the commissioner, during the initial license period and during each succeeding 24-month license period. At least 15 of the 30 credit hours must be completed during the first 12 months of the 24-month licensing period. ~~Salespersons and brokers whose initial license period extends more than 12 months are required to complete 15 hours of real estate continuing education during the initial license period. Those licensees who will receive a 12-month license on July 1, 1995, because of the staggered implementation schedule must complete 15 hours of real estate continuing education as a requirement for renewal on July 1, 1996.~~ Licensees may not claim credit for continuing education not actually completed as of the date their report of continuing education compliance is filed.

(b) The commissioner shall adopt rules defining the standards for course and instructor approval, and may adopt rules for the proper administration of this subdivision. The commissioner may not approve a course which can be completed by the student at home or outside the classroom without the supervision of an instructor except accredited courses using new delivery technology, including interactive technology, and the Internet. Courses in motivation, salesmanship, psychology, or time management shall not be approved by the commissioner for continuing education credit.

(c) Any program approved by Minnesota continuing legal education shall be approved by the commissioner of commerce for continuing education for real estate brokers and salespeople if the program or any part thereof relates to real estate.

(d) As part of the continuing education requirements of this section, the commissioner shall require that all real estate brokers and salespersons receive:

(1) at least one hour of training during each license period in courses in laws or regulations on agency representation and disclosure; and

(2) at least one hour of training during each license period in courses in state and federal fair housing laws, regulations, and rules, other antidiscrimination laws, or courses designed to help licensees to meet the housing needs of immigrant and other underserved populations.

Clauses (1) and (2) do not apply to real estate salespersons and real estate brokers engaged solely in the commercial real estate business who file with the commissioner a verification of this status along with the continuing education report required under paragraph (a).

(e) The commissioner is authorized to establish a procedure for renewal of course accreditation.

(f) Approved courses may be sponsored or offered by a broker of a real estate company and may be held on the premises of a company licensed under this chapter. All course offerings must be open to any interested individuals. Access may be restricted by the sponsor based on class size only. Courses must not be approved if attendance is restricted to any particular group of people. A broker must comply with all continuing education rules prescribed by the commissioner.

(g) No more than one-half of the credit hours per licensing period, including continuing education required under subdivision 6, may be credited to a person for attending any combination of courses either:

(1) sponsored by, offered by, or affiliated with a real estate company or its agents; or

(2) offered using new delivery technology, including interactive technology, and the Internet.

Sec. 4. Minnesota Statutes 2000, section 82B.19, subdivision 1, is amended to read:

Subdivision 1. [LICENSE RENEWALS.] A licensed real estate appraiser shall present evidence satisfactory to the commissioner of having met the continuing education requirements of this chapter before the commissioner renews a license.

The basic continuing education requirement for renewal of a license is the completion by the applicant either as a student or as an instructor, during the immediately preceding term of licensing, of at least 30 classroom hours of instruction in courses or seminars that have received the approval of the commissioner. As part of the continuing education requirements of this section, the commissioner shall require that all real estate appraisers receive at least ~~four~~ seven hours of training each license period in courses in laws or regulations on standards of professional practice. If the applicant's immediately preceding term of licensing consisted of 12 or more months, but fewer than 24 months, the applicant must provide evidence of completion of 15 hours of instruction during the license period. If the immediately preceding term of licensing consisted of fewer than 12 months, no continuing education need be reported.

Sec. 5. Minnesota Statutes 2000, section 82B.21, is amended to read:

82B.21 [CLASSIFICATION OF SERVICES.]

A client or employer may retain or employ a licensed real estate appraiser to act as a disinterested third party in giving an unbiased estimate of value or analysis. A client or employer may also retain or employ a licensed real estate appraiser to provide a market analysis to facilitate the client's or employer's objectives; or to perform a limited appraisal. In either case, The appraisal and the appraisal report must comply with the provisions of this chapter and the uniform standards of professional appraisal practice.

Sec. 6. Minnesota Statutes 2000, section 155A.03, is amended by adding a subdivision to read:

Subd. 14. [LICENSED SALON.] "Licensed salon" means a salon licensed in Minnesota.

Sec. 7. Minnesota Statutes 2000, section 155A.03, is amended by adding a subdivision to read:

Subd. 15. [LICENSED SCHOOL.] "Licensed school" means a school licensed in Minnesota.

Sec. 8. Minnesota Statutes 2000, section 155A.07, is amended by adding a subdivision to read:

Subd. 9. [RECIPROCAL LICENSES.] Notwithstanding the absence of a written reciprocal licensing agreement under section 45.0292, a nonresident cosmetologist, manicurist, or esthetician may be licensed in Minnesota if the individual has completed cosmetology school in a state with the same or greater school hour requirements, has an active license in that state, and has passed the Minnesota-specific written operator examination for cosmetologist, manicurist, or esthetician. Reciprocal licenses shall not be issued for managers or instructors.

Sec. 9. Minnesota Statutes 2000, section 326.975, is amended by adding a subdivision to read:

Subd. 1a. [LIMITATION.] Nothing may obligate the fund for claims brought by:

(1) insurers or sureties under subrogation or similar theories; or

(2) owners of residential property where the contracting activity complained of was the result of a contract entered into with a prior owner, unless the claim is brought and judgment rendered for breach of the statutory warranty set forth in chapter 327A.

Sec. 10. Minnesota Statutes 2000, section 326.975, is amended by adding a subdivision to read:

Subd. 1b. [CONDOMINIUMS OR TOWNHOUSES.] For purposes of this section, the owner or lessee of a condominium or townhouse is considered an owner or lessee of residential property regardless of the number of residential units per building.

Sec. 11. Minnesota Statutes 2000, section 507.09, is amended to read:

507.09 [FORMS APPROVED; AMENDMENTS.]

The several forms of deeds, mortgages, land contracts, assignments, satisfactions, and other conveyancing instruments prepared by the uniform conveyancing blanks commission and filed by the commission with the secretary of state pursuant to Laws 1929, chapter 135, as amended by

Laws 1931, chapter 34, are approved and recommended for use in the state. Such forms shall be kept on file with and be preserved by the commissioner of commerce as a public record. The commissioner of commerce may appoint an advisory task force on uniform conveyancing forms to recommend to the commissioner of commerce amendments to existing forms or the adoption of new forms. The task force shall expire, and the terms, compensation, and removal of members shall be as provided in section 15.059. The commissioner of commerce may adopt amended or new forms consistent with the laws of this state by ~~complying with the procedures in section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to these forms order.~~

Sec. 12. [EFFECTIVE DATES.]

Sections 1 and 5 to 11 are effective the day following final enactment. Section 2 is effective July 1, 2002. Section 3 is effective July 1, 2002, for renewals on or after that date. Section 4 is effective September 1, 2003, for renewals on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; providing certain cosmetology definitions; regulating continuing education and licensing requirements for certain licensees; regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 82B.21; 155A.03, by adding subdivisions; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Scheid from the Committee on Commerce, to which was referred**

**S.F. No. 2988:** A bill for an act relating to financial institutions; regulating detached facilities, certain charges and fees, and mortgage prepayment penalties; amending Minnesota Statutes 2000, sections 47.20, subdivision 5; 47.204, subdivision 1; 47.21; 47.52; 47.54, subdivisions 1, 2; 47.59, subdivision 1; 52.05, subdivision 2; 52.06, subdivision 1; 58.04, subdivision 4; 334.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 58; 334; repealing Minnesota Statutes 2000, sections 52.17, subdivision 1; 334.021; Minnesota Rules, part 2675.6400.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 4 and 5, delete section 4

Pages 10 and 11, delete sections 8 and 9

Page 11, line 33, delete "subdivision" and insert "subdivisions 2 and"

Page 11, line 35, after "union" insert ", or to any subsidiary of any of them, that is"

Page 12, line 4, delete everything after the headnote and insert "A residential mortgage originator making or modifying a residential mortgage loan to a borrower located in this state must not include in the principal amount of any residential mortgage loan all or any portion of any lender fee in an aggregate amount exceeding five percent of the loan amount. This subdivision shall not apply to residential mortgage loans which are insured or guaranteed by the secretary of housing and urban development or the administrator of veterans affairs or the administrator of the farmers home administration or any successor."

"Lender fee" means interest, points, finance charges, fees, and other charges payable by the borrower to any residential mortgage originator or to any assignee of any residential mortgage originator. Lender fee does not include recording fees, mortgage registration taxes, passthroughs, or other amounts that are paid by any person to any government entity, filing office, or other third

party that is not a residential mortgage originator or an assignee of a residential mortgage originator. Lender fee also does not include any amount that is set aside to pay taxes or insurance on any property securing the residential mortgage loan."

Page 12, delete lines 5 to 10

Page 12, delete lines 21 to 31

Page 14, line 29, after the period, insert "A mortgage originator responding to requests for residential mortgage loans via the Internet may make the disclosure in a manner acceptable to the commissioner."

Page 14, delete lines 30 to 36

Page 15, delete lines 1 to 31

Page 15, line 32, delete "6" and insert "3"

Page 16, line 28, delete "(a)"

Page 16, delete line 30 and insert:

"Sec. 12. [EFFECTIVE DATE.]

Section 8 is effective January 1, 2003."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "47.52;"

Page 1, line 7, delete "52.05, subdivision 2; 52.06,"

Page 1, line 8, delete "subdivision 1;"

Page 1, line 12, delete "; Minnesota Rules, part 2675.6400"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Ranum from the Committee on Crime Prevention, to which was re-referred**

**S.F. No. 2692:** A bill for an act relating to human services; modifying requirements for background studies; limiting authority of commissioner of human services to set aside a disqualification; modifying list of disqualifying crimes; amending Minnesota Statutes 2001 Supplement, section 245A.04, subdivisions 3b, 3d.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) The individual who is the subject of the disqualification may request a reconsideration of the disqualification.

The individual must submit the request for reconsideration to the commissioner in writing. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (1) or (2), must be submitted within 30 calendar days of the disqualified individual's receipt of the notice of disqualification. Upon showing that the information in clause (1) or (2) cannot be obtained within 30 days, the disqualified individual may request additional time, not to exceed 30 days, to obtain that information. A request for

reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (3), must be submitted within 15 calendar days of the disqualified individual's receipt of the notice of disqualification. An individual who was determined to have maltreated a child under section 626.556 or a vulnerable adult under section 626.557, and who was disqualified under this section on the basis of serious or recurring maltreatment, may request reconsideration of both the maltreatment and the disqualification determinations. The request for reconsideration of the maltreatment determination and the disqualification must be submitted within 30 calendar days of the individual's receipt of the notice of disqualification. Removal of a disqualified individual from direct contact shall be ordered if the individual does not request reconsideration within the prescribed time, and for an individual who submits a timely request for reconsideration, if the disqualification is not set aside. The individual must present information showing that:

(1) the information the commissioner relied upon is incorrect or inaccurate. If the basis of a reconsideration request is that a maltreatment determination or disposition under section 626.556 or 626.557 is incorrect, and the commissioner has issued a final order in an appeal of that determination or disposition under section 256.045 or 245A.08, subdivision 5, the commissioner's order is conclusive on the issue of maltreatment. If the individual did not request reconsideration of the maltreatment determination, the maltreatment determination is deemed conclusive; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant, license holder, or registrant under section 144A.71, subdivision 1.

