

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

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EIGHTY-FOURTH DAY

St. Paul, Minnesota, Thursday, March 14, 2002

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Bishop Paul M. Werger.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committees indicated.

March 13, 2002

The Honorable Don Samuelson  
President of the Senate

Dear President Samuelson:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 2573.

Sincerely,  
Jesse Ventura, Governor

## MOTIONS AND RESOLUTIONS

### SPECIAL ORDERS

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 2459, 3055, 2550, H.F. Nos. 3584, 2792, S.F. Nos. 2727, 3172, H.F. No. 2766, S.F. Nos. 2115, 2457, 3352, 2546, 2933, H.F. Nos. 2884, 3274, 2796, S.F. Nos. 2614, 2363, H.F. Nos. 3189, 2570, S.F. Nos. 3054 and 2764.

### SPECIAL ORDER

**S.F. No. 2459:** A bill for an act relating to health; modifying requirements for supplemental nursing services agencies; amending Minnesota Statutes 2001 Supplement, sections 144A.70, subdivision 6; 144A.71, subdivision 2; 144A.72, subdivision 1.

Senator Sams moved to amend S.F. No. 2459 as follows:

Page 2, line 10, delete "(6) to (8)" and insert "(5) to (7)"

Page 2, line 31, strike everything after "(4)"

Page 2, lines 32 to 35, strike the old language

Page 2, line 36, strike "(5)"

Page 3, line 7, strike "(6)" and delete the new language

Page 3, lines 8 to 11, delete the new language and insert "(5) the supplemental nursing services agency shall carry an employee dishonesty bond in the amount of \$10,000;"

Page 3, line 12, delete "(7)" and insert "(6)"

Page 3, line 16, delete "(8)" and insert "(7)"

Page 3, line 23, delete "and"

Page 3, line 24, delete "(9)" and insert "(8)"

Page 3, line 28, before the period, insert "; and

(9) the supplemental nursing services agency shall document that each temporary employee provided to health care facilities is an employee of the agency and is not an independent contractor"

Page 3, after line 28, insert:

"Sec. 4. Minnesota Statutes 2001 Supplement, section 144A.72, is amended by adding a subdivision to read:

Subd. 3. [REVOCATION.] Notwithstanding subdivision 2, the registration of a supplemental nursing services agency that knowingly supplies to a health care facility a person with an illegally or fraudulently obtained or issued diploma, registration, license, certificate, or background study shall be revoked by the commissioner. The commissioner shall notify the supplemental nursing services agency 15 days in advance of the date of revocation.

Sec. 5. Minnesota Statutes 2001 Supplement, section 144A.72, is amended by adding a subdivision to read:

Subd. 4. [HEARING.] (a) No supplemental nursing services agency's registration may be revoked without a hearing held as a contested case in accordance with chapter 14. The hearing must commence within 60 days after the proceedings are initiated.

(b) If a controlling person has been notified by the commissioner of health that the supplemental nursing services agency will not receive an initial registration or that a renewal of the registration has been denied, the controlling person or a legal representative on behalf of the supplemental nursing services agency may request and receive a hearing on the denial. This hearing shall be held as a contested case in accordance with chapter 14.

Sec. 6. Minnesota Statutes 2001 Supplement, section 144A.72, is amended by adding a subdivision to read:

Subd. 5. [PERIOD OF INELIGIBILITY.] (a) The controlling person of a supplemental nursing services agency whose registration has not been renewed or has been revoked because of noncompliance with the provisions of sections 144A.70 to 144A.74 shall not be eligible to apply for nor will be granted a registration for five years following the effective date of the nonrenewal or revocation.

(b) The commissioner shall not issue or renew a registration to a supplemental nursing services agency if a controlling person includes any individual or entity who was a controlling person of a supplemental nursing services agency whose registration was not renewed or was revoked as described in paragraph (a) for five years following the effective date of nonrenewal or revocation.

Sec. 7. Minnesota Statutes 2001 Supplement, section 144A.74, is amended to read:

144A.74 [MAXIMUM CHARGES.]

A supplemental nursing services agency must not bill or receive payments from a nursing home licensed under this chapter at a rate higher than 150 percent of the sum of the weighted average wage rate, plus a factor determined by the commissioner to incorporate payroll taxes as defined in Minnesota Rules, part 9549.0020, subpart 33, for the applicable employee classification for the geographic group to which the nursing home is assigned under Minnesota Rules, part 9549.0052. The weighted average wage rates must be determined by the commissioner of human services and reported to the commissioner of health on an annual basis. Wages are defined as hourly rate of pay and shift differential, including weekend shift differential and overtime. Facilities shall provide information necessary to determine weighted average wage rates to the commissioner of human services in a format requested by the commissioner. The maximum rate must include all charges for administrative fees, contract fees, or other special charges in addition to the hourly rates for the temporary nursing pool personnel supplied to a nursing home.

[EFFECTIVE DATE.] This section is effective 14 days after final enactment."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2459 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Foley	Kinkel	Limmer	Pappas
Belanger	Fowler	Kiscaden	Lourey	Pariseau
Berg	Frederickson	Kleis	Marty	Pogemiller
Berglin	Hottinger	Krentz	Moua	Price
Betzold	Johnson, Dean	Langseth	Murphy	Ranum
Day	Johnson, Debbie	Larson	Neuville	Reiter
Dille	Kelley, S.P.	Lesewski	Oliver	Rest
Fischbach	Kierlin	Lessard	Ourada	Ring

Robling  
Sabo  
Sams

Samuelson  
Scheevel  
Scheid

Schwab  
Stevens  
Stumpf

Terwilliger  
Tomassoni  
Wiener

Wiger

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

### SPECIAL ORDER

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

Senator Betzold moved to amend S.F. No. 3055 as follows:

