

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

NINETY-SECOND DAY

St. Paul, Minnesota, Wednesday, March 27, 2002

The Senate met at 11:00 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, Rev. Dick Daniels.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 25, 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
3045		266	2:18 p.m. March 25	March 25
3109		267	2:18 p.m. March 25	March 25
2611		268	2:19 p.m. March 25	March 25
1030		269	2:20 p.m. March 25	March 25
222		270	2:15 p.m. March 25	March 25
2578		271	2:16 p.m. March 25	March 25
2463		272	2:13 p.m. March 25	March 25
3167		273	2:20 p.m. March 25	March 25
1226		274	2:16 p.m. March 25	March 25
3100		275	2:17 p.m. March 25	March 25
3124		276	2:14 p.m. March 25	March 25
3126		277	2:17 p.m. March 25	March 25
3117		278	2:15 p.m. March 25	March 25
2419		279	2:21 p.m. March 25	March 25

Sincerely,  
Mary Kiffmeyer  
Secretary of State

March 26, 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. Nos. 2768, 3073, 2821, 2459, 2115, 2764, 2614, 3055, 2692, 2933, 2550, 2953 and 2546.

Sincerely,  
Jesse Ventura, Governor

March 26, 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
2768		281	2:30 p.m. March 26	March 26
3073		282	2:31 p.m. March 26	March 26
	3274	284	2:33 p.m. March 26	March 26
	2882	285	2:27 p.m. March 26	March 26

2821	286	2:26 p.m. March 26	March 26
2459	287	2:35 p.m. March 26	March 26
2115	288	2:34 p.m. March 26	March 26
2764	289	2:31 p.m. March 26	March 26
2614	290	2:32 p.m. March 26	March 26
3055	291	2:28 p.m. March 26	March 26
2692	292	2:32 p.m. March 26	March 26
2933	293	2:30 p.m. March 26	March 26
2550	294	2:33 p.m. March 26	March 26
2953	295	2:27 p.m. March 26	March 26
2546	296	2:28 p.m. March 26	March 26
	2884	297	2:34 p.m. March 26
	3196	298	2:35 p.m. March 26

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that the House has repassed House File No. 2570, notwithstanding the veto of the Honorable Jesse Ventura, Governor of the State.

There is herewith transmitted to the Senate:

1. H.F. No. 2570: A bill for an act relating to insurance; regulating automobile glass claims practices; amending Minnesota Statutes 2000, sections 72A.201, subdivision 6; 325F.783; repealing Minnesota Statutes 2000, section 72A.202.

2. The veto message of the Governor, dated March 26, 2002.

3. The enrolled copy of Chapter No. 283, H.F. No. 2570, with all of the signatures of the officers of the Senate and the House of Representatives but minus the signature of the Governor.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 2002

Senator Moe, R.D. moved that H.F. No. 2570 and the veto message thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2542.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2675:** A bill for an act relating to the environment; requiring state agencies to use

clean fuels; modifying the application of recyclable material container requirements for public entities; amending Minnesota Statutes 2000, section 115A.151; proposing coding for new law in Minnesota Statutes, chapter 16C.

Senate File No. 2675 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

### CONCURRENCE AND REPASSAGE

Senator Krentz moved that the Senate concur in the amendments by the House to S.F. No. 2675 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2675 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2569:** A bill for an act relating to veterans homes; clarifying items to be considered means of support; amending Minnesota Statutes 2000, section 198.03, subdivision 1.

Senate File No. 2569 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

### CONCURRENCE AND REPASSAGE

Senator Stevens moved that the Senate concur in the amendments by the House to S.F. No. 2569 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2569 was read the third time, as amended by the House, and placed on its repassage.

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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

Senate File No. 2580 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

### CONCURRENCE AND REPASSAGE

Senator Foley moved that the Senate concur in the amendments by the House to S.F. No. 2580 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2580 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage 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	Chaudhary	Frederickson	Johnson, Doug	Knutson
Bachmann	Cohen	Higgins	Kelley, S.P.	Krentz
Belanger	Dille	Hottinger	Kierlin	Langseth
Berg	Fischbach	Johnson, Dave	Kinkel	Larson
Berglin	Foley	Johnson, Dean	Kiscaden	Lesewski
Betzold	Fowler	Johnson, Debbie	Kleis	Lessard

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

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

Senate File No. 2908 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

Senator Kelley, S.P. moved that the Senate do not concur in the amendments by the House to S.F. No. 2908, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**S.F. No. 3208:** A bill for an act relating to public employment; modifying procedures for legislative approval or disapproval of collective bargaining agreements and arbitration awards; amending Minnesota Statutes 2000, section 3.855, subdivision 2.

There has been appointed as such committee on the part of the House:

Bishop, Molnau and Olson.

Senate File No. 3208 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

**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.

There has been appointed as such committee on the part of the House:

Tuma; Clark, J. and Johnson, S.

Senate File No. 2433 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 26, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2618:

**H.F. No. 2618:** A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Holberg, Buesgens and Davnie have been appointed as such committee on the part of the House.

House File No. 2618 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 2002

Senator Knutson moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2618, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2719, 3163 and 3203.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 26, 2002

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 2719:** A bill for an act relating to higher education; providing for registration of agents of student athletes; defining terms; providing penalties and remedies; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 81A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2827, now on General Orders.

**H.F. No. 3163:** A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; reenacting certain legislation; making miscellaneous technical corrections to statutes

and other laws; amending Minnesota Statutes 2000, sections 13.04, subdivision 2; 13.461, subdivision 7; 13.4963, subdivision 2; 13.4967, subdivision 3; 13.741, subdivision 1; 13.7411, subdivision 5; 13D.05, subdivision 2; 15A.086; 16D.11, subdivision 6; 17A.04, subdivision 1; 31.51, subdivision 3; 32.073; 41A.09, subdivision 8; 41B.045, subdivision 2; 41B.046, subdivision 5; 41B.047, subdivision 4; 48.24, subdivision 5; 115A.06, subdivision 5a; 115A.59; 115A.9157, subdivision 6; 115B.20, subdivisions 1, 2, 5; 115B.25, subdivision 2; 115B.26; 115B.28, as amended; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.31, subdivisions 1, 2, 4; 115B.32; 115B.33; 115B.34; 115B.35, subdivisions 2, 3, 4, 8, 9; 115B.36; 115B.37; 115C.08, subdivisions 4, 5; 116J.615; 116J.616; 119A.11, subdivision 3; 119A.20, subdivision 1; 119A.37, subdivision 3; 119A.46, subdivision 6; 122A.20, subdivision 1; 126C.10, subdivision 26; 144E.43, subdivision 1; 148.71, subdivision 3; 219.98; 221.185, subdivision 5a; 222.631, subdivision 1; 260B.171, subdivision 5; 270.708, subdivision 1; 270B.15; 297B.035, subdivision 3; 297I.05, subdivision 12; 297I.30, subdivisions 1, 5; 299F.11, subdivision 2; 349.163, subdivision 6; 349A.10, subdivision 5; 352D.02, subdivision 1; 383C.19; 401.05, subdivision 3; 437.08; 437.09; 437.10; 458D.02, subdivisions 2, 3; 458D.23; 469.110, subdivision 2; 469.116, subdivision 7; 469.118, subdivisions 1, 2, 4; 469.119, subdivision 1; 469.122; 469.154, subdivision 5; 471.415, subdivision 2; 501B.61, as amended; 514.94; 524.2-301; 524.2-604; 524.2-609; 583.24, subdivision 4; 609.26, subdivision 5; 609.341, subdivision 17; Minnesota Statutes 2001 Supplement, sections 16A.151, by adding a subdivision; 17B.15, subdivision 1; 60K.31, subdivision 1; 60K.32; 60K.34, subdivision 1; 60K.39, subdivisions 5, 6; 60K.48; 60K.51, subdivision 6; 60K.52, subdivision 1; 61B.23, subdivision 15; 119A.22; 126C.10, subdivision 4; 136G.03, subdivision 20; 144.057, subdivision 4; 169.073; 214.01, subdivision 3; 216B.098, subdivision 2; 216B.2424, subdivision 5; 216B.2425, subdivision 3; 268.052, subdivision 1; 270.07, subdivision 3a; 275.28, subdivision 1; 275.70, subdivision 5; 290A.03, subdivision 13; 297A.668, subdivision 3; 336.9-334; 356.62; 376.08, subdivision 2; 501B.60, subdivision 3; 514.661, subdivision 5; 626.556, subdivision 11; Laws 1995, chapter 220, sections 141, 142, as amended; Laws 1997, chapter 202, article 2, section 61, as amended; Laws 2000, chapter 399, article 1, section 139; Laws 2001, chapter 171, section 12; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2000, sections 115B.27; 115B.35, subdivisions 1, 5, 6; 116.19; 221.0315; 437.11; 462A.072; 557.11; Minnesota Statutes 2001 Supplement, sections 16A.1286, subdivisions 4, 5; Laws 1997, chapter 85, article 4, section 28; Laws 1999, chapter 159, section 79; Laws 1999, chapter 231, section 180; Laws 2001, chapter 161, section 4; Laws 2001, chapter 162, section 4; Laws 2001, First Special Session chapter 2, section 103; Laws 2001, First Special Session chapter 8, article 7, section 1; Minnesota Rules, parts 5300.0360; 7021.0001, subparts 2, 4; 7190.0002; 7190.0003; 7190.0004; 7190.0008, subparts 1, 2; 7190.0015, subparts 1, 2; 7190.0100, subpart 2; 7190.1000, subpart 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2792, now on General Orders.