(b) The commissioner shall rescind the disqualification if the commissioner finds that the information relied on to disqualify the subject is incorrect. The commissioner may set aside the disqualification under this section if the commissioner finds that the individual does not pose a risk of harm to any person served by the applicant, license holder, or registrant under section 144A.71, subdivision 1. In determining that an individual does not pose a risk of harm, the commissioner shall consider the nature, severity, and consequences of the event or events that lead to disqualification, whether there is more than one disqualifying event, the age and vulnerability of the victim at the time of the event, the harm suffered by the victim, the similarity between the victim and persons served by the program, the time elapsed without a repeat of the same or similar event, documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event, and any other information relevant to reconsideration. In reviewing a disqualification under this section, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder, applicant, or registrant under section 144A.71, subdivision 1, over the interests of the license holder, applicant, or registrant under section 144A.71, subdivision 1.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in sections ~~609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.165 (felon ineligible to possess firearm),~~ criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury), 609.215 (aiding suicide or aiding attempted suicide), felony violations under ~~609.221 to 609.223 or 609.2231 (assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), 609.498, subdivision 1 or 1a (aggravated first degree or first degree tampering with a witness), burglary in the first or second degree under 609.582 (burglary), 609.66 (dangerous weapon), 609.665 (spring guns), 609.67 (machine guns and short-barreled shotguns), 609.749, subdivision 2 (gross misdemeanor harassment; stalking), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled~~

substance crime in the fourth degree), 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult), 609.228 (~~great bodily harm caused by distribution of drugs~~), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.234 (failure to report), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), a felony level conviction involving alcohol or drug use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts), a gross misdemeanor offense under 609.378 (neglect or endangerment of a child), a gross misdemeanor offense under 609.377 (malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the involuntary termination of parental rights under section 260C.301 or the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.561 (arson in the first degree), 609.749, subdivision 3, 4, or 5 (felony-level harassment; stalking), 609.228 (great bodily harm caused by distribution of drugs), 609.221 or 609.222 (assault in the first or second degree), 609.66, subdivision 1e (drive-by shooting), 609.855, subdivision 5 (shooting in or at a public transit vehicle or facility), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), a felony offense under 609.377 (malicious punishment of a child), a felony offense under 609.324, subdivision 1 (other prohibited acts), a felony offense under 609.378 (neglect or endangerment of a child), 609.322 (solicitation, inducement, and promotion of prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), a felony offense under sections 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children, or an attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant, license holder, or registrant under section 144A.71, subdivision 1, residing in the applicant's or license holder's home, or the home of a registrant under section 144A.71, subdivision 1, the applicant, license holder, or registrant under section 144A.71, subdivision 1, may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure or registration under section 144A.71, subdivision 1, because the license holder, applicant, or registrant under section 144A.71, subdivision 1, poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.



(d) The commissioner shall respond in writing or by electronic transmission to all reconsideration requests for which the basis for the request is that the information relied upon by the commissioner to disqualify is incorrect or inaccurate within 30 working days of receipt of a request and all relevant information. If the basis for the request is that the individual does not pose a risk of harm, the commissioner shall respond to the request within 15 working days after receiving the request for reconsideration and all relevant information. If the request is based on both the correctness or accuracy of the information relied on to disqualify the individual and the risk of harm, the commissioner shall respond to the request within 45 working days after receiving the request for reconsideration and all relevant information. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing or by electronic transmission of the decision.

(e) Except as provided in subdivision 3c, if a disqualification is not set aside or is not rescinded, an individual who was disqualified on the basis of a preponderance of evidence that the individual committed an act or acts that meet the definition of any of the crimes lists in subdivision 3d, paragraph (a), clauses (1) to (4); or for failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, pursuant to subdivision 3d, paragraph (a), clause (4), may request a fair hearing under section 256.045. Except as provided under subdivision 3c, the commissioner's final order for an individual under this paragraph is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent studies conducted under subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

(f) Except as provided under subdivision 3c, if an individual was disqualified on the basis of a determination of maltreatment under section 626.556 or 626.557, which was serious or recurring, and the individual has requested reconsideration of the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, and also requested reconsideration of the disqualification under this subdivision, reconsideration of the maltreatment determination and reconsideration of the disqualification shall be consolidated into a single reconsideration. For maltreatment and disqualification determinations made by county agencies, the consolidated reconsideration shall be conducted by the county agency. Except as provided under subdivision 3c, if an individual who was disqualified on the basis of serious or recurring maltreatment requests a fair hearing on the maltreatment determination under section 626.556, subdivision 10i, or 626.557, subdivision 9d, the scope of the fair hearing under section 256.045 shall include the maltreatment determination and the disqualification. Except as provided under subdivision 3c, the commissioner's final order for an individual under this paragraph is conclusive on the issue of maltreatment and disqualification, including for purposes of subsequent studies conducted under subdivision 3, and is the only administrative appeal of the final agency determination, specifically, including a challenge to the accuracy and completeness of data under section 13.04.

(g) In the notice from the commissioner that a disqualification has been set aside, the license holder must be informed that information about the nature of the disqualification and which factors under paragraph (b) were the bases of the decision to set aside the disqualification is available to the license holder upon request without consent of the background study subject. With the written consent of a background study subject, the commissioner may release to the license holder copies of all information related to the background study subject's disqualification and the commissioner's decision to set aside the disqualification as specified in the written consent.

Sec. 2. Minnesota Statutes 2001 Supplement, section 245A.04, subdivision 3d, is amended to read:

Subd. 3d. [DISQUALIFICATION.] (a) Upon receipt of information showing, or when a background study completed under subdivision 3 shows any of the following: a conviction of one or more crimes listed in clauses (1) to (4); the individual has admitted to or a preponderance of the evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in clauses (1) to (4); or an investigation results in an administrative determination listed under clause (4), the individual shall be disqualified from any position allowing direct contact with persons receiving services from the license holder, entity identified in subdivision 3, paragraph (a), or registrant under section 144A.71, subdivision 1, and for individuals studied

under section 245A.04, subdivision 3, paragraph (c), clauses (2), (6), and (7), the individual shall also be disqualified from access to a person receiving services from the license holder:

(1) regardless of how much time has passed since the involuntary termination of parental rights under section 260C.301 or the discharge of the sentence imposed for the offense, and unless otherwise specified, regardless of the level of the conviction, the individual was convicted of any of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.221 or 609.222 (assault in the first or second degree); 609.228 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.561 (arson in the first degree); 609.749, subdivision 3, 4, or 5 (felony-level harassment; stalking); 609.66, subdivision 1e (drive-by shooting); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); 609.322 (solicitation, inducement, and promotion of prostitution); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); felony offense under 609.377 (malicious punishment of a child); a felony offense under 609.378 (neglect or endangerment of a child); a felony offense under 609.324, subdivision 1 (other prohibited acts); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); a felony offense under sections 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children; or attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state or country, where the elements are substantially similar to any of the offenses listed in this clause;

(2) if less than 15 years have passed since the discharge of the sentence imposed for the offense; and the individual has received a felony conviction for a violation of any of these offenses: sections 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.165 (felon ineligible to possess firearm); 609.215 (suicide); ~~609.221 to 609.223 or 609.2231~~ (assault in the first, second, third, or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); repeat offenses under 609.3451 (criminal sexual conduct in the fifth degree); 609.498, subdivision 1 or 1a (aggravated first degree or first degree tampering with a witness); 609.713 (terroristic threats); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.563 (arson in the third degree); repeat offenses under 617.23 (indecent exposure; penalties); repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 609.71 (riot); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.749 (harassment; stalking; penalties); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.52 (theft); 609.2335 (financial exploitation of a vulnerable adult); 609.521 (possession of shoplifting gear); 609.582 (burglary); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.27 (coercion); 609.275 (attempt to coerce); 609.687 (adulteration); 260C.301 (grounds for termination of parental rights); chapter 152 (drugs; controlled substance); and a felony level conviction involving alcohol or drug use. An attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses in this clause. If the individual studied is convicted of one of the felonies listed in this clause, but the sentence is a gross misdemeanor or misdemeanor disposition, the lookback period for the conviction is the period applicable to the disposition, that is the period for gross misdemeanors or misdemeanors;

(3) if less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has received a gross misdemeanor conviction for a violation of any of the following offenses: sections 609.224 (assault in the fifth degree); 609.2242 and 609.2243 (domestic assault); violation of an order for protection under 518B.01, subdivision 14; 609.3451 (criminal sexual conduct in the fifth degree); repeat offenses under 609.746 (interference with privacy); repeat offenses under 617.23 (indecent exposure); 617.241 (obscene materials and performances); 617.243 (indecent literature, distribution); 617.293 (harmful materials; dissemination and display to minors prohibited); 609.71 (riot); 609.66 (dangerous weapons); 609.749, subdivision 2 (harassment; stalking; penalties); 609.224, subdivision 2, paragraph (c) (assault in the fifth degree by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); 609.265 (abduction); 609.378 (neglect or endangerment of a child); 609.377 (malicious punishment of a child); 609.324, subdivision 1a (other prohibited acts; minor engaged in prostitution); 609.33 (disorderly house); 609.52 (theft); 609.582 (burglary); 609.631 (check forgery; offering a forged check); 609.275 (attempt to coerce); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in this clause. If the defendant is convicted of one of the gross misdemeanors listed in this clause, but the sentence is a misdemeanor disposition, the lookback period for the conviction is the period applicable to misdemeanors; or

(4) if less than seven years have passed since the discharge of the sentence imposed for the offense; and the individual has received a misdemeanor conviction for a violation of any of the following offenses: sections 609.224 (assault in the fifth degree); 609.2242 (domestic assault); violation of an order for protection under 518B.01 (Domestic Abuse Act); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.746 (interference with privacy); 609.79 (obscene or harassing phone calls); 609.795 (letter, telegram, or package; opening; harassment); 617.23 (indecent exposure; penalties); 609.2672 (assault of an unborn child in the third degree); 617.293 (harmful materials; dissemination and display to minors prohibited); 609.66 (dangerous weapons); 609.665 (spring guns); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.52 (theft); 609.27 (coercion); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in this clause; a determination or disposition of failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or a determination or disposition of substantiated serious or recurring maltreatment of a minor under section 626.556 or of a vulnerable adult under section 626.557 for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment.

For the purposes of this section, "serious maltreatment" means sexual abuse; maltreatment resulting in death; or maltreatment resulting in serious injury which reasonably requires the care of a physician whether or not the care of a physician was sought; or abuse resulting in serious injury. For purposes of this section, "abuse resulting in serious injury" means: bruises, bites, skin laceration or tissue damage; fractures; dislocations; evidence of internal injuries; head injuries with loss of consciousness; extensive second-degree or third-degree burns and other burns for which complications are present; extensive second-degree or third-degree frostbite, and others for which complications are present; irreversible mobility or avulsion of teeth; injuries to the eyeball; ingestion of foreign substances and objects that are harmful; near drowning; and heat exhaustion or sunstroke. For purposes of this section, "care of a physician" is treatment received or ordered by a physician, but does not include diagnostic testing, assessment, or observation. For the purposes of this section, "recurring maltreatment" means more than one incident of maltreatment for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment. For purposes of this section, "access" means physical access to

an individual receiving services or the individual's personal property without continuous, direct supervision as defined in section 245A.04, subdivision 3.

(b) Except for background studies related to child foster care, adult foster care, or family child care licensure, when the subject of a background study is regulated by a health-related licensing board as defined in chapter 214, and the regulated person has been determined to have been responsible for substantiated maltreatment under section 626.556 or 626.557, instead of the commissioner making a decision regarding disqualification, the board shall make a determination whether to impose disciplinary or corrective action under chapter 214.

(1) The commissioner shall notify the health-related licensing board:

(i) upon completion of a background study that produces a record showing that the individual was determined to have been responsible for substantiated maltreatment;

(ii) upon the commissioner's completion of an investigation that determined the individual was responsible for substantiated maltreatment; or

(iii) upon receipt from another agency of a finding of substantiated maltreatment for which the individual was responsible.

(2) The commissioner's notice shall indicate whether the individual would have been disqualified by the commissioner for the substantiated maltreatment if the individual were not regulated by the board. The commissioner shall concurrently send this notice to the individual.

(3) Notwithstanding the exclusion from this subdivision for individuals who provide child foster care, adult foster care, or family child care, when the commissioner or a local agency has reason to believe that the direct contact services provided by the individual may fall within the jurisdiction of a health-related licensing board, a referral shall be made to the board as provided in this section.

(4) If, upon review of the information provided by the commissioner, a health-related licensing board informs the commissioner that the board does not have jurisdiction to take disciplinary or corrective action, the commissioner shall make the appropriate disqualification decision regarding the individual as otherwise provided in this chapter.

(5) The commissioner has the authority to monitor the facility's compliance with any requirements that the health-related licensing board places on regulated persons practicing in a facility either during the period pending a final decision on a disciplinary or corrective action or as a result of a disciplinary or corrective action. The commissioner has the authority to order the immediate removal of a regulated person from direct contact or access when a board issues an order of temporary suspension based on a determination that the regulated person poses an immediate risk of harm to persons receiving services in a licensed facility.

(6) A facility that allows a regulated person to provide direct contact services while not complying with the requirements imposed by the health-related licensing board is subject to action by the commissioner as specified under sections 245A.06 and 245A.07.

(7) The commissioner shall notify a health-related licensing board immediately upon receipt of knowledge of noncompliance with requirements placed on a facility or upon a person regulated by the board.

Sec. 3. [BACKGROUND STUDY PROCESS AND VULNERABLE ADULT ACT REVIEW.]