Pages 2 and 3, delete section 4

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 3055 as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 2000, section 84.029, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT, DEVELOPMENT, MAINTENANCE AND OPERATION.] In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state-owned or leased land under the commissioner's jurisdiction. ~~Each employee of the department of natural resources, while engaged in employment in connection with such recreational areas, has and possesses the authority and power of a peace officer when so designated by the commissioner.~~

Sec. 2. Minnesota Statutes 2000, section 84A.55, subdivision 8, is amended to read:

Subd. 8. [POLICING.] The commissioner may police the game preserves, areas, and projects as necessary to carry out this section. ~~Persons assigned to the policing have the powers of police officers while so engaged.~~

Page 4, line 27, delete "section" and insert "sections 85.04 and"

Page 4, line 28, delete "is" and insert "are"

Page 4, line 30, delete "8" and insert "10"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, delete "the metropolitan council" and insert "law enforcement"

Page 1, line 7, after the semicolon, insert "limiting the enforcement authority of nonpeace officer DNR employees;"

Page 1, line 8, after "sections" insert "84.029, subdivision 1; 84A.55, subdivision 8;"

Page 1, line 11, delete "section" and insert "sections 85.04;"

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

S.F. No. 3055 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**S.F. No. 2550:** A bill for an act relating to human services; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, section 125A.21, subdivision 2.

Senator Robertson moved to amend S.F. No. 2550 as follows:

Page 1, after line 7, insert:

"Section 1. [125A.021] [DEPARTMENT DUTY.]

The department of children, families, and learning shall enforce all federal and state laws, federal regulations, and state rules for special education.

Sec. 2. Minnesota Statutes 2000, section 125A.03, is amended to read:

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

(a) As defined in paragraph (b), every district or other entity providing public education must provide special instruction and a free appropriate public education through specialized instruction and related services, either within the district or in another district, for all children with a disability who are residents of the district and who are disabled as set forth in section 125A.02 in conformance with sections 121A.40 to 121A.56.

(b) Notwithstanding any age limits in laws to the contrary, special instruction and related services must be provided from birth until July 1 after the child with a disability becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 124D.68, subdivision 2. Local health, education, and social service agencies must refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible children with a disability as determined by the commissioner must cooperate with other districts to maintain a full range of programs for education and services for children with a disability. This section does not alter the compulsory attendance requirements of section 120A.22.

Sec. 3. Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3, is amended to read:

Subd. 3. [INITIAL ACTION; PARENT CONSENT.] (a) The district must not proceed with the initial formal assessment of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent or guardian. The refusal of a parent or guardian to consent to an initial evaluation or reevaluation may be overridden by the decision in a hearing held pursuant to subdivision 6 at the district's initiative.

(b) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless section 144.344 applies."

Page 3, after line 18, insert:

"Sec. 5. Minnesota Statutes 2000, section 125A.27, subdivision 10, is amended to read:

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

Sec. 6. Minnesota Statutes 2000, section 125A.43, is amended to read:

125A.43 [MEDIATION PROCEDURE.]

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

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

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

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

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

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

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

Sec. 8. Minnesota Statutes 2000, section 256B.0625, subdivision 26, is amended to read:

Subd. 26. [SPECIAL EDUCATION SERVICES.] (a) Medical assistance covers medical services identified in a recipient's individualized education plan and covered under the medical assistance state plan. Covered services include occupational therapy, physical therapy, speech-language therapy, clinical psychological services, nursing services, school psychological services, school social work services, personal care assistants serving as management aides,

assistive technology devices, transportation services, health assessments, and other services covered under the medical assistance state plan. Mental health services eligible for medical assistance reimbursement must be provided or coordinated through a children's mental health collaborative where a collaborative exists if the child is included in the collaborative operational target population. The provision or coordination of services does not require that the individual education plan be developed by the collaborative.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. [COMMISSIONER DUTIES.]

By January 15, 2003, the commissioner of human services shall propose a fixed billing process for special education transportation services on a per-trip or per-day rate based on actual cost data for consideration for implementation beginning in the 2003-2004 school year."

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to human services; amending provisions relating to special education; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, sections 125A.03; 125A.21, subdivision 2; 125A.27, subdivision 10; 125A.43; 125A.76, subdivision 7; 256B.0625, subdivision 26; Minnesota Statutes 2001 Supplement, section 125A.09, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 125A."

The motion prevailed. So the amendment was adopted.

S.F. No. 2550 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.



**SPECIAL ORDER**

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

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**S.F. No. 2727:** A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales of certain state land in Big Stone, Douglas, Kandiyohi, Itasca, Meeker, Morrison, Scott, Sherburne, and Winona counties; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

Senator Samuelson moved to amend S.F. No. 2727 as follows:

Page 4, line 1, after the period, insert:

"(b)"

Page 4, line 4, delete "this" and after "paragraph" insert "(a)"

Page 4, line 5, delete "(i)" and insert "(1)"

Page 4, line 7, delete "(ii)" and insert "(2)"

Page 4, line 9, delete "(iii)" and insert "(3)"

Page 4, line 13, delete "this" and after "paragraph" insert "(a)"

Page 4, line 18, strike "(b)" and insert "(c)" and delete "paragraphs (a) and" and strike "(c)" and insert "paragraphs (b) and (d)"

Page 4, line 21, strike "(c)" and insert "(d)"

Page 16, after line 1, insert:

"Sec. 20. [EFFECTIVE DATE.]

Section 3 is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 2727 as follows:

Page 11, after line 20, insert:

"Sec. 17. [PUBLIC SALE OF SCHOOL TRUST LAND BORDERING PUBLIC WATER; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the school trust land bordering public water that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land. The conveyance must include an easement to ensure public access and state management access to the state-owned land on the north side of Blueberry lake. The attorney general may make necessary changes in the legal description to correct errors and ensure accuracy.

(c) The land to be sold is located in St. Louis county and is approximately three acres adjacent to Blueberry lake in the northeast corner of the Southwest Quarter of the Northeast Quarter, Section 4, Township 61 North, Range 12 West.