**H.F. No. 3203:** A bill for an act relating to public safety; modifying vehicle registration provisions; regulating certain motor vehicle dealer transactions; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles and requiring a study; allowing certain transactions with department of public safety to be conducted electronically; setting vehicle title fees; modifying bicycle registration provisions; modifying certain traffic regulations; requiring proof of legal presence in this country to obtain driver's license, permit, or identification card; modifying certain license plate display requirements; authorizing special veteran and patriot license plates; modifying commercial driver's license exemption for snowplow drivers; providing for driver's license to be issued to legally emancipated minor; modifying commercial driver's license provisions to conform to federal law; exempting certain funds from matching requirements; authorizing rules; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivisions 4, 17, 34; 168.013, subdivision 3; 168.09, subdivisions 1, 3; 168.10, subdivision 1c; 168.123, subdivision 2; 168.27, as amended; 168.31, subdivision 4; 168.33, subdivision 6, by adding a subdivision; 168A.01, subdivisions 2, 24, by adding a subdivision; 168A.04, subdivision 5; 168A.05, subdivision 5a; 168A.09, subdivision 1; 168A.11, subdivision 2; 168A.12, subdivisions 1, 2; 168A.154; 168A.18; 168A.19, subdivision 2; 168A.20, subdivisions 2, 3, 4; 168A.24, subdivision 1; 168A.29, subdivision 1; 168C.02, subdivisions 1, 5; 168C.03; 168C.04, subdivision 1; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.11; 168C.12; 168C.13, subdivision 1; 169.06, by adding a



subdivision; 169.26, subdivision 1; 169.28, subdivision 1; 169.771, subdivisions 2, 3; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; 169.974, subdivision 5; 171.02, subdivisions 1, 5; 171.04, subdivision 1; 171.05, subdivision 2; 171.055, subdivision 1; 171.06, subdivisions 1, 3; 171.07, subdivision 3; 171.13, subdivision 2; 171.165; Minnesota Statutes 2001 Supplement, sections 168.012, subdivision 1; 169.781, subdivision 2; 169.79, subdivisions 3, 8, by adding a subdivision; 171.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 168; repealing Minnesota Statutes 2000, sections 115A.908, subdivision 2; 171.30, subdivision 3; Minnesota Statutes 2001 Supplement, section 115A.908, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3233, now on General Orders.

### MOTIONS AND RESOLUTIONS

#### **Senator Vickerman introduced--**

**Senate Resolution No. 202:** A Senate resolution congratulating the Southwest Minnesota Christian High School boys basketball team on winning the 2002 State High School Class A Boys Basketball Tournament.

Referred to the Committee on Rules and Administration.

#### **Senator Krentz introduced--**

**Senate Resolution No. 203:** A Senate resolution proclaiming May 13-19, 2002, to be Environmental Health Week in Minnesota.

Referred to the Committee on Rules and Administration.

### CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 2570 and the veto message thereon be taken from the table. The motion prevailed.

**H.F. No. 2570:** A bill for an act relating to insurance; regulating automobile glass claims practices; amending Minnesota Statutes 2000, sections 72A.201, subdivision 6; 325F.783; repealing Minnesota Statutes 2000, section 72A.202.

### VETO RECONSIDERATION

Senator Metzen moved that H.F. No. 2570 be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 52 and nays 13, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Cohen	Kinkel	Pogemiller	Sabo
Betzold	Fischbach	Kiscaden	Ring	
Chaudhary	Johnson, Debbie	Lessard	Robertson	

The motion prevailed.

So the bill was repassed and its title was agreed to, the objections of the Governor notwithstanding.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

**H.F. No. 3270:** A bill for an act relating to state government; creating office of state treasurer and modifying related provisions; providing for governor's cabinet and organizing certain government agencies; modifying certain fund provisions; requiring the commissioner of finance to prepare a forecast of state revenues and expenditures in July in each even-numbered year; requiring certain payments; modifying provisions of constitutional officers' salaries; reducing certain appropriations; modifying consulting moratorium and hiring freeze provisions; amending Minnesota Statutes 2000, sections 4.06; 8.05; 10.01; 11A.08, subdivision 1; 16A.103, subdivision 1; 40A.151, subdivision 1; 40A.152, subdivisions 1, 3; 43A.18, subdivision 4; 168A.40, subdivision 4, as amended; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; 240A.08; 471.975; Minnesota Statutes 2001 Supplement, section 16E.09, subdivision 1; Laws 2001, First Special Session chapter 10, article 1, section 2, subdivision 4; Laws 2002, chapter 220, article 10, sections 2; 3; 7; 10, subdivision 3; 16; 36; 37; 38; proposing coding for new law in Minnesota Statutes, chapters 7; 15; 43A.

H.F. No. 3270 was read the third time.

Senator Bachmann moved that H.F. No. 3270 be laid on the table.

### CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate for the balance of the proceedings on H.F. No. 3270. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Bachmann motion.

The roll was called, and there were yeas 13 and nays 52, as follows:

Those who voted in the affirmative were:

Bachmann	Kleis	Olson	Reiter	Stevens
Belanger	Lesewski	Ourada	Robling	
Fischbach	Oliver	Pariseau	Scheevel	

Those who voted in the negative were:

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

The motion did not prevail.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lourey	Pogemiller	Schwab
Berglin	Johnson, Dave	Marty	Price	Solon, Y.P.
Betzold	Johnson, Dean	Metzen	Ranum	Stumpf
Chaudhary	Johnson, Doug	Moe, R.D.	Rest	Tomassoni
Cohen	Kelley, S.P.	Moua	Ring	Vickerman
Foley	Kinkel	Murphy	Sabo	Wiener
Fowler	Langseth	Orfield	Sams	Wiger
Higgins	Lesewski	Pappas	Samuelson	

Those who voted in the negative were:

Bachmann	Frederickson	Krentz	Ourada	Scheid
Belanger	Johnson, Debbie	Larson	Pariseau	Stevens
Berg	Kierlin	Lessard	Reiter	Terwilliger
Day	Kiscaden	Limmer	Robertson	
Dille	Kleis	Oliver	Robling	
Fischbach	Knutson	Olson	Scheevel	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that H.F. No. 3364 be taken from the table. The motion prevailed.

**H.F. No. 3364:** A bill for an act relating to transportation; establishing major highway project account; authorizing bonding; exempting certain contracts from moratorium on state contracts for professional or technical services; appropriating money; amending Laws 2002, chapter 220, article 10, section 37; proposing coding for new law in Minnesota Statutes, chapter 161.

### SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3364 and that the rules of the Senate be so far suspended as to give H.F. No. 3364 its second and third reading and place it on its final passage.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 40 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Fowler	Johnson, Dave	Kelley, S.P.
Berglin	Cohen	Higgins	Johnson, Dean	Kinkel
Betzold	Foley	Hottinger	Johnson, Doug	Krentz

Langseth	Moe, R.D.	Pogemiller	Sabo	Stumpf
Lessard	Moua	Price	Sams	Tomassoni
Lourey	Murphy	Ranum	Samuelson	Vickerman
Marty	Orfield	Rest	Scheid	Wiener
Metzen	Pappas	Ring	Solon, Y.P.	Wiger

Those who voted in the negative were:

Bachmann	Frederickson	Knutson	Olson	Scheevel
Belanger	Johnson, Debbie	Larson	Pariseau	Stevens
Berg	Kierlin	Lesewski	Reiter	Terwilliger
Day	Kiscaden	Limmer	Robertson	
Fischbach	Kleis	Oliver	Robling	

The motion did not prevail.

Senator Moe, R.D. moved that H.F. No. 3364 be given a second reading. The motion prevailed.

H.F. No. 3364 was read the second time.