The commissioner of human services shall consult with the commissioners of health and corrections, the attorney general, and stakeholder groups involved with vulnerable adult maltreatment investigations under Minnesota Statutes, section 626.557, and the background studies completed under Minnesota Statutes, section 245A.04, and inform the legislature about the issues reported to be most in need of a policy review by the legislature.

Stakeholders consulted must include representatives of provider groups for programs licensed by the commissioners of health, human services, and corrections; unions; the ombudsman for mental health and mental retardation; and consumer advocacy groups.

The review shall include a report on available data regarding the background study set-aside and variance processes and the resulting maltreatment findings against people with criminal histories who have been allowed by a state agency to provide services to children and vulnerable adults.

The review shall also include a report on the data regarding maltreatment investigations, rates of substantiation of maltreatment, appeals of findings, and appeal results.

The review shall also examine crimes that currently are considered disqualifying crimes and recommend any change to current laws deemed appropriate.

The commissioner shall provide this report to the chairs of the senate health and family security committee and the house of representatives health and human services committee by January 15, 2003."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a review and report to the legislature on these requirements;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

#### **Senator Pappas from the Committee on Education, to which was referred**

**S.F. No. 2411:** A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2000, section 121A.11, by adding subdivisions.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 20, delete "annually, by majority vote,"

Page 1, line 21, delete everything after "teacher" and insert "may decline to participate in recitation of the pledge."

Page 1, delete line 22

Page 2, line 6, delete "annually by a majority vote of" and insert "by"

Page 2, line 9, delete everything after the period

Page 2, delete line 10

Page 2, after line 14, insert:

"Sec. 3. Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8, is amended to read:

Subd. 8. [STATE AND LOCAL REQUIREMENTS.] (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school is subject to the pledge of allegiance requirement under section 121A.11, subdivision 3."

Amend the title as follows:

Page 1, line 3, after "public" insert "and charter"

Page 1, line 6, before the period, insert "; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3584** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS	CONSENT CALENDAR	CALENDAR
H.F. No. S.F. No.	H.F. No. S.F. No.	H.F. No. S.F. No.
3584	3302	

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Pappas from the Committee on Education**, to which were referred the following appointments as reported in the Journal for January 22, 2001:

BOARD OF THE LOLA AND RUDY PERPICH  
MINNESOTA CENTER FOR ARTS EDUCATION

Jay Andersen  
Patricia Anderson  
Alex Boies  
Renee Jenson  
Lani Kawamura  
Marjorie Barton Savage  
Geol Leonard Weirs

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Pappas from the Committee on Education**, to which were referred the following appointments as reported in the Journal for April 18, 2001:

**MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY**

Carol Blomberg  
David Rowland

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Pappas from the Committee on Education**, to which were referred the following appointments as reported in the Journal for January 11, 2001

**BOARD OF THE MINNESOTA STATE ACADEMIES**

Richard Berge, Ph.D.  
Robert Duncan  
Paul Johnson  
Phil Koprowski  
James Potter  
Mark Sathe

Reports the same back with the recommendation that the appointments be confirmed.

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 3024, 2988, 2692 and 2411 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 3584 was read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Anderson moved that the name of Senator Marty be added as a co-author to S.F. No. 1. The motion prevailed.

Senator Lessard moved that the name of Senator Schwab be added as a co-author to S.F. No. 1072. The motion prevailed.

Senator Hottinger moved that the name of Senator Higgins be added as a co-author to S.F. No. 2669. The motion prevailed.

Senator Tomassoni moved that S.F. No. 1609 be withdrawn from the Committee on Crime Prevention and re-referred to the Committee on Rules and Administration. The motion did not prevail.

### SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Senator Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

### CALENDAR

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pariseau	Scheid
Bachmann	Hottinger	Lesewski	Pogemiller	Solon, Y.P.
Belanger	Johnson, Dean	Lessard	Price	Stevens
Berg	Johnson, Debbie	Lourey	Ranum	Stumpf
Berglin	Johnson, Doug	Marty	Reiter	Terwilliger
Betzold	Kelley, S.P.	Metzen	Rest	Vickerman
Chaudhary	Kierlin	Moe, R.D.	Ring	Wiener
Day	Kinkel	Moua	Robling	Wiger
Dille	Kleis	Olson	Sabo	
Fischbach	Knutson	Ourada	Sams	
Fowler	Krentz	Pappas	Samuelson	

Those who voted in the negative were:

Foley	Frederickson	Limmer	Robertson
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So the bill passed and its title was agreed to.

**H.F. No. 58:** A bill for an act relating to alcoholic beverages; prescribing standards for identification of beer kegs; requiring retailers of beer to maintain records of sale of beer kegs and to record the identification number of each beer keg sold; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 340A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Berglin	Chaudhary	Day
Bachmann	Berg	Betzold	Cohen	Dille



Fischbach	Kierlin	Marty	Price	Scheid
Foley	Kinkel	Metzen	Ranum	Schwab
Fowler	Kleis	Moe, R.D.	Reiter	Solon, Y.P.
Frederickson	Knutson	Moua	Rest	Stevens
Higgins	Krentz	Olson	Ring	Stumpf
Hottinger	Larson	Orfield	Robertson	Terwilliger
Johnson, Dean	Lesewski	Ourada	Robling	Tomassoni
Johnson, Debbie	Lessard	Pappas	Sabo	Vickerman
Johnson, Doug	Limmer	Pariseau	Sams	Wiener
Kelley, S.P.	Lourey	Pogemiller	Samuelson	Wiger

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Larson	Pariseau	Scheid
Bachmann	Higgins	Lesewski	Pogemiller	Schwab
Belanger	Hottinger	Lessard	Price	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Ranum	Stevens
Berglin	Johnson, Debbie	Lourey	Reiter	Stumpf
Betzold	Johnson, Doug	Marty	Rest	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Ring	Tomassoni
Cohen	Kierlin	Moe, R.D.	Robertson	Vickerman
Day	Kinkel	Moua	Robling	Wiener
Dille	Kleis	Olson	Sabo	Wiger
Fischbach	Knutson	Orfield	Sams	
Foley	Krentz	Ourada	Samuelson	
Fowler	Langseth	Pappas	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 2568:** A bill for an act relating to Hennepin county; removing certain limitations on the county board's ability to lease real property; removing limitations on the county board's authority to construct off-street parking facilities; amending Minnesota Statutes 2000, sections 383B.159; 383B.20, subdivision 1; repealing Minnesota Statutes 2000, section 383B.20, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Kinkel	Lessard
Bachmann	Day	Hottinger	Kleis	Limmer
Belanger	Dille	Johnson, Dean	Knutson	Lourey
Berg	Fischbach	Johnson, Debbie	Krentz	Marty
Berglin	Foley	Johnson, Doug	Langseth	Metzen
Betzold	Fowler	Kelley, S.P.	Larson	Moe, R.D.
Chaudhary	Frederickson	Kierlin	Lesewski	Moua

Oliver	Pogemiller	Robertson	Scheid	Tomassoni
Olson	Price	Robling	Schwab	Vickerman
Orfield	Ranum	Sabo	Solon, Y.P.	Wiener
Ourada	Reiter	Sams	Stevens	Wiger
Pappas	Rest	Samuelson	Stumpf	
Pariseau	Ring	Scheevel	Terwilliger	

So the bill passed and its title was agreed to.

**S.F. No. 2572:** A bill for an act relating to local government; authorizing the establishment of a specific nonprofit corporation in development region nine for certain specified purposes.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Larson	Pappas	Scheid
Bachmann	Higgins	Lesewski	Pariseau	Schwab
Belanger	Hottinger	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robling	Wiener
Dille	Kleis	Oliver	Sabo	Wiger
Fischbach	Knutson	Olson	Sams	
Foley	Krentz	Orfield	Samuelson	
Fowler	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Scheevel
Bachmann	Higgins	Larson	Pappas	Scheid
Belanger	Hottinger	Lesewski	Pariseau	Schwab
Berg	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berglin	Johnson, Dean	Limmer	Price	Stevens
Betzold	Johnson, Debbie	Lourey	Ranum	Stumpf
Chaudhary	Johnson, Doug	Marty	Reiter	Terwilliger
Cohen	Kelley, S.P.	Metzen	Rest	Tomassoni
Day	Kierlin	Moe, R.D.	Ring	Vickerman
Dille	Kinkel	Moua	Robertson	Wiener
Fischbach	Kleis	Oliver	Robling	Wiger
Foley	Knutson	Olson	Sabo	
Fowler	Krentz	Orfield	Sams	

So the bill passed and its title was agreed to.

**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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Lesewski	Pogemiller	Schwab
Belanger	Hottinger	Lessard	Price	Solon, Y.P.
Berg	Johnson, Dave	Limmer	Ranum	Stevens
Berglin	Johnson, Dean	Lourey	Reiter	Stumpf
Betzold	Johnson, Debbie	Marty	Rest	Terwilliger
Chaudhary	Johnson, Doug	Metzen	Ring	Tomassoni
Cohen	Kelley, S.P.	Moe, R.D.	Robertson	Vickerman
Day	Kierlin	Moua	Robling	Wiener
Dille	Kinkel	Oliver	Sabo	Wiger
Fischbach	Kleis	Olson	Sams	
Foley	Knutson	Ourada	Samuelson	
Fowler	Krentz	Pappas	Scheevel	
Frederickson	Larson	Pariseau	Scheid	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Scheid
Bachmann	Higgins	Larson	Pappas	Schwab
Belanger	Hottinger	Lesewski	Pogemiller	Solon, Y.P.
Berg	Johnson, Dave	Lessard	Price	Stevens
Berglin	Johnson, Dean	Limmer	Ranum	Stumpf
Betzold	Johnson, Debbie	Lourey	Reiter	Terwilliger
Chaudhary	Johnson, Doug	Marty	Rest	Tomassoni
Cohen	Kelley, S.P.	Metzen	Ring	Vickerman
Day	Kierlin	Moe, R.D.	Robling	Wiener
Dille	Kinkel	Moua	Sabo	Wiger
Fischbach	Kleis	Oliver	Sams	
Foley	Knutson	Olson	Samuelson	
Fowler	Krentz	Orfield	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 2448:** A bill for an act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, section 168.346.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Hottinger	Kelley, S.P.
Bachmann	Chaudhary	Foley	Johnson, Dave	Kierlin
Belanger	Cohen	Fowler	Johnson, Dean	Kinkel
Berg	Day	Frederickson	Johnson, Debbie	Kleis
Berglin	Dille	Higgins	Johnson, Doug	Knutson

Krentz	Metzen	Pogemiller	Sabo	Stumpf
Langseth	Moe, R.D.	Price	Sams	Terwilliger
Larson	Moua	Ranum	Samuelson	Tomassoni
Lesewski	Oliver	Reiter	Scheevel	Vickerman
Lessard	Orfield	Rest	Scheid	Wiener
Limmer	Ourada	Ring	Schwab	Wiger
Lourey	Pappas	Robertson	Solon, Y.P.	
Marty	Pariseau	Robling	Stevens	

So the bill passed and its title was agreed to.

**S.F. No. 2963:** A bill for an act relating to state government; transferring duties of the state treasurer to the commissioner of finance; amending Minnesota Statutes 2000, sections 7.26; 16A.27, subdivision 5; 16A.626; 35.08; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision 2; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 280.29; 293.06; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5; 385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; Minnesota Statutes 2001 Supplement, sections 35.09, subdivision 3; 122A.21; 276.11, subdivision 1; 299D.03, subdivision 5; repealing Minnesota Statutes 2000, section 7.21.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pogemiller	Scheid
Berg	Hottinger	Larson	Price	Schwab
Berglin	Johnson, Dean	Lessard	Ranum	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Reiter	Stevens
Chaudhary	Johnson, Doug	Marty	Rest	Stumpf
Cohen	Kelley, S.P.	Metzen	Ring	Terwilliger
Day	Kierlin	Moe, R.D.	Robertson	Tomassoni
Fischbach	Kinkel	Moua	Robling	Vickerman
Foley	Kleis	Oliver	Sabo	Wiener
Fowler	Knutson	Orfield	Sams	Wiger
Frederickson	Krentz	Pappas	Samuelson	

Those who voted in the negative were:

Bachmann	Dille	Olson	Pariseau	Scheevel
Belanger	Johnson, Dave	Ourada		

So the bill passed and its title was agreed to.

