

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

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EIGHTY-FIRST DAY

St. Paul, Minnesota, Monday, March 11, 2002

The Senate met at 10:00 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 the Chaplain, Dr. Randy K. Taber.

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

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

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

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

Senators Berglin and Moe, R.D. were excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

March 7, 2002

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2002 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2002	Date Filed 2002
	2642	224	2:24 p.m. March 7	March 7
	3116	225	2:24 p.m. March 7	March 7
	2624	226	2:26 p.m. March 7	March 7
	3148	227	2:27 p.m. March 7	March 7
	2992	228	2:28 p.m. March 7	March 7
	3062	229	2:28 p.m. March 7	March 7

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 3023:** A bill for an act relating to insurance; regulating certain licenses, fees, and coverages; amending Minnesota Statutes 2000, sections 62A.25, subdivision 2; 62A.31, subdivision 1h; 62E.14, subdivisions 4, 5, 6; 62L.02, subdivision 13a; 62L.03, subdivisions 1, 5; 62Q.185; 79A.04, subdivision 9; Minnesota Statutes 2001 Supplement, sections 60A.14, subdivision 1; 60K.56, subdivisions 6, 8, 9; 62M.03, subdivision 2; Laws 2001, chapter 117, article 1, section 29.

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

Page 3, line 10, after "one-half" insert "of the"

Page 4, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 2000, section 61A.092, subdivision 6, is amended to read:

Subd. 6. [APPLICATION.] This section applies to a policy, certificate of insurance, or similar evidence of coverage issued to a Minnesota resident or issued to provide coverage to a Minnesota resident. This section does not apply to: (1) a certificate of insurance or similar evidence of coverage that meets the conditions of section 61A.093, subdivision 2; or (2) a group life insurance policy that contains a provision permitting the certificate holder, upon termination or layoff from employment, to retain the coverage provided under the group policy by paying premiums directly to the insurer, provided that the employer shall give the employee notice of the employee's and each related certificate holder's right to continue the insurance by paying premiums directly to the insurer. The insurer may reserve the right to increase premium rates after the first 18 months of continued coverage provided for under clause (2). A related certificate holder is an insured spouse or dependent child of the employee. Upon termination of this group policy or at the option of the insured who has continued coverage under clause (2), each covered employee, spouse, and dependent child is entitled to have issued to them a life conversion policy as prescribed in section 61A.09, subdivision 1, paragraph (h).

Sec. 6. Minnesota Statutes 2000, section 62A.25, subdivision 2, is amended to read:

Subd. 2. (a) Every policy, plan, certificate or contract to which this section applies shall provide benefits for reconstructive surgery when such service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or when such service is performed on a covered dependent child because of congenital disease or anomaly which has resulted in a functional defect as determined by the attending physician.

(b) The coverage limitations on reconstructive surgery in paragraph (a) do not apply to reconstructive breast surgery following mastectomies. In such cases, coverage for reconstructive surgery must be provided if the mastectomy is medically necessary as determined by the attending physician.

(c) Reconstructive surgery benefits include all stages of reconstruction of the breast on which the mastectomy has been performed, surgery and reconstruction of the other breast to produce a symmetrical appearance, and prosthesis and physical complications at all stages of a mastectomy, including lymphedemas, in a manner determined in consultation with the attending physician and patient. Coverage may be subject to annual deductible, co-payment, and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Coverage may not:

(1) deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; and

(2) penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or other incentives to an attending provider to induce the provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section.

Written notice of the availability of the coverage must be delivered to the participant upon enrollment and annually thereafter."

Page 6, after line 18, insert:

"Sec. 9. Minnesota Statutes 2000, section 62E.11, subdivision 6, is amended to read:

Subd. 6. [MEMBER ASSESSMENTS.] The association shall make an annual determination of each contributing member's liability, if any, and may make an annual fiscal year end assessment if necessary. The association may also, subject to the approval of the commissioner, provide for interim assessments against the contributing members whose aggregate assessments comprised a minimum of 90 percent of the most recent prior annual assessment, in the event that the association deems that methodology to be the most administratively efficient and cost effective means of assessment, and as may be necessary to assure the financial capability of the association in meeting the incurred or estimated claims expenses of the state plan and operating and administrative expenses of the association until the association's next annual fiscal year end assessment. Payment of an assessment shall be due within 30 days of receipt by a contributing member of a written notice of a fiscal year end or interim assessment. Failure by a contributing member to tender to the association the assessment within 30 days shall be grounds for termination of the contributing member's membership. A contributing member which ceases to do accident and health insurance business within the state shall remain liable for assessments through the calendar year during which accident and health insurance business ceased. The association may decline to levy an assessment against a contributing member if the assessment, as determined herein, would not exceed ten dollars."

Pages 7 to 10, delete sections 10 to 12 and insert:

"Sec. 12. Minnesota Statutes 2000, section 62J.51, subdivision 19, is amended to read:

Subd. 19. [UNIFORM DENTAL BILLING FORM.] "Uniform dental billing form" means the 1990 most current version uniform dental claim form developed by the American Dental Association.

Sec. 13. Minnesota Statutes 2000, section 62J.535, is amended by adding a subdivision to read:

Subd. 1a. [ELECTRONIC CLAIM TRANSACTIONS.] Group purchasers, including government programs, not defined as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections, that voluntarily agree with providers to accept electronic claim transactions, must accept them in the ANSI X12N 837 standard electronic format as established by federal law. Nothing in this section requires acceptance of electronic claim transactions by entities not covered under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections. Notwithstanding the above, nothing in this section or other state law prohibits group purchasers not defined as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections, from requiring, as authorized by Minnesota law or rule, additional information associated with a claim submitted by a provider.

Sec. 14. Minnesota Statutes 2000, section 62J.535, is amended by adding a subdivision to read:

Subd. 1b. [PAPER CLAIM TRANSACTIONS.] All group purchasers that accept paper claim transactions must accept, and health care providers submitting paper claim transactions must submit, such transactions with use of the applicable medical and non-medical data code sets specified in the federal electronic claim transaction standards adopted under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections. The paper claim transaction must also be conducted using the uniform billing forms as specified in section 62J.52 and the identifiers specified in section 62J.54, on and after the compliance date required by law. Notwithstanding the above, nothing in this section or other state law prohibits group purchasers not defined as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections, from requiring, as authorized by Minnesota law or rule, additional information associated with a claim submitted by a provider.

Sec. 15. Minnesota Statutes 2000, section 62J.535, subdivision 2, is amended to read:

Subd. 2. [COMPLIANCE.] (a) Subdivision 1a is effective concurrent with the date of required compliance for covered entities established under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, for uniform electronic billing standards, all health care providers must conform to the uniform billing standards developed under subdivision 1.

(b) Notwithstanding paragraph (a), the requirements for the uniform remittance advice report shall be effective 12 months after the date of the required compliance of the standards for the electronic remittance advice transaction are effective under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time.

Sec. 16. Minnesota Statutes 2000, section 62J.581, is amended to read:

62J.581 [STANDARDS FOR MINNESOTA UNIFORM HEALTH CARE REIMBURSEMENT DOCUMENTS.]

Subdivision 1. [MINNESOTA UNIFORM REMITTANCE ADVICE REPORT.] All group purchasers and payers shall provide a uniform remittance advice report to health care providers when a claim is adjudicated. The uniform remittance advice report shall comply with the standards prescribed in this section. Notwithstanding the above, this section does not apply to group purchasers not included as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections.

Subd. 2. [MINNESOTA UNIFORM EXPLANATION OF BENEFITS DOCUMENT.] All group purchasers and payers shall provide a uniform explanation of benefits document to health care patients when a claim is adjudicated an explanation of benefits document is provided as otherwise required or permitted by law. The uniform explanation of benefits document shall comply with the standards prescribed in this section. Notwithstanding the above, this section does not apply to group purchasers not included as covered entities under United States Code, title 42,

sections 1320d to 1320d-8, as amended from time to time, and the rules promulgated under those sections.

Subd. 3. [SCOPE.] For purposes of sections 62J.50 to 62J.61, the uniform remittance advice report and the uniform explanation of benefits document format specified in subdivision 4 shall apply to all health care services delivered by a health care provider or health care provider organization in Minnesota, regardless of the location of the payer. Health care services not paid on an individual claims basis, such as capitated payments, are not included in this section. A health plan company is excluded from the requirements in subdivisions 1 and 2 if they comply with section 62A.01, subdivisions 2 and 3.

Subd. 4. [SPECIFICATIONS.] The uniform remittance advice report and the uniform explanation of benefits document shall be provided by use of a paper document conforming to the specifications in this section or by use of the ANSI X12N 835 standard electronic format as established under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time for the remittance advice. The commissioner, after consulting with the administrative uniformity committee, shall specify the data elements and definitions for the uniform remittance advice report and the uniform explanation of benefits document. The commissioner and the administrative uniformity committee must consult with the Minnesota Dental Association and Delta Dental Plan of Minnesota before requiring under this section the use of a paper document for the uniform explanation of benefits document or the uniform remittance advice report for dental care services.

Subd. 5. [EFFECTIVE DATE.] ~~The requirements in subdivisions 1 and 2 are effective 12 months after the date of required compliance with the standards for the electronic remittance advice transaction under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time October 16, 2004. The requirements in subdivisions 1 and 2 apply regardless of when the health care service was provided to the patient.~~

Pages 11 and 12, delete section 14 and insert:

"Sec. 18. Minnesota Statutes 2000, section 62Q.68, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] For purposes of sections 62Q.68 to 62Q.72, the terms defined in this section have the meanings given them. For purposes of sections 62Q.69 and 62Q.70, the term "health plan company" does not include an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01 or a nonprofit health service plan corporation regulated under chapter 62C that only provides dental coverage or vision coverage. For purposes of sections 62Q.69 through 62Q.73, the term "health plan company" does not include the comprehensive health association created under chapter 62E.

Sec. 19. [62Q.731] [EXTERNAL REVIEW OF ADVERSE DETERMINATION FROM THE MINNESOTA COMPREHENSIVE HEALTH ASSOCIATION.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Enrollee" means an eligible person as defined in section 62E.02, subdivision 13, and who meets the eligibility criteria established in section 62E.14.

(c) "Board" means the board of directors of the comprehensive health association, as described in section 62E.10, subdivision 2.

Subd. 2. [APPEAL TO EXTERNAL REVIEW ENTITY.] If an enrollee receives an adverse determination as a result of the comprehensive health association's internal appeal process, by which an established enrollee appeal committee renders an adverse determination, the enrollee then has the option of:

(1) appealing the adverse determination to the external review entity under section 62Q.73, which shall constitute a final determination subject to the conditions specified in section 62Q.73; or

(2) appealing to the commissioner of commerce from an adverse determination as provided by the operating rules of the comprehensive health association, in which case the commissioner has the option of making a determination regarding the appeal, or submitting the appeal to the external review entity retained under section 62Q.73."

Page 13, after line 29, insert:

"Sec. 22. [REVISOR INSTRUCTION.]

The revisor of statutes is instructed to amend the headnote of Minnesota Statutes, section 62J.535, to read "Uniform Billing Requirements for Claim Transactions."

Sec. 23. [REPEALER.]

Minnesota Statutes 2000, section 62J.535, subdivision 1, is repealed.

Sec. 24. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 4, after "sections" insert "61A.092, subdivision 6;"

Page 1, line 5, after the first semicolon, insert "62E.11, subdivision 6;" and delete "62L.02, subdivision" and insert "62J.51, subdivision 19; 62J.535, subdivision 2, by adding subdivisions;"

Page 1, line 6, delete "13a; 62L.03, subdivisions 1, 5; 62Q.185" and insert "62J.581; 62Q.68, subdivision 1"

Page 1, line 10, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2000, section 62J.535, subdivision 1"

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. 2766** 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**

H.F. No.            S.F. No.  
2766                    2475

**CONSENT CALENDAR**

H.F. No.            S.F. No.

**CALENDAR**

H.F. No.            S.F. No.

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

**H.F. No. 3189** 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**

H.F. No.	S.F. No.
3189	3135

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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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 Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2796** 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**

H.F. No.	S.F. No.
2796	2670

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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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 Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2884** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
2884	2715

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2884 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2884 and insert the language after the enacting clause of S.F. No. 2715, the first engrossment; further, delete the title of H.F. No. 2884 and insert the title of S.F. No. 2715, the first engrossment.

And when so amended H.F. No. 2884 will be identical to S.F. No. 2715, and further recommends that H.F. No. 2884 be given its second reading and substituted for S.F. No. 2715, and that the 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. Amendments adopted. Report adopted.