Senator Moe, R.D. moved that H.F. No. 3364 be laid on the table. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 2214 be taken from the table. The motion prevailed.

**H.F. No. 2214:** A bill for an act relating to a baseball park; providing for financing of a major league baseball park; providing a site selection process; authorizing state revenue bonds; establishing a baseball park gift fund; authorizing a state loan to the site city; requiring local government body approval; establishing a sports facilities fund; imposing certain obligations on the major league baseball team; requiring a use agreement and a guaranty from major league baseball; providing a property tax exemption for the baseball park; exempting sales of construction materials for the park from the sales tax; requiring payment of the prevailing wage rate to ballpark construction workers; requiring the state executive council to select a city for the site; requiring the legislative commission on planning and fiscal policy to make a recommendation to the council; providing an opportunity for community ownership if the baseball team is sold; requiring a donation from private sources as a precondition to issuing bonds or loaning state money; authorizing certain temporary city taxes and an admission tax if approved by referendum; authorizing parking surcharges; authorizing issuance of an additional liquor license; authorizing a condominium; requiring evaluation of an olympic bid; appropriating money; amending Minnesota Statutes 2000, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

### SUSPENSION OF RULES

Senator Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2214 and that the rules of the Senate be so far suspended as to give H.F. No. 2214 its second and third reading and place it on its final passage.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 39 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Langseth	Pogemiller	Scheid
Berglin	Hottinger	Lessard	Price	Solon, Y.P.
Betzold	Johnson, Dave	Metzen	Ranum	Stumpf
Chaudhary	Johnson, Dean	Moe, R.D.	Rest	Tomassoni
Cohen	Johnson, Doug	Moua	Ring	Vickerman
Dille	Kelley, S.P.	Murphy	Sabo	Wiener
Foley	Kinkel	Orfield	Sams	Wiger
Fowler	Krentz	Pappas	Samuelson	

Those who voted in the negative were:

Bachmann	Frederickson	Larson	Ourada	Scheevel
Belanger	Johnson, Debbie	Limmer	Pariseau	Schwab
Berg	Kierlin	Lourey	Reiter	Stevens
Day	Kleis	Oliver	Robertson	
Fischbach	Knutson	Olson	Robling	

The motion did not prevail.

Senator Moe, R.D. moved that H.F. No. 2214 be given its second reading, and laid on the table. The motion prevailed.

H.F. No. 2214 was read the second time.

H.F. No. 2214 was then laid on the table.

### 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. No. 3431, H.F. Nos. 32 and 2988.

### SPECIAL ORDER

**S.F. No. 3431:** A bill for an act relating to employment; regulating eligibility for unemployment compensation benefits; providing for a special assessment for interest on federal loans; providing for extended unemployment compensation benefits; providing for unemployment insurance and workforce development fund taxes; providing extended benefits for airline industry, Fingerhut Companies, Inc., Farmland Foods Company, and Potlatch Corporation employees; making housekeeping changes related to the department of trade and economic development; requiring an OSHA ergonomics standard; prohibiting employers from charging certain expenses to employees; regulating redevelopment grants; allowing foster parents to take certain leaves; providing certain youth employment to construct early childhood program facilities; reinstating a repealed law; providing unemployment benefits to certain employees doing food service contract work for school districts; requiring the public utilities commission to study criteria for certain energy source acquisitions; requiring a study on unemployment trust fund solvency by the unemployment insurance advisory council; regulating use of state dislocated worker program grants; amending Minnesota Statutes 2000, sections 48.24, subdivision 5; 116J.565, subdivision 1; 116J.58, subdivision 1; 116J.9665, subdivisions 1, 4, 6; 116M.14, subdivision 4; 116M.18, subdivisions 2, 3, 4, 4a, 5, 8, by adding a subdivision; 119A.45; 181.9412, by adding a subdivision; 268.035, subdivision 24; 268.051, subdivision 8; 298.22, subdivision 7, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 116L.17, subdivision 5; 268.022, subdivision 1; 268.035, subdivision 4; 268.07, subdivisions 1, 2; Laws 2001, First Special Session chapter 4, article 1, section 2, subdivision 5; Laws 2001, First Special Session chapter 4, article 2, section 31; proposing coding for new law in Minnesota Statutes, chapter 181; repealing Minnesota Statutes 2000, sections 116J.9672; 116J.9673.

Senator Ring moved to amend S.F. No. 3431 as follows:

Page 22, line 39, before "Minnesota" insert "(a)"

Page 22, after line 40, insert:

"(b) Laws 2001, First Special Session chapter 5, article 3, section 88, is repealed."

**[EFFECTIVE DATE.]** This paragraph is effective July 1, 2002."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ring then moved to amend S.F. No. 3431 as follows:

Page 6, after line 20, insert:

"Sec. 5. Minnesota Statutes 2000, section 268.085, subdivision 8, is amended to read:

Subd. 8. [SERVICES FOR SCHOOL CONTRACTORS.] (a) Except as provided in paragraph (b), wage credits from an employer are subject to subdivision 7, if:

(1) the employment was provided pursuant to a contract between the employer and an elementary or secondary school; and

(2) the contract was for services that the elementary or secondary school could have had performed by its employees.

(b) Wage credits from an employer are not subject to subdivision 7 if they are earned by an employee of a private employer pursuant to a contract between the employer and an elementary or secondary school and the employment was related to food services provided to the school by the employer.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.7, Senator Robertson raised a point of order as to whether the second Ring amendment was in order.

The President ruled the point of order not well taken, so the second Ring amendment was in order.

The question recurred on the adoption of the second Ring amendment. The motion prevailed. So the amendment was adopted.

Senator Day moved to amend S.F. No. 3431 as follows:

Pages 27 and 28, delete article 9

Amend the title accordingly

### CALL OF THE SENATE

Senator Tomassoni imposed a call of the Senate for the balance of the proceedings on the Day amendment. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the Day amendment. The motion did not prevail. So the amendment was not adopted.

Senator Robertson moved to amend S.F. No. 3431 as follows:

Page 28, line 17, after the period, insert "The commission shall implement any criteria adopted under this section in a manner that assures the selection of generation resources that are the lowest cost resources as compared to any alternative proposals."

### CALL OF THE SENATE

Senator Anderson imposed a call of the Senate for the balance of the proceedings on S.F. No. 3431. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Robertson amendment.

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

The roll was called, and there were yeas 16 and nays 46, as follows:

Those who voted in the affirmative were:

Berg	Kiscaden	Lesewski	Olson	Reiter
Cohen	Knutson	Lessard	Pappas	Robertson
Day	Larson	Oliver	Pariseau	Terwilliger
Johnson, Debbie				

Those who voted in the negative were:

Anderson	Higgins	Langseth	Pogemiller	Stevens
Bachmann	Hottinger	Limmer	Ranum	Stumpf
Belanger	Johnson, Dave	Lourey	Rest	Tomassoni
Berglin	Johnson, Dean	Marty	Ring	Vickerman
Betzold	Johnson, Doug	Metzen	Robling	Wiener
Chaudhary	Kelley, S.P.	Moe, R.D.	Sabo	Wiger
Dille	Kierlin	Moua	Sams	
Fischbach	Kinkel	Murphy	Scheevel	
Foley	Kleis	Orfield	Schwab	
Fowler	Krentz	Ourada	Solon, Y.P.	

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

Senator Fischbach moved to amend S.F. No. 3431 as follows:

Page 7, line 35, delete "or"

Page 8, line 1, before the period, insert "; or

(5) who was laid off due to lack of work on or after May 1, 2002, from SPX-DeZurik in Sartell"

Amend the title as follows:

Page 1, line 9, delete "and" and after "Corporation" insert ", and SPX-DeZurik"

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 3431 as follows:

Page 28, line 11, delete the second "and"

Page 28, line 15, before the period, insert "; and

(7) the project's use of agricultural by-products from the malting process and other biomass fuels"

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend S.F. No. 3431 as follows:

Page 28, line 11, delete the second "and"

Page 28, line 15, after "project" insert ";

(7) the project's utilization of an oil refining waste product as fuel; and

(8) the project's reduction in fuel use through the application of high-efficiency cogeneration"

Senator Anderson moved to amend the Pariseau amendment to S.F. No. 3431 as follows:

Page 1, line 3, after the semicolon, insert "and"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "(8)" and insert "(7)"

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

The question recurred on the adoption of the Pariseau amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Stevens moved to amend S.F. No. 3431 as follows:

Page 28, line 11, delete the second "and"

Page 28, line 15, after "project" insert "; or

(7) the project's promotion of distributed generation to encourage new energy technologies and local economic development, and minimize the need for new transmission"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 58 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kinkel	Lessard	Tomassoni
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The motion prevailed. So the amendment was adopted.