**S.F. No. 2795:** A bill for an act relating to human rights; adding sanctions that may be imposed; creating standing to seek sanctions; amending Minnesota Statutes 2001 Supplement, section 363.06, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dille	Higgins	Johnson, Debbie
Belanger	Chaudhary	Foley	Hottinger	Johnson, Doug
Berg	Cohen	Fowler	Johnson, Dave	Kelley, S.P.
Berglin	Day	Frederickson	Johnson, Dean	Kierlin

Kinkel	Lourey	Pappas	Robling	Stumpf
Kleis	Marty	Pariseau	Sabo	Terwilliger
Knutson	Metzen	Pogemiller	Sams	Tomassoni
Krentz	Moe, R.D.	Price	Samuelson	Vickerman
Langseth	Moua	Ranum	Scheevel	Wiener
Larson	Oliver	Reiter	Scheid	Wiger
Lesewski	Olson	Rest	Schwab	
Lessard	Orfield	Ring	Solon, Y.P.	
Limmer	Ourada	Robertson	Stevens	

Those who voted in the negative were:

Bachmann

So the bill passed and its title was agreed to.

**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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Samuelson
Bachmann	Higgins	Larson	Pappas	Scheevel
Belanger	Hottinger	Lesewski	Pariseau	Scheid
Berg	Johnson, Dave	Lessard	Pogemiller	Schwab
Berglin	Johnson, Dean	Limmer	Price	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Ranum	Stevens
Chaudhary	Johnson, Doug	Marty	Reiter	Stumpf
Cohen	Kelley, S.P.	Metzen	Rest	Terwilliger
Day	Kierlin	Moe, R.D.	Ring	Tomassoni
Dille	Kinkel	Moua	Robertson	Vickerman
Fischbach	Kleis	Oliver	Robling	Wiener
Foley	Knutson	Olson	Sabo	Wiger
Fowler	Krentz	Orfield	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 2533:** A bill for an act relating to corrections; authorizing counties to collect room, board, and other related correctional expenses for offenders who have been convicted of a crime and confined in a county jail, workhouse, or correctional farm in certain instances; amending Minnesota Statutes 2000, section 641.12, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kelley, S.P.	Limmer	Pappas
Bachmann	Foley	Kierlin	Lourey	Pariseau
Belanger	Fowler	Kinkel	Marty	Pogemiller
Berg	Frederickson	Kleis	Metzen	Price
Berglin	Higgins	Knutson	Moe, R.D.	Ranum
Betzold	Hottinger	Krentz	Moua	Reiter
Chaudhary	Johnson, Dave	Langseth	Oliver	Rest
Cohen	Johnson, Dean	Larson	Olson	Ring
Day	Johnson, Debbie	Lesewski	Orfield	Robertson
Dille	Johnson, Doug	Lessard	Ourada	Robling

Sabo	Scheevel	Solon, Y.P.	Terwilliger	Wiener
Sams	Scheid	Stevens	Tomassoni	Wiger
Samuelson	Schwab	Stumpf	Vickerman	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Samuelson
Bachmann	Higgins	Larson	Pappas	Scheevel
Belanger	Hottinger	Lesewski	Pariseau	Scheid
Berg	Johnson, Dave	Lessard	Pogemiller	Schwab
Berglin	Johnson, Dean	Limmer	Price	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Ranum	Stevens
Chaudhary	Johnson, Doug	Marty	Reiter	Stumpf
Cohen	Kelley, S.P.	Metzen	Rest	Terwilliger
Day	Kierlin	Moe, R.D.	Ring	Tomassoni
Dille	Kinkel	Moua	Robertson	Vickerman
Fischbach	Kleis	Oliver	Robling	Wiener
Foley	Knutson	Olson	Sabo	Wiger
Fowler	Krentz	Orfield	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 3147:** A bill for an act relating to state employment; modifying the statewide affirmative action program; amending Minnesota Statutes 2000, sections 43A.02, subdivision 6a, by adding subdivisions; 43A.19, subdivision 1; 43A.191.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pariseau	Scheid
Belanger	Hottinger	Lesewski	Pogemiller	Schwab
Berg	Johnson, Dave	Lessard	Price	Solon, Y.P.
Berglin	Johnson, Dean	Lourey	Ranum	Stevens
Betzold	Johnson, Debbie	Marty	Reiter	Stumpf
Chaudhary	Johnson, Doug	Metzen	Rest	Terwilliger
Cohen	Kelley, S.P.	Moe, R.D.	Ring	Tomassoni
Day	Kierlin	Moua	Robertson	Vickerman
Dille	Kinkel	Oliver	Robling	Wiener
Fischbach	Kleis	Olson	Sabo	Wiger
Foley	Knutson	Orfield	Sams	
Fowler	Krentz	Ourada	Samuelson	
Frederickson	Langseth	Pappas	Scheevel	

Those who voted in the negative were:

Bachmann	Limmer
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So the bill passed and its title was agreed to.

**S.F. No. 2638:** A bill for an act relating to crimes; providing that whoever employs runners to procure clients under certain circumstances involving motor vehicle insurance is guilty of a felony; proposing coding for new law in Minnesota Statutes, chapter 609.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pariseau	Scheid
Bachmann	Hottinger	Lesewski	Pogemiller	Schwab
Belanger	Johnson, Dave	Lessard	Price	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Ranum	Stevens
Berglin	Johnson, Debbie	Lourey	Reiter	Stumpf
Betzold	Johnson, Doug	Marty	Rest	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Ring	Tomassoni
Cohen	Kierlin	Moe, R.D.	Robertson	Vickerman
Day	Kinkel	Moua	Robling	Wiener
Dille	Kleis	Oliver	Sabo	Wiger
Fischbach	Knutson	Olson	Sams	
Foley	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Orfield	Samuelson
Bachmann	Higgins	Larson	Ourada	Scheevel
Belanger	Hottinger	Lesewski	Pariseau	Scheid
Berg	Johnson, Dave	Lessard	Pogemiller	Schwab
Berglin	Johnson, Dean	Limmer	Price	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Ranum	Stevens
Chaudhary	Johnson, Doug	Marty	Reiter	Stumpf
Cohen	Kelley, S.P.	Metzen	Rest	Tomassoni
Day	Kierlin	Moe, R.D.	Ring	Vickerman
Dille	Kinkel	Moua	Robertson	Wiener
Fischbach	Kleis	Murphy	Robling	Wiger
Foley	Knutson	Oliver	Sabo	
Fowler	Krentz	Olson	Sams	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chaudhary	Dille	Fowler
Bachmann	Berglin	Cohen	Fischbach	Frederickson
Belanger	Betzold	Day	Foley	Higgins

Hottinger	Krentz	Moua	Ranum	Scheid
Johnson, Dave	Langseth	Murphy	Reiter	Schwab
Johnson, Dean	Larson	Oliver	Rest	Solon, Y.P.
Johnson, Debbie	Lesewski	Olson	Ring	Stevens
Johnson, Doug	Lessard	Orfield	Robertson	Stumpf
Kelley, S.P.	Limmer	Ourada	Robling	Terwilliger
Kierlin	Lourey	Pappas	Sabo	Tomassoni
Kinkel	Marty	Pariseau	Sams	Vickerman
Kleis	Metzen	Pogemiller	Samuelson	Wiener
Knutson	Moe, R.D.	Price	Scheevel	Wiger

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Orfield	Sams
Bachmann	Higgins	Larson	Ourada	Samuelson
Belanger	Hottinger	Lesewski	Pappas	Scheevel
Berg	Johnson, Dave	Lessard	Pariseau	Scheid
Berglin	Johnson, Dean	Limmer	Pogemiller	Schwab
Betzold	Johnson, Debbie	Lourey	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Marty	Ranum	Stevens
Cohen	Kelley, S.P.	Metzen	Reiter	Stumpf
Day	Kierlin	Moe, R.D.	Rest	Terwilliger
Dille	Kinkel	Moua	Ring	Tomassoni
Fischbach	Kleis	Murphy	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger

So the bill passed and its title was agreed to.

**S.F. No. 3084:** A bill for an act relating to auditing; modifying certain state and local auditing procedures and reporting practices; amending Minnesota Statutes 2000, sections 115A.929; 609.5315, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 366; repealing Minnesota Statutes 2000, section 6.77.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	



So the bill passed and its title was agreed to.

**S.F. No. 2949:** A bill for an act relating to government data; background checks; expanding what is considered to be public criminal history data; modifying procedures for certain background checks; authorizing criminal history checks for certain liquor license applicants; clarifying use of data collected on employees of certain license holders; amending Minnesota Statutes 2000, sections 13.87, subdivision 1; 171.321, subdivision 3; 299C.68, subdivision 5; 326.336, subdivision 1; 340A.301, subdivision 2; 340A.402.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 3231:** A bill for an act relating to data privacy; providing that nondesignated addresses on license applications are not public data; amending Minnesota Statutes 2000, section 13.41, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Orfield	Sams
Bachmann	Higgins	Langseth	Ourada	Samuelson
Belanger	Hottinger	Larson	Pappas	Scheevel
Berg	Johnson, Dave	Lesewski	Pariseau	Scheid
Berglin	Johnson, Dean	Limmer	Pogemiller	Schwab
Betzold	Johnson, Debbie	Lourey	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Marty	Ranum	Stevens
Cohen	Kelley, S.P.	Metzen	Reiter	Stumpf
Day	Kierlin	Moe, R.D.	Rest	Terwilliger
Dille	Kinkel	Moua	Ring	Tomassoni
Fischbach	Kiscaden	Murphy	Robertson	Vickerman
Foley	Kleis	Oliver	Robling	Wiener
Fowler	Knutson	Olson	Sabo	Wiger

So the bill passed and its title was agreed to.

**S.F. No. 3257:** A bill for an act relating to municipalities; housing and redevelopment authority officers; adding an exception to conflict of interest provisions; amending Minnesota Statutes 2000, section 471.88, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 3331:** A bill for an act relating to health; removing the cost of obtaining health records when applying for a disability benefits program; amending Minnesota Statutes 2000, section 144.335, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Orfield	Sams
Bachmann	Higgins	Langseth	Ourada	Samuelson
Belanger	Hottinger	Larson	Pappas	Scheevel
Berg	Johnson, Dave	Lesewski	Pariseau	Scheid
Berglin	Johnson, Dean	Lessard	Pogemiller	Schwab
Betzold	Johnson, Debbie	Limmer	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Lourey	Ranum	Stevens
Cohen	Kelley, S.P.	Marty	Reiter	Stumpf
Day	Kierlin	Metzen	Rest	Terwilliger
Dille	Kinkel	Moe, R.D.	Ring	Tomassoni
Fischbach	Kiscaden	Moua	Robertson	Vickerman
Foley	Kleis	Oliver	Robling	Wiener
Fowler	Knutson	Olson	Sabo	Wiger

So the bill passed and its title was agreed to.

**S.F. No. 3145:** A bill for an act relating to the military; revising the Minnesota code of military justice; amending Minnesota Statutes 2000, sections 192A.015; 192A.02, subdivision 3, by adding a subdivision; 192A.025; 192A.045, subdivisions 2, 3; 192A.05; 192A.055; 192A.07; 192A.08, subdivision 1; 192A.085, subdivisions 1, 3, 5, 7; 192A.09; 192A.095; 192A.10; 192A.105; 192A.11, subdivisions 1, 3; 192A.115; 192A.13; 192A.135; 192A.14; 192A.15, subdivisions 3, 5; 192A.155; 192A.16; 192A.205; 192A.235, subdivision 3; 192A.25, subdivision 3; 192A.28; 192A.31, subdivision 1; 192A.384; 192A.385; 192A.39; 192A.415; 192A.43, subdivisions 1, 2; 192A.46; 192A.47; 192A.48; 192A.485; 192A.50; 192A.51; 192A.525; 192A.54; 192A.55; 192A.555; 192A.56; 192A.57; 192A.585; 192A.59; 192A.60; 192A.605; 192A.61, subdivision 3; 192A.612; 192A.615, subdivisions 1, 2; 192A.62; 192A.635; 192A.64, subdivisions 1, 2; 192A.645; 192A.65; 192A.66; 192A.665; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2000, sections 192A.045, subdivision 1; 192A.06; 192A.075; 192A.145; 192A.165; 192A.17; 192A.175; 192A.18; 192A.185; 192A.19; 192A.195; 192A.21; 192A.215; 192A.22; 192A.225; 192A.23; 192A.235, subdivision 2; 192A.245; 192A.265; 192A.27; 192A.275; 192A.285; 192A.29; 192A.295; 192A.305; 192A.31, subdivision

2; 192A.315; 192A.32; 192A.325; 192A.33; 192A.335; 192A.34; 192A.345; 192A.35; 192A.355; 192A.36; 192A.365; 192A.37; 192A.375; 192A.38; 192A.43, subdivision 3; 192A.505; 192A.52; 192A.53; 192A.58; 192A.611; 192A.655.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**H.F. No. 2742:** A bill for an act relating to state government; regulating contested case procedures; amending Minnesota Statutes 2000, sections 14.57; 14.59; 14.61; 14.62, subdivision 1, by adding a subdivision; 14.63; repealing Minnesota Statutes 2000, section 14.62, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 3101:** A bill for an act relating to transportation; providing certain conditions and exceptions for a new class I rest area on state highway No. 371 between Brainerd and Little Falls.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Kierlin	Larson
Bachmann	Day	Hottinger	Kinkel	Lesewski
Belanger	Dille	Johnson, Dave	Kiscaden	Lessard
Berg	Fischbach	Johnson, Dean	Kleis	Limmer
Berglin	Foley	Johnson, Debbie	Knutson	Lourey
Betzold	Fowler	Johnson, Doug	Krentz	Marty
Chaudhary	Frederickson	Kelley, S.P.	Langseth	Metzen

Moe, R.D.	Pappas	Ring	Scheid	Vickerman
Moua	Pariseau	Robertson	Schwab	Wiener
Murphy	Pogemiller	Robling	Solon, Y.P.	Wiger
Oliver	Price	Sabo	Stevens	
Olson	Ranum	Sams	Stumpf	
Orfield	Reiter	Samuelson	Terwilliger	
Ourada	Rest	Scheevel	Tomassoni	

So the bill passed and its title was agreed to.