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

**H.F. No. 2598** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
2598	2411

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2598 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2598 and insert the language after the enacting clause of S.F. No. 2411, the first engrossment; further, delete the title of H.F. No. 2598 and insert the title of S.F. No. 2411, the first engrossment.

And when so amended H.F. No. 2598 will be identical to S.F. No. 2411, and further recommends that H.F. No. 2598 be given its second reading and substituted for S.F. No. 2411, and that the 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. Amendments adopted. Report adopted.

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

**H.F. No. 2792** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
2792	2575

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2792 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2792 and insert the language after the enacting clause of S.F. No. 2575, the first engrossment; further, delete the title of H.F. No. 2792 and insert the title of S.F. No. 2575, the first engrossment.

And when so amended H.F. No. 2792 will be identical to S.F. No. 2575, and further recommends that H.F. No. 2792 be given its second reading and substituted for S.F. No. 2575, and that the 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. Amendments adopted. Report adopted.

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

**H.F. No. 2570** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.	S.F. No.
2570	2553

**CONSENT CALENDAR**

H.F. No.	S.F. No.
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**CALENDAR**

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2570 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2570 and insert the language after the enacting clause of S.F. No. 2553, the first engrossment; further, delete the title of H.F. No. 2570 and insert the title of S.F. No. 2553, the first engrossment.



And when so amended H.F. No. 2570 will be identical to S.F. No. 2553, and further recommends that H.F. No. 2570 be given its second reading and substituted for S.F. No. 2553, and that the 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. Amendments adopted. Report adopted.

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

**H.F. No. 3125** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3125	2987				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3125 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3125 and insert the language after the enacting clause of S.F. No. 2987; further, delete the title of H.F. No. 3125 and insert the title of S.F. No. 2987.

And when so amended H.F. No. 3125 will be identical to S.F. No. 2987, and further recommends that H.F. No. 3125 be given its second reading and substituted for S.F. No. 2987, and that the 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. Amendments adopted. Report adopted.

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

**H.F. No. 2813** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2813	2803

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2813 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2813 and insert the language after the enacting clause of S.F. No. 2803, the first engrossment; further, delete the title of H.F. No. 2813 and insert the title of S.F. No. 2803, the first engrossment.

And when so amended H.F. No. 2813 will be identical to S.F. No. 2803, and further recommends that H.F. No. 2813 be given its second reading and substituted for S.F. No. 2803, and that the 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. Amendments adopted. Report adopted.

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

**H.F. No. 2531** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2531	2381

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2531 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2531 and insert the language after the enacting clause of S.F. No. 2381, the second engrossment; further, delete the title of H.F. No. 2531 and insert the title of S.F. No. 2381, the second engrossment.

And when so amended H.F. No. 2531 will be identical to S.F. No. 2381, and further recommends that H.F. No. 2531 be given its second reading and substituted for S.F. No. 2381, and that the 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. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. No. 3023 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. Nos. 2766, 3189, 2796, 2884, 2598, 2792, 2570, 3125, 2813 and 2531 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Scheid moved that the name of Senator Limmer be added as a co-author to S.F. No. 3015. The motion prevailed.

#### **Senator Johnson, Dean introduced--**

**Senate Resolution No. 190:** A Senate resolution congratulating Joel Torison of New London, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

#### **Senator Johnson, Dean introduced--**

**Senate Resolution No. 191:** A Senate resolution congratulating Tyler Johnson of New London, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Orders of Business of the Calendar and Consent Calendar.

### CALENDAR

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

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3204:** A bill for an act relating to human services; specifying that a county agency is not required to provide income support or cash assistance when specified state programs fail to do so; amending Minnesota Statutes 2000, section 261.063.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2458:** A bill for an act relating to crimes; prohibiting presenting false information for purposes of certain background studies; prohibiting certain entities from employing individuals under certain circumstances; prescribing penalties; 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**H.F. No. 2783:** A bill for an act relating to insurance; no-fault auto; regulating residual liability coverage; amending Minnesota Statutes 2000, section 65B.49, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2970:** A bill for an act relating to motor vehicles; requiring motor vehicle collision repair to include air bag repair or replacement; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Sams  
Samuelson  
Scheevel

Schwab  
Solon, Y.P.  
Stevens

Stumpf  
Terwilliger

Tomassoni  
Vickerman

Wiener  
Wiger

So the bill passed and its title was agreed to.

**S.F. No. 3026:** A bill for an act relating to health; regulating the provision of interstate telemedicine services; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; proposing coding for new law in Minnesota Statutes, chapter 147.

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

So the bill passed and its title was agreed to.

**S.F. No. 2403:** A bill for an act relating to finance; authorizing the Minneapolis park and recreation board to lease certain property for the repayment of certain state bond expenditures.

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

So the bill passed and its title was agreed to.

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

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 53 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Langseth	Pappas	Schwab
Bachmann	Johnson, Dave	Lessard	Pariseau	Solon, Y.P.
Belanger	Johnson, Dean	Limmer	Pogemiller	Stevens
Berg	Johnson, Debbie	Lourey	Price	Stumpf
Betzold	Johnson, Doug	Metzen	Reiter	Terwilliger
Cohen	Kelley, S.P.	Moua	Robertson	Tomassoni
Day	Kierlin	Murphy	Robling	Vickerman
Fischbach	Kiscaden	Neuville	Sabo	Wiener
Foley	Kleis	Oliver	Samuelson	Wiger
Fowler	Knutson	Orfield	Scheevel	
Higgins	Krentz	Ourada	Scheid	

Those who voted in the negative were:

Dille	Larson	Marty	Rest	Sams
Kinkel	Lesewski	Ranum	Ring	

So the bill passed and its title was agreed to.

**S.F. No. 2516:** A bill for an act relating to agriculture; clarifying the definition of pastures for the purpose of animal feedlot regulation; amending Minnesota Statutes 2000, section 116.07, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2430:** A bill for an act relating to higher education; requesting the University of Minnesota and Minnesota state colleges and universities to complete a study allowing students to rent instructional materials.

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:

Bachmann	Berg	Cohen	Dille	Foley
Belanger	Betzold	Day	Fischbach	Fowler

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

So the bill passed and its title was agreed to.

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

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

So the bill passed and its title was agreed to.

**S.F. No. 2875:** A bill for an act relating to the environment; establishing an environmental sustainability policy; proposing coding for new law in Minnesota Statutes, chapter 115A.

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 59 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Dille	Lesewski	Stevens
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So the bill passed and its title was agreed to.

**S.F. No. 2422:** A bill for an act relating to motor vehicles; regulating dealer transfers; clarifying calculation of base value; amending Minnesota Statutes 2000, sections 168.301, subdivision 3; 168A.11, subdivision 1; Minnesota Statutes 2001 Supplement, section 168.013, subdivision 1a.

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

So the bill passed and its title was agreed to.

**S.F. No. 3256:** A bill for an act relating to agriculture; modifying limits on the sale of prepared foods at community events or farmers' markets; amending Minnesota Statutes 2000, section 28A.15, subdivision 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**H.F. No. 1189:** A bill for an act relating to annexation; providing for the election of municipal council members after certain annexations; amending Minnesota Statutes 2000, sections 414.031, subdivision 4a; and 414.09, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3168:** A bill for an act relating to municipalities; providing for a bidding exception for certain water tank service contracts; authorizing an agreement for the city of Walker to maintain and operate the state's water tower at Ah-Gwah-Ching; amending Minnesota Statutes 2000, section 471.345, 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 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

**H.F. No. 1620:** A bill for an act relating to annexation; strengthening the effect of an orderly annexation agreement; amending Minnesota Statutes 2000, section 414.0325, 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	Betzold	Fischbach	Hottinger	Johnson, Doug
Bachmann	Cohen	Foley	Johnson, Dave	Kelley, S.P.
Belanger	Day	Fowler	Johnson, Dean	Kierlin
Berg	Dille	Higgins	Johnson, Debbie	Kinkel

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

So the bill passed and its title was agreed to.

**S.F. No. 3133:** A bill for an act relating to health; requiring legislative approval before the commissioner of health adopts certain new or amended rules governing the Minnesota Clean Indoor Air Act; amending Minnesota Statutes 2000, section 144.417, 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 51 and nays 12, as follows:

Those who voted in the affirmative were:

Bachmann	Kelley, S.P.	Lourey	Ranum	Stevens
Belanger	Kierlin	Metzen	Reiter	Stumpf
Berg	Kinkel	Moua	Rest	Terwilliger
Day	Kiscaden	Murphy	Robertson	Tomassoni
Dille	Kleis	Neuville	Robling	Vickerman
Fischbach	Knutson	Oliver	Sams	Wiener
Hottinger	Langseth	Olson	Samuelson	Wiger
Johnson, Dave	Larson	Ourada	Scheevel	
Johnson, Dean	Lesewski	Pariseau	Scheid	
Johnson, Debbie	Lessard	Pogemiller	Schwab	
Johnson, Doug	Limmer	Price	Solon, Y.P.	

Those who voted in the negative were:

Anderson	Foley	Krentz	Orfield	Ring
Betzold	Fowler	Marty	Pappas	Sabo
Cohen	Higgins			

So the bill passed and its title was agreed to.

**S.F. No. 3345:** A bill for an act relating to insurance; regulating certain credit scoring procedures; proposing coding for new law in Minnesota Statutes, chapter 60K.

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

So the bill passed and its title was agreed to.

**S.F. No. 3136:** A bill for an act relating to workers' compensation; modifying payment provisions; modifying intervention procedures; changing the calculation of special fund assessments; amending Minnesota Statutes 2000, sections 176.092, subdivision 1, by adding a subdivision; 176.106, subdivision 6; 176.111, subdivision 22; 176.129, subdivisions 7, 9, by adding subdivisions; 176.130, subdivisions 8, 9; 176.139, subdivision 2; 176.155, subdivision 2; 176.181, subdivision 3; 176.182; 176.185, subdivision 5a; 176.194, subdivision 3; 176.361; 176.84, subdivision 2; Minnesota Statutes 2001 Supplement, sections 176.103, subdivision 3; 176.129, subdivisions 10, 13; 176.194, subdivision 4; repealing Minnesota Statutes 2000, section 176.129, subdivisions 3, 4, 4a.

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

So the bill passed and its title was agreed to.

**S.F. No. 3126:** A bill for an act relating to human services; making technical changes in health care programs; amending Minnesota Statutes 2000, sections 13.05, subdivision 4; 245.4932, subdivision 3; 253B.045, subdivision 2; 256.01, subdivision 11; 256.023; 256.9685, subdivision 1; 256.9866; 256B.041, subdivision 5; 256B.0575; 256B.0625, subdivision 27; 256B.0629, subdivision 2; 256B.0915, subdivision 1c; 256B.0945, subdivision 4; 256B.19, subdivisions 1, 1d, 2b; 256B.37, subdivision 5a; 256B.692, subdivision 3; 256F.10, subdivision 9; 256F.13, subdivision 1; 256L.05, subdivision 3; 256L.07, subdivision 3; Minnesota Statutes 2001 Supplement, sections 245.474, subdivision 4; 256B.0623, subdivision 14; 256B.0625, subdivisions 13, 20; 256B.0915, subdivision 3; 256B.0924, subdivision 6; 256B.19, subdivision 1c; 256L.06, subdivision 3; Laws 2001, First Special Session chapter 9, article 2, section 76; repealing Minnesota Statutes 2000, sections 256.025; 256B.0635, subdivision 3; 256B.19, subdivision 1a; 256B.77, subdivision 24.

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	Fischbach	Johnson, Doug	Langseth	Moua
Bachmann	Foley	Kelley, S.P.	Larson	Murphy
Belanger	Fowler	Kierlin	Lesewski	Neuville
Berg	Higgins	Kinkel	Lessard	Oliver
Betzold	Hottinger	Kiscaden	Limmer	Olson
Cohen	Johnson, Dave	Kleis	Lourey	Orfield
Day	Johnson, Dean	Knutson	Marty	Ourada
Dille	Johnson, Debbie	Krentz	Metzen	Pappas

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

So the bill passed and its title was agreed to.