Senator Fowler moved to amend S.F. No. 3431 as follows:

Page 7, line 35, delete "or"

Page 8, line 1, before the period, insert "; or

(5) who was laid off due to lack of work on or after March 1, 2002, from Harsco, Incorporated, in Fairmont, Minnesota"

Page 8, line 8, delete "and (4)" and insert ", (4), and (5)"

Amend the title as follows:

Page 1, line 9, delete "and" and after "Corporation" insert ", and Harsco, Incorporated"

The motion prevailed. So the amendment was adopted.

S.F. No. 3431 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 44 and nays 20, as follows:

Those who voted in the affirmative were:



Anderson	Higgins	Langseth	Pappas	Schwab
Berglin	Hottinger	Lessard	Pogemiller	Solon, Y.P.
Betzold	Johnson, Dave	Lourey	Price	Stevens
Chaudhary	Johnson, Dean	Marty	Ranum	Stumpf
Cohen	Johnson, Doug	Metzen	Rest	Tomassoni
Fischbach	Kelley, S.P.	Moe, R.D.	Ring	Vickerman
Foley	Kinkel	Moua	Sabo	Wiener
Fowler	Kleis	Murphy	Sams	Wiger
Frederickson	Krentz	Orfield	Scheid	

Those who voted in the negative were:

Bachmann	Dille	Knutson	Oliver	Reiter
Belanger	Johnson, Debbie	Larson	Olson	Robertson
Berg	Kierlin	Lesewski	Ourada	Robling
Day	Kiscaden	Limmer	Pariseau	Scheevel

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

### SPECIAL ORDER

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

Senator Vickerman moved to amend H.F. No. 3200, as amended pursuant to Rule 45, adopted by the Senate March 22, 2002, as follows:

(The text of the amended House File is identical to S.F. No. 3155.)

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. [LICENSE; EXCEPTIONS.] "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

(i) abstracters regulated pursuant to chapter 386;

(ii) accountants regulated pursuant to chapter 326A;

(iii) adjusters regulated pursuant to chapter 72B;

(iv) architects regulated pursuant to chapter 326;

(v) assessors regulated pursuant to chapter 270;

(vi) athletic trainers regulated pursuant to chapter 148;

(vii) attorneys regulated pursuant to chapter 481;

(viii) auctioneers regulated pursuant to chapter 330;

(ix) barbers regulated pursuant to chapter 154;

- (x) beauticians regulated pursuant to chapter 155A;
- (xi) boiler operators regulated pursuant to chapter 183;
- (xii) chiropractors regulated pursuant to chapter 148;
- (xiii) collection agencies regulated pursuant to chapter 332;
- (xiv) cosmetologists regulated pursuant to chapter 155A;
- (xv) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (xvi) detectives regulated pursuant to chapter 326;
- (xvii) electricians regulated pursuant to chapter 326;
- (xviii) mortuary science practitioners regulated pursuant to chapter 149A;
- (xix) engineers regulated pursuant to chapter 326;
- (xx) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xxi) certified interior designers regulated pursuant to chapter 326;
- (xxii) midwives regulated pursuant to chapter 147D;
- (xxiii) nursing home administrators regulated pursuant to chapter 144A;
- (xxiv) optometrists regulated pursuant to chapter 148;
- (xxv) osteopathic physicians regulated pursuant to chapter 147;
- (xxvi) pharmacists regulated pursuant to chapter 151;
- (xxvii) physical therapists regulated pursuant to chapter 148;
- (xxviii) physician assistants regulated pursuant to chapter 147A;
- (xxix) physicians and surgeons regulated pursuant to chapter 147;
- (xxx) plumbers regulated pursuant to chapter 326;
- (xxxi) podiatrists regulated pursuant to chapter 153;
- (xxxii) practical nurses regulated pursuant to chapter 148;
- (xxxiii) professional fund raisers regulated pursuant to chapter 309;
- (xxxiv) psychologists regulated pursuant to chapter 148;
- (xxxv) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (xxxvi) registered nurses regulated pursuant to chapter 148;
- (xxxvii) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (xxxviii) steamfitters regulated pursuant to chapter 326;
- (xxxix) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (xl) veterinarians regulated pursuant to chapter 156;
- (xli) water conditioning contractors and installers regulated pursuant to chapter 326;

- (xlii) water well contractors regulated pursuant to chapter 103I;
- (xliii) water and waste treatment operators regulated pursuant to chapter 115;
- (xliv) motor carriers regulated pursuant to chapter 221;
- (xlv) professional firms regulated under chapter 319B;
- (xlvi) real estate appraisers regulated pursuant to chapter 82B;
- (xlvii) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 2000, section 144.054, subdivision 2, is amended to read:

Subd. 2. [HIV; HBV.] The commissioner may subpoena privileged medical information of patients who may have been exposed by a licensed dental hygienist, dentist, physician, nurse, podiatrist, ~~a registered or~~ dental assistant, or a physician's assistant who is infected with the human immunodeficiency virus (HIV) or hepatitis B virus (HBV) when the commissioner has determined that it may be necessary to notify those patients that they may have been exposed to HIV or HBV.

Sec. 3. Minnesota Statutes 2000, section 150A.01, subdivision 5, is amended to read:

Subd. 5. [UNLICENSED DENTAL ASSISTANT.] "Unlicensed dental assistant" means a person performing acts authorized under section 150A.10, subdivision 2.

Sec. 4. Minnesota Statutes 2000, section 150A.01, subdivision 8, is amended to read:

Subd. 8. [REGISTERED DENTAL ASSISTANT.] "Registered Dental assistant" means a person ~~registered licensed pursuant to section 150A.06~~ sections 150A.01 to 150A.12 to perform the services authorized pursuant to sections 150A.05, subdivision 1b, and 150A.10, subdivision 2.

Sec. 5. Minnesota Statutes 2000, section 150A.02, subdivision 1, is amended to read:

Subdivision 1. There is hereby created a board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12. The board shall consist of two public members as defined by section 214.02, five qualified resident dentists, one qualified resident ~~registered~~ dental assistant, and one qualified resident dental hygienist appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of board complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214. Each board member who is a dentist, ~~registered~~ dental assistant, or dental hygienist shall have been lawfully in active practice in this state for five years immediately preceding appointment; and no board member shall be eligible for appointment to more than two consecutive four-year terms, and members serving on the board at the time of the

enactment hereof shall be eligible to reappointment provided they shall not have served more than nine consecutive years at the expiration of the term to which they are to be appointed. At least 90 days prior to the expiration of the terms of dentists, ~~registered~~ dental assistants, or dental hygienists, the Minnesota dental association, Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor for each term expiring not less than two dentists, two ~~registered~~ dental assistants, or two dental hygienists, respectively, who are qualified to serve on the board, and from the list so recommended the governor may appoint members to the board for the term of four years, the appointments to be made within 30 days after the expiration of the terms. Within 60 days after the occurrence of a dentist, ~~registered~~ dental assistant, or dental hygienist vacancy, prior to the expiration of the term, in the board, the Minnesota dental association, the Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor not less than two dentists, two ~~registered~~ dental assistants, or two dental hygienists, who are qualified to serve on the board and from the list so recommended the governor, within 30 days after receiving such list of dentists, may appoint one member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. The first four-year term of the dental hygienist and of the ~~registered~~ dental assistant shall commence on the first Monday in January, 1977.

Sec. 6. Minnesota Statutes 2000, section 150A.03, subdivision 1, is amended to read:

Subdivision 1. [OFFICERS.] The board shall elect from its members a president, a vice-president, and a secretary. The board shall have a common seal. It may hold meetings at such times as may be necessary and as it may determine. The board may affiliate and participate, both in and out-of-state, with regional and national testing agencies for the purpose of conducting examinations for licensure ~~and registration~~. The fee charged by such an agency for conducting the examination may be in addition to the application fee established by the board pursuant to section 150A.06.

Sec. 7. Minnesota Statutes 2000, section 150A.05, is amended by adding a subdivision to read:

Subd. 1b. [PRACTICE OF DENTAL ASSISTING.] A person shall be deemed to be practicing as a dental assistant within the meaning of sections 150A.01 to 150A.12 who performs any duty or related services delegated by a licensed dentist as permitted by the rules of the board.