(d) The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership. The adjoining private owner has inadvertently built part of a home, a septic system, and yard improvements on the land."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 2727 as follows:

Page 16, after line 1, insert:

"Sec. 20. [TAX-FORFEITED LAND IN RAMSEY COUNTY.]

(a) Notwithstanding the public sale provisions of Minnesota Statutes, chapter 282, Ramsey county may sell by private sale the tax-forfeited land that is described in paragraph (c) under the remaining provisions of Minnesota Statutes, chapter 282.

(b) The sale must be in a form approved by the attorney general.

(c) The land to be sold is located in Ramsey county and is described as:

The property defined as Laporte Meadows North of the state highway 10 right-of-way.

(d) Ramsey county has determined that the county's land management interests would be best served if the land was sold to the city of Mounds View for the use of a public purpose."

Amend the title as follows:

Page 1, line 10, before "Scott" insert "Ramsey,"

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend S.F. No. 2727 as follows:

Page 11, after line 20, insert:

"Sec. 17. [CONVEYANCE OF STATE LAND BORDERING PUBLIC WATER; RAMSEY, STEVENS, AND CARLTON COUNTIES.]

(a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, or any other law to the contrary, the commissioner of administration may convey to the University of Minnesota board of regents for no consideration the surplus land that is described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may correct the legal descriptions under paragraph (c) as reasonably necessary after review of a survey and title report delivered to the board of regents.

(c) The land to be conveyed is located in Ramsey, Stevens, and Carlton counties and is described as:

(1) the North Half of the West Half of the West Half of the Southwest Quarter of Section 21, Township 29 North, Range 23 West, Ramsey county, Minnesota;

(2) the Northeast Quarter of the Southwest Quarter, the Southwest Quarter of the Northwest Quarter of the Southwest Quarter, the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, the Northwest Quarter of the Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter, of Section 36, Township 125, Range 42, Stevens county, Minnesota;

(3) the South Half of the South Half of the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota;

(4) beginning at the northwest corner of the Southeast Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota, and running thence South on the quarter line 11.05 chains; thence East at right angles with said quarter line 3.16 chains; thence South parallel with said quarter line 2.57 chains to the Morris and Cyrus public road; thence easterly along the north line of said road to a point on the east line of the Northwest Quarter of Southeast Quarter of said Section 36 7.25 chains South of the northeast corner of the Northwest Quarter of said Southeast Quarter of said Section 36 aforesaid; thence North 7.25 chains to the northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 36 aforesaid; thence West on the north line of said Northwest Quarter of Southeast Quarter of said Section 36 to the northwest corner of said Southeast Quarter of said Section 36, or place of beginning, containing twenty one and one half acres, more or less according to the government survey thereof; the same being all that portion of the Northwest Quarter of the Southeast Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota, lying and being North of the public highway running from the city of Morris to Cyrus, except one acre thereof in the southwest corner thereof used by the city of Morris as a pumping station;

(5) all that part of the East one half of the Southwest Quarter of the Southwest Quarter of Section 36, Township 125 North, Range 42 West, lying South of the county road running from Morris, Minnesota to Cyrus, Minnesota, and contains 15 acres more or less according to government survey, and all lying in the county of Stevens;

(6) Lot 3 of county subdivision of unplatted part of East Half of Section 35, Township 125, Range 42, Stevens county, Minnesota containing according to said county subdivision 8 and 3/4 acres described as follows: Commencing at a point on the North side of the county road leading from Morris to Cyrus, Minnesota, 688 feet from the southeast corner of Section 35, Township 125, Range 42; thence North 887 feet; thence West 440 feet; thence South 646 feet; thence southeast 391 feet to said county road; thence northeast along said road 232 feet to the place of beginning, containing 8.75 acres;

(7) beginning at the Quarter Post; being the southwest corner of the Northwest Quarter of Section 31, Township 125 North, Range 41 West, Stevens county, Minnesota; running along the county road (Morris, Minnesota to Glenwood, Minnesota) or along the established line of the said county road running from said quarter post North sixty three degrees and thirty minutes East one

and fifty six one hundredths chains; thence North sixty one degrees East eight and thirteen one hundredths chains; thence North eighty seven degrees and twenty five minutes East seven and seven one hundredths chains; thence North sixty nine degrees and thirty minutes East fourteen and eighty five one hundredths chains; thence North seventy seven degrees East twenty seven chains; thence leaving the said county road and running North twenty five chains to a point on the north boundary line of the said Section 31, Township 125, Range 41, fifteen chains East of the northeast corner of the Northwest Quarter of said Section 31, Township 125, Range 41; thence West along the said north boundary line of the said Section 31, Township 125, Range 41 to the northwest corner of the Northwest Quarter of said Section 31, Township 125, Range 41; thence South along the west boundary line of said Section 31, Township 125, Range 41 to the place of beginning, except twelve and nine tenths acres of land owned by the Northern Pacific Railway Company, being used for railroad right-of-way and special snow fence purposes. The above described part of said Section 31, Township 125, Range 41, contains however one hundred and sixty acres, exclusive of said twelve and nine tenths acres of railroad right-of-way;

(8) all that part of the SE 1/4 SW 1/4 and NE 1/4 SW 1/4 SW 1/4 Section 36, Township 125 North, Range 42 West, Stevens county, Minnesota, lying north of the main wagon road running from the village of Morris, Minnesota, to the village of Cyrus, Minnesota, and more particularly described as follows: Beginning at a point where said road intersects the north line of the SE 1/4 SW 1/4; thence in a westerly direction 16.06 chains to the NW corner of the NE 1/4 SW 1/4 SW 1/4 of said Section 36; thence in a southerly direction along the west line of said NE 1/4 SW 1/4 SW 1/4, 5.90 chains to the north line of said road right-of-way; thence in a northeasterly direction along the north line of said road right-of-way 17.05 chains to the point of beginning containing 4.80 acres, more or less, and being the same lands conveyed to the United States by Edwin J. Jones, et ux, by deed dated January 26, 1903, and Harold Thorson, et ux, by deed dated February 26, 1903;