**S.F. No. 1072:** A bill for an act relating to state government; designating the photograph "Grace" as the state photograph; proposing coding for new law in Minnesota Statutes, chapter 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 51 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dave	Larson	Pogemiller	Solon, Y.P.
Bachmann	Johnson, Dean	Lesewski	Ranum	Stevens
Belanger	Johnson, Debbie	Lessard	Reiter	Stumpf
Berg	Johnson, Doug	Limmer	Rest	Terwilliger
Cohen	Kierlin	Metzen	Robertson	Tomassoni
Day	Kinkel	Murphy	Robling	Vickerman
Dille	Kiscaden	Neuville	Sams	Wiener
Fischbach	Kleis	Oliver	Samuelson	
Fowler	Knutson	Olson	Scheevel	
Higgins	Krentz	Ourada	Scheid	
Hottinger	Langseth	Pariseau	Schwab	

Those who voted in the negative were:

Betzold	Lourey	Orfield	Price	Sabo
Foley	Marty	Pappas	Ring	Wiger
Kelley, S.P.	Moua			

So the bill passed and its title was agreed to.

**S.F. No. 2540:** A bill for an act relating to property; changing certain probate and power of appointment provisions; amending Minnesota Statutes 2000, sections 501A.01; 524.2-804; 525.313; Minnesota Statutes 2001 Supplement, section 524.3-1201.

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

So the bill passed and its title was agreed to.

**CONSENT CALENDAR**

**H.F. No. 2987:** A bill for an act relating to Cook county; authorizing the county to convey the Mineral Center cemetery to the Grand Portage Reservation.

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	Hottinger	Larson	Ourada	Samuelson
Bachmann	Johnson, Dave	Lesewski	Pappas	Scheevel
Belanger	Johnson, Dean	Lessard	Pariseau	Scheid
Berg	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	Moua	Rest	Terwilliger
Dille	Kiscaden	Murphy	Ring	Tomassoni
Fischbach	Kleis	Neuville	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger
Higgins	Langseth	Orfield	Sams	

So the bill passed and its title was agreed to.

**H.F. No. 3202:** A bill for an act relating to the city of Delano; increasing its public utilities commission from three to five members.

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	Hottinger	Larson	Ourada	Samuelson
Bachmann	Johnson, Dave	Lesewski	Pappas	Scheevel
Belanger	Johnson, Dean	Lessard	Pariseau	Scheid
Berg	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	Moua	Rest	Terwilliger
Dille	Kiscaden	Murphy	Ring	Tomassoni
Fischbach	Kleis	Neuville	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger
Higgins	Langseth	Orfield	Sams	

So the bill passed and its title was agreed to.

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

Senator Robertson moved that S.F. No. 2986, No. 3 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

**H.F. No. 2629:** A bill for an act relating to professions; allowing retired individuals licensed by the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design to use a retired professional designation; amending Minnesota Statutes 2000, section 326.02, 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	Hottinger	Larson	Ourada	Samuelson
Bachmann	Johnson, Dave	Lesewski	Pappas	Scheevel
Belanger	Johnson, Dean	Lessard	Pariseau	Scheid
Berg	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	Moua	Rest	Terwilliger
Dille	Kiscaden	Murphy	Ring	Tomassoni
Fischbach	Kleis	Neuville	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger
Higgins	Langseth	Orfield	Sams	

So the bill passed and its title was agreed to.

**H.F. No. 3309:** A bill for an act relating to health; modifying provisions of licensed beds on layaway status; amending Minnesota Statutes 2000, section 144A.071, subdivision 4b.

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	Hottinger	Larson	Ourada	Samuelson
Bachmann	Johnson, Dave	Lesewski	Pappas	Scheevel
Belanger	Johnson, Dean	Lessard	Pariseau	Scheid
Berg	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	Moua	Rest	Terwilliger
Dille	Kiscaden	Murphy	Ring	Tomassoni
Fischbach	Kleis	Neuville	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger
Higgins	Langseth	Orfield	Sams	

So the bill passed and its title was agreed to.

**H.F. No. 2637:** A bill for an act relating to towns; providing for temporary officeholders; amending Minnesota Statutes 2000, section 367.03, 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	Day	Johnson, Dean	Kleis	Limmer
Bachmann	Dille	Johnson, Debbie	Knutson	Lourey
Belanger	Fischbach	Johnson, Doug	Krentz	Marty
Berg	Foley	Kelley, S.P.	Langseth	Metzen
Betzold	Fowler	Kierlin	Larson	Moua
Chaudhary	Hottinger	Kinkel	Lesewski	Murphy
Cohen	Johnson, Dave	Kiscaden	Lessard	Neuville

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.

**H.F. No. 3344:** A bill for an act relating to courts; authorizing a combined jurisdiction program in the second and fourth judicial districts; proposing coding for new law in Minnesota Statutes, chapter 484.

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	Hottinger	Larson	Ourada	Samuelson
Bachmann	Johnson, Dave	Lesewski	Pappas	Scheevel
Belanger	Johnson, Dean	Lessard	Pariseau	Scheid
Berg	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	Moua	Rest	Terwilliger
Dille	Kiscaden	Murphy	Ring	Tomassoni
Fischbach	Kleis	Neuville	Robertson	Vickerman
Foley	Knutson	Oliver	Robling	Wiener
Fowler	Krentz	Olson	Sabo	Wiger
Higgins	Langseth	Orfield	Sams	

So the bill passed and its title was agreed to.

**S.F. No. 3288:** A bill for an act relating to public employment labor relations; extending the expiration of an interest arbitration provision governing firefighters; amending Minnesota Statutes 2000, section 179A.16, subdivision 7a.

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

So the bill passed and its title was agreed to.

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

Senator Bachmann moved that S.F. No. 3028, No. 9 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

**S.F. No. 3322:** A bill for an act relating to the metropolitan council; providing for the external use of existing service capacity; modifying the depreciation rate when assuming ownership of existing facilities; repealing obsolete rules; amending Minnesota Statutes 2000, sections 473.129, by adding a subdivision; 473.511, subdivision 4; repealing Minnesota Rules, parts 5900.0100; 5900.0200; 5900.0300; 5900.0400; 5900.0500; 5900.0600; 5900.0700; 5900.0800; 5900.0900; 5900.1000; 5900.1100; 5900.1200; 5900.1300; 5900.1400; 5900.1500; 5900.1600; 5900.1700; 5900.1800; 5900.1900; 5900.2000; 5900.2100; 5900.2200; 5900.2300; 5900.2400; 5900.2500; 5900.2600; 5900.2700; 5900.2800; 5900.2900; 5900.3000; 5900.3100; 5900.3200; 5900.3300; 5900.3400; 5900.3500; 5900.3600; 5900.3700; 5900.3800; 5900.3900; 5900.4000; 5900.4100; 5900.4200; 5900.4300; 5900.4400; 5900.4500; 5900.4600; 5900.4700; 5900.4800; 5900.4900; 5900.5000; 5900.5100; 5900.5200; 5900.5300; 5900.5400; 5900.5500; 5900.5600; 5900.5700; 5900.5800; 5900.5900; 5900.6000; 5900.6100; 5900.6200; 5900.6300; 5900.6400; 5900.6500; 5900.6800; 5900.6900; 5900.7000; 5900.7100; 5900.7200; 5900.7300; 5900.7400; 5900.7500.

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

So the bill passed and its title was agreed to.

**S.F. No. 2890:** A bill for an act relating to contracts; regulating public works contracts; proposing coding for new law in Minnesota Statutes, chapter 15.

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



So the bill passed and its title was agreed to.

**H.F. No. 3296:** A bill for an act relating to state employment; shifting social security administrative duties from the department of employee relations to the public employees retirement association; classifying data on employee's dependents as private; amending Minnesota Statutes 2000, sections 13.43, subdivision 4; 355.01, 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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3315:** A bill for an act relating to insurance; making certain changes involving the joint underwriting association's procedures; amending Minnesota Statutes 2000, section 62F.04, by adding a subdivision; repealing Minnesota Statutes 2000, section 62F.04, subdivision 1a.

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

So the bill passed and its title was agreed to.

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

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 1495 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 1495

A bill for an act relating to agriculture; modifying provisions of the value-added agricultural product processing and marketing grant program; eliminating the late fee for the license to use the Minnesota grown label; clarifying the term "private contributions" for the Minnesota grown matching account; modifying provisions of the shared savings loan program and the sustainable agriculture demonstration grant program; modifying provisions of the agriculture best management practices loan program; regulating pesticide application in certain schools; modifying financing limitations for the administration of the state meat inspection program; authorizing the state agricultural society to establish a nonprofit corporation for charitable purposes; modifying provisions relating to the rural finance authority; extending the sunset date and providing for designation of replacement members of the Minnesota agriculture education leadership council; modifying the definition of "agricultural land" for the purpose of recreational trespass; extending the sunset of the dairy producers board, and conditionally voiding its repeal; providing for pesticide application on golf courses; changing certain membership provisions on the state agricultural society; defining biodiesel fuel and requiring it in diesel fuel oil; requiring reports on it; allowing natural gasoline as a petroleum component in E85 fuel; extending the sunset date for the farmer-lender mediation program; providing a temporary waiver of board of animal health rules for use of biological products on poultry; adding cultivated wild rice to the agricultural commodities promotion act provision; repealing obsolete agricultural statutes; amending Minnesota Statutes 2000, sections 17.101, subdivision 5; 17.102, subdivision 3; 17.109, subdivision 3; 17.115; 17.116; 17.117; 17.53, subdivisions 2, 8, 13; 17.63; 17.76, subdivision 2; 18B.01, by adding a subdivision; 31A.21, subdivision 2; 37.03, subdivision 1; 41B.025, subdivision 1; 41B.03, subdivision 2; 41B.043, subdivisions 1b, 2; 41B.046, subdivision 2; 41D.01, subdivisions 1, 3, 4; 97B.001, subdivision 1; 116O.09, subdivision 1a; 296A.01, subdivision 19; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapters 18B; 37; 239; repealing Minnesota Statutes 2000, sections 17.987; 24.001; 24.002; 24.12; 24.131; 24.135; 24.141; 24.145; 24.151; 24.155; 24.161; 24.171; 24.175; 24.18; 24.181; 33.09; 33.111.

March 8, 2002

The Honorable Don Samuelson  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 1495, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 1495 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [239.77] [BIODIESEL CONTENT MANDATE.]

Subdivision 1. [BIODIESEL FUEL.] "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats and that meets American Society For Testing and Materials Specification D6751-02 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

Subd. 2. [MINIMUM CONTENT; EFFECTIVE DATE.] (a) Except as otherwise provided in this section, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least 2.0 percent biodiesel fuel oil by volume.

(b) The mandate in paragraph (a) is effective on and after the date that the conditions in clauses (1) and (2), or in clauses (1) and (3), have been met:

(1) thirty or more days have passed since the commissioner of agriculture publishes notice in the State Register that annual capacity in Minnesota for the production of biodiesel fuel oil exceeds 8,000,000 gallons;

(2) eighteen months have passed since the commissioner of agriculture publishes notice in the State Register that a federal action on taxes imposed, tax credits, or otherwise, creates a reduction in the price of two cents or more per gallon on taxable fuel that contains at least two percent biodiesel fuel oil and is sold in this state;

(3) the date June 30, 2005, has passed.

Subd. 3. [EXCEPTIONS.] (a) The minimum content requirement of subdivision 2 does not apply to fuel used in the following equipment:

(1) motors located at an electric generating plant regulated by the Nuclear Regulatory Commission;

(2) railroad locomotives; and

(3) off-road taconite and copper mining equipment and machinery.

(b) The exemption in paragraph (a), clause (1), expires 30 days after the Nuclear Regulatory Commission has approved the use of biodiesel fuel in motors at electric generating plants under its regulation.

Sec. 2. [239.771] [DISTRIBUTOR EXPENSE REIMBURSEMENT.]

Subdivision 1. [ELIGIBILITY.] A distributor that made capital expenditures necessary to adapt or add equipment to blend biodiesel fuel oil under the mandate in section 239.77 may be eligible for partial reimbursement for those expenditures if the mandate is repealed within eight years of the date the mandate is effective.

Subd. 2. [APPLICATION; ELIGIBILITY.] (a) A distributor may apply to the commissioner of agriculture for a reimbursement from money appropriated for this purpose on the following schedule: If the mandate is repealed within two years of its effective date, the commissioner shall reimburse up to 80 percent of expenditures. The total amount eligible to be reimbursed must decline by ten percent each year after the mandate is effective and must end at 20 percent in the eighth year.

(b) The commissioner must require detailed proof of expenditures made solely to comply with the mandate."

Delete the title and insert:

"A bill for an act relating to agriculture; providing for a biodiesel fuel mandate; proposing coding for new law in Minnesota Statutes, chapter 239."