Sec. 8. Minnesota Statutes 2000, section 150A.05, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS AND EXCEPTIONS OF CERTAIN PRACTICES AND OPERATIONS.] Sections 150A.01 to 150A.12 do not apply to:

(1) the practice of dentistry ~~or~~, dental hygiene, or dental assisting in any branch of the armed services of the United States, the United States Public Health Service, or the United States Veterans Administration;

(2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, dental hygiene students, and dental assisting students of the University of Minnesota, schools of dental hygiene, or schools of dental assisting approved by the board, when acting under the direction and supervision of a licensed dentist ~~or~~, a licensed dental hygienist, or a licensed dental assistant acting as an instructor;

(3) the practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(4) the actions of persons while they are taking examinations for licensure ~~or registration~~ administered or approved by the board pursuant to sections 150A.03, subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

(5) the practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure ~~or registration~~ examinations administered by regional and national testing agencies with whom the board is authorized to

affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

(6) the use of X-rays or other diagnostic imaging modalities for making radiographs or other similar records in a hospital under the supervision of a physician or dentist or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the board of dentistry; or

(7) the service, other than service performed directly upon the person of a patient, of constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic, or other dental appliance, when performed according to a written work order from a licensed dentist in accordance with section 150A.10, subdivision 3.

Sec. 9. Minnesota Statutes 2000, section 150A.06, subdivision 2a, is amended to read:

Subd. 2a. [~~REGISTERED DENTAL ASSISTANT ASSISTANTS.~~] A person of good moral character, who has submitted an application and fee as prescribed by the board and the diploma or equivalent awarded to the person by a training school for dental assistants or its equivalent approved by the board, may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in a manner to test the applicant's fitness to perform as a ~~registered licensed dental assistant~~. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination before applying to the board for ~~registration licensure~~. The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the board. An applicant is ineligible to retake the clinical examination required by the board after failing it twice until further education and training are obtained as specified by the board by rule. A separate, nonrefundable fee may be charged for each time a person applies. An applicant who passes the examination in compliance with subdivision 2b and meets all the other requirements of the board shall be ~~registered licensed~~ as a dental assistant. The examination fee set by the board in rule is the application fee until the board amends, repeals, or otherwise changes the rules pursuant to chapter 14.

Sec. 10. Minnesota Statutes 2000, section 150A.06, subdivision 2b, is amended to read:

Subd. 2b. [~~EXAMINATION.~~] When board members administer the examination for licensure ~~or registration~~, only those board members qualified for the particular examination may administer it. An examination which the board requires as a condition of licensure ~~or registration~~ must have been taken within the five years before the board receives the application for licensure ~~or registration~~."

Page 2, after line 31, insert:

"Sec. 12. Minnesota Statutes 2000, section 150A.06, subdivision 5, is amended to read:

Subd. 5. [~~FRAUD IN SECURING LICENSES.~~] Every person implicated in employing fraud or deception in applying for or securing a license to practice dentistry ~~or~~, dental hygiene ~~or~~ ~~in applying for or securing a registration to practice, dental assisting, or in annually registering a license or registration under sections 150A.01 to 150A.12 is guilty of a gross misdemeanor.~~

Sec. 13. Minnesota Statutes 2000, section 150A.06, subdivision 6, is amended to read:

Subd. 6. [~~DISPLAY OF NAME AND CERTIFICATES.~~] The name, and license certificate, ~~and annual registration certificate~~ of every licensed dentist, dental hygienist, or ~~registered dental assistant~~ shall be conspicuously displayed in every office in which that person practices, in plain sight of patients. If there is more than one dentist, dental hygienist, or ~~registered dental assistant~~ practicing or employed in any office, the manager or proprietor of the office shall display in plain sight the name, license certificate ~~and annual registration certificate~~ of each dentist, dental hygienist, or ~~registered dental assistant~~ practicing or employed there. Near or on the entrance door to every office where dentistry is practiced, the name of each dentist practicing there, as inscribed on the license certificate and annual registration certificate of each dentist, shall be displayed in plain sight.

Sec. 14. Minnesota Statutes 2000, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, any license to practice dentistry ~~or~~, dental hygiene, or the ~~registration of any dental assistant~~ assisting upon any of the following grounds:

(1) Fraud or deception in connection with the practice of dentistry or the securing of a license ~~or annual registration certificate~~;

(2) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

(3) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

(4) Habitual overindulgence in the use of intoxicating liquors;

(5) Improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 152;

(6) Conduct unbecoming a person licensed to practice dentistry ~~or~~, dental hygiene, or ~~registered as a dental assistant~~ assisting, or conduct contrary to the best interest of the public, as such conduct is defined by the rules of the board;

(7) Gross immorality;

(8) Any physical, mental, emotional, or other disability which adversely affects a dentist's, dental hygienist's, or ~~registered~~ dental assistant's ability to perform the service for which the person is licensed ~~or registered~~;

(9) Revocation or suspension of a license, ~~registration~~, or equivalent authority to practice, or other disciplinary action or denial of a license ~~or registration~~ application taken by a licensing, registering, or credentialing authority of another state, territory, or country as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was taken only after affording the credentialed person or applicant notice and opportunity to refute the allegations or pursuant to stipulation or other agreement;

(10) Failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules of the board;

(11) Employing, assisting, or enabling in any manner an unlicensed person to practice dentistry;

(12) Failure or refusal to attend, testify, and produce records as directed by the board under subdivision 7;

(13) Violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the board of dentistry, or any disciplinary order issued by the board, section 144.335 or 595.02, subdivision 1, paragraph (d), or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct;

(14) 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; or

(15) 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.

Sec. 15. Minnesota Statutes 2000, section 150A.08, subdivision 3, is amended to read:

Subd. 3. [REINSTATEMENT.] Any licensee ~~or registrant~~ whose license ~~or registration~~ has been suspended or revoked may have the license ~~or registration~~ reinstated or a new license ~~or registration~~ issued, as the case may be, when the board deems the action is warranted. The board may require the licensee ~~or registrant~~ to pay all costs of proceedings resulting in the suspension or revocation of license ~~or registration~~ and reinstatement or new license and the fee for reinstatement established by the board. Any licensee ~~or registrant~~ who has been disciplined by the board in a manner other than by suspension or revocation may be required by the board to pay all costs of proceedings resulting in the disciplinary action.

Sec. 16. Minnesota Statutes 2000, section 150A.08, subdivision 4, is amended to read:

Subd. 4. [RECORDS.] The executive secretary of the board shall keep a record of all licenses ~~and registration certificates~~ issued, suspended, or revoked.

Sec. 17. Minnesota Statutes 2000, section 150A.08, subdivision 5, is amended to read:

Subd. 5. [MEDICAL EXAMINATIONS.] If the board has probable cause to believe that a dentist, dental hygienist, ~~registered~~ dental assistant, or applicant engages in acts described in subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it shall direct the dentist, dental hygienist, ~~dental~~ assistant, or applicant to submit to a mental or physical examination or a chemical dependency assessment. For the purpose of this subdivision, every dentist, hygienist, or assistant licensed ~~or registered~~ under this chapter or person submitting an application for a license ~~or registration~~ is deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and to have waived all objections in any proceeding under this section to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute a privileged communication. Failure to submit to an examination without just cause may result in an application being denied or a default and final order being entered without the taking of testimony or presentation of evidence, other than evidence which may be submitted by affidavit, that the licensee, ~~registrant~~, or applicant did not submit to the examination. A dentist, dental hygienist, ~~registered~~ dental assistant, or applicant affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate ability to start or resume the competent practice of dentistry or perform the duties of a dental hygienist or ~~registered~~ dental assistant with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the dentist, dental hygienist, ~~registered~~ dental assistant, or applicant in any proceeding not commenced by the board. Information obtained under this subdivision shall be classified as private pursuant to the Minnesota Government Data Practices Act.

Sec. 18. Minnesota Statutes 2000, section 150A.08, subdivision 6, is amended to read:

Subd. 6. [MEDICAL RECORDS.] Notwithstanding contrary provisions of sections 13.384 and 144.651 or any other statute limiting access to medical or other health data, the board may obtain medical data and health records of a licensee, ~~registrant~~, or applicant without the licensee's, ~~registrant's~~, or applicant's consent if the information is requested by the board as part of the process specified in subdivision 5. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, clause (b), an insurance company, or a government agency,

including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and shall not be liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision shall be classified as private under the Minnesota Government Data Practices Act.