(9) all of that part of the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 36, Township 125 North, Range 42 West, Stevens county, Minnesota, lying North of the main wagon road running from the village of Morris, Minnesota, to the village of Cyrus, Minnesota and further described by metes and bounds as follows, to-wit: Beginning at a point on the east line of the NE 1/4 of the SW 1/4 of the SW 1/4, Section 36, Township 125, Range 42, two and thirty one hundredths chains South of the northeast corner of said NE 1/4 of the SW 1/4 of the SW 1/4, Section 36, Township 125, Range 42, running North on the east line of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42, two and thirty one hundredths chains to the said northeast corner of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42; thence West on the north line of said described land, ten chains, more or less to the northwest corner of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42; thence South on the west line of said described tract of land five and ninety one hundredths chains to the said wagon road; thence northeast along said wagon road, ten and sixty one hundredths chains to the place of beginning on the east line of said NE 1/4 of SW 1/4 of SW 1/4, Section 36, Township 125, Range 42, containing about four and ten one hundredths acres, more or less, according to the government survey thereof;

(10) beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, Stevens county, Minnesota and running South two and thirty hundredths chains on the west line of said Southeast Quarter of the Southwest Quarter, of Section 36, Township 125, Range 42 to the road. Thence northeast along the north line of the road six and forty five hundredths chains to the north line of said Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42; thence West on the north line of said Southeast Quarter of the Southwest Quarter of Section 36, Township 125, Range 42, six and six hundredths chains, to place of beginning, containing seven tenths of an acre, more or less;

(11) all of Section 36, Township 49, Range 18, Carlton county, Minnesota, except the East Half of the Northeast Quarter; all of Section 31, Township 49, Range 17, except the Southwest Quarter of the Northwest Quarter and the Southeast Quarter of the Southeast Quarter; the South Half of the Southeast Quarter, the South Half of the Southwest Quarter, the Northeast Quarter of the Southeast Quarter, and the South Half of the Northeast Quarter, all in Section 30, Township 49, Range 17; the Northeast Quarter of the Northwest Quarter, the South Half of the Northwest

Quarter, all of the Southwest Quarter, the South Half of the Southeast Quarter, and Northeast Quarter of the Southeast Quarter, Section 29, Township 49, Range 17; the North Half of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter, Section 32, Township 49, Range 17, containing two thousand and ninety-four and ninety-seven hundredths acres, according to government survey thereof;

(12) the Southeast Quarter of the Northwest Quarter of Section 30 in Township 49 North, Range 17 West, Carlton county, Minnesota, containing forty acres, according to the official plat of the survey of the said lands, returned to the general land office by the surveyor general; and

(13) the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30, Township 49 North, Range 17 West, Carlton county, Minnesota.

(d) Conveyance of land in Stevens county under this section is subject to Minnesota Statutes, section 137.16. Land conveyed under this section retains any bonding obligations on the buildings located thereon that exist at the time of conveyance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Schwab moved to amend S.F. No. 2727 as follows:

Page 6, after line 19, insert:

"Sec. 8. [ADDITIONS TO MYRE-BIG ISLAND STATE PARK, FREEBORN COUNTY.]  
[85.012] [Subd. 27.] [MYRE-BIG ISLAND STATE PARK, FREEBORN COUNTY.]

The following areas are added to Myre-Big Island state park, all in Township 102 North, Range 21 West, Freeborn county:

(1) the Southeast Quarter of the Southwest Quarter, Section 11, less therefrom land deeded to the State of Minnesota by deed dated December 19, 1968, and filed January 20, 1969 in the Office of the Recorder in and for Freeborn County, Minnesota in Book 195 of Deeds, page 332; and

(2) the Northeast Quarter of the Northwest Quarter, Section 14, less therefrom land deeded to the State of Minnesota by deed dated December 19, 1968, and filed January 20, 1969 in the Office of the Recorder in and for Freeborn County, Minnesota in Book 195 of Deeds, page 332."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stevens moved to amend S.F. No. 2727 as follows:

Page 2, after line 35, insert:

"(d) The commissioner shall periodically review the easement payment rates under this subdivision to determine whether the stream easement payments reflect current shoreland market values. If the commissioner determines that the easements do not reflect current shoreland market values, the commissioner shall report to the senate and house of representatives natural resources policy committees with recommendations for changes to this subdivision that are necessary for the stream easement payment rates to reflect current shoreland market values. The recommendations may include an adjustment to the dollar amount in paragraph (a), clause (1)."

The motion prevailed. So the amendment was adopted.

Senator Samuelson moved that S.F. No. 2727 be laid on the table. The motion prevailed.

**SPECIAL ORDER**

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

Senator Knutson moved to amend S.F. No. 3172 as follows:

Page 2, after line 23, insert:

"Sec. 2. Minnesota Statutes 2000, section 609.749, subdivision 1a, is amended to read:

Subd. 1a. [NO PROOF OF SPECIFIC INTENT REQUIRED.] In a prosecution under this section, the state is not required to prove that the actor intended to cause the victim to feel frightened, threatened, oppressed, persecuted, or intimidated, or except as otherwise provided in subdivision 3, paragraph (a), clause (4), or paragraph (b), that the actor intended to cause any other result."

Page 5, line 2, delete "4" and insert "5"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3172 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

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

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 2457:** A bill for an act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; requiring the commissioner of human services to provide a report to the legislature on the mental health system; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, 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 57 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Dille	Frederickson	Johnson, Dave
Bachmann	Cohen	Fischbach	Higgins	Johnson, Dean
Berg	Day	Fowler	Hottinger	Johnson, Debbie

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

Those who voted in the negative were:

Betzold	Foley	Moua	Reiter
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So the bill passed and its title was agreed to.