We request adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Steve Murphy, Steve Dille, Twyla Ring

House Conferees: (Signed) Howard Swenson, Tim Finseth, Al Juhnke

Senator Murphy moved that the foregoing recommendations and Conference Committee Report on S.F. No. 1495 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

### CALL OF THE SENATE

Senator Vickerman imposed a call of the Senate for the balance of the proceedings on S.F. No. 1495. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 1495 was read the third time, as amended by the Conference Committee, and placed on its repassage.

The question was taken on the repassage of the bill, as amended by the Conference Committee.

The roll was called, and there were yeas 53 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Pariseau	Scheid
Berg	Johnson, Dave	Lesewski	Pogemiller	Schwab
Betzold	Johnson, Dean	Lourey	Price	Solon, Y.P.
Chaudhary	Johnson, Doug	Marty	Ranum	Stevens
Cohen	Kelley, S.P.	Moua	Rest	Stumpf
Day	Kierlin	Murphy	Ring	Tomassoni
Dille	Kinkel	Neuville	Robling	Vickerman
Fischbach	Kiscaden	Olson	Sabo	Wiener
Fowler	Kleis	Orfield	Sams	Wiger
Frederickson	Krentz	Ourada	Samuelson	
Higgins	Langseth	Pappas	Scheevel	

Those who voted in the negative were:

Bachmann	Johnson, Debbie	Lessard	Metzen	Reiter
Belanger	Knutson	Limmer	Oliver	Terwilliger
Foley				

So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Hottinger 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 Samuelson in the chair.

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

S.F. Nos. 3380, 2460, 2988, 3086, 222, 3059, 2678, 3286, 2989, 2611, 2957, 3024 and H.F. No. 2612, which the committee recommends to pass.

S.F. No. 2627, which the committee recommends to pass with the following amendment offered by Senator Kiscaden:

Page 2, after line 32, insert:

"Subd. 3. [PRESCRIPTION VERIFICATION.] An optometrist or physician must promptly respond to any request received from a physician, optometrist, optician, or contact lens retailer to verify a patient's prescription information in order for the person requesting the information to accurately dispense the contact lenses. Verification must be requested by telephone, fax, or through electronic communications during the prescriber's normal business hours. Consistently failing to respond to verification requests within a reasonable period of time is grounds for disciplinary action by the respective regulatory board.

Subd. 4. [PROHIBITED CONDUCT.] When filling a contact lens prescription, no optometrist, physician, or contact lens retailer may:

(1) substitute or in any way dispense a different contact lens than the contact lens ordered on the prescription;

(2) dispense a contact lens for a period of time beyond the written expiration date; or

(3) dispense contact lenses that are not based on prescription parameters pursuant to a valid prescription.

Subd. 5. [DISPENSING RECORDS.] A copy of the dispensing records must be kept on file at the dispensing location for a period of no less than two years."

The motion prevailed. So the amendment was adopted.

S.F. No. 2492, which the committee recommends to pass with the following amendment offered by Senator Johnson, Dave:

Page 1, line 13, delete everything after "from" and insert " Northwest Airlines, Sun Country Airlines, Mark Travel Corporation, Mesaba Airlines, United Airlines, MLT Vacations, Carlson WagonLit Travel, LSG Sky Chefs, Air Wisconsin, American Airlines, American TransAir, Champion Air, Chautaugua Airlines, Continental Airlines, Emery Worldwide Air, Great Lakes Airlines, PanAm International, Skyway Airlines, and U.S. Airways;"

Page 1, delete lines 14 to 16

Page 1, line 18, before the period, insert "; or

(3) who was laid off due to a lack of work on or after July 8, 2001, from the Farmland Foods Company in Freeborn county"

Page 1, line 24, delete "and"

Page 2, line 1, before "if" insert "and an applicant described under subdivision 1, clause (3), is eligible to receive extra unemployment benefits under this section for any week through July 1, 2003,"

Page 2, line 14, delete "Minnesota Statutes," and insert "the state dislocated worker program"

Page 2, line 15, delete "section 268.035, subdivision 21a"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2463, which the committee recommends to pass with the following amendment offered by Senator Anderson:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 148.211, is amended by adding a subdivision to read:

Subd. 2a. [LICENSE RECOGNITION FOR NURSES FROM BORDER STATES; RECIPROCITY.] (a) A license to practice professional or practical nursing issued by Iowa, North Dakota, South Dakota, or Wisconsin (border state) to a resident in that state must be recognized by the board as authorizing a licensure privilege to practice professional or practical nursing in Minnesota, if:

(1) the licensure standards in the state licensed are substantially the same as Minnesota licensure standards;

(2) the border state has not taken adverse action against the nurse license;

(3) the nurse is not participating in an alternative or diversion program; or

(4) the nurse has not been refused a license to practice nursing in Minnesota.

(b) Within ten days of employment by a hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state, a nurse who practices professional or practical nursing in Minnesota under the authority of a licensure privilege as provided in this subdivision shall report the employment to the board on a form provided by the board. The board shall maintain a list of the nurses practicing in Minnesota under this subdivision.

(c) A nurse who practices professional or practical nursing in Minnesota under the authority of a licensure privilege as provided in this subdivision has the same obligations as if the nurse was licensed in Minnesota and is subject to the laws and rules of Minnesota and the regulatory authority of the board, including taking all forms of disciplinary action provided for in section 148.262, subdivision 1, and corrective action provided for in section 214.103, subdivision 6, against an individual's licensure privilege based on the grounds listed in section 148.261, subdivision 1, any other statute authorizing or requiring the board to take corrective or disciplinary action, and issuing a cease and desist order to limit or revoke a nurse's authority to practice in Minnesota. The board is authorized to recover from a nurse practicing professional or practical nursing in Minnesota under this subdivision the cost of proceedings as provided in section 148.262, subdivision 4. The board shall promptly report any such actions to the border state licensing board.

(d) The board shall seek reciprocity of nurse licensure with Iowa, North Dakota, South Dakota, and Wisconsin. Lack of reciprocity does not limit the board's recognition of nurse licenses from border states.

Sec. 2. Minnesota Statutes 2000, section 148.261, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may deny, revoke, suspend, limit, or condition the license and registration of any person to practice professional, advanced practice registered, or practical nursing under sections 148.171 to 148.285, or to otherwise discipline a licensee or applicant as described in section 148.262. The following are grounds for disciplinary action:

(1) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in sections 148.171 to 148.285 or rules of the board. In the case of a person applying for a license, the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction of the requirements.

(2) Employing fraud or deceit in procuring or attempting to procure a permit, license, or registration certificate to practice professional or practical nursing or attempting to subvert the licensing examination process. Conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to:

(i) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

(ii) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or

(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(3) Conviction during the previous five years of a felony or gross misdemeanor reasonably related to the practice of professional, advanced practice registered, or practical nursing. Conviction as used in this subdivision includes a conviction of an offense that if committed in this state would be considered a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered.

(4) Revocation, suspension, limitation, conditioning, or other disciplinary action against the person's professional or practical nursing license or advanced practice registered nursing credential, in another state, territory, or country; failure to report to the board that charges regarding the person's nursing license or other credential are pending in another state, territory, or country; or having been refused a license or other credential by another state, territory, or country.

(5) Failure to or inability to perform professional or practical nursing as defined in section 148.171, subdivision 14 or 15, with reasonable skill and safety, including failure of a registered nurse to supervise or a licensed practical nurse to monitor adequately the performance of acts by any person working at the nurse's direction.

(6) Engaging in unprofessional conduct, including, but not limited to, a departure from or failure to conform to board rules of professional or practical nursing practice that interpret the statutory definition of professional or practical nursing as well as provide criteria for violations of the statutes, or, if no rule exists, to the minimal standards of acceptable and prevailing professional or practical nursing practice, or any nursing practice that may create unnecessary danger to a patient's life, health, or safety. Actual injury to a patient need not be established under this clause.

(7) Failure of an advanced practice registered nurse to practice with reasonable skill and safety or departure from or failure to conform to standards of acceptable and prevailing advanced practice registered nursing.

(8) Delegating or accepting the delegation of a nursing function or a prescribed health care function when the delegation or acceptance could reasonably be expected to result in unsafe or ineffective patient care.

(9) Actual or potential inability to practice nursing with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical condition.

(10) Adjudication as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or without this state.

(11) Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient. Actual injury need not be established under this clause.

(12) Engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient, or engaging in sexual exploitation of a patient or former patient.

(13) Obtaining money, property, or services from a patient, other than reasonable fees for services provided to the patient, through the use of undue influence, harassment, duress, deception, or fraud.

(14) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(15) Engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws.

(16) Improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to section 144.335, or to furnish a patient record or report required by law.

(17) Knowingly aiding, assisting, advising, or allowing an unlicensed person to engage in the unlawful practice of professional, advanced practice registered, or practical nursing.

(18) Violating a rule adopted by the board, an order of the board, or a state or federal law relating to the practice of professional, advanced practice registered, or practical nursing, or a state or federal narcotics or controlled substance law.

(19) Knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo.

(20) Aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

(21) Practicing outside the scope of practice authorized by section 148.171, subdivision 5, 10, 11, 13, 14, 15, or 21.

(22) Practicing outside the specific field of nursing practice for which an advanced practice registered nurse is certified unless the practice is authorized under section 148.284.

(23) Making a false statement or knowingly providing false information to the board, failing to make reports as required by section 148.263, or failing to cooperate with an investigation of the board as required by section 148.265.

(24) Engaging in false, fraudulent, deceptive, or misleading advertising.

(25) Failure to inform the board of the person's certification status as a nurse anesthetist, nurse-midwife, nurse practitioner, or clinical nurse specialist.

(26) Engaging in clinical nurse specialist practice, nurse-midwife practice, nurse practitioner practice, or registered nurse anesthetist practice without current certification by a national nurse certification organization acceptable to the board, except during the period between completion of an advanced practice registered nurse course of study and certification, not to exceed six months or as authorized by the board.

(27) Engaging in conduct that is prohibited under section 145.412.

(28) Failing to report employment to the board as required by section 148.211, subdivision 2a, or knowingly aiding, assisting, advising, or allowing a person to fail to report as required by section 148.211, subdivision 2a.



Sec. 3. [181.275] [REGULATING NURSES' OVERTIME.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(1) "emergency" means a period when replacement staff are not able to report for duty for the next shift or increased patient need, because of unusual, unpredictable, or unforeseen circumstances such as, but not limited to, an act of terrorism, a disease outbreak, adverse weather conditions, or natural disasters which impact continuity of patient care;

(2) "normal work period" means 12 or fewer consecutive hours consistent with a predetermined work shift;

(3) "nurse" has the meaning given in section 148.171, subdivision 9; and

(4) "taking action against" means discharging; disciplining; threatening; reporting to the board of nursing; discriminating against; or penalizing regarding compensation, terms, conditions, location, or privileges of employment.

Subd. 2. [PROHIBITED ACTIONS.] Except as provided in subdivision 3, a hospital or other entity licensed under sections 144.50 to 144.58, and its agent, or other health care facility licensed by the commissioner of health, and the facility's agent, is prohibited from taking action against a nurse solely on the grounds that the nurse fails to accept an assignment of additional consecutive hours at the facility in excess of a normal work period, if the nurse declines to work additional hours because doing so may, in the nurse's judgment, jeopardize patient safety. This subdivision does not apply to a nursing facility, an intermediate care facility for persons with mental retardation, a licensed boarding care facility, or a housing with services establishment.

Subd. 3. [EMERGENCY.] Notwithstanding subdivision 2, a nurse may be scheduled for duty or required to continue on duty for more than one normal work period in an emergency.

Subd. 4. [EXCEPTION.] Section 645.241 does not apply to violations of this section.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 2003."

Delete the title and insert:

"A bill for an act relating to employment; regulating overtime for nurses; allowing reciprocity for border state nursing licensees; amending Minnesota Statutes 2000, sections 148.211, by adding a subdivision; 148.261, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181."

The motion prevailed. So the amendment was adopted.

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

### **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 Reports of Committees and Second Reading of Senate Bills.

### **REPORTS OF COMMITTEES**

Senator Betzold moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Johnson, Doug from the Committee on Finance, to which was re-referred**

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

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

Page 2, line 12, after the first "agency" insert "shall be deposited in the environmental fund and"

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

**Senator Johnson, Doug from the Committee on Finance, to which was re-referred**

**S.F. No. 2674:** A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.601, subdivision 4; 97C.025; 97C.605; 97C.611; 103G.615, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003; 97C.605, subdivision 4.