Sec. 19. Minnesota Statutes 2000, section 150A.08, subdivision 8, is amended to read:

Subd. 8. [SUSPENSION OF LICENSE.] In addition to any other remedy provided by law, the board may, through its designated board members pursuant to section 214.10, subdivision 2, temporarily suspend a license ~~or registration~~ without a hearing if the board finds that the licensee ~~or registrant~~ has violated a statute or rule which the board is empowered to enforce and continued practice by the licensee ~~or registrant~~ would create an imminent risk of harm to others. The suspension shall take effect upon written notice to the licensee ~~or registrant~~ served by first class mail specifying the statute or rule violated, and the time, date, and place of the hearing before the board. If the notice is returned by the post office, the notice shall be effective upon reasonable attempts to locate and serve the licensee ~~or registrant~~. Within ten days of service of the notice, the board shall hold a hearing before its own members on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the board, or licensee, ~~or registrant~~, shall be in affidavit form only. The licensee ~~or registrant~~ or counsel of the licensee ~~or registrant~~ may appear for oral argument. Within five working days after the hearing, the board shall issue its order and, if the suspension is continued, the board shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedure Act within 45 days of issuance of the order. The administrative law judge shall issue a report within 30 days of the closing of the contested case hearing record. The board shall issue a final order within 30 days of receiving that report. The board may allow a person who was licensed by any state to practice dentistry and whose license has been suspended to practice dentistry under the supervision of a licensed dentist for the purpose of demonstrating competence and eligibility for reinstatement.

Sec. 20. Minnesota Statutes 2000, section 150A.081, subdivision 1, is amended to read:

Subdivision 1. [ACCESS TO DATA ON LICENSEE OR REGISTRANT.] When the board has probable cause to believe that a licensee's ~~or registrant's~~ condition meets a ground listed in section 150A.08, subdivision 1, clause (4) or (8), it may, notwithstanding sections 13.384, 144.651, or any other law limiting access to medical data, obtain medical or health records on the licensee ~~or registrant~~ without the licensee's ~~or registrant's~~ consent. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, paragraph (b), an insurance company, or a government agency. A provider, insurance company, or government agency shall comply with a written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released under the written request, unless the information is false and the entity providing the information knew, or had reason to believe, the information was false.

Sec. 21. Minnesota Statutes 2000, section 150A.081, subdivision 2, is amended to read:

Subd. 2. [ACCESS TO DATA ON PATIENTS.] The board has access to medical records of a patient treated by a licensee ~~or registrant~~ under review if the patient signs a written consent permitting access. If the patient has not given consent, the licensee ~~or registrant~~ must delete data from which a patient may be identified before releasing medical records to the board.

Sec. 22. Minnesota Statutes 2000, section 150A.09, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION RENEWAL INFORMATION AND PROCEDURE.] On or before the license ~~or registration certificate~~ expiration date, every licensed dentist, dental hygienist, and registered dental assistant shall transmit to the executive secretary of the board, pertinent information required by the board, together with the fee established by the board. At least 30 days before a license ~~or registration certificate~~ expiration date, the board shall send a written notice stating the amount and due date of the fee and the information to be provided to every licensed dentist, dental hygienist, and registered dental assistant.



Sec. 23. Minnesota Statutes 2000, section 150A.09, subdivision 3, is amended to read:

Subd. 3. [CURRENT ADDRESS, CHANGE OF ADDRESS.] Every dentist, dental hygienist, and registered dental assistant shall maintain with the board a correct and current mailing address. For dentists engaged in the practice of dentistry, the address shall be that of the location of the primary dental practice. Within 30 days after changing addresses, every dentist, dental hygienist, and registered dental assistant shall provide the board written notice of the new address either personally or by first class mail.

Sec. 24. Minnesota Statutes 2000, section 150A.09, subdivision 5, is amended to read:

Subd. 5. [LATE FEE.] A late fee established by the board shall be paid if the information and fee required by subdivision 1 is not received by the executive secretary of the board on or before the registration or license renewal date.

Sec. 25. Minnesota Statutes 2000, section 150A.10, subdivision 2, is amended to read:

Subd. 2. [LICENSED AND UNLICENSED DENTAL ASSISTANTS.] Every licensed dentist who uses the services of any licensed or unlicensed person dental assistant for the purpose of assistance in the practice of dentistry shall be responsible for the acts of such unlicensed person while engaged in such assistance. A licensed dental assistant may provide any service delegated by a licensed dentist as permitted by the rules of the board. Such dentist shall permit such an unlicensed assistant to perform only those acts which are authorized to be delegated to unlicensed assistants by the board of dentistry. Such acts shall be performed under supervision of a licensed dentist. The board may permit differing levels of dental assistance based upon recognized educational standards, approved by the board, for the training of dental assistants. The board may also define by rule the scope of practice of registered and nonregistered licensed and unlicensed dental assistants. The board by rule may require continuing education for differing levels of dental assistants, as a condition to their registration licensure or authority to perform their authorized duties. Any licensed dentist who shall permit such a licensed or unlicensed assistant to perform any dental service other than that authorized by the board shall be deemed to be enabling an unlicensed person to practice dentistry, and commission of such an act by such a licensed or unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

Sec. 26. Minnesota Statutes 2000, section 214.18, subdivision 5, is amended to read:

Subd. 5. [REGULATED PERSON.] "Regulated person" means a licensed dental hygienist, dentist, physician, nurse who is currently registered as a registered nurse or licensed practical nurse, podiatrist, a registered or dental assistant, a physician's assistant, and for purposes of sections 214.19, subdivisions 4 and 5; 214.20, paragraph (a); and 214.24, a chiropractor.

Sec. 27. Minnesota Statutes 2000, section 352.91, subdivision 3g, is amended to read:

Subd. 3g. [ADDITIONAL CORRECTIONS DEPARTMENT PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions at the designated Minnesota correctional facility specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates and the fact of this direct contact is certified to the executive director by the commissioner of corrections.

(b) The employment positions and correctional facilities are:

(1) corrections discipline unit supervisor, at the Minnesota correctional facility-Faribault, the Minnesota correctional facility-Lino Lakes, the Minnesota correctional facility-Oak Park Heights, and the Minnesota correctional facility-St. Cloud;

(2) dental assistant registered, at the Minnesota correctional facility-Faribault, the Minnesota correctional facility-Lino Lakes, the Minnesota correctional facility-Moose Lake, the Minnesota correctional facility-Oak Park Heights, and the Minnesota correctional facility-Red Wing;

(3) dental hygienist, at the Minnesota correctional facility-Shakopee;

(4) psychologist 2, at the Minnesota correctional facility-Faribault, the Minnesota correctional facility-Lino Lakes, the Minnesota correctional facility-Moose Lake, the Minnesota correctional facility-Oak Park Heights, the Minnesota correctional facility-Red Wing, the Minnesota correctional facility-St. Cloud, the Minnesota correctional facility-Shakopee, and the Minnesota correctional facility-Stillwater; and

(5) sentencing to service crew leader involved with the inmate community work crew program, at the Minnesota correctional facility-Faribault and the Minnesota correctional facility-Lino Lakes."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3200 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### SPECIAL ORDER

**H.F. No. 2988:** A bill for an act relating to insurance; regulating certain licenses, fees, rates, and coverages; providing for health care administrative simplification; making certain technical changes; amending Minnesota Statutes 2000, sections 61A.092, subdivision 6; 62A.02, subdivision 2; 62A.021, subdivision 1; 62A.25, subdivision 2; 62A.31, subdivision 1h; 62A.65, subdivision 5; 62E.11, subdivision 6; 62E.14, subdivisions 4, 5, 6; 62H.01; 62H.02; 62H.04; 62J.51, subdivision 19; 62J.535, subdivision 2, by adding subdivisions; 62J.581; 62L.03, subdivisions 1, 5; 62L.08, by adding a subdivision; 62Q.68, subdivision 1; 79.251, subdivision 1; 79.252, subdivision 3; 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; Minnesota Rules, part 2765.1300, subparts 2, 5; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2000, section 62J.535, subdivision 1.

Senator Scheid moved that the amendment made to H.F. No. 2988 by the Committee on Rules and Administration in the report adopted March 21, 2002, pursuant to Rule 45, be stricken.

### CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2988. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Scheid motion.

The roll was called, and there were yeas 48 and nays 14, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Dean	Larson	Price	Solon, Y.P.
Belanger	Johnson, Debbie	Lesewski	Reiter	Stevens
Berg	Kelley, S.P.	Lessard	Rest	Stumpf
Chaudhary	Kierlin	Limmer	Robertson	Terwilliger
Dille	Kinkel	Metzen	Robling	Tomassoni
Fischbach	Kiscaden	Moua	Sams	Vickerman
Foley	Kleis	Murphy	Samuelson	Wiener
Fowler	Knutson	Oliver	Scheevel	Wiger
Frederickson	Krentz	Olson	Scheid	
Hottinger	Langseth	Pariseau	Schwab	

Those who voted in the negative were:

Anderson	Cohen	Marty	Pappas	Ring
Berglin	Higgins	Moe, R.D.	Pogemiller	Sabo
Betzold	Lourey	Orfield	Ranum	

The motion prevailed.