### SPECIAL ORDER

**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.

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

Senator Fischbach moved to amend S.F. No. 2546 as follows:

Page 2, after line 25, insert:

"Sec. 2. [CONSOLIDATION PLAN; NEW LONDON, SPICER, NEW LONDON TOWNSHIP.]

Subdivision 1. [SUBJECTS; DEADLINE.] The cities of New London and Spicer and the town of New London may develop a consolidation plan within one year after the effective date of this act. The consolidation plan must address or expressly eliminate each subject mentioned or referred to in Minnesota Statutes, section 414.041, and any other matters pertinent to the consolidation. The plan must provide for the election of new municipal officers for the combined municipality.



The one-year planning period shall be considered a proceeding for the purposes of Minnesota Statutes, section 414.033, subdivision 6.

Subd. 2. [LOCAL HEARING.] The communities shall jointly conduct at least one hearing regarding the consolidation plan and to discuss the issues referred to in Minnesota Statutes, section 414.041, subdivision 3. Any hearings conducted under this provision must be preceded by at least two weeks' published notice in a legal newspaper of general circulation in the affected area. Changes may be made to the consolidation plan as a result of the hearings.

Subd. 3. [APPROVAL.] The consolidation plan must be approved by the governing body of each participating city and town in a joint resolution.

Subd. 4. [REFERENDA.] Once each governing body approves the consolidation plan, referenda shall be conducted at a general or special election in each of the three communities on the same day. Costs of the respective referenda shall be borne by the respective communities. A majority of those voting in each community must approve the proposed consolidation.

Subd. 5. [FILING; FINAL APPROVAL.] If the consolidation is approved in each referenda, the plan, joint resolution, and results of the referenda shall be filed with the director of the state office of strategic and long-range planning. The director may review and comment, but shall, within 30 days, order the consolidation of the communities in accordance with the provisions of the consolidation plan. The director may not alter the boundaries, procedures, or other provisions of the plan.

Subd. 6. [EFFECTIVE; NOTIFICATION.] The consolidation shall be effective upon the issuance of the consolidation order by the director. The director shall cause copies of the order to be mailed to the parties, the secretary of state, the department of revenue, the state demographer, and the affected county auditor."

Page 2, line 26, delete "2" and insert "3"

Page 2, line 27, delete "Section 1 is" and insert "Sections 1 and 2 are" and delete "after its" and insert "following"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2546 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

**SPECIAL ORDER**

**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.

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

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

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

So the bill passed and its title was agreed to.

**SPECIAL ORDER**

**H.F. No. 3274:** A bill for an act relating to military; providing certain protections to persons

called or ordered to active service; proposing coding for new law in Minnesota Statutes, chapter 190.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

Senator Higgins moved to amend H.F. No. 2796 as follows:

Page 2, after line 21, insert:

"(f) An employee of the city of Minneapolis at the time of the creation of the joint venture or other business arrangement who performs services at the asphalt production facility shall continue to be considered a "public employee," and a private entity that is a party to the joint venture or other business arrangement must recognize all exclusive bargaining representatives and existing labor agreements that apply to employees of the city of Minneapolis, as provided by Minnesota Statutes, section 471A.10."

The motion prevailed. So the amendment was adopted.

H.F. No. 2796 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

Scheid  
Schwab

Solon, Y.P.  
Stevens

Stumpf  
Tomassoni

Vickerman  
Wiener

Wiger

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

### SPECIAL ORDER

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

Senator Berglin moved to amend S.F. No. 2614 as follows:

Page 5, after line 12, insert:

"Sec. 3. Minnesota Statutes 2001 Supplement, section 260C.317, subdivision 3, is amended to read:

Subd. 3. [ORDER; RETENTION OF JURISDICTION.] (a) A certified copy of the findings and the order terminating parental rights, and a summary of the court's information concerning the child shall be furnished by the court to the commissioner or the agency to which guardianship is transferred. The orders shall be on a document separate from the findings. The court shall furnish the individual to whom guardianship is transferred a copy of the order terminating parental rights.

(b) The court shall retain jurisdiction in a case where adoption is the intended permanent placement disposition until the child's adoption is finalized, the child is 18 years of age, or the child is otherwise ordered discharged from the jurisdiction of the court. The guardian ad litem and counsel for the child shall continue on the case until an adoption decree is entered. A hearing must be held every 90 days following termination of parental rights for the court to review progress toward an adoptive placement and the specific recruitment efforts the agency has taken to find an adoptive family or other placement living arrangement for the child and to finalize the adoption or other permanency plan.

(c) When adoption is not the intended disposition, and if the child continues in out-of-home placed for 12 months after the court has issued the order terminating parental rights and at least every 12 months thereafter as long as the child continues in out-of-home placement, the court shall conduct a permanency review hearing to determine the future status of the child, including, but not limited to, whether the child should be continued in out-of-home placement, should be placed for adoption, or should, because of the child's special needs and for compelling reasons, be ordered into long-term out-of-home placement.

(d) The court shall retain jurisdiction in a case where long-term foster care is the permanent disposition whether under paragraph (c) or section 260C.201, subdivision 11. All of the review requirements under section 260C.201, subdivision 11, paragraph (g), apply."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2614 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

Anderson  
Bachmann  
Belanger  
Berg

Berglin  
Betzold  
Chaudhary  
Cohen

Day  
Dille  
Fischbach  
Foley

Fowler  
Frederickson  
Higgins  
Hottinger

Johnson, Dave  
Johnson, Dean  
Johnson, Debbie  
Johnson, Doug

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

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

### SPECIAL ORDER

**S.F. No. 2363:** A bill for an act relating to insurance; limiting the use of credit information; amending Minnesota Statutes 2000, section 72A.20, 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

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 1, as follows:

Those who voted in the affirmative were:

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

Sams  
Samuelson  
Scheevel

Scheid  
Schwab  
Solon, Y.P.