**H.F. No. 3190:** A bill for an act relating to corrections; requiring the juvenile court to send data relating to juvenile petitions to the statewide supervision system; amending Minnesota Statutes 2000, sections 260B.171, subdivision 2; 299C.09; 299C.147, subdivisions 3, 4; Minnesota Statutes 2001 Supplement, section 299C.147, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 2769:** A bill for an act relating to counties; Itasca, St. Louis, and Koochiching; increasing or establishing the per capita spending limit for promotion of tourist, agricultural, and industrial development; providing for distribution of proceeds from forfeited land sales; making a technical correction by restoring legal text inadvertently made into a headnote in 1975; amending Laws 1965, chapter 326, section 1, subdivision 5, as amended; Laws 1967, chapter 170, section 1, subdivision 5, as amended.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Larson	Ourada	Scheevel
Bachmann	Higgins	Lesewski	Pappas	Scheid
Belanger	Johnson, Dave	Lessard	Pariseau	Schwab
Berg	Johnson, Dean	Limmer	Pogemiller	Solon, Y.P.
Berglin	Johnson, Doug	Lourey	Price	Stevens
Betzold	Kelley, S.P.	Marty	Ranum	Stumpf
Chaudhary	Kierlin	Metzen	Rest	Terwilliger
Cohen	Kinkel	Moe, R.D.	Ring	Tomassoni
Day	Kiscaden	Moua	Robertson	Vickerman
Dille	Kleis	Murphy	Robling	Wiener
Fischbach	Knutson	Oliver	Sabo	Wiger
Foley	Krentz	Olson	Sams	
Fowler	Langseth	Orfield	Samuelson	

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Orfield	Sams
Bachmann	Higgins	Larson	Ourada	Samuelson
Belanger	Johnson, Dave	Lesewski	Pappas	Scheevel
Berg	Johnson, Dean	Lessard	Pariseau	Scheid
Berglin	Johnson, Debbie	Limmer	Pogemiller	Schwab
Betzold	Johnson, Doug	Lourey	Price	Solon, Y.P.
Chaudhary	Kelley, S.P.	Marty	Ranum	Stevens
Cohen	Kierlin	Metzen	Reiter	Stumpf
Day	Kinkel	Moe, R.D.	Rest	Terwilliger
Dille	Kiscaden	Moua	Ring	Tomassoni
Fischbach	Kleis	Murphy	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger

So the bill passed and its title was agreed to.

**S.F. No. 2752:** A bill for an act relating to Hennepin county; providing for design-build contracts; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 383B.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Orfield	Sams
Bachmann	Higgins	Langseth	Ourada	Samuelson
Belanger	Hottinger	Larson	Pappas	Scheevel
Berg	Johnson, Dave	Lesewski	Pariseau	Schwab
Berglin	Johnson, Dean	Lessard	Pogemiller	Solon, Y.P.
Betzold	Johnson, Debbie	Lourey	Price	Stevens
Chaudhary	Johnson, Doug	Marty	Ranum	Stumpf
Cohen	Kelley, S.P.	Metzen	Reiter	Terwilliger
Day	Kierlin	Moe, R.D.	Rest	Tomassoni
Dille	Kinkel	Moua	Ring	Vickerman
Fischbach	Kiscaden	Murphy	Robertson	Wiener
Foley	Kleis	Oliver	Robling	Wiger
Fowler	Knutson	Olson	Sabo	

Those who voted in the negative were:

Limmer

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 3184:** A bill for an act relating to traffic regulations; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles; requiring study of load restrictions and increases; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivision 17; 168.013, subdivision 3; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Ourada	Scheevel
Belanger	Johnson, Dave	Lesewski	Pappas	Scheid
Berg	Johnson, Dean	Lessard	Pariseau	Schwab
Berglin	Johnson, Debbie	Limmer	Pogemiller	Solon, Y.P.
Betzold	Johnson, Doug	Lourey	Price	Stevens
Chaudhary	Kelley, S.P.	Marty	Reiter	Stumpf
Cohen	Kierlin	Metzen	Rest	Terwilliger
Day	Kinkel	Moe, R.D.	Ring	Tomassoni
Dille	Kiscaden	Moua	Robertson	Vickerman
Fischbach	Kleis	Murphy	Robling	Wiener
Fowler	Knutson	Oliver	Sabo	Wiger
Frederickson	Krentz	Olson	Sams	
Higgins	Langseth	Orfield	Samuelson	

Those who voted in the negative were:

Bachmann	Foley
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So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**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, 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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 2612:** A bill for an act relating to traffic regulations; authorizing private vehicle escorting funeral procession to use flashing red lights; amending Minnesota Statutes 2000, sections 169.04; 169.64, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Day	Frederickson	Johnson, Dean
Bachmann	Betzold	Dille	Higgins	Johnson, Debbie
Belanger	Chaudhary	Fischbach	Hottinger	Johnson, Doug
Berg	Cohen	Fowler	Johnson, Dave	Kelley, S.P.



Kierlin	Lessard	Olson	Ring	Solon, Y.P.
Kinkel	Limmer	Orfield	Robertson	Stevens
Kiscaden	Lourey	Ourada	Robling	Stumpf
Kleis	Marty	Pappas	Sabo	Terwilliger
Knutson	Metzen	Pariseau	Sams	Tomassoni
Krentz	Moe, R.D.	Pogemiller	Samuelson	Vickerman
Langseth	Moua	Price	Scheevel	Wiener
Larson	Murphy	Ranum	Scheid	Wiger
Lesewski	Oliver	Rest	Schwab	

Those who voted in the negative were:

Foley                      Reiter

So the bill passed and its title was agreed to.

**S.F. No. 1555:** A bill for an act relating to agriculture; providing a preemption of local regulation of fertilizers and plant foods used in agricultural production; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Krentz	Olson	Sams
Bachmann	Higgins	Langseth	Orfield	Samuelson
Belanger	Hottinger	Larson	Ourada	Scheevel
Berg	Johnson, Dave	Lesewski	Pappas	Schwab
Berglin	Johnson, Dean	Lessard	Pariseau	Solon, Y.P.
Betzold	Johnson, Debbie	Limmer	Pogemiller	Stevens
Chaudhary	Johnson, Doug	Lourey	Price	Stumpf
Cohen	Kelley, S.P.	Marty	Ranum	Terwilliger
Day	Kierlin	Metzen	Rest	Tomassoni
Dille	Kinkel	Moe, R.D.	Ring	Vickerman
Fischbach	Kiscaden	Moua	Robertson	Wiener
Foley	Kleis	Murphy	Robling	Wiger
Fowler	Knutson	Oliver	Sabo	

Those who voted in the negative were:

Reiter

So the bill passed and its title was agreed to.

**S.F. No. 3034:** A bill for an act relating to Hennepin county; authorizing certain contracting with a public or private cooperative purchasing organization subject to a condition; amending Minnesota Statutes 2000, section 383B.217, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Fowler	Johnson, Debbie	Kleis
Bachmann	Cohen	Frederickson	Johnson, Doug	Knutson
Belanger	Day	Higgins	Kelley, S.P.	Krentz
Berg	Dille	Hottinger	Kierlin	Langseth
Berglin	Fischbach	Johnson, Dave	Kinkel	Larson
Betzold	Foley	Johnson, Dean	Kiscaden	Lesewski

Lessard	Oliver	Ranum	Samuelson	Tomassoni
Limmer	Olson	Reiter	Scheevel	Vickerman
Lourey	Orfield	Rest	Scheid	Wiener
Marty	Ourada	Ring	Schwab	Wiger
Metzen	Pappas	Robertson	Solon, Y.P.	
Moe, R.D.	Pariseau	Robling	Stevens	
Moua	Pogemiller	Sabo	Stumpf	
Murphy	Price	Sams	Terwilliger	

So the bill passed and its title was agreed to.

**S.F. No. 2998:** A bill for an act relating to occupations and professions; waiving the written case presentation and oral examination component of the licensing requirements for certain alcohol and drug counselors; amending Minnesota Statutes 2001 Supplement, section 148C.11, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 3108:** A bill for an act relating to human services; amending data and licensing definitions; amending Minnesota Statutes 2000, sections 13.41, subdivision 1; 13.46, subdivision 3; Minnesota Statutes 2001 Supplement, sections 13.46, subdivisions 1, 4; 245A.04, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

**S.F. No. 1372:** A bill for an act relating to data practices; modifying provisions governing child maltreatment data; amending Minnesota Statutes 2000, sections 13.82, subdivision 8; 13.871, subdivision 6; 626.556, subdivision 11c, by adding subdivisions; Minnesota Statutes 2001 Supplement, sections 626.5551, subdivision 2; 626.556, subdivisions 7, 10, 10e; repealing Minnesota Statutes 2000, section 626.556, subdivisions 10k, 11.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Pappas	Scheid
Bachmann	Hottinger	Lesewski	Pariseau	Schwab
Belanger	Johnson, Dave	Lessard	Pogemiller	Solon, Y.P.
Berg	Johnson, Dean	Limmer	Price	Stevens
Berglin	Johnson, Debbie	Lourey	Ranum	Stumpf
Betzold	Johnson, Doug	Marty	Reiter	Terwilliger
Chaudhary	Kelley, S.P.	Metzen	Rest	Tomassoni
Cohen	Kierlin	Moe, R.D.	Ring	Vickerman
Day	Kinkel	Moua	Robertson	Wiener
Dille	Kiscaden	Murphy	Robling	Wiger
Fischbach	Kleis	Oliver	Sabo	
Foley	Knutson	Olson	Sams	
Fowler	Krentz	Orfield	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	

So the bill passed and its title was agreed to.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2573.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 8, 2002

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2570, 2813, 2766, 2796, 3189, 2531, 2792, 2884 and 3125.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 7, 2002

### **FIRST READING OF HOUSE BILLS**

The following bills were read the first time and referred to the committees indicated.

**H.F. No. 2570:** A bill for an act relating to insurance; providing that automobile insurance may cover damage to automotive glass on the same basis as damage to other parts of an automobile; amending Minnesota Statutes 2000, section 72A.201, subdivision 6; repealing Minnesota Statutes 2000, section 72A.202.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2553, now on General Orders.

**H.F. No. 2813:** A bill for an act relating to human services; requiring child care providers to develop policies for reporting suspected child maltreatment; requiring child care licenses to contain certain information; proposing coding for new law in Minnesota Statutes, chapter 245A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2803, now on the Calendar.

**H.F. No. 2766:** A bill for an act relating to motor vehicle fuel franchises; removing an expiration date; amending Minnesota Statutes 2001 Supplement, section 80C.147.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2475, now on General Orders.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2670, now on General Orders.

**H.F. No. 3189:** A bill for an act relating to motor vehicles; defining street-sweeping vehicles as special mobile equipment for vehicle registration purposes; amending Minnesota Statutes 2000, section 168.011, subdivision 22.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3135, now on General Orders.