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

Page 3, line 17, delete "\$3" and insert "\$4" in both places

Page 4, line 34, delete "game that is lawfully taken and" and insert "lawfully taken and possessed game, excluding migratory game birds, as defined in the Code of Federal Regulations, title 50, section 20.11, that cannot be sold under federal law,"

Page 4, line 35, delete everything before "is"

Page 6, after line 35, insert:

"Sec. 10. Minnesota Statutes 2000, section 97B.081, subdivision 2, is amended to read:

Subd. 2. [WITHOUT FIREARMS.] (a) Between the hours of 10:00 p.m. and 6:00 a.m. from September 1 to December 31, a person may not cast the rays of a spotlight, headlight, or other artificial light in a field, woodland, or forest to spot, locate, or take a wild animal except to take raccoons under section 97B.621, subdivision 3, or to tend traps under section 97B.931.

(b) Between one-half hour after sunset until sunrise, a person may not cast the rays of a spotlight, headlight, or other artificial light to spot, locate, or take a wild animal on fenced, agricultural land containing cattle that is marked with signs prohibiting the shining of lights. The signs must:

(1) display reflectorized letters that are at least two inches in height and state "no shining" or similar terms; and

(2) be placed at intervals of 1,000 feet or less along the boundary of the area.

(c) It is not a violation of this subdivision for a person to carry out any agricultural, occupational, or recreational practice, including snowmobiling that is not related to spotting, locating, or taking a wild animal."

Page 7, after line 27, insert:

"Sec. 13. Minnesota Statutes 2000, section 97B.811, is amended by adding a subdivision to read:

Subd. 4a. [PROHIBITION ON CERTAIN MOTORIZED DECOYS.] A person may not use a motorized decoy on public waters with visible, moving parts that are above the water surface to take migratory waterfowl."

Page 8, line 25, delete "(a)" and insert "(b)"

Page 9, line 9, delete "June" and insert "August"

Page 10, lines 13, 16, and 17, delete "subdivision 6" and insert "this section"

Page 11, delete lines 9 to 15 and insert:

"A person may not possess more than three snapping turtles of the species *Chelydra serpentina* without a turtle seller's license. Until new rules are adopted under section 97C.605, a person may not take snapping turtles of a size less than ten inches wide including curvature, measured from side to side across the shell at midpoint. After new rules are adopted under section 97C.605, a person may only take snapping turtles of a size specified in the adopted rules.

Sec. 17. Minnesota Statutes 2000, section 103G.615, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to harvest control aquatic plants other than wild rice, by order, after holding a public hearing rule. The fees may not exceed \$200 per permit must be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit.

(b) The fee for a permit for chemical treatment of rooted aquatic vegetation may not exceed \$20 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with lakewide Eurasian water milfoil control programs. For off-shore chemical treatments, whole lake treatments, or chemical treatments adjacent to publicly owned shoreline the permit fee is \$20.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the game and fish fund.

Sec. 18. Minnesota Statutes 2000, section 103G.615, subdivision 3, is amended to read:

Subd. 3. [PERMIT STANDARDS.] (a) The commissioner shall, by rule, prescribe standards to issue and deny permits under this section. The standards must ensure that aquatic plant control is consistent with shoreland conservation ordinances, lake management plans and programs, and wild and scenic river plans.

(b) The commissioner shall not issue a new permit for the use of pesticides for aquatic plant control below the ordinary high-water level of public waters, unless the commissioner determines that control of the aquatic plants is consistent with subdivision 1, paragraph (a), clause (3), and rules adopted under paragraph (a), and that:

(1) nonpesticide options will not be effective in controlling the aquatic plants and the permittee will minimize the environmental impact from the pesticide application;

(2) effective nonpesticide options for control will be more harmful to the environment; or

(3) the application of pesticides under the permit will be more cost effective in control of the aquatic plants and will result in minimal environmental harm."

Page 12, line 22, after "hearing" insert ", under subdivision 4,"

Page 17, after line 17, insert:

"Sec. 24. [EFFECT ON ADMINISTRATIVE RULES.]

Notwithstanding Minnesota Statutes, section 14.05, subdivision 1, the repeal by amendment of the rule authorization in Minnesota Statutes, section 97C.605, subdivision 3, in this act does not repeal existing rules authorized under that subdivision. The existing rules remain in effect under the new subdivision 6 of Minnesota Statutes, section 97C.605, until modified by the commissioner of natural resources.

Sec. 25. [PERMIT FEE CHANGES.]

Notwithstanding Minnesota Statutes, section 16A.1283, by March 1, 2003, the commissioner of natural resources shall amend the fee schedule authorized in section 17 to remove the maximum permit fee of \$200. The fee changes shall apply to all permits issued after February 28, 2003.

Sec. 26. [AQUATIC PLANT CONTROL PERMIT PROGRAM REVIEW PROPOSAL.]

By October 15, 2002, the commissioner of natural resources must submit a proposal to the governor and members of the legislative fiscal and policy committees with jurisdiction over natural resources to review the aquatic plant control permit program, under Minnesota Statutes, section 103G.615."

Page 17, line 19, delete "97C.003; and" and insert "and 97C.003,"

Page 17, line 20, delete everything before "are"

Page 17, line 22, delete "10, and 11" and insert "11, and 12"

Page 17, line 23, delete "12 and 19" and insert "14 and 23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the semicolon, insert "modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit;"

Page 1, line 18, after "97B.025;" insert "97B.081, subdivision 2;"

Page 1, line 19, after the first semicolon, insert "97B.811, by adding a subdivision;"

Page 1, line 20, after "103G.615," insert "subdivisions 2, 3,"

Page 1, line 24, delete "; 97C.605, subdivision 4"

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

**Senator Johnson, Doug from the Committee on Finance, to which was re-referred**

**S.F. No. 3352:** A bill for an act relating to the environment; amending provisions of the Dry Cleaner Environmental Response and Reimbursement Law; amending Minnesota Statutes 2000, sections 115B.48, subdivision 5; 115B.49, subdivision 4.

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

**Senator Johnson, Doug from the Committee on Finance, to which was re-referred**

**S.F. No. 3054:** A bill for an act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund

reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11.

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

Page 4, line 4, delete "either"

Page 4, line 5, delete "or"

Page 4, line 6, after the comma, insert "or Minnesota Statutes 2000, section 115C.092,"

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

### **Senator Pogemiller from the Committee on Taxes, to which was re-referred**

**S.F. No. 1857:** A bill for an act relating to a stadium; financing a major league professional baseball stadium; requiring private funding; providing for an interest-bearing loan; providing for certain tax exemptions; creating a site selection commission; providing for the issuance of bonds; transferring funds from the assigned risk plan; requiring enhanced revenue sharing by major league baseball for act to take effect; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.67, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 4A.

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 272.02, is amended by adding a subdivision to read:

Subd. 50. [BASEBALL PARK; FOOTBALL STADIUM.] Real or personal property acquired, owned, leased, controlled, used, or occupied by the metropolitan sports facilities commission for the purposes of a baseball park or a football stadium constructed under sections 473.5961 to 473.5967, is exempt from taxation as provided in section 473.556, provided that the property is subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the property from the improvement. No use of the property in any manner different from its use under sections 473.5961 to 473.5967, at the time shall be considered in determining the special benefit received by the property. Notwithstanding section 272.01, subdivision 2, or 273.19, real or personal property leased by the commission for uses related to the purposes of sections 473.5961 to 473.5967, is exempt from taxation.

Sec. 2. [295.61] [SPORTS MEMORABILIA TAX.]

Subdivision 1. [TAX.] A tax is imposed on each sale at wholesale of sports memorabilia in the state. The rate of the tax is 13 percent of the gross revenues from the sale.

Subd. 2. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Buyer" means any person that purchases sports memorabilia at wholesale.

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

(d) "Sale" means a transfer of title or possession of tangible personal property, whether absolutely or conditionally.

(e) "Sports memorabilia" means football, baseball, hockey, and basketball items available for sale to the public that are sold under a license granted by a professional sports league, association, franchise, or team; the National Collegiate Athletic Association (NCAA); NCAA Division I college or university; and an NCAA affiliated or corresponding member, including, but not limited to:

(1) items related to sports figures, teams, games, or events;

(2) trading cards;

(3) photographs;

(4) clothing;

(5) sports event licensed items;

(6) sports equipment; and

(7) items bearing team or league logos or registered trademarks.

(f) "Wholesale" or "sale at wholesale" means a sale to a retailer, as defined in section 297A.61, subdivision 9, for the purpose of reselling the property to a third party.

(g) "Wholesaler" means any person making wholesale sales of sports memorabilia to buyers in the state.

Subd. 3. [QUARTERLY ESTIMATED PAYMENTS.] (a) Each wholesaler must make estimated payments of the tax for the calendar year to the commissioner in quarterly installments by April 15, July 15, October 15, and January 15 of the following calendar year.

(b) Estimated tax payments are not required if the tax for the calendar year is less than \$500.

(c) An underpayment of estimated installments bears interest at the rate specified in section 270.75, from the due date of the payment until paid or until the due date of the annual return at the rate specified in section 270.75. An underpayment of an estimated installment is the difference between the amount paid and the lesser of (1) 90 percent of one-quarter of the tax for the calendar year, or (2) the tax for the actual gross revenues received during the quarter.

Subd. 4. [ELECTRONIC FUNDS-TRANSFER PAYMENTS.] A taxpayer with an aggregate tax liability of \$120,000 or more during a fiscal year ending June 30, must remit all liabilities by funds transfer as defined in section 336.4A-104, paragraph (a), in the next calendar year. The funds-transfer payment date, as defined in section 336.4A-401, is on or before the first funds-transfer business day after the date the tax is due.

Subd. 5. [ANNUAL RETURN.] The taxpayer must file an annual return reconciling the estimated payments by March 15 of the following calendar year.

Subd. 6. [FORM OF RETURNS.] The estimated payments and annual return must contain the information and be in the form prescribed by the commissioner.

Subd. 7. [USE TAX.] If the tax is not paid under this section, a tax is imposed on possession for sale or use of sports memorabilia in the state. The rate of tax equals the rate under this section, and must be paid by the possessor of the items.

Subd. 8. [APPLICATION OF OTHER CHAPTERS.] Unless specifically provided otherwise by this section, the enforcement, interest, and penalty provisions under chapter 289A, appeal provisions in sections 289A.65 and 289A.43, criminal penalties under section 289A.63, refund provisions in section 289A.50, and collection and rulemaking provisions under chapter 270, apply to the tax under this section.

Subd. 9. [DISPOSITION OF REVENUES.] The commissioner shall deposit all revenues, including interest and penalties, derived from the tax imposed under this section in the state treasury and credit them to the sports facilities account.

[EFFECTIVE DATE.] This section is effective for sales made on or after the first day of the second month following enactment.

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

Subd. 28. [CONSTRUCTION MATERIALS; BASEBALL PARK OR FOOTBALL STADIUM.] Construction materials and supplies used or consumed in the construction of a baseball park constructed for use by a major league baseball team or a football stadium, as authorized under sections 473.5961 to 473.5967, are exempt. This subdivision expires for the baseball park or football stadium one year after substantial completion of that facility.

Sec. 4. Minnesota Statutes 2000, section 473.551, is amended by adding a subdivision to read:

Subd. 18. [BASEBALL PARK.] "Baseball park" means the sports facility for major league professional baseball stadium authorized under sections 473.5961 to 473.5965.

Sec. 5. Minnesota Statutes 2000, section 473.551, is amended by adding a subdivision to read:

Subd. 19. [FOOTBALL STADIUM.] "Football stadium" means a single unit sports facility for university and professional football.

Sec. 6. Minnesota Statutes 2000, section 473.551, is amended by adding a subdivision to read:

Subd. 20. [FOOTBALL TEAM.] "Football team" means the Minnesota Vikings Football Club, Inc., its successors or assigns or any other professional football team that holds a national football league franchise in Minnesota.

Sec. 7. Minnesota Statutes 2000, section 473.551, is amended by adding a subdivision to read:

Subd. 21. [PROFESSIONAL SPORTS FACILITIES CONSTRUCTED WITH STATE ASSISTANCE.] "Professional sports facilities constructed with state assistance" means the metrodome, the baseball park constructed under sections 473.5961 to 473.5965, the basketball and hockey arena that receives payments under section 240A.08, the arena for which funding was provided under Laws 1998, chapter 404, section 23, subdivision 6, and any facility at which professional sports events are conducted that receives financial assistance for its construction or remodeling after the date of enactment of this act.