Senator Berglin moved to amend H.F. No. 2988 as follows:

Pages 5 to 9, delete sections 6 and 7

Pages 11 to 13, delete section 10

Pages 16 to 18, delete sections 16 and 17

Page 26, line 9, after the period, insert "If the commissioner makes the determination, the enrollee may appeal the commissioner's determination to the external review entity under section 62Q.73."

Pages 29 and 30, delete sections 33 and 34

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Scheid moved to amend H.F. No. 2988 as follows:

Pages 16 and 17, delete section 16

Pages 26 and 27, delete sections 29 and 30

Pages 29 and 30, delete sections 33 to 35

Reorder 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 H.F. No. 2988 as follows:

Page 26, after line 9, insert:

"Sec. 29. Minnesota Statutes 2000, section 72A.08, subdivision 1, is amended to read:

Subdivision 1. [REBATE DEFINED AND PROHIBITED.] No insurance company or association, however constituted or entitled, including any affiliate of the insurance company or

association, doing business in this state, nor any officer, agent, subagent, solicitor, employee, intermediary, or representative thereof, shall make or permit any advantage or distinction in favor of any insured individual, firm, corporation, or association with respect to the amount of premium named in, or to be paid on, any policy of insurance, or shall offer to pay or allow directly or indirectly or by means of any device or artifice, including by means of participation in any arrangement with an affiliate, as inducements to insurance, any rebate or premium payable on the policy, or any special favor or advantage in the dividends or other profit to accrue thereon, or any valuable consideration or inducement not specified in the policy contract of insurance, including a reduced interest rate, reduced loan-related or financing-related fee, or other consideration or inducement in connection with a loan or other financing arrangement provided or to be provided by an affiliate, or give, sell, or purchase, offer to give, sell or purchase, as inducement to insure or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, partnership, or individual, or any dividends or profits accrued or to accrue thereon, or anything of value, not specified in the policy. For purposes of this section, "affiliate" has the meaning given in section 60D.15, subdivision 2. No person or entity may offer, sell, issue, or renew insurance if the person or entity knows that an affiliate of the person or entity is violating this subdivision in connection with the offer, sale, issuance, or renewal of the insurance."

Page 30, after line 19, insert:

"Sec. 38. [EXPIRATION.]

Section 29 expires June 1, 2003."

Page 30, line 24, delete "Section 5 is" and insert "Sections 5 and 29 are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Oliver moved to amend H.F. No. 2988 as follows:

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 2000, section 60A.351, is amended to read:

60A.351 [RENEWAL OF INSURANCE POLICY WITH ALTERED RATES.]

If an insurance company licensed to do business in this state offers or purports to offer to renew any commercial liability and/or property insurance policy at less favorable terms as to the dollar amount of coverage or deductibles, higher rates, and/or higher rating plan, the new terms, the new rates and/or rating plan may take effect on the renewal date of the policy if the insurer has sent to the policyholder notice of the new terms, new rates and/or rating plan at least 60 days prior to the expiration date. If the insurer has not so notified the policyholder, the policyholder may elect to cancel the renewal policy within the 60-day period after receipt of the notice. Earned premium for the period of coverage, if any, shall be calculated pro rata upon the prior rate. This subdivision does not apply to ocean marine insurance, accident and health insurance, and reinsurance.

This section does not apply if the change relates to guide "a" rates or excess rates also known as "consent to rates" or if there has been any change in the risk insured."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

**RECONSIDERATION**

Having voted on the prevailing side, Senator Hottinger moved that the vote whereby the Stumpf amendment to H.F. No. 2988 was adopted on March 27, 2002, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question recurred on the adoption of the Stumpf amendment. The motion prevailed. So the amendment was adopted.

Senator Rest moved to amend H.F. No. 2988 as follows:

Page 3, after line 4, insert:

"Sec. 2. Minnesota Statutes 2000, section 60D.20, subdivision 2, is amended to read:

Subd. 2. [DIVIDENDS AND OTHER DISTRIBUTIONS.] (a) Subject to the limitations and requirements of this subdivision, the board of directors of any domestic insurer within an insurance holding company system may authorize and cause the insurer to declare and pay any dividend or distribution to its shareholders as the directors deem prudent from the earned surplus of the insurer. An insurer's earned surplus, also known as unassigned funds, shall be determined in accordance with the accounting procedures and practices governing preparation of its annual statement. Dividends which are paid from sources other than an insurer's earned surplus as of the end of the immediately preceding quarter for which the insurer has filed a quarterly or annual statement as appropriate, or are extraordinary dividends or distributions may be paid only as provided in paragraphs (d), (e), and (f).

(b) The insurer shall notify the commissioner within five business days following declaration of a dividend declared pursuant to paragraph (a) and at least ten days prior to its payment. The commissioner shall promptly consider the notification filed pursuant to this paragraph, taking into consideration the factors described in subdivision 4.

(c) The commissioner shall review at least annually the dividends paid by an insurer pursuant to paragraph (a) for the purpose of determining if the dividends are reasonable based upon (1) the adequacy of the level of surplus as regards policyholders remaining after the dividend payments, and (2) the quality of the insurer's earnings and extent to which the reported earnings include extraordinary items, such as surplus relief reinsurance transactions and reserve destrengthening.

(d) No domestic insurer shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until: (1) 30 days after the commissioner has received notice of the declaration of it and has not within the period disapproved the payment; or (2) the commissioner has approved the payment within the 30-day period.

(e) For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of (1) ten percent of the insurer's surplus as regards policyholders on December 31 of the preceding year; or (2) the net gain from operations of the insurer, if the insurer is a life insurer, or the net income, if the insurer is not a life insurer, not including realized capital gains, for the 12-month period ending on December 31 of the preceding year, but does not include pro rata distributions of any class of the insurer's own securities.

(f) Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution that is conditional upon the commissioner's approval, and the declaration shall confer no rights upon shareholders until: (1) the commissioner has approved the payment of such a dividend or distribution; or (2) the commissioner has not disapproved the payment within the 30-day period referred to above.

(g) For purposes of state law, dividends paid to an insurer's parent company from an insurer, which is a member of an insurance holding company system, are not considered income to the parent company."

Page 30, line 24, after the period, insert "Section 2 is effective for dividends paid after December 31, 2000."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Frederickson moved to amend H.F. No. 2988 as follows:

Page 9, line 24, delete "such" and insert "these"

Page 19, line 3, delete "such" and insert "these"

The motion prevailed. So the amendment was adopted.

H.F. No. 2988 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 51 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Betzold	Lourey	Pappas	Sabo
Berglin	Higgins	Marty	Ranum	

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, Reports of Committees and Second Reading of Senate Bills.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

**Senate Concurrent Resolution No. 11:** A Senate concurrent resolution relating to adjournment for more than three days.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 27, 2002

**REPORTS OF COMMITTEES**

Senator Moe, R.D. moved that the Committee Report 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. 1755:** A bill for an act relating to public employees; providing for school district employee coverage under the public employee insurance program; allowing for competitive bidding under the public employee insurance program; establishing a statewide health insurance plan for school district employees; providing for postretirement health insurance coverage; establishing a labor-management team to design the insurance plan; appropriating money; amending Minnesota Statutes 2000, section 43A.316, subdivisions 3, 10, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Delete everything after the enacting clause and insert:

"Section 1. [SCHOOL EMPLOYEE INSURANCE PLAN.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "eligible employee" means a person who is a public employee within the definition of Minnesota Statutes, section 179A.03, who is insurance eligible and is employed by an eligible employer or by an exclusive representative of employees of an eligible employer; and

(2) "eligible employer" means a school district as defined in Minnesota Statutes, section 120A.05; a service cooperative as defined in Minnesota Statutes, section 123A.21; an intermediate district as defined in Minnesota Statutes, section 136D.01; a cooperative center for vocational education as defined in Minnesota Statutes, section 123A.22; a regional management information center as defined in Minnesota Statutes, section 123A.23; an education unit organized under Minnesota Statutes, section 471.59; or an exclusive representative of employees of an eligible employer or statewide affiliate.

Subd. 2. [STUDY COMMITTEE.] (a) The school employee insurance plan study committee consists of:

(1) seven members representing exclusive representatives of eligible employees appointed by the exclusive representatives, as provided in paragraph (b);

(2) seven members representing eligible employers appointed by the Minnesota state school boards association; and

(3) the commissioner of employee relations or the commissioner's designee.