**H.F. No. 2531:** A bill for an act relating to health; regulating hospice care providers; providing criminal penalties; amending Minnesota Statutes 2000, sections 13.381, subdivision 10; 144A.43, subdivisions 1, 3, 4; 144A.45, subdivisions 1, 2; 144A.46, subdivisions 3a, 3b, 4; 144A.4605, subdivisions 2, 3; 145C.01, subdivision 7; 157.17, subdivision 2; 609.7495, subdivision 1; 626.5572, subdivision 6; Minnesota Statutes 2001 Supplement, section 144A.4605, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 2000, section 144A.48.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2381, now on the Calendar.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2575, now on General Orders.

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

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2715, now on General Orders.

**H.F. No. 3125:** A bill for an act relating to telecommunications; authorizing periodic account

statements in electronic format; changing name of telecommunications access for communication-impaired persons program to telecommunications access Minnesota program; modifying and clarifying provisions for contracting the telecommunication relay system; allowing the city of Alexandria to enter into a joint venture; amending Minnesota Statutes 2000, section 237.52, subdivision 1; Minnesota Statutes 2001 Supplement, sections 237.51, subdivision 1; 237.54, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2987, now on General Orders.

## REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 2672. The motion prevailed.

### **Senator Metzen from the Committee on Telecommunications, Energy and Utilities, to which was referred**

**S.F. No. 2672:** A bill for an act relating to energy and economic development; enacting the Minnesota Economic, Environmental, and Energy Security Act of 2002; making a legislative finding on the need for additional electric generation capacity in the state and encouraging construction of certain energy facilities; amending Minnesota Statutes 2001 Supplement, section 116C.575, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in sections 1 to 3 have the meanings given them in this section.

Subd. 2. [COMPETITIVE BIDDING PROCESS.] "Competitive bidding process" means the process by which a request for proposals is administered and evaluated.

Subd. 3. [REQUESTING UTILITY.] "Requesting utility" is any public utility that, as of January 1, 2002, was subject to a public utilities commission order to acquire energy resources through a competitive bidding process.

Subd. 4. [REQUEST FOR PROPOSALS.] "Request for proposals" means an all-source supply proposal.

Sec. 2. [REQUEST FOR PROPOSALS; FREEZE.]

A requesting utility must not initiate a new request for proposals until the earlier of January 15, 2003, or when the public utilities commission completes its investigation and determination under section 3.

Sec. 3. [CRITERIA; COMMISSION INVESTIGATION.]

The public utilities commission must, by September 15, 2002, investigate and determine, by order, the appropriate criteria to be used in selecting proposals responding to a request for proposals. The criteria considered for appropriateness must include, without limitation, existing criteria used by the commission and the following:

(1) the competitiveness and long-term stability of the proposed price of the capacity and energy for the proposed project;

(2) reduction of air emissions, particularly mercury, sulfur dioxide, nitrogen oxides, particulate

matter, and greenhouse gas emissions, through the use of innovative technology and significant renewable capacity installations, and reduction of other environmental impacts, including the reuse of and cleanup or reclamation of existing industrial sites;

(3) the jurisdiction of state policymakers over the emissions and other environmental impacts of the project;

(4) the project's fuel flexibility and contribution to reducing long-term reliance on natural gas for nonpeaking power generation;

(5) the project's utilization of technology that can be configured to produce hydrogen for fuel cells and other gases and products having the potential to attract further industry, investment, and jobs to the state; and

(6) the project's potential for job creation and other economic benefits in economically depressed regions within the state and local support for the generation facilities of the project.

This section does not require the inclusion or exclusion of any particular criteria.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy; requiring an investigation into criteria used to evaluate certain power acquisition request for proposals."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

**Senator Johnson, Dean from the Committee on Transportation, to which was referred**

**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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 17, delete "consumer"

Page 1, lines 19 to 22, reinstate the stricken language

Page 1, lines 23 and 24, delete the new language

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Johnson, Dean from the Committee on Transportation, to which was referred**

**S.F. No. 2812:** A bill for an act relating to highways; providing for the use of corn-based de-icing solutions for snow and ice control on state trunk highways; proposing coding for new law in Minnesota Statutes, chapter 161.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [161.168] [SNOW AND ICE CONTROL MATERIALS.]

Subdivision 1. [FINDING.] The legislature finds that the use on Minnesota highways of

de-icing solutions derived from agricultural products provides economic and environmental benefits to the state while preserving public safety.

Subd. 2. [USE OF AGRICULTURE-BASED DE-ICING SOLUTION.] The commissioner of transportation shall use a de-icing solution derived from agriculture products for snow and ice control on trunk highways to the extent that the commissioner determines is economically feasible, environmentally beneficial, and consistent with public safety.

Subd. 3. [EFFECT ON ENVIRONMENT.] The commissioner, in determining which snow and ice control materials to use on trunk highways, shall consider the effect of each type of material on the environment and on the deterioration of bridges and other structures."

Amend the title as follows:

Page 1, line 3, delete "corn-based" and insert "agriculture-based"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Johnson, Dean from the Committee on Transportation, to which was referred**

**S.F. No. 3075:** A bill for an act relating to motor vehicles; providing for payment of sales tax on a motor vehicle sold in violation of dealer licensing requirements; abolishing misdemeanor penalties for certain offenses relating to vehicle titles; amending Minnesota Statutes 2000, section 297B.035, subdivision 3; repealing Minnesota Statutes 2000, section 168A.30, subdivision 2.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Johnson, Dean from the Committee on Transportation, to which was re-referred**

**S.F. No. 3258:** A bill for an act relating to state lands; providing for a land exchange with city of Garfield.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Johnson, Dean from the Committee on Transportation, to which was referred**

**S.F. No. 2804:** A bill for an act relating to highways; requiring the commissioner of transportation to allow use of freeway and expressway shoulders by all 15-person buses where such use is permitted for transit buses; proposing coding for new law in Minnesota Statutes, chapter 169.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete line 13 and insert "a bus with a sitting capacity of 40 passengers operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48, while operating in intrastate commerce.

Buses authorized to use the shoulder under this section may be operated on the shoulder only when mainline traffic speeds are less than 35 miles per hour. Drivers of buses being operated on the shoulder, may not exceed the speed of mainline traffic by more than 15 miles per hour and may never exceed 35 miles per hour. Drivers of buses being operated on the shoulder must yield to merging, entering, and exiting traffic and must yield to other vehicles on the shoulder. Buses operated on the shoulder must be registered with the department of transportation.

**Sec. 2. [VANPOOL DEMONSTRATION PROJECT.]**

Subdivision 1. [DEFINITIONS.] The terms used in this section have the meanings given them in this subdivision.

(a) An "eligible vanpool" is a commuter van, within the meaning of Minnesota Statutes, section 221.011, subdivision 27, that:

(1) has a current vanpool registration through metropolitan council, metro commuter services;

(2) bears a Minnesota vanpool (VP) license plate;

(3) bears a permanent sign on the front and the rear of the vehicle in letters not less than four inches high, stating the vehicle's right to operate on shoulder lanes during peak traffic hours, Monday through Friday; and

(4) displays a certificate issued by the commissioner of public safety stating that on a certain date, which must be within 13 months of the date of operation, a member of the Minnesota state patrol inspected the van and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and signage.

(b) A "certified vanpool driver" is a holder of a Minnesota driver's license who has obtained an original or renewal vanpool driver safety certification within the previous 12 months through the successful completion of a vanpool driver safety training course offered by the metropolitan council's metro commuter services or its designee.

Subd. 2. [AUTHORIZATION TO USE SHOULDER LANES.] An eligible vanpool that is:

(1) driven by a certified vanpool driver;

(2) carrying a minimum of three passengers, exclusive of the driver; and

(3) equipped and operated as described in this section, may be operated on designated bus-only highway shoulders on I-494 between highways Nos. 100 and 212 during peak travel hours, Monday through Friday.

Subd. 3. [SPEED LIMIT FOR OPERATION OF VANPOOL ON SHOULDER LANES.] A person may not drive a vanpool on a designated highway shoulder at a speed greater than is reasonable and prudent under the conditions. Any speed in excess of 35 miles per hour is unlawful.

Subd. 4. [VEHICLE LIGHTING.] An eligible vanpool may be operated on a shoulder lane only if it is equipped with four-way flashers and a roof-mounted 360-degree, flashing strobe lamp that emits a yellow light. The flashers and strobe light must be activated during the time a vanpool is operated on a shoulder.

Sec. 3. [VANPOOL DEMONSTRATION PROJECT OVERSIGHT COMMITTEE.]

Subdivision 1. [MEMBERSHIP.] The demonstration project oversight committee must consist of two members designated by the chair of the metropolitan council, two members designated by the commissioner of transportation, and two members designated by the commissioner of public safety.

Subd. 2. [DUTIES.] The oversight committee shall:

(1) review and evaluate the effectiveness and safety of the vanpool demonstration project; and

(2) report its findings and recommendations to the house of representatives and senate committees with jurisdiction over transportation and transit policy no later than February 15, 2004.

Sec. 4. [REPEALER.]

Minnesota Statutes 2001 Supplement, section 16C.03, subdivision 4a, is repealed.

Sec. 5. [EFFECTIVE DATE.]

Sections 2 and 3 are effective July 1, 2002, and are repealed effective June 30, 2004."



Amend the title as follows:

Page 1, line 4, delete "all 15-person" and insert "certain" and after "buses" insert "operated by intrastate motor carriers of passengers"

Page 1, line 5, after the semicolon, insert "authorizing eligible vanpool vehicles to use highway shoulders on I-494; specifying driving rules for buses and vans using highway shoulders;"

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 2001 Supplement, section 16C.03, subdivision 4a"

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Marty from the Committee on Judiciary, to which was referred**

**S.F. No. 2673:** A bill for an act relating to family law; providing for custody of children by de facto custodians and third parties; making related technical changes; amending Minnesota Statutes 2000, section 518.156, subdivision 1; Minnesota Statutes 2001 Supplement, section 260C.201, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 518; proposing coding for new law as Minnesota Statutes, chapter 257C; repealing Minnesota Statutes 2000, section 518.158.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [257C.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to this chapter.

Subd. 2. [DE FACTO CUSTODIAN.] (a) "De facto custodian" means an individual who has been the primary caretaker for a child who has, within the 24 months immediately preceding the filing of the petition, resided with the individual without a parent present and with a lack of demonstrated consistent participation by a parent for a period of:

(1) six months or more if the child is under three years of age; or

(2) one year or more if the child is three years of age or older.

(b) For purposes of the definition in this subdivision, any period of time after a legal proceeding has been commenced and filed must not be included in determining whether the child has resided with the individual for the required minimum period.

(c) For purposes of the definition in this subdivision, "lack of demonstrated consistent participation" by a parent means refusal or neglect to comply with the duties imposed upon the parent by the parent-child relationship, including, but not limited to, providing the child necessary food, clothing, shelter, health care, education, creating a nurturing and consistent relationship, and other care and control necessary for the child's physical, mental, or emotional health and development.

(d) "De facto custodian" does not include an individual who has a child placed in the individual's care:

(1) through a custody consent decree under section 257.0215;

(2) through a court order or voluntary placement agreement under chapter 260C; or

(3) for adoption under chapter 259.

(e) A standby custody designation under chapter 257B is not a designation of de facto custody unless that intent is indicated within the standby custody designation.

Subd. 3. [INTERESTED THIRD PARTY.] (a) "Interested third party" means an individual who is not a de facto custodian but who can prove that at least one of the factors in section 257C.03, subdivision 7, paragraph (a) is met.

(b) "Interested third party" does not include an individual who has a child placed in the individual's care:

- (1) through a custody consent decree under section 257.0215;
- (2) through a court order or voluntary placement under chapter 260C; or
- (3) for adoption under chapter 259.

Sec. 2. [257C.02] [APPLICATION OF OTHER LAW; CONSTRUCTION.]

(a) Chapters 256, 257, and 518 and section 525.551 apply to third-party and de facto custody proceedings unless otherwise specified in this chapter. De facto or third-party child custody proceedings concerning an Indian child are child custody proceedings governed by the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1963; the Minnesota Indian Family Preservation Act, sections 260.751 to 260.835; and by this chapter when not inconsistent with the Indian Child Welfare Act or the Minnesota Indian Family Preservation Act.

(b) Nothing in this chapter relieves a parent of a duty to support the parent's child. A preexisting child support order is not suspended or terminated when a third party takes custody of a child unless otherwise provided by court order. A de facto or third-party custodian has a cause of action against a parent for child support under section 256.87, subdivision 5, and the public authority has a cause of action against a parent for child support under section 256.87, subdivision 1.