Sec. 8. Minnesota Statutes 2000, section 473.553, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of ~~six~~ eight members, appointed by the ~~city council of the city in which the stadium is located~~ governor and confirmed by the senate plus a chair appointed as provided in subdivision 3. One member must be a resident of the area included within the following metropolitan council districts described in section 473.123, subdivision 3a:

- (1) the first and second districts;
- (2) the third and fourth districts;
- (3) the fifth and sixth districts;
- (4) the seventh and eighth districts;
- (5) the ninth and tenth districts;
- (6) the eleventh and twelfth districts;
- (7) the thirteenth and fourteenth districts; and
- (8) the fifteenth and sixteenth districts.

Sec. 9. Minnesota Statutes 2000, section 473.553, subdivision 3, is amended to read:

Subd. 3. [CHAIR.] The chair shall be appointed by the governor and confirmed by the senate as the ninth voting member and shall meet all of the qualifications of a member, except the chair ~~need only~~ must reside outside the ~~city of Minneapolis~~ metropolitan area defined in section 473.121, subdivision 2. The chair shall preside at all meetings of the commission, if present, and

shall perform all other duties and functions assigned by the commission or by law. The commission may appoint from among its members a vice-chair to act for the chair during temporary absence or disability.

Sec. 10. Minnesota Statutes 2000, section 473.553, subdivision 5, is amended to read:

Subd. 5. [TERMS.] The terms of all members appointed under section 473.553, end January 5, 2003, and eight new members must be appointed under subdivision 2 with terms beginning January 6, 2003. The terms of three the members shall end the first Monday in January in the year ending in the numeral "5" appointed from the districts described in odd-numbered clauses under subdivision 2 for terms beginning January 6, 2003, end January 2, 2006. The terms of the other members and the chair shall end the first Monday in January in the year ending in the numeral "7" 2008. The term Subsequent terms of each member and the chair shall be four years. The terms shall continue until a successor is appointed and qualified. Members may be removed only for cause.

Sec. 11. Minnesota Statutes 2000, section 473.595, subdivision 1, is amended to read:

Subdivision 1. [METRODOME ADMISSION TAX.] (a) The commission shall by resolution impose and maintain a ~~ten~~ 15 percent admission tax upon the granting, issuance, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities at the metrodome. No other tax, surcharge, or governmental imposition, except the taxes imposed by chapter 297A, may be levied by any other unit of government upon any such sale or distribution. The admission tax shall be stated and charged separately from the sales price so far as practicable and shall be collected by the grantor, seller, or distributor from the person admitted and shall be a debt from that person to the grantor, issuer, seller, or distributor, and the tax required to be collected shall constitute a debt owed by the grantor, issuer, seller, or distributor to the commission, which shall be recoverable at law in the same manner as other debts. Every person granting, issuing, selling, or distributing tickets for such admissions may be required, as provided in resolutions of the commission, to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as shall be deemed necessary or expedient to assure the prompt and uniform collection of the tax.

(b) One-third of the receipts from this tax must be deposited in the sports facilities account.

(c) Notwithstanding any other provisions of this subdivision, the imposition of an admission tax upon a national superbowl football game conducted at the metrodome is discretionary with the commission.

**[EFFECTIVE DATE.]** This section is effective for sales of admissions to the metrodome on or after the first day of the second month following enactment of this act.

Sec. 12. Minnesota Statutes 2000, section 473.595, is amended by adding a subdivision to read:

Subd. 1b. [BASEBALL PARK AND FOOTBALL STADIUM ADMISSION TAXES.] In addition to the taxes imposed under chapter 297A, the commission shall impose an admission tax of ten percent of the cost of admission upon the granting, issuance, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to all professional and collegiate sporting events, and all other events or activities at the baseball park and at the football stadium. No other tax, surcharge, or governmental imposition, except the taxes imposed under chapter 297A, may be levied by any other unit of government upon that sale or distribution. The admission tax must be stated and charged separately from the sales price so far as practicable and must be collected by the grantor, issuer, seller, or distributor from the person admitted and is a debt from that person to the grantor, issuer, seller, or distributor. The tax required to be collected is a debt owed by the grantor, issuer, seller, or distributor to the commission. The debt is recoverable at law in the same manner as other debts. Every person who grants, issues, sells, or distributes tickets for the admissions may be required, as provided by the commission, to secure a permit, file returns, deposit security for the payment of the tax, and pay penalties for nonpayment and interest on late payments, that are considered necessary or expedient



to ensure the prompt and uniform collection of the tax. Receipts from this admission tax must be deposited in the sports facilities account. Receipts from admissions to baseball games shall only be used to pay debt service on bonds issued to finance a baseball park. Receipts from admissions to football games shall only be used to pay debt service on bonds issued to finance a football stadium.

Sec. 13. Minnesota Statutes 2000, section 473.595, is amended by adding a subdivision to read:

Subd. 2a. [GROSS REVENUES TAX.] The commission shall impose a tax on each retail sale in the Hubert H. Humphrey metrodomo, the baseball park, and the football stadium equal to 6.5 percent of gross revenues. Retail sales of sports memorabilia that are subject to the gross revenues tax imposed under section 295.61 are exempt from this tax. The taxes imposed under this subdivision are subject to the collection, enforcement, and administrative provisions in section 297A.99, subdivisions 6 and 9. Receipts from this tax must be deposited into the sports facilities account.

[EFFECTIVE DATE.] This section is effective for sales made on or after the first day of the second month following enactment.

Sec. 14. Minnesota Statutes 2000, section 473.595, is amended by adding a subdivision to read:

Subd. 2b. [RENTS FOR SPACE AND EQUIPMENT USED FOR BROADCASTING OR REPORTING.] The commission shall charge rent, or a fee in lieu of rent, to all individuals, businesses, or organizations who use property or equipment of sports facilities constructed with state assistance to conduct broadcasting or reporting of professional sports, collegiate sports, or entertainment events. The commission shall establish the rates of rent or fees that represent the value of the use of the facilities or equipment, and that will, in the opinion of the commission, result in an annual total of all rents or fees paid equal to or greater than \$3,000,000. Elementary and secondary educational sports and events are exempt from rent or fees under this section. Receipts from the rent or fees shall be deposited in the sports facilities account.

[EFFECTIVE DATE.] This section is effective for contracts entered into after May 31, 2002, or rents due or incurred after May 31, 2002.

Sec. 15. Minnesota Statutes 2000, section 473.595, is amended by adding a subdivision to read:

Subd. 2c. [NAMING RIGHTS; REVENUE.] The commission shall retain the naming rights, along with all revenue associated with those rights, to the baseball park authorized under sections 473.5961 to 473.5965. All revenue generated by an agreement entered into with the commission for the sale, lease, or transfer of naming rights to the baseball park shall be paid to the sports facilities account.

Sec. 16. Minnesota Statutes 2000, section 473.595, subdivision 3, is amended to read:

Subd. 3. [BUDGET PREPARATION; REVIEW AND APPROVAL.] (a) The commission shall prepare a proposed budget by August 1 of each year. The budget shall include operating revenues and expenditures for operation, administration, and maintenance. In addition, the budget must show for each year:

(a) (1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(b) (2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe; and

(c) (3) the estimated source and use of pass-through funds.

As early as practicable before August 15 of each year, the commission shall hold a public

hearing on a draft of the proposed budget. Along with the draft, the commission shall publish a report on user charges. The report must include an estimate and analysis of the changes in user charges, rates, and fees that will be required by the commission's budget. Not less than 14 days before the hearing, the commission shall publish notice of the hearing in a newspaper having general circulation in the metropolitan area, stating the date, time, and place of hearing, and the place where the proposed budget and report on user charges may be examined by any interested person. Following the hearing, the commission shall publish a report of the hearing that summarizes the comments received and the commission's response. The council shall approve or disapprove the entire budget by October 1 of each year. Before December 15 of each year, the commission shall by resolution adopt a final budget. The commission shall file its final budget with the council on or before December 20 of each year. The council shall file the budgets with the secretary of the senate and the clerk of the house of representatives not later than January 1 of each year.

Except in an emergency, for which procedures must be established by the commission, the commission and its officers, agents, and employees may not spend money for any purpose, other than debt service, without an appropriation by the commission, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. After obtaining approval of the council, the commission may amend the budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose.

(b) The commission shall deposit into the sports facilities account \$10,000,000 from its accumulated reserves.

(c) The commission may use its accumulated reserves to pay debt service on the bonds issued under section 473.5963 during the construction period of the baseball park.

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

Sec. 17. Minnesota Statutes 2000, section 473.595, subdivision 7, is amended to read:

Subd. 7. ~~[SALE OF SEATS PERSONAL SEAT LICENSE.]~~ The commission may shall retain the right to sell seats in any multipurpose sports facility at the baseball park constructed after June 30, 1979 at prices and subject to conditions consistent with this section June 30, 2002. Ownership of a seat shall give the owner first preference for purchase of a season ticket of admission for professional sports exhibitions major league baseball games with a right to be seated in the owned seat. An owner may sell or otherwise transfer the rights on whatever terms the owner chooses. Rights to a seat may not be divided. No fee may be charged for a transfer of ownership of a seat. The commission may charge a annual maintenance fee not exceeding \$10 per year for each seat.

Sec. 18. Minnesota Statutes 2000, section 473.595, is amended by adding a subdivision to read:

Subd. 8. **[COMMEMORATIVE BRICKS.]** The commission may sell to the public commemorative bricks, plaques, or other items at the baseball park and the football stadium. Revenue from the sale of the commemorative bricks and other items under this subdivision must be deposited in the sports facilities account.

Sec. 19. [473.5961] **[DISPOSITION OF METRODOME.]**

Upon termination of use by all professional football and major league baseball tenants, the commission must sell the metrodome property and transfer the sales proceeds to the sports facilities account upon sale. The commission must transfer its accumulated reserves associated with the metrodome facility to the sports facilities account within 60 days of the last professional or collegiate football game played in the metrodome.

Sec. 20. [473.5962] **[CONDITIONS TO ISSUANCE OF BONDS.]**

Subdivision 1. [GENERALLY.] The requirements set forth in this section must be met before the metropolitan council may issue bonds under section 473.5963 to finance a major league baseball park.

Subd. 2. [CONSTRUCTION OF BASEBALL PARK; MAXIMUM PRICE.] The metropolitan sports facilities commission must have executed agreements that provide for the construction of a roof-ready baseball park to be owned by the commission for a guaranteed maximum price not to exceed \$370,000,000 and that requires performance bonds in an amount at least equal to 100 percent of the guaranteed maximum price to cover any costs incurred over and above the guaranteed maximum price, including, but not limited to, costs incurred by the commission and loss of revenues resulting from incomplete construction on the substantial completion date. The agreement shall include that at least one-half of the cost of the baseball park must be financed by the owner of the major league baseball team or by other private sector financing and that the major league baseball team is responsible for and must pay all cost overruns.

Subd. 3. [MANAGER.] The commission must have entered into a contract with a manager to operate the baseball park for the use of the major league baseball team.

Subd. 4. [AGREEMENT; TEAM.] The commission must have entered into a use agreement with the major league baseball team that provides:

(1) the major league baseball team must provide to the commission of an amount not less than one-half of the construction costs in private cash support for the cost of the construction of the baseball park;

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

(3) in any year after bonds have been issued under section 473.5963, in which the balance in the sports facilities account is less than \$10,000,000, the commissioner of finance will notify the owner of the major league baseball team, the owner of the team will pay to the commissioner of finance the amount equal to the difference between \$10,000,000 and the balance in the account, the payment must be deposited into the sports facilities account;

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

(5) the agreement shall specifically state that transfer of any portion of ownership or equity in the major league baseball team does not change any obligations, responsibilities, or privileges under the agreement, this section, or section 473.5967;

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

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

(8) a listing of all revenue streams generated from use of the baseball park with a specification of what revenues are available to cover the major league baseball team operations, which accrue to the commission and which are available to the state;

(9) the major league baseball team must operate and maintain the stadium in excellent condition during the duration of the agreement. The local unit of government where the stadium is located shall verify that the team complies with this requirement;

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

(11) the major league baseball team shall provide a letter of credit in an amount that protects

the public interest in the event of a default by the major league baseball team or a disruption in the season due to a player strike or lockout;

(12) the agreement shall afford to the commission, or to another public entity as the commission deems appropriate, the rights and remedies at law and equity that are deemed necessary and appropriate to provide reasonable assurances that the baseball team and the owner will comply with the agreements throughout the 30-year term. The remedies must include, but not be limited to, specific performance and injunctive relief, and may include any other equitable remedies, and any additional remedies or ownership, voting, or other security arrangements the commission reasonably determines to be effective in ensuring the baseball team will play the required games in the baseball park throughout the 30-year term. It is the intent of the legislature that a material breach of an agreement between the commission and other public bodies and professional athletic teams that commit to the long-term playing of major league games at public facilities is deemed to cause irreparable harm for which no adequate remedy at law is available and that the grant of equitable relief to remedy the breach is in the public interest and shall be liberally so construed;

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

(i) the payment of prevailing wage levels as defined under section 177.42 to all construction workers;

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

(iii) all construction materials for the baseball park produced from or containing steel must use steel produced in the United States; and

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

Subd. 5. [AMATEUR SPORTS.] The commission must provide that the baseball park will be available for use by high school and amateur sports leagues.