Stevens  
Stumpf  
Terwilliger

Tomassoni  
Vickerman  
Wiener

Wiger

Those who voted in the negative were:

Ourada

So the bill passed and its title was agreed to.

### SPECIAL ORDER

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

Senator Wiener moved to amend H.F. No. 2570, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2553.)

Page 5, after line 35, insert:

"Sec. 2. Minnesota Statutes 2000, section 72A.201, is amended by adding a subdivision to read:

Subd. 6a. [CLAIMS ADMINISTRATOR; INTRODUCTORY MESSAGE.] Any third-party entity who takes on behalf of an insurance company first notice of loss calls must, with respect to automobile glass claims, read the following script before engaging in any discussion of the automobile glass claim with the insured:

"This is (company name). Minnesota law requires that I give you the following information before discussing your glass claim. (Company name) administers auto glass claims for (insurance company name), but we are not a part of (insurance company name) and I am not an employee of (insurance company name). (Company name) is affiliated with (glass manufacturer or vendor name)(if applicable).

Minnesota law gives you the right to go to any glass vendor you choose, and prohibits me from pressuring you to choose a particular vendor."

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 44, as follows:

Those who voted in the affirmative were:

Berglin  
Betzold  
Cohen  
Hottinger  
Johnson, Dave

Johnson, Debbie  
Kierlin  
Kiscaden  
Kleis  
Lesewski

Lessard  
Limmer  
Murphy  
Neuville  
Orfield

Pappas  
Ring  
Sams  
Samuelson  
Solon, Y.P.

Vickerman  
Wiener

Those who voted in the negative were:

Anderson  
Bachmann  
Belanger  
Berg  
Chaudhary

Day  
Dille  
Fischbach  
Foley  
Fowler

Frederickson  
Higgins  
Johnson, Dean  
Johnson, Doug  
Kelley, S.P.

Kinkel  
Knutson  
Krentz  
Langseth  
Larson

Lourey  
Marty  
Metzen  
Moe, R.D.  
Moua

Oliver	Pogemiller	Rest	Scheevel	Terwilliger
Olson	Price	Robertson	Schwab	Tomassoni
Ourada	Ranum	Robling	Stevens	Wiger
Pariseau	Reiter	Sabo	Stumpf	

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

Senator Larson moved to amend H.F. No. 2570, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2553.)

Page 5, after line 35, insert:

"Sec. 2. Minnesota Statutes 2000, section 325F.783, is amended to read:

325F.783 [AUTO GLASS REPAIR OR REPLACEMENT.]

(a) No person who provides retail auto glass products or services paid for in whole or in part, directly or indirectly, by an insurer regarding an insurance claim may:

(1) waive, forgive, or pay all or any part of an applicable insurance deductible; or

(2) as an inducement to the sale of goods or services to an insured, advertise or give any rebate, gift, prize, bonus, coupon, credit, referral fee, trade-in or trade-in payment, advertising or other fee or payment, or any other tangible thing or item of monetary value, directly or indirectly, to an insured or any other person not in the employ of the seller that has a value of more than \$35. ~~Any permissible inducement must be given within seven business days of the completion of the work and must have a redeemable cash value of no more than 50 percent of the retail value of the inducement offered.~~

(b) The attorney general may pursue the penalties and remedies available to the attorney general under section 8.31 against any person who violates this section."

Page 6, line 3, delete "Sections 1 and 2 are" and insert "This act is"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Ourada	Samuelson
Bachmann	Higgins	Larson	Pappas	Scheevel
Belanger	Hottinger	Lesewski	Pariseau	Schwab
Berg	Johnson, Dean	Limmer	Price	Stevens
Betzold	Johnson, Debbie	Lourey	Ranum	Terwilliger
Cohen	Kelley, S.P.	Marty	Reiter	Vickerman
Day	Kierlin	Moua	Rest	Wiger
Dille	Kiscaden	Neuville	Ring	
Fischbach	Kleis	Oliver	Robling	
Foley	Knutson	Olson	Sabo	
Fowler	Krentz	Orfield	Sams	

Those who voted in the negative were:

Berglin	Johnson, Doug	Murphy	Scheid	Tomassoni
Chaudhary	Lessard	Pogemiller	Solon, Y.P.	Wiener
Johnson, Dave	Metzen	Robertson	Stumpf	

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend H.F. No. 2570, as amended pursuant to Rule 45, adopted by the Senate March 11, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 2553.)

Page 5, line 23, after "vendor" insert ". If the insurer recommends a vendor, the insurer must also provide the following advisory:

"Minnesota law gives you the right to go to any glass vendor you choose, and prohibits me from pressuring you to choose a particular vendor."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 47 and nays 15, as follows:

Those who voted in the affirmative were:

Berglin	Hottinger	Lessard	Pogemiller	Scheid
Betzold	Johnson, Dave	Limmer	Price	Schwab
Cohen	Johnson, Debbie	Lourey	Ranum	Solon, Y.P.
Day	Johnson, Doug	Marty	Rest	Stumpf
Dille	Kierlin	Moua	Ring	Vickerman
Fischbach	Kiscaden	Murphy	Robertson	Wiener
Foley	Kleis	Neuville	Sabo	Wiger
Fowler	Krentz	Olson	Sams	
Frederickson	Langseth	Orfield	Samuelson	
Higgins	Lesewski	Pariseau	Scheevel	

Those who voted in the negative were:

Bachmann	Chaudhary	Knutson	Pappas	Stevens
Belanger	Johnson, Dean	Larson	Reiter	Terwilliger
Berg	Kelley, S.P.	Metzen	Robling	Tomassoni

The motion prevailed. So the amendment was adopted.

H.F. No. 2570 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

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

### SPECIAL ORDER

**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.

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

The question was taken on the passage of the bill.