(c) Nothing in this chapter prohibits the establishment of parentage under chapter 257.

Sec. 3. [257C.03] [PROCEDURE.]

Subdivision 1. [COMMENCEMENT OF PROCEEDINGS.] (a) In a court of this state with jurisdiction to decide child custody matters, a de facto or third-party child custody proceeding may be brought by an individual other than a parent by filing a petition seeking custody in the county where:

(1) the child is permanently a resident, the child is found, or an earlier order for custody of the child has been entered; or

(2) the court has jurisdiction over the matter under chapter 518D.

(b) The proceeding is commenced by personal service of the summons and petition.

(c) An individual other than a parent who seeks visitation under this section must qualify under one of the provisions of section 257.022, and must comply with the provisions of this subdivision to commence the proceeding.

Subd. 2. [REQUISITES OF PETITION OR MOTION.] (a) A petition for custody filed under this section must state and allege:

(1) the name and address of the petitioner and any prior or other name used by the petitioner;

(2) the name and, if known, the address and social security number of the respondent mother and father or guardian and any prior or other name used by the respondent and known to the petitioner;

(3) the name and date of birth of each child for whom custody is sought;

(4) the relationship of the petitioner to each child for whom custody is sought;

- (5) the petitioner or petitioners' basis for jurisdiction under section 257C.01, subdivision 2 or 3;
  - (6) the current legal and physical custodial status of each child for whom custody is sought and a list of all prior orders of custody, if known to the petitioner;
  - (7) whether any party is a member of the armed services;
  - (8) the length of time each child has resided with the petitioner and has resided in the state of Minnesota;
  - (9) whether a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;
  - (10) whether a permanent or temporary standby custody designation has been executed or filed in a court in this state or elsewhere;
  - (11) whether a permanent or temporary standby custody designee differs in identity from the de facto custodian and reasons why the proposed de facto custodian should have custodial priority over a designated standby custodian;
  - (12) whether parenting time should be granted to the respondents;
  - (13) any temporary or permanent child support, attorney fees, costs, and disbursements;
  - (14) whether an order of protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered; and
  - (15) that it is in the best interests of the child under section 257C.04 that the petitioner have custody of the child.
- (b) The petition must be verified by the petitioner or petitioners and its allegations established by competent evidence.
- Subd. 3. [WRITTEN NOTICE.] (a) Written notice of a hearing on a petition to establish de facto or third-party custody of a child must be given to:
- (1) the parent of the child, if:
    - (i) the person's name appears on the child's birth certificate as a parent;
    - (ii) the person has substantially supported the child;
    - (iii) the person either was married to the person designated on the birth certificate as the natural mother within the 325 days before the child's birth or married that person within the ten days after the child's birth;
    - (iv) the person is openly living with the child or the person designated on the birth certificate as the natural mother of the child, or both;
    - (v) the person has been adjudicated the child's parent;
    - (vi) the person has filed a paternity action within 30 days after the child's birth and the action is still pending; or
    - (vii) the person and the mother of the child signed a declaration of parentage under section 257.34 before August 1, 1995, which has not been revoked, or a recognition of parentage under section 257.75 which has not been revoked or vacated;
  - (2) the guardian or legal custodian, if any, of the child; and
  - (3) the child's tribe pursuant to section 260.761, subdivision 3, if the child is an Indian child.

(b) Notice under this section need not be given to a person listed in this subdivision whose parental rights have been terminated.

(c) Written notice of a hearing on a petition to establish de facto or third-party custody of a child must be given to the public authority if either parent receives public assistance, the petitioner receives public assistance on behalf of the child, or either parent receives child support enforcement services from the public authority or applies for public assistance or child support enforcement services from the public authority after a petition under this section is filed. Notice to the public authority must include a copy of the petition.

Subd. 4. [APPROVAL WITHOUT HEARING.] (a) Approval of an order under this section without a hearing is permitted if both parents consent by stipulation or agreement that it is in the best interests of the child to be in the custody of the de facto custodian or interested third party.

(b) If either parent receives public assistance, the petitioner receives public assistance on behalf of the child, or either parent receives child support enforcement services from the public authority, the petitioner must notify the public authority of the stipulation or agreement under this subdivision.

Subd. 5. [EMERGENCY OR TEMPORARY HEARINGS.] (a) The court must be guided by the factors set forth in sections 518.131, concerning temporary orders and restraining orders; 518.551, concerning child support; 518.17 to 518.175, concerning custody and parenting time; and 518.14, concerning costs and attorney fees, in making temporary orders and restraining orders.

(b) The court may grant ex parte relief only if requested by a motion with a properly executed supporting affidavit. The affidavit must outline specific supporting facts as to why the case needs to be expedited.

(c) The court shall grant ex parte or temporary relief if the petitioner and situation fit the factors outlined for de facto custodian or third-party custodian under section 257C.01, subdivisions 2 and 3; and subdivisions 6 and 7 of this section.

(d) If the court orders temporary custody under this subdivision, the de facto custodian or interested third party shall seek temporary or permanent custody of the child pursuant to a petition under this chapter and the other standards of this chapter apply.

Subd. 6. [DE FACTO CUSTODIAN; BURDEN OF PROOF; FACTORS.] (a) To establish that an individual is a de facto custodian, the individual must:

(1) show by clear and convincing evidence that the individual satisfies the provisions of section 257C.01, subdivision 2; and

(2) prove by a preponderance of the evidence that it is in the best interests of the child to be in the custody of the de facto custodian.

(b) The following factors must be considered by the court in determining a parent's lack of demonstrated consistent participation for purposes of section 257C.01, subdivision 2:

(1) the intent of the parent or parents in placing the child with the de facto custodian;

(2) the amount of involvement the parent had with the child during the parent's absence;

(3) the facts and circumstances of the parent's absence;

(4) the parent's refusal to comply with conditions for retaining custody set forth in previous court orders;

(5) whether the parent now seeking custody was previously prevented from doing so as a result of domestic violence; and

(6) whether a sibling of the child is already in the petitioner's care.

(c) In determining the best interests of the child, the court must apply the standards in section 257C.04.

Subd. 7. [INTERESTED THIRD PARTY; BURDEN OF PROOF; FACTORS.] (a) To establish that an individual is an interested third party, the individual must:

(1) show by clear and convincing evidence that one of the following factors exist:

(i) the parent has abandoned, neglected, or otherwise exhibited disregard for the child's well-being to the extent that the child will be harmed by living with the parent;

(ii) placement of the child with the individual takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both; or

(iii) other grave and weighty reasons; and

(2) prove by a preponderance of the evidence that it is in the best interests of the child to be in the custody of the interested third party.

(b) The following factors must be considered by the court in determining an interested third party's petition:

(1) the amount of involvement the interested third party had with the child during the parent's absence or during the child's lifetime;

(2) the amount of involvement the parent had with the child during the parent's absence;

(3) the presence or involvement of other interested third parties;

(4) the facts and circumstances of the parent's absence;

(5) the parent's refusal to comply with conditions for retaining custody set forth in previous court orders;

(6) whether the parent now seeking custody was previously prevented from doing so as a result of domestic violence;

(7) whether a sibling of the child is already in the care of the interested third party; and

(8) the existence of a standby custody designation under chapter 257B.

(c) In determining the best interests of the child, the court must apply the standards in section 257C.04.

Subd. 8. [DISMISSAL OF PETITION.] (a) The court must dismiss a petition for custody if the court finds that:

(1) the petitioner is not a de facto custodian as set forth in section 257C.01, subdivision 2;

(2) the petitioner does not establish at least one of the factors in subdivision 7, paragraph (a); or

(3) placement of the child with the petitioner is not in the best interests of the child.

(b) If the court finds that a party cannot establish factors for visitation under section 257.022, the court must dismiss a petition for visitation.

Sec. 4. [257C.04] [BEST INTERESTS OF A CHILD.]

Subdivision 1. [CUSTODY FACTORS.] (a) If two or more parties seek custody of a child, the court must consider and evaluate all relevant factors in determining the best interests of the child, including the following factors:

- (1) the wishes of the party or parties as to custody;
  - (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
  - (3) the child's primary caretaker;
  - (4) the intimacy of the relationship between each party and the child;
  - (5) the interaction and interrelationship of the child with a party or parties, siblings, and any other person who may significantly affect the child's best interests;
  - (6) the child's adjustment to home, school, and community;
  - (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
  - (8) the permanence, as a family unit, of the existing or proposed custodial home;
  - (9) the mental and physical health of all individuals involved; except that a disability, as defined in section 363.01, subdivision 13, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interests of the child;
  - (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
  - (11) the child's cultural background; and
  - (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, subdivision 2, that has occurred between the parents or the parties.
- (b) The court may not use one factor to the exclusion of all others. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.
  - (c) The court must not give preference to a party over the de facto custodian or interested third party solely because the party is a parent of the child.
  - (d) The court must not prefer a parent over the de facto custodian or third party custodian solely on the basis of the gender of the parent, de facto custodian, or third party.
  - (e) The fact that the parents of the child are not or were never married to each other must not be determinative of the custody of the child.
  - (f) The court must consider evidence of a violation of section 609.507 in determining the best interests of the child.
  - (g) The court must not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.
  - (h) Section 518.619 applies to actions under this section.
- Subd. 2. [FACTORS WHEN JOINT CUSTODY IS SOUGHT.] (a) In addition to the factors listed in subdivision 1, if either joint legal or joint physical custody is contemplated or sought, the court must consider the following relevant factors:
- (1) the ability of the parties to cooperate in the rearing of the child;
  - (2) methods for resolving disputes regarding any major decision concerning the life of the child and the parties' willingness to use those methods;
  - (3) whether it would be detrimental to the child if one party were to have sole authority over the child's upbringing; and

(4) whether domestic abuse, as defined in section 518B.01, subdivision 2, has occurred between the parties.

(b) If the court awards joint legal or physical custody over the objection of a party, the court must make detailed findings on each of the factors in this subdivision and explain how the factors led to its determination that joint custody would be in the best interests of the child.

Sec. 5. [257C.05] [DE FACTO AND THIRD PARTY CUSTODY ORDERS.]

Subdivision 1. [CUSTODY ORDER.] In a child custody proceeding under this chapter, the court must make any additional order it considers just and proper concerning:

- (1) the legal custody of a minor child, whether sole or joint;
- (2) the child's physical custody and residence;
- (3) the quality and duration of parenting time and whether it is supervised or unsupervised;
- (4) child support as determined under section 518.551; and
- (5) other matters reasonably affecting the best interests of the child.

Subd. 2. [ATTACHMENTS TO CUSTODY ORDER.] All de facto and interested third party custody orders must include Form 3: Appendix A under the Appendix of Forms in the Family Court Procedure in General Rules of Practice. The court may also notify the parties of the availability and uses of mediation.

Sec. 6. [257C.06] [MODIFICATION.]

The procedures in section 518.18 for modification of a custody order also govern modification of an order under this chapter.

Sec. 7. Minnesota Statutes 2001 Supplement, section 260C.201, subdivision 11, is amended to read:

Subd. 11. [REVIEW OF COURT ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] (a) Except for cases where the child is in placement due solely to the child's developmental disability or emotional disturbance, and where custody has not been transferred to the responsible social services agency, and the court finds compelling reasons under section 260C.007, subdivision 8, the court shall conduct a hearing to determine the permanent status of a child not later than 12 months after the child is placed out of the home of the parent.

For purposes of this subdivision, the date of the child's placement out of the home of the parent is the earlier of the first court-ordered placement or 60 days after the date on which the child has been voluntarily placed out of the home.

For purposes of this subdivision, 12 months is calculated as follows:

(1) during the pendency of a petition alleging that a child is in need of protection or services, all time periods when a child is placed out of the home of the parent are cumulated;

(2) if a child has been placed out of the home of the parent within the previous five years under one or more previous petitions, the lengths of all prior time periods when the child was placed out of the home within the previous five years are cumulated. If a child under this clause has been out of the home for 12 months or more, the court, if it is in the best interests of the child and for compelling reasons, may extend the total time the child may continue out of the home under the current petition up to an additional six months before making a permanency determination.

(b) Unless the responsible social services agency recommends return of the child to the custodial parent or parents, not later than 30 days prior to this hearing, the responsible social services agency shall file pleadings in juvenile court to establish the basis for the juvenile court to order permanent placement of the child according to paragraph (d). Notice of the hearing and

copies of the pleadings must be provided pursuant to section 260C.152. If a termination of parental rights petition is filed before the date required for the permanency planning determination and there is a trial under section 260C.163 scheduled on that petition within 90 days of the filing of the petition, no hearing need be conducted under this subdivision.