(b) Each statewide affiliate of an exclusive representative of eligible employees with a statewide membership of at least 1,500 is eligible to appoint members under paragraph (a), clause (1). The seven committee positions authorized by that clause must be allocated among eligible statewide affiliates proportionally, based on the relative numbers of eligible employees each represents.

(c) Appointing authorities must make their appointments no later than 30 days after the effective date of this section.

Subd. 3. [COLLECTION OF INFORMATION.] The committee established under subdivision 2 shall collect, analyze, and disseminate information from current health plans offering insurance to eligible employers. The information must include data relating to employee group demographics, claim experience, and other characteristics determined by the committee to be necessary to establish rate structures for a school employee insurance plan. The committee may

use the services of actuaries or insurance consultants, or both, to help it carry out its duties under this subdivision.

Subd. 4. [PLAN DESIGN.] Using the information collected and analyzed under subdivision 3, the committee shall recommend specifications for a health insurance plan to serve eligible employees, including the plan's structure, benefits, approximate premiums, governance, operations, and oversight. Any recommended plan must be a large plan including all eligible employees and must incorporate, as a key component, consumer education, including wellness programs and measures encouraging the wise use of health insurance coverage, with the goal of premium reduction and cost containment. The recommendation must include the projected costs to implement a large plan.

Subd. 5. [WORK SCHEDULE.] By June 1, 2003, the committee shall complete the collection and analysis of information under subdivision 3 and shall submit an interim report to the legislature. By June 1, 2004, the committee shall complete its preparation of a plan design under subdivision 4.

Subd. 6. [EXPIRATION.] The committee expires upon submission of the report due by June 1, 2004.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public employees; establishing a committee to gather information and make recommendations for the design of a school employee health insurance plan."

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

## **SECOND READING OF SENATE BILLS**

S.F. No. 1755 was read the second time.

## **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 2739 and the Conference Committee Report thereon were reported to the Senate.

## **CONFERENCE COMMITTEE REPORT ON 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.

March 21, 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. 2739, report that we have agreed upon the items in dispute and recommend as follows:



That the House recede from its amendment

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

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

Senate Conferees: (Signed) James P. Metzen, Linda Scheid, Grace S. Schwab

House Conferees: (Signed) Doug Stang, Gregory M. Davids, Matt Entenza

Senator Metzen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2739 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.

S.F. No. 2739 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 52 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dille	Marty	Ranum	Rest	Sams
Kinkel				

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

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

S.F. No. 2680 and the Conference Committee Report thereon were reported to the Senate.

### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 2680**

A bill for an act relating to energy codes; adding a member to the construction codes advisory council; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1; Minnesota Statutes 2001 Supplement, section 16B.76, subdivision 1.

March 22, 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. 2680, 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. 2680 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 16B.617, is amended to read:

16B.617 [ENERGY CODE RULES REMAIN IN EFFECT.]

(a) Notwithstanding Laws 1999, chapter 135, section 9, Minnesota Rules, chapter 7670, does not expire on April 15, 2000, but remains in effect for residential buildings not covered by Minnesota Rules, chapter 7676. The provisions of Minnesota Rules, chapter 7670, that apply to category 1 buildings govern new, detached single one- and two-family R-3 occupancy residential buildings. All new, detached single one- and two-family R-3 occupancy buildings subject to Minnesota Rules, chapter 7670, submitting an application for a building permit after April 14, 2000, must meet the requirements for category 1 buildings, as set out in Minnesota Rules, chapter 7670. ~~All new detached single one- and two-family R-3 occupancy buildings having fuel burning equipment using nonsolid fuels for space heating, service water heating, or hearth products must install direct vent, power vent, or sealed combustion equipment. All new detached single one- and two-family R-3 occupancy buildings must have a mechanical ventilation system which replaces, by direct or indirect means, air from habitable rooms with outdoor air. If any single exhaust device over 300 cubic feet per minute is installed, sealed combustion space heating equipment or an alternative make-up air source must be used.~~

(b) As an alternative to compliance with paragraph (a), compliance with Minnesota Rules, chapters 7672 and 7674, is optional for a contractor or owner.

(c) The department of administration, building codes and standards division (BCSD), shall issue a report to the legislature by December 1, 2001, addressing the cost benefit, as well as air quality, building durability, moisture, enforcement, enforceability, and liability regarding implementation of Minnesota Rules, chapters 7670, 7672, and 7674. The report must include a feasibility study of establishing new criteria for category 2 detached single one- and two-family R-3 occupancy buildings that are energy efficient, enforceable, and provide sufficient nonmechanical ventilation or permeability for a home to maintain good air quality, building durability, and adequate release of moisture.

(d) This section expires when the commissioner of administration adopts a new energy code in accordance with section 4.

Sec. 2. Minnesota Statutes 2000, section 16B.70, subdivision 1, is amended to read:

Subdivision 1. [COMPUTATION.] To defray the costs of administering sections 16B.59 to ~~16B.75~~ 16B.76, a surcharge is imposed on all permits issued by municipalities in connection with the construction of or addition or alteration to buildings and equipment or appurtenances after June 30, 1971, ~~as follows~~: The commissioner may use any surplus in surcharge receipts to award grants for code research and development and education.

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mill (.0005) of the fee or 50 cents, whichever amount is greater. For all other permits, the surcharge is as follows:

(1) if the valuation of the structure, addition, or alteration is \$1,000,000 or less, the surcharge is equivalent to one-half mill (.0005) of the valuation of the structure, addition, or alteration;

(2) if the valuation is greater than \$1,000,000, the surcharge is \$500 plus two-fifths mill (.0004) of the value between \$1,000,000 and \$2,000,000;

(3) if the valuation is greater than \$2,000,000, the surcharge is \$900 plus three-tenths mill (.0003) of the value between \$2,000,000 and \$3,000,000;

(4) if the valuation is greater than \$3,000,000, the surcharge is \$1,200 plus one-fifth mill (.0002) of the value between \$3,000,000 and \$4,000,000;

(5) if the valuation is greater than \$4,000,000, the surcharge is \$1,400 plus one-tenth mill (.0001) of the value between \$4,000,000 and \$5,000,000; and

(6) if the valuation exceeds \$5,000,000, the surcharge is \$1,500 plus one-twentieth mill (.00005) of the value that exceeds \$5,000,000.

Sec. 3. [ENERGY CODE.]

Notwithstanding Minnesota Statutes, section 16B.617, the commissioner of administration, in consultation with the construction codes advisory council, shall explore and review the availability and appropriateness of any model energy codes related to the construction of single one- and two-family residential buildings. In consultation with the council, the commissioner shall take steps to adopt the chosen code with all necessary and appropriate amendments.

The commissioner may not adopt all or part of a model energy code relating to the construction of residential buildings without research and analysis that addresses, at a minimum, air quality, building durability, moisture, enforcement, enforceability cost benefit, and liability. The research and analysis must be completed in cooperation with practitioners in residential construction and building science and an affirmative recommendation by the construction codes advisory council.

Sec. 4. [EFFECTIVE DATE.]

Notwithstanding any contrary provision of Minnesota Statutes, section 16B.617, paragraph (a), the commissioner of administration may adopt appropriate provisions addressing combustion air and make-up air in residential construction as part of the mechanical code. Section 1 is effective when rules containing these provisions are adopted. Sections 2 and 3 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy codes; changing certain requirements; providing for adoption of a new energy code; amending Minnesota Statutes 2000, sections 16B.617; 16B.70, subdivision 1."

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

Senate Conferees: (Signed) Warren Limmer, Deanna L. Wiener, James P. Metzen

House Conferees: (Signed) Lynda Boudreau, Fran Bradley, Tim Mahoney

Senator Limmer moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2680 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.

S.F. No. 2680 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 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson                      Berglin                      Foley                      Marty                      Sabo

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

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

Senator Rest moved that S.F. No. 3319 be withdrawn from the Committee on Judiciary and returned to its author. The motion prevailed.

### **RECESS**

Senator Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

### **APPOINTMENTS**

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 2908: Senators Kelley, S.P.; Foley and Limmer.

H.F. No. 2618: Senators Knutson, Betzold and Price.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

### **MEMBERS EXCUSED**

Senator Neuville was excused from the Session of today. Senator Pariseau was excused from the Session of today from 11:00 to 11:40 a.m. Senator Rest was excused from the Session of today from 11:35 to 11:45 a.m. Senator Samuelson was excused from the Session of today from 12:50 to 3:00 p.m. Senator Frederickson was excused from the Session of today from 1:00 to 2:20 p.m. Senator Day was excused from the Session of today at 2:30 p.m. Senator Johnson, Doug was excused from the Session of today at 2:40 p.m. Senators Cohen and Kiscaden were excused from the Session of today at 4:00 p.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Tuesday, April 2, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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