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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Samuelson moved that S.F. No. 2727 be taken from the table. The motion prevailed.

**S.F. No. 2727:** A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales of certain state land in Big Stone, Douglas, Kandiyohi, Itasca, Meeker, Morrison, Scott, Sherburne, and Winona counties; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

Senator Sams moved to amend S.F. No. 2727 as follows:

Page 8, after line 3, insert:

"Sec. 12. Minnesota Statutes 2000, section 282.018, subdivision 1, is amended to read:

Subdivision 1. [LAND ON OR ADJACENT TO PUBLIC WATERS.] (a) All land which is the property of the state as a result of forfeiture to the state for nonpayment of taxes, regardless of whether the land is held in trust for taxing districts, and which borders on or is adjacent to meandered lakes and other public waters and watercourses, and the live timber growing or being thereon, is hereby withdrawn from sale except as hereinafter provided. The authority having jurisdiction over the timber on any such lands may sell the timber as otherwise provided by law for cutting and removal under such conditions as the authority may prescribe in accordance with approved, sustained yield forestry practices. The authority having jurisdiction over the timber shall reserve such timber and impose such conditions as the authority deems necessary for the protection of watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the Act of Congress approved July 10, 1930 (46 Stat. 1020), the timber on tax-forfeited lands shall be subject to like restrictions as are now imposed by that act on federal lands.

(b) Of all tax-forfeited land bordering on or adjacent to meandered lakes and other public waters and watercourses and so withdrawn from sale, a strip two rods in width, the ordinary high-water mark being the waterside boundary thereof, and the land side boundary thereof being a line drawn parallel to the ordinary high-water mark and two rods distant landward therefrom, hereby is reserved for public travel thereon, and whatever the conformation of the shore line or conditions require, the authority having jurisdiction over such lands shall reserve a wider strip for such purposes.

(c) Any tract or parcel of land which has 50 150 feet or less of waterfront may be sold by the authority having jurisdiction over the land, in the manner otherwise provided by law for the sale of

such lands, if the authority determines that it is in the public interest to do so. If the authority having jurisdiction over the land is not the commissioner of natural resources, the land may not be offered for sale without the prior approval of the commissioner of natural resources.

(d) Where the authority having jurisdiction over lands withdrawn from sale under this section is not the commissioner of natural resources, the authority may submit proposals for disposition of the lands to the commissioner. The commissioner of natural resources shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the department of natural resources for public purposes, or a cooperative management agreement with, or transfer to, another unit of government."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 2727 as follows:

Page 10, after line 16, insert:

"Sec. 15. [LAND EXCHANGE; LAKE OF THE WOODS COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 94.342, the commissioner of natural resources may exchange, with the adjoining landowner, the acquired forest land bordering public waters described in paragraph (b).

(b) The land to be exchanged is located in Lake of the Woods county and is described as the West 450 feet of Government Lot 7, Section 5, Township 167 North, Range 33 West.

(c) The exchange will correct an inadvertent trespass on state land."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 2727 as follows:

Page 6, after line 35, insert:

"Sec. 10. [PRIVATE SALE OF TAX-FORFEITED LAND; ST. LOUIS COUNTY.]

(a) Notwithstanding Minnesota Statutes, section 459.06, subdivision 3, the public sale provisions of Minnesota Statutes, chapter 282, or other law to the contrary, St. Louis county may sell by private sale the tax-forfeited land described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. Notwithstanding Minnesota Statutes, section 459.06, subdivision 3, the land described in paragraph (c) is withdrawn from memorial forest status.

(c) The land to be sold is located in St. Louis county and is described as:

the westerly 100 feet of the northerly 300 feet of the NW1/4 of the NW1/4, Section 34, Township 61 North, Range 15 West of the Fourth Principal Meridian located in St. Louis county."

Page 16, after line 1, insert:

"Sec. 21. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 10 is effective the day after the governing body of St. Louis county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 2727 as follows:

Page 6, after line 1, insert:

"Sec. 7. [CONVEYANCE TO WISCONSIN.]

(a) Notwithstanding Minnesota Statutes, sections 161.43, 161.44, or any other law to the contrary, the commissioner of transportation may convey the land described in paragraph (b) to the state of Wisconsin.

(b) The lands to be conveyed are all those parts or parcels of land situated in the county of Buffalo, state of Wisconsin, more particularly described as follows:

(1) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point on the south line of the Southeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, 635 feet West of the southeast corner of said Section 1; thence North 27 degrees East a distance of 1,400 feet to a point in the east line of said Section 1, 85 feet South of the northeast corner of the Southeast Quarter of said Section 1, containing 6.3 acres more or less, according to the survey thereof and being a part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 21 North, Range 14 West;

(2) a tract of land for road purposes situated in the southeast corner of the Northeast Quarter of the Southeast Quarter of Section 1, Township 22 North, Range 14 West, described as follows: Beginning at the southeast corner of said Northeast Quarter of said Southeast Quarter of said Section 1, running thence North 125 feet; thence South 27 degrees West a distance of 140.3 feet; thence East 63.7 feet to the place of beginning, containing one-tenth of an acre;

(3) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point 72.6 feet North of the southwest corner of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West; thence South 30 degrees West, 350 feet to the north bank of the Mississippi river, containing 1.6 acres and being a part of Government Lot 5 in said Section, Township, and Range; and

(4) a strip of land for road purposes 200 feet in width, being 100 feet on each side of a center line described as follows: Beginning at a point in the west line of the Northeast Quarter of the Northwest Quarter of Section 13, Township 22 North, Range 14 West, 72.6 feet North of the southwest corner of said Northeast Quarter of said Northwest Quarter of said Section 13; thence North 27 degrees East a distance of 1,400 feet to a point in the north line of said Section 13, 684.4 feet West of the northeast corner of said Northeast Quarter of the Northwest Quarter of said Section 13; thence continuing said center line in a straight line North 27 degrees, East an additional distance of 2,963 feet to a point in the east and west quarter line of said Section 12, Township and Range aforesaid, 660 feet East of center of said Section 12, said strip containing 19.90 acres and being a part of the Northeast Quarter of the Northwest Quarter of said Section 13 and the East Half of the Southwest Quarter of said Section 12 and the Northwest Quarter of the Southeast Quarter of said Section 12, in the county of Buffalo and the state of Wisconsin.