Subd. 6. [BASEBALL PARK BONDS.] After the conditions set forth in subdivisions 1 through 5 have been met, and the balance in the sports facilities account equals \$20,000,000, the metropolitan council shall issue revenue bonds to finance the baseball park as provided in section 473.5963.

Sec. 21. [473.5963] [DEBT OBLIGATIONS FOR BASEBALL PARK.]

Subdivision 1. [PURPOSES.] The council may by resolution authorize the sale and issuance of its revenue bonds for the following purposes after making the determinations in section 473.5962:

(1) to pay the costs to the state and the host community of the acquisition and betterment of a baseball park, including infrastructure costs;

(2) to reimburse the commission and the council for their costs in complying with and making the determinations required by section 473.5962, whenever incurred;

(3) to pay issuance costs, interest costs during construction, and costs of bond insurance or other credit enhancement for the bonds and to establish necessary reserves for operating and debt service costs;

(4) to refund bonds issued under this section; and

(5) to fund judgments entered by any court against the council or commission in matters relating to the council's or commission's functions related to the baseball park.

Subd. 2. [AMOUNT.] The principal amount of the bonds issued for the purpose specified in subdivision 1, clauses (1) to (3), exclusive of any original issue discount, must not exceed \$370,000,000.

Subd. 3. [TAXABILITY.] The bonds may be issued as tax-exempt revenue bonds or as taxable revenue bonds in the proportions that the council may determine.

Subd. 4. [PROCEDURE.] The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues and the council has the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at any price and at public or private sale as determined by the council. The bonds may be sold in one or more series. Different series may be backed by different revenue sources. An election is not required.

Subd. 5. [NOT A GENERAL OR MORAL OBLIGATION.] The bonds are special obligations of the council secured by and payable solely from the sports facilities account. The bonds are not a general or moral obligation of the council, the commission, any other political subdivision of the state, or the state, and must not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation.

Subd. 6. [BROKERAGE FIRM AGREEMENT.] Before issuing debt under this section, the council must enter into an agreement with the brokerage firm to be used in connection with the sale and issuance of the bonds or revenue anticipation certificates under this section, guaranteeing that fees and charges payable to the brokerage firm under the agreement, including any underwriting discounts, do not exceed fees and charges customarily payable in connection with the sale and issuance of bonds or revenue anticipation certificates.

Subd. 7. [SECURITY.] (a) Bonds issued under this section may be secured by a bond resolution, or by a trust indenture entered into by the council with a corporate trustee within or outside the state. In the resolution or the trust indenture, the council must establish covenants for the payment and security of the bonds and pledge the revenues of the sports facilities account to be received by it from the state or the commission, other than amounts paid to it for administrative costs, for this purpose. The council may covenant and agree to enforce, or authorize the bondholders or their trustee to enforce, all agreements entered into by the council with this state or the commission relating to the payment of revenues of the sports facilities account and other money, if any, to the council for the payment and security of the bonds.

(b) The pledge of revenues of the sports facilities account for the payment and security of the council's revenue bonds is a valid charge on the baseball park revenues from the date when bonds are first issued or secured under the resolution or indenture and secure the payment of principal and interest and redemption premiums when due and the maintenance at all times of a reserve securing the payments. No mortgage of or security interest in any tangible real or personal property is granted to the bondholders or the trustee, but they have a valid, binding, and enforceable first lien and security interest in all baseball park revenues pledged to the payment of the bonds by the council, as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether the parties have notice of the claims, and without possession or filing as provided in the Uniform Commercial Code or any other law.

Subd. 8. [DEBT SERVICE RESERVE ACCOUNT.] The council must establish a debt service reserve account or provide adequate insurance in lieu of this account. The council shall deposit in the account money the council receives to ensure payment of the bonds issued under this section as provided in the bond resolution or trust indenture.

Subd. 9. [REVENUE ANTICIPATION CERTIFICATES.] In any year, upon final adoption by the commission of an annual budget of the commission, including the revenues of the sport facilities account, and in anticipation of the receipt of revenues from the sports facilities account and other receipts of the commission, the commission may authorize the issuance and sale, in the form and manner and upon the terms it may determine, of revenue anticipation certificates. The terms and provisions of the certificates and the security for their payment shall be consistent with and not violate the terms of any agreement entered into by the commission under subdivision 12

and any bond resolution or indenture adopted or entered into by the council under subdivision 7. The certificates must mature not later than three months after the close of the budget year. So much of the anticipated revenues from the sports facilities account and other money as may be needed for the payment of the certificates and interest thereon shall be paid into a special debt service fund established for the certificates in the commission's financial records. The proceeds of the certificates may be used for any purpose for which the anticipated revenues may be used or for any purpose for which bond proceeds under subdivision 1 may be used.

Subd. 10. [AGREEMENT BY COMMISSIONER OF FINANCE.] (a) The commissioner of finance, on behalf of the state, shall enter into an agreement with the council and the commission obligating the state to pay to the commission the money appropriated by section 473.5965 at the times and in the amounts determined by the commission to be necessary or desirable to enable the council and the commission to carry out their powers and duties under sections 473.5961 to 473.5967. In the agreement, the commissioner shall also covenant and agree on behalf of the state that, so long as any bonds or other obligations issued by the council or the commission under this section are outstanding and not discharged in accordance with the resolutions authorizing their issuance:

(1) the state will maintain the sports facilities account established in section 473.5965;

(2) the state will not reduce or repeal the appropriation made in section 473.5965 or direct or appropriate to another fund or account money now required to be deposited in the sports facilities account; and

(3) the state will provide information necessary to enable the council and the commission to comply with federal securities laws, rules, and regulations applicable to bonds issued under subdivision 1. The agreement may also contain any other covenants and agreements the commissioner deems necessary that are consistent with existing law.

(b) The agreement is enforceable against the state in the district court for Ramsey county. The state waives immunity from suit in connection with the agreement and confers jurisdiction on the district court to determine the matter in the manner provided for civil actions in the district court. Section 3.751, subdivisions 3 and 4, apply.

Subd. 11. [AGREEMENT BETWEEN COUNCIL AND COMMISSION.] Before the issuance of bonds under subdivision 1, the council and the commission must enter into an agreement relating to the following matters:

(1) identifying all types of revenues of the sports facilities account, establishing priorities for their use, identifying revenues from the sports facilities account to be paid to the council and pledged by it for the payment and security of its bonds, and establishing the dates on and amounts in which revenues from the sports facilities account will be paid to the council to pay debt service on the council's bonds and to maintain a debt service reserve; and

(2) any other matters relating to their powers and duties under sections 473.551 to 473.5965 that the parties deem appropriate.

Subd. 12. [VALIDITY OF DEBT ISSUED.] The validity of any bonds issued under this section and the obligations of the council related to them must not be conditioned upon or impaired by the council's determinations made under section 473.5963. For the purposes of issuing bonds, the determinations made by the council are conclusive, and the council is obligated for the security and payment of the bonds, but only from the sources pledged thereto, irrespective of determinations that may be erroneous, inaccurate, or otherwise mistaken.

Sec. 22. [473.59635] [FOOTBALL STADIUM BONDS.]

After the conditions determined by a law enacted in 2003 or a subsequent year for construction of a football stadium have been met, the metropolitan council shall issue revenue bonds to finance acquisition and betterment of the football stadium.

Sec. 23. [473.5964] [LOCAL OPTION TAXES AND SURCHARGE.]

Subdivision 1. [AUTHORIZATION.] Notwithstanding section 477A.016 or any other limitation of law or charter, and in addition to other taxes previously authorized by law, the city or, as provided in subdivision 2, the county in which the baseball park or the football stadium is located may by ordinance impose the taxes authorized under this section.

Subd. 2. [COUNTY OPTION.] If the governing body of the city within which the baseball park is proposed to be located passes a resolution stating that it does not intend to impose the taxes authorized under this section, or fails to impose a tax under this section within 60 days after the selection of the site, the county board of the county within which the baseball park is proposed to be located may by resolution impose the tax on businesses located in the county in lieu of the city's authority to do so under this section. This option applies only to counties that have a population in excess of 1,000,000 according to the most recent federal decennial census. The local unit of government that imposes the taxes under this section is referred to as the "host community." If a county is the host community, the city in which the baseball park is located may contribute money, property, or other resources to the construction of the baseball park.

Subd. 3. [REFERENDUM.] Before a host community imposes a tax under this section, the imposition of the tax must be approved by the voters of the host community at a special election held on June 4, 2002, or at an election conducted by mail ballot which must be completed by June 4, 2002. The question on the ballot must state which of the taxes and surcharges authorized under this section is proposed to be imposed if the vote on the question is affirmative, and specify the proposed rate or amount of the tax.

Subd. 4. [USE OF TAX PROCEEDS.] The city ordinance or county resolution must provide for dedication of the taxes or fees, after payment of collection and administrative expenses and refunds, to payment of principal and interest on bonds issued under section 473.5963. These revenues must be transferred on a monthly basis to the commissioner of revenue for this purpose, and the commissioner must deposit the revenues in the sports facilities account.

Subd. 5. [FOOD, BEVERAGE, ENTERTAINMENT TAXES.] The host community may by ordinance or resolution impose liquor, entertainment, or food taxes not to exceed three percent at a retail level on any business located within a contiguous area that includes the ballpark that the host community designates as the district within which the tax will be imposed, provided that, if the baseball park is located in the city of Minneapolis, the taxes under this subdivision may be imposed only in the geographic area within the city of Minneapolis bounded by the portion of the Mississippi River between I-35W and Washington Avenue, the portion of Washington Avenue between the river and I-35W, the portion of I-35W between Washington Avenue and 8th Street South, the portion of 8th Street South between I-35W and Portland Avenue South, the portion of Portland Avenue South between 8th Street South and I-94, the portion of I-94 from the intersection of Portland Avenue South to the intersection of I-94 and the Burlington Northern Railroad tracks, the portion of the Burlington Northern Railroad tracks from I-94 to University Avenue N.E. and including Nicollet Island, and the portion of University Avenue N.E. and S.E. from the Burlington Northern Railroad tracks to I-35W, and by I-35W from University Avenue S.E. to the river.

Subd. 6. [LOCAL TICKET SURCHARGE.] The host community may impose and maintain a ticket surcharge upon the granting, issuance, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities at the baseball park. The ticket surcharge must be no more than \$2 per ticket for the seats affected. The ticket surcharge must be stated and charged separately from the sales price and any other applicable tax, surcharge, or governmental imposition so far as practicable and must be collected by the grantor, issuer, seller, or distributor from the person admitted and is a debt owed by the grantor, issuer, seller, or distributor to the city. The debt is recoverable at law in the same manner as other debts. Every person who grants, issues, sells, or distributes tickets for the admissions may be required, as provided in the ordinance or resolution of the host community, to secure a permit, to file returns, to deposit security for the payment of the ticket surcharge, and to pay penalties for nonpayment or interest on late payments, that are considered necessary or expedient to ensure the prompt and uniform collection of the surcharge.

Subd. 7. [BASEBALL PARK OR FOOTBALL STADIUM PARKING SURCHARGE.] The host community may impose a parking tax or surcharge, or both, of not more than \$2 per vehicle for game days at the baseball park or the football stadium to be collected by the commission. The parking tax and surcharge apply to the parking spaces located within a reasonable distance of the baseball park or football stadium as designated by the host community.

Subd. 8. [AUTOMOBILE RENTAL SURCHARGE.] (a) The host community may impose a surcharge on the rental or lease of a vehicle within the boundaries of the host community in the amount of \$1 per day for each day of rental. The rental or lease of a vehicle subject to this surcharge is a rental for not more than 28 days of a passenger automobile as defined in section 168.011, subdivision 7, a van as defined in section 168.011, subdivision 28, or a pickup truck as defined in section 168.011, subdivision 29, on which the surcharge applies whether or not the vehicle is licensed in the state, but does not apply to a lease or rental provided for in section 297A.64, subdivision 4, paragraph (a).