(c) At the conclusion of the hearing, the court shall order the child returned to the care of the parent or guardian from whom the child was removed or order a permanent placement in the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated. Transfer of permanent legal and physical custody, termination of parental rights, or guardianship and legal custody to the commissioner through a consent to adopt are preferred permanency options for a child who cannot return home.

(d) If the child is not returned to the home, the court must order one of the following dispositions:

(1) permanent legal and physical custody to a relative in the best interests of the child according to the following conditions:

(i) an order for transfer of permanent legal and physical custody to a relative shall only be made after the court has reviewed the suitability of the prospective legal and physical custodian;

(ii) in transferring permanent legal and physical custody to a relative, the juvenile court shall follow the standards and procedures applicable under this chapter and chapter 260, ~~chapters 260 and 518~~, and the procedures set out in the juvenile court rules;

(iii) an order establishing permanent legal and physical custody under this subdivision must be filed with the family court;

(iv) a transfer of legal and physical custody includes responsibility for the protection, education, care, and control of the child and decision making on behalf of the child;

(v) ~~the social services agency may petition on behalf of the proposed custodian bring a petition or motion naming a fit and willing relative as a proposed permanent legal and physical custodian.~~ The commissioner of human services shall annually prepare for counties information that must be given to proposed custodians about their legal rights and obligations as custodians together with information on financial and medical benefits for which the child is eligible; and

(vi) the juvenile court may maintain jurisdiction over the responsible social services agency, the parents or guardian of the child, the child, and the permanent legal and physical custodian for purposes of ensuring appropriate services are delivered to the child and permanent legal custodian or for the purpose of ensuring conditions ordered by the court related to the care and custody of the child are met;

(2) termination of parental rights according to the following conditions:

(i) unless the social services agency has already filed a petition for termination of parental rights under section 260C.307, the court may order such a petition filed and all the requirements of sections 260C.301 to 260C.328 remain applicable; and

(ii) an adoption completed subsequent to a determination under this subdivision may include an agreement for communication or contact under section 259.58;

(3) long-term foster care according to the following conditions:

(i) the court may order a child into long-term foster care only if it finds compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests; and

(ii) further, the court may only order long-term foster care for the child under this section if it finds the following:

(A) the child has reached age 12 and reasonable efforts by the responsible social services agency have failed to locate an adoptive family for the child; or



(B) the child is a sibling of a child described in subitem (A) and the siblings have a significant positive relationship and are ordered into the same long-term foster care home;

(4) foster care for a specified period of time according to the following conditions:

(i) foster care for a specified period of time may be ordered only if:

(A) the sole basis for an adjudication that the child is in need of protection or services is the child's behavior;

(B) the court finds that foster care for a specified period of time is in the best interests of the child; and

(C) the court finds compelling reasons that neither an award of permanent legal and physical custody to a relative, nor termination of parental rights is in the child's best interests;

(ii) the order does not specify that the child continue in foster care for any period exceeding one year; or

(5) guardianship and legal custody to the commissioner of human services under the following procedures and conditions:

(i) there is an identified prospective adoptive home that has agreed to adopt the child and the court accepts the parent's voluntary consent to adopt under section 259.24;

(ii) if the court accepts a consent to adopt in lieu of ordering one of the other enumerated permanency dispositions, the court must review the matter at least every 90 days. The review will address the reasonable efforts of the agency to achieve a finalized adoption;

(iii) a consent to adopt under this clause vests all legal authority regarding the child, including guardianship and legal custody of the child, with the commissioner of human services as if the child were a state ward after termination of parental rights;

(iv) the court must forward a copy of the consent to adopt, together with a certified copy of the order transferring guardianship and legal custody to the commissioner, to the commissioner; and

(v) if an adoption is not finalized by the identified prospective adoptive parent within 12 months of the execution of the consent to adopt under this clause, the commissioner of human services or the commissioner's delegate shall pursue adoptive placement in another home unless the commissioner certifies that the failure to finalize is not due to either an action or a failure to act by the prospective adoptive parent.

(e) In ordering a permanent placement of a child, the court must be governed by the best interests of the child, including a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.

(f) Once a permanent placement determination has been made and permanent placement has been established, further court reviews are necessary if:

(1) the placement is long-term foster care or foster care for a specified period of time;

(2) the court orders further hearings because it has retained jurisdiction of a transfer of permanent legal and physical custody matter;

(3) an adoption has not yet been finalized; or

(4) there is a disruption of the permanent or long-term placement.

(g) Court reviews of an order for long-term foster care, whether under this section or section 260C.317, subdivision 3, paragraph (d), or foster care for a specified period of time must be conducted at least yearly and must review the child's out-of-home placement plan and the reasonable efforts of the agency to:

(1) identify a specific long-term foster home for the child or a specific foster home for the time the child is specified to be out of the care of the parent, if one has not already been identified;

(2) support continued placement of the child in the identified home, if one has been identified;

(3) ensure appropriate services are provided to the child during the period of long-term foster care or foster care for a specified period of time;

(4) plan for the child's independence upon the child's leaving long-term foster care living as required under section 260C.212, subdivision 1; and

(5) where placement is for a specified period of time, a plan for the safe return of the child to the care of the parent.

(h) An order under this subdivision must include the following detailed findings:

(1) how the child's best interests are served by the order;

(2) the nature and extent of the responsible social service agency's reasonable efforts, or, in the case of an Indian child, active efforts to reunify the child with the parent or parents;

(3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement; and

(4) whether the conditions which led to the out-of-home placement have been corrected so that the child can return home.

(i) An order for permanent legal and physical custody of a child may be modified under sections 518.18 and 518.185. The social services agency is a party to the proceeding and must receive notice. A parent may only seek modification of an order for long-term foster care upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child.

(j) The court shall issue an order required under this section within 15 days of the close of the proceedings. The court may extend issuing the order an additional 15 days when necessary in the interests of justice and the best interests of the child.

Sec. 8. Minnesota Statutes 2000, section 518.156, subdivision 1, is amended to read:

Subdivision 1. [PROCEDURE.] In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) by a parent:

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution or legal separation has been entered or where none is sought, or when paternity has been recognized under section 257.75, by filing a petition or motion seeking custody or parenting time with the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered; or

~~(b) by a person other than a parent, where a decree of dissolution or legal separation has been entered or where none is sought by filing a petition or motion seeking custody or visitation of the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered. A person seeking visitation pursuant to this paragraph must qualify under one of the provisions of section 257.022.~~

Sec. 9. [REPEALER.]

Minnesota Statutes 2000, section 518.158, is repealed.

## Sec. 10. [INSTRUCTION TO THE REVISOR.]

(a) The revisor shall renumber Minnesota Statutes, section 257.0215 to be 257C.07 and correct all references to that section in Minnesota Statutes and Minnesota Rules.

(b) The revisor shall renumber Minnesota Statutes, section 257.022 to be 257C.08 and correct all references to that section in Minnesota Statutes and Minnesota Rules."

Delete the title and insert:

"A bill for an act relating to family law; providing for custody of children by de facto custodians and third parties; making related technical changes; amending Minnesota Statutes 2000, section 518.156, subdivision 1; Minnesota Statutes 2001 Supplement, section 260C.201, subdivision 11; proposing coding for new law as Minnesota Statutes, chapter 257C; repealing Minnesota Statutes 2000, section 518.158."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 2115, 3075, 3258, 2804 and 2673 were read the second time.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Remaining on the Order of Business of Motions and Resolutions, Senator Moe, R.D. moved that the Senate take up the General Orders Calendar. The motion prevailed.

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Senator Robertson in the chair.

After some time spent therein, the committee arose, and Senator Robertson reported that the committee had considered the following:

S.F. Nos. 3256, 2875, 3293, 3133, 2430, 1072, 2540, 2458, 2422, 3174, 2970, 2516, 2739, 2403 and H.F. Nos. 1189, 1620, which the committee recommends to pass.

S.F. No. 3168, which the committee recommends to pass with the following amendment offered by Senator Stevens:

Page 1, line 10, after "negotiation" insert "or"

Page 2, after line 7, insert:

"Sec. 2. [AH-GWAH-CHING.]

The commissioner of human services or administration, whichever is appropriate, may enter into an agreement with the city of Walker providing for the city to take over the maintenance and operation of the water tower owned by the state of Minnesota and located at Ah-Gwah-Ching in Cass county."

Page 2, line 9, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3126, which the committee recommends to pass with the following amendment offered by Senator Foley:

Page 28, after line 8, insert:

"Sec. 21. Minnesota Statutes 2001 Supplement, section 256B.19, subdivision 1c, is amended to read:

Subd. 1c. [ADDITIONAL PORTION OF NONFEDERAL SHARE.] (a) Hennepin county shall be responsible for a monthly transfer payment of \$1,500,000, due before noon on the 15th of each month and the University of Minnesota shall be responsible for a monthly transfer payment of \$500,000 due before noon on the 15th of each month, beginning July 15, 1995. These sums shall be part of the designated governmental unit's portion of the nonfederal share of medical assistance costs, ~~but shall not be subject to payback provisions of section 256.025.~~

(b) Beginning July 1, 2001, Hennepin county's payment under paragraph (a) shall be \$2,066,000 each month.

(c) Beginning July 1, 2001, the commissioner shall increase annual capitation payments to the metropolitan health plan under section 256B.69 for the prepaid medical assistance program by approximately \$3,400,000, plus any available federal matching funds, to recognize higher than average medical education costs."

Page 37, after line 33, insert:

"Sec. 33. [REPEALER WITHOUT EFFECT.]

The repeal of Minnesota Statutes 2000, section 256B.0635, subdivision 3, by Laws 2001, First Special Session chapter 9, article 2, section 76, with an effective date of July 1, 2001, is without effect and section 256B.0635, subdivision 3, remains in effect after June 30, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3345, which the committee recommends to pass with the following amendment offered by Senator Tomassoni:

Page 1, line 13, after "applicants" insert "including guidelines for compliance with state and federal credit reporting requirements and privacy laws"

The motion prevailed. So the amendment was adopted.

S.F. No. 3026, which the committee recommends to pass with the following amendment offered by Senator Kelley, S.P.:

Pages 1 and 2, delete section 1

Page 4, after line 19, insert:

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3136, which the committee recommends to pass with the following amendment offered by Senator Lesewski:

Page 8, delete lines 24 and 25

Page 18, after line 18, insert:

"Sec. 24. [EFFECTIVE DATE.]

Sections 6 to 11 and 23 are effective with assessments due after July 1, 2003."

The motion prevailed. So the amendment was adopted.

H.F. No. 2783, which the committee recommends to pass, subject to the following motion:

Senator Scheid moved that the amendment made to H.F. No. 2783 by the Committee on Rules and Administration in the report adopted February 18, 2002, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

On motion of Senator Betzold, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

#### **Senator Ranum introduced--**

**S.F. No. 3429:** A bill for an act relating to habitual truancy; providing that there is no right to counsel at public expense in child in need of protection or services cases if the sole basis for the petition is habitual truancy; amending Minnesota Statutes 2000, section 260C.163, subdivision 3, as amended; Minnesota Statutes 2001 Supplement, sections 260B.007, subdivision 16, as amended; 260C.141, subdivision 3, as amended.

Referred to the Committee on Crime Prevention.

#### **Senator Johnson, Dave introduced--**

**S.F. No. 3430:** A bill for an act relating to human services; increasing the income eligibility for single adults in the MinnesotaCare program; amending Minnesota Statutes 2000, sections 256L.04, subdivision 7; 256L.07, subdivision 1.

Referred to the Committee on Health and Family Security.

#### **Senators Anderson; Johnson, Dave; Cohen; Johnson, Doug and Moe, R.D. introduced--**

**S.F. No. 3431:** A bill for an act relating to unemployment insurance; providing a special assessment to pay interest on a federal loan; amending Minnesota Statutes 2000, section 268.051, subdivision 8.

Referred to the Committee on Finance.

### MEMBERS EXCUSED

Senator Oliver was excused from the Session of today from 9:00 to 10:05 and at 11:30 a.m. Senator Murphy was excused from the Session of today from 9:00 to 10:20 a.m. Senator Kiscaden was excused from the Session of today from 9:00 to 10:25 a.m. Senator Johnson, Dave was excused from the Session of today from 9:30 to 10:10 a.m. Senator Johnson, Debbie was excused from the Session of today from 10:40 to 10:45 a.m. Senator Larson was excused from the Session of today at 11:00 a.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 11, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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