(c) The deed authorized by this law is intended to convey to the state of Wisconsin all the interest of the state of Minnesota in lands situated in the state of Wisconsin that the state of

Minnesota received by deed from the Wabasha-Nelson Bridge Company, dated March 24, 1947, and filed of record in Book 91 of Deeds, page 101, files of the register of deeds in and for Buffalo county, Wisconsin."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2727 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

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

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

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

Senator Marty moved to amend S.F. No. 2764 as follows:

Page 2, line 24, after the period, insert "An incident under section 245B.02, subdivision 10, clause (8), must be reported as required under paragraph (c) unless the incident has been reported by another license holder."

Page 2, after line 30, insert:

"(c) Within 24 hours of reporting maltreatment as required under section 626.556 or 626.557, the license holder must inform the consumer's legal representative and case manager of the report unless there is reason to believe that the legal representative or case manager is involved in the suspected maltreatment. The information the license holder must disclose is the nature of the activity or occurrence reported, the agency that receives the report, and the telephone number of the department of human services licensing division."

Page 2, line 31, delete "(c)" and insert "(d)"

The motion prevailed. So the amendment was adopted.

S.F. No. 2764 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 64 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	Lessard	Pariseau	Scheid
Berg	Johnson, Dean	Limmer	Pogemiller	Schwab
Berglin	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	Oliver	Robling	Wiener
Fowler	Knutson	Olson	Sabo	Wiger
Frederickson	Krentz	Orfield	Sams	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 197 and 3011.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 2002

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

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

Senator Hottinger moved that H.F. No. 197 be laid on the table. The motion prevailed.

**H.F. No. 3011:** A bill for an act relating to economic development; reducing appropriations to certain agencies and programs; transferring funds from the Minnesota minerals 21st century fund; extending an appropriation; amending Laws 2001, First Special Session chapter 4, article 1, section 4, subdivision 3.

Senator Hottinger moved that H.F. No. 3011 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

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

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

**S.F. No. 3122:** A bill for an act relating to traffic regulations; regulating the operation of electric personal assistive mobility devices on roadways and sidewalks; amending Minnesota Statutes 2000, sections 168.011, subdivision 4; 169.01, subdivision 3, by adding a subdivision; 171.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

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 referred**

**S.F. No. 2859:** A bill for an act relating to state government; changing the time for submission of the February forecast of revenues and expenditures and the deadline for the submission of the governor's budget to the legislature; amending Minnesota Statutes 2000, sections 16A.103, subdivision 1; 16A.11, subdivision 1.

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 16A.11, subdivision 1, is amended to read:

Subdivision 1. [WHEN.] The governor shall submit a three-part budget to the legislature. Parts one and two, the budget message and detailed operating budget, must be submitted by the ~~fourth Tuesday in January 15~~ in each odd-numbered year. However, in a year following the election of a governor who had not been governor the previous year, parts one and two must be submitted by the third Tuesday in February. Part three, the detailed recommendations as to capital expenditure, must be submitted as follows: agency capital budget requests by July 1 of each odd-numbered year, and governor's recommendations by January 15 of each even-numbered year. Detailed recommendations as to information technology expenditure must be submitted as part of the detailed operating budget. Information technology recommendations must include projects to be funded during the next biennium and planning estimates for an additional two bienniums. Information technology recommendations must specify purposes of the funding such as infrastructure, hardware, software, or training."

Amend the title as follows:

Page 1, line 2, delete "time for"

Page 1, delete line 3

Page 1, line 4, delete "expenditures and the"

Page 1, lines 6 and 7, delete "sections 16A.103, subdivision 1;" and insert "section"

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. 3140:** A bill for an act relating to employment; providing that wage credits earned by certain school food service employees may be used for unemployment benefit purposes; amending Minnesota Statutes 2000, section 268.085, subdivision 8.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 3122, 2859 and 3140 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.

**Senators Sabo and Pogemiller introduced--**

**S.F. No. 3441:** A bill for an act relating to taxation; providing an exemption from sales tax for construction materials for the Walker Art Center; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Wiener and Pogemiller introduced--**

**S.F. No. 3442:** A bill for an act relating to taxation; providing an exemption from sales tax for construction materials for the Guthrie Theater; amending Minnesota Statutes 2000, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Pogemiller introduced--**

**S.F. No. 3443:** A bill for an act relating to taxation; authorizing the extension of the duration of a tax increment financing district located in the city of Minneapolis.

Referred to the Committee on Taxes.

**MEMBERS EXCUSED**

Senators Higgins; Johnson, Dave; Johnson, Doug; Knutson; Robertson and Solon, Y.P. were excused from the Session of today from 9:00 to 10:00 a.m. Senator Olson was excused from the Session of today from 9:00 to 10:10 a.m. Senator Cohen was excused from the Session of today from 9:00 to 10:20 a.m. Senators Kiscaden and Pariseau were excused from the Session of today from 10:10 to 10:35 a.m. Senator Scheid was excused from the Session of today from 10:50 to 11:05 a.m. Senator Ranum was excused from the Session of today from 11:00 to 11:15 a.m. Senator Fischbach was excused from the Session of today from 11:20 to 11:45 a.m. Senator Kinkel was excused from the Session of today from 12:15 to 12:45 p.m. Senator Moe, R.D. was excused from the Session of today from 12:45 to 1:15 p.m. Senator Lourey was excused from the Session of today at 1:10 p.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, March 18, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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