(b) One-half of all receipts from the surcharge must be deposited into the sports facilities account. One-half of all receipts from the surcharge shall be deposited into the special revenue account and used by the host community to pay the debt service on bonds issued to construct housing.

Subd. 9. [COLLECTION, ENFORCEMENT, ADMINISTRATION.] The taxes and surcharges imposed under this section are subject to the provisions in section 297A.99, subdivisions 6 and 9.

Subd. 10. [EXPIRATION OF TAXES AND CHARGES.] When the bonds and other debt issued under section 473.5963 and other debt to which the revenues collected under this section have been pledged, have been defeased, or retired, this section and the taxes and ticket surcharge authorized or required by it expire.

Sec. 24. [473.5965] [SPORTS FACILITIES ACCOUNT.]

Subdivision 1. [ACCOUNT CREATED; FUNDING.] A sports facilities account is created in the special revenue fund in the state treasury. The proceeds of the taxes imposed under sections 295.61 and 473.595, subdivision 1, paragraph (b), subdivision 1b, revenues from the taxes, fees and charges imposed under section 473.595, subdivisions 2a, 2b, and 2c, any money received from the owner of the major league baseball team or professional football team or league to meet the team's or league's financial obligation for construction of the baseball park or football stadium, money received from other private sources, and any other money required to be so deposited by law, must be deposited in the account.

Subd. 2. [USE OF MONEY IN ACCOUNT.] (a) Money received from the owner of a major league baseball team or other contributions from private sources that are intended for use only for the construction of a baseball park, as well as revenues from a ticket tax or ticket surcharge on admissions to major league baseball games at the metro dome or on events at the baseball park must be used exclusively for payment of debt service on obligations issued to finance construction of the baseball park as well as for other costs related to the construction of the baseball park.

(b) Money received from the owner of a professional football team, a football league, or other contributions from private sources that are intended for use only for the construction of a football stadium, as well as revenues from a ticket tax or surcharge on admissions to professional football games at the metro dome or events at the football stadium, must be used exclusively for payment of debt service on obligations issued to finance construction of the football stadium as well as for other costs related to the construction of the football stadium.

(c) Except for money designated in paragraphs (a) and (b), money in the account may also be used for debt service on bonds issued under section 473.5963, for construction of a professional football stadium if authorized by law, and for repairs and upgrading of other professional sports facilities constructed with state assistance.

Subd. 3. [BOND FUND; DEBT SERVICE RESERVE FUND.] Revenues in the sports facilities account are appropriated to the commissioner of finance and except as provided in



section 473.129, subdivision 11, shall be remitted to the metropolitan council on a monthly basis. Upon receipt of each such remittance, the metropolitan council shall deposit the amounts remitted into a bond fund maintained on the official books and records of the metropolitan council until the aggregate amount contained in the bond fund equals or exceeds the total amount of principal and interest on all bonds to become due in the current year.

Subsequent amounts remitted to the metropolitan council shall be deposited into the debt service reserve fund created under section 473.5963, subdivision 8, until the aggregate amount contained in the debt service reserve fund equals or exceeds the debt service reserve requirement, as determined by the metropolitan council.

Sec. 25. [473.5966] [SELECTION PROCESS; BASEBALL PARK.]

Subdivision 1. [DEFINITION.] For purposes of sections 473.5961 to 473.5967, a "unit of local government" must be a city or a county located within the geographical boundaries of the metropolitan area as defined in section 473.121, subdivision 2, or a county housing and redevelopment authority operating within such a county.

Subd. 2. [BASEBALL PARK.] The strategic and long-range planning office shall assist the baseball site commission formed under subdivision 3 in a process to provide for the construction of an open-air baseball park to be built to the specifications of the major league baseball team and the commission.

Subd. 3. [BASEBALL SITE COMMISSION.] The governor shall appoint nine persons to serve on a baseball site selection commission. One person shall be appointed from each of Minnesota's eight congressional districts. The ninth person shall be the director of the strategic and long-range planning office who shall serve as chair. Members of the commission shall not receive compensation for their service but may be compensated for expenses by the strategic and long-range planning office. The commission shall select a baseball park site.

Subd. 4. [SELECTION PROCESS.] (a) The baseball site commission shall select a unit of local government to provide a site for the new baseball park.

(b) The required elements of the selection process are:

(1) the baseball site commission shall accept bids from any interested unit of local government;  
(2) acceptable bids must provide for the provision of land, in a condition appropriate for development, and the provision of sufficient adjacent parking facilities to be made available for use by the team on game days;

(3) in selecting a site, the baseball site commission shall consider public infrastructure costs and significant potential development advantages; and

(4) the baseball site commission shall end the acceptance of bids 90 days after this act is effective and shall select a site for a baseball park within 60 days of the end date for acceptance of bids.

Sec. 26. [473.5967] [SALE OF BASEBALL FRANCHISE.]

Subdivision 1. [APPLICATION.] As a condition of issuance of bonds under section 473.5963, the owner of the major league baseball team must agree that before the owner sells a majority ownership interest in the team, the owner will attempt for at least 12 months to comply with subdivision 2 or with subdivision 3.

Subd. 2. [COMMUNITY OWNERSHIP.] The owner of the team must work with the governor, the metropolitan sports facilities commission, and a community foundation or corporation on a plan to:

(1) transfer by gift to the foundation or corporation all ownership interests in the team;  
(2) provide for sale of shares in the team by the foundation or corporation to the community, in a manner such that:

(i) one individual or entity who is the managing partner may own up to 25 percent of the voting stock;

(ii) no other individual or entity may own more than five percent of the voting stock; and

(iii) at least 50 percent of the voting stock must be dispersed so that no person owns more than one percent; and

(3) ensure that the franchise may not move from Minnesota without approval of 80 percent of the shares of voting stock.

Subd. 3. [LOCAL PRIVATE OWNERSHIP.] The owner of the team must attempt to reach an agreement on the sale of a majority interest in the team to one or more buyers who will keep the team in Minnesota.

Subd. 4. [REPORT.] If the owner of the team attempts to sell a majority interest in the team, the commissioner of finance must report to the legislature at the beginning of the next legislative session on efforts to work with the owner of the team to implement this section.

**Sec. 27. [PRIORITY OF CONSIDERATION OF BASEBALL STADIUM.]**

The metropolitan sports facilities commission must comply with all requirements imposed on it under section 473.5962 with regard to conditions for issuance of bonds to finance construction of a baseball park before it begins to take action to provide a new football stadium.

**Sec. 28. [CITY OF ST. PAUL; USE OF SALES TAX REVENUES.]**

In 2003 and subsequent years, the amount by which total collections less refunds of the sales tax imposed by the city under Laws 1993, chapter 375, article 9, section 46, as amended, exceeds the amount collected in calendar 2002 under that law, the amount of the excess must be used by the St. Paul family housing fund.

**Sec. 29. [REPEALER.]**

Minnesota Statutes 2000, section 473.553, subdivision 14, is repealed.

**Sec. 30. [EFFECTIVE DATE.]**

Except as otherwise specifically provided, this act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to a baseball park; financing a major league baseball park; providing for the issuance of bonds; altering the membership of the metropolitan sports facilities commission; imposing requirements on the commission; providing property and sales tax exemptions; imposing taxes and fees; providing funding for local housing programs; authorizing local taxes by referendum; requiring conditions for financing of a football stadium; providing funding for St. Paul family housing; creating a site selection commission; establishing requirements for sale of a professional baseball team; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; 473.551, by adding subdivisions; 473.553, subdivisions 2, 3, 5; 473.595, subdivisions 1, 3, 7, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 295; 473; repealing Minnesota Statutes 2000, section 473.553, subdivision 14."

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 2933, 2674, 3352, 3054 and 1857 were read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senator Kinkel introduced--**

**S.F. No. 3432:** A bill for an act relating to the Mississippi river parkway commission; extending its expiration from 2003 to 2009; amending Minnesota Statutes 2001 Supplement, section 161.1419, subdivision 8.

Referred to the Committee on Transportation.

**Senator Schwab introduced--**

**S.F. No. 3433:** A bill for an act relating to appropriations; appropriating money to the city of Adams to investigate possible contamination.

Referred to the Committee on Finance.

**Senators Schwab; Johnson, Debbie; Scheevel; Day and Johnson, Dean introduced--**

**S.F. No. 3434:** A bill for an act relating to motor vehicles; authorizing issuance of special "United We Stand" license plates; creating a Minnesota antiterrorism account and requiring annual contributions as a condition of using the special license plates; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168.

Referred to the Committee on Transportation.

**Senators Hottinger and Kiscaden introduced--**

**S.F. No. 3435:** A bill for an act relating to health; modifying provisions for access to health records; amending Minnesota Statutes 2000, section 144.335, subdivision 3a.

Referred to the Committee on Health and Family Security.

**Senator Johnson, Doug, for the Committee on Finance, introduced--**

**S.F. No. 3436:** A bill for an act relating to the financing of state government; changing appropriations to reflect forecast changes; reducing appropriations for the fiscal years ending June 30, 2002 and 2003; canceling balances and appropriations and transferring balances to the general fund in order to avert a deficit; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, sections 3.855, subdivision 2; 13.871, subdivision 5, as amended; 16A.103, subdivision 1a, as amended; 115A.557, subdivision 1; 127A.45, subdivisions 2, 10, 13, 14, 16; 135A.15, subdivision 1, as amended; 144D.01, subdivision 4; 256.9657, subdivision 1, as amended; 256B.19, subdivision 1, as amended; 256B.69, subdivision 5a, as amended; 256E.06, subdivision 3; 256L.04, subdivision 2a; 256L.12, subdivision 9, as amended; 268.035, subdivision 24; 268.051, subdivision 8; 611A.371, subdivision 1, as amended; 611A.373, subdivision 1, as amended; 611A.713, subdivision 2, as amended; 611A.72, as amended; 611A.73, subdivision 2; 611A.74, subdivisions 2, as amended, 3, as amended, 4, as amended, 5, as amended, 6, as amended; Minnesota Statutes 2001 Supplement, sections 124D.11, subdivision 9; 127A.45, subdivision 14a; 256.01, subdivision 2, as amended; 256.022, subdivision 1, as amended; 256B.057, subdivision 9; 256B.0625, subdivision 13, as amended; 268.022, subdivision 1; 611A.372, as amended; 611A.74, subdivision 1, as amended; Laws 2001, First Special Session chapter 4, article 2, section 31; Laws 2001, First Special Session chapter 6, article 7, section 14, as amended; Laws 2002, chapter 220, article 5, section 1; Laws 2002, chapter 220, article 5, section 2, subdivision 1; Laws 2002, chapter 220, article 5, section 2, subdivision 2; Laws 2002, chapter 220, article 6, section 3, subdivision 2; Laws 2002, chapter 220, article 7, section 1; Laws 2002,

chapter 220, article 7, section 4, subdivision 1; Laws 2002, chapter 220, article 7, section 4, subdivision 5; Laws 2002, chapter 220, article 7, section 34; Laws 2002, chapter 220, article 8, section 15; Laws 2002, chapter 220, article 10, section 17; Laws 2002, chapter 220, article 10, section 36; Laws 2002, chapter 220, article 10, section 37; Laws 2002, chapter 220, article 10, section 38, subdivision 2; Laws 2002, chapter 220, article 10, section 38, subdivision 3; Laws 2002, chapter 220, article 10, section 39; Laws 2002, chapter 220, article 13, section 9, subdivision 2; Laws 2002, chapter 220, article 17, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 144D; repealing Minnesota Statutes 2000, sections 611A.373, subdivision 3, as added; 611A.73, subdivision 6, as added; Laws 2002, chapter 220, article 7, section 5; Laws 2002, chapter 220, article 7, section 32; Laws 2002, chapter 220, article 7, section 33.

Referred to the Committee on Taxes.

### **MEMBERS EXCUSED**

Senator Oliver was excused from the Session of today from 10:00 to 10:30 a.m. Senator Knutson was excused from the Session of today from 10:00 to 10:35 a.m. Senator Chaudhary was excused from the Session of today from 10:00 to 11:05 a.m. Senator Frederickson was excused from the Session of today from 10:00 to 11:20 a.m. Senator Sams was excused from the Session of today from 10:30 to 10:40 a.m. Senator Olson was excused from the Session of today from 11:25 a.m. to 12:30 p.m. Senator Robertson was excused from the Session of today from 11:45 a.m. to 1:30 p.m. Senator Berg was excused from the Session of today at 1:00 p.m.

### **ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Tuesday, March 12, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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