

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

ONE HUNDRED EIGHTH DAY

St. Paul, Minnesota, Thursday, May 13, 2004

The Senate met at 10:00 a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Rev. Lloyd Menke.

RECESS

Senator Betzold 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.

CALL OF THE SENATE

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

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

Anderson	Gaither	Langseth	Olson	Scheid
Bachmann	Hann	Larson	Ortman	Senjem
Bakk	Higgins	LeClair	Ourada	Skoe
Belanger	Hottinger	Limmer	Pappas	Skoglund
Berglin	Johnson, D.E.	Lourey	Pariseau	Solon
Betzold	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dibble	Kiscaden	Michel	Robling	Wergin
Dille	Kleis	Moua	Rosen	Wiger
Fischbach	Knutson	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 806 and 2455.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 2004

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2000, 2247 and 2087.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 12, 2004

FIRST READING OF HOUSE BILLS

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

H.F. No. 2000: A bill for an act relating to the environment; requiring rules related to individual sewage treatment systems; amending Minnesota Statutes 2002, section 115.55, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1900, now on General Orders.

H.F. No. 2247: A bill for an act relating to transportation; requiring the commissioner of transportation to evaluate principal arterial alignments surrounding the metropolitan area as part of evaluation of a second beltway; requiring future use of highway centerline rumble strips; allowing state agency mail-related functions to be carried out by an outside agency; limiting weight restrictions for recycling and garbage vehicles under certain circumstances; requiring evaluation of the St. Cloud transportation plan; requiring a bus driver duty of care; making changes to transportation policy provisions; providing for premium paratransit project; regulating toll facilities; modifying interstate vehicle registration provisions; modifying bond requirements for vehicle dealers; modifying vehicle certificate of title provisions pertaining to dealers and authorizing a fee for deputy registrars; regulating day activity center buses; modifying gross vehicle weight provisions; extending duration of driver instruction permits to two years; modifying requirements for commercial vehicle drivers; modifying driver's license fee provisions; requiring plan for county ten-ton highway system; modifying provisions relating to public safety radio communications operators; requiring preparation of 20-year state aviation plan; including the Division of Driver and Vehicle Services in the definition of appropriate agency for purposes of certain property forfeitures; authorizing rulemaking; requiring a report; modifying highway rest area and land management provisions; amending Minnesota Statutes 2002, sections 16B.49; 117.075; 160.08, subdivision 7; 160.15; 160.276; 160.277; 160.278; 160.28; 160.85, subdivisions 1, 3a; 160.86; 160.87, by adding a subdivision; 161.125, subdivision 3; 161.23, subdivision 3; 161.433, subdivision 2; 161.434; 161.44, by adding a subdivision; 161.442; 168.187, by adding a subdivision; 168.27, subdivision 24; 168A.11, subdivisions 1, 2; 169.01, subdivision 78; 169.14, by adding a subdivision; 169.448, by adding a subdivision; 169.81, subdivision 3c, by adding a subdivision; 169.824, subdivision 2; 169.87, subdivisions 4, 6; 169.99, subdivision 1b; 171.05, subdivisions 1, 2; 171.12, subdivision 6; 171.165, subdivisions 1, 4, by adding a subdivision; 174.03, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 299D.08; 360.015, by adding a subdivision; 515B.1-107; 515B.3-102; 515B.3-112; 609.531, subdivision 1; Minnesota Statutes 2003 Supplement, sections 13.44, subdivision 3; 117.036; 168.013, subdivision 3; 169.86, subdivision 5; 171.20, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 160; 169; 171; 174; repealing Minnesota Statutes 2002, sections 161.115, subdivision 199; 161.44, subdivision 9; 169.685, subdivision 4.

Senator Johnson, D.E. moved that H.F. No. 2247 be laid on the table. The motion prevailed.

H.F. No. 2087: A bill for an act relating to data practices; providing for the classification and dissemination of various data; making clarifying, conforming, and technical changes; amending the CriMNet law; requiring information management systems to be in compliance with information policy statutes; prescribing legislative auditor duties; providing for the classification and dissemination of CriMNet data; amending Minnesota Statutes 2002, sections 13.02,

subdivision 18, by adding subdivisions; 13.03, subdivision 4, by adding a subdivision; 13.3805, by adding a subdivision; 13.3806, by adding a subdivision; 13.43, subdivision 2, by adding a subdivision; 13.44, by adding a subdivision; 13.46, subdivisions 1, 7; 13.461, by adding a subdivision; 13.47, subdivision 4; 13.51, subdivision 2; 13.598, as amended; 13.7931, by adding a subdivision; 13.82, subdivisions 5, 24; 13.871, by adding a subdivision; 13D.05, subdivision 3; 119B.02, subdivision 6; 144.2215; 144.335, subdivision 3a; 168.346; 169.09, subdivision 13; 171.12, subdivision 7; 270B.14, subdivision 2; 278.05, subdivision 3; 299C.10, subdivision 2, by adding a subdivision; 299C.14; 299C.65, by adding a subdivision; 629.341, subdivision 4; Minnesota Statutes 2003 Supplement, sections 13.46, subdivision 2; 268.19, subdivisions 1, 2; 611.272; proposing coding for new law in Minnesota Statutes, chapters 13; 15; 84; 144; repealing Minnesota Statutes 2002, sections 13.319, subdivision 7; 13.475.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1889, now on General Orders.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

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. 2274: A bill for an act relating to zoning; providing certain limitations on municipal interim ordinances; amending Minnesota Statutes 2002, section 462.355, subdivision 4.

Senate File No. 2274 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 12, 2004

CONCURRENCE AND REPASSAGE

Senator Vickerman moved that the Senate concur in the amendments by the House to S.F. No. 2274 and that the bill be placed on its repassage as amended.

Senator Johnson, D.E. moved that S.F. No. 2274 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 606 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
606	1721				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 606 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 606 and insert the language after the enacting clause of S.F. No. 1721, the first engrossment; further, delete the title of H.F. No. 606 and insert the title of S.F. No. 1721, the first engrossment.

And when so amended H.F. No. 606 will be identical to S.F. No. 1721, and further recommends that H.F. No. 606 be given its second reading and substituted for S.F. No. 1721, and that the Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2609 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2609	2376				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2609 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2609 and insert the language after the enacting clause of S.F. No. 2376, the first engrossment; further, delete the title of H.F. No. 2609 and insert the title of S.F. No. 2376, the first engrossment.

And when so amended H.F. No. 2609 will be identical to S.F. No. 2376, and further recommends that H.F. No. 2609 be given its second reading and substituted for S.F. No. 2376, and that the Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 2095 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2095	2412				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2095 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2095 and insert the language after the enacting clause of S.F. No. 2412, the first engrossment; further, delete the title of H.F. No. 2095 and insert the title of S.F. No. 2412, the first engrossment.

And when so amended H.F. No. 2095 will be identical to S.F. No. 2412, and further recommends that H.F. No. 2095 be given its second reading and substituted for S.F. No. 2412, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. Nos. 606, 2609 and 2095 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Bachmann moved that the name of Senator Jungbauer be added as a co-author to S.F. No. 2715. The motion prevailed.

SPECIAL ORDERS

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

H.F. No. 2040, S.F. No. 653, H.F. No. 2671, S.F. No. 2429, H.F. Nos. 2288, 2139, 2577, 1838, S.F. No. 1836, H.F. Nos. 2217, 2391, 1006, S.F. No. 2313, H.F. Nos. 2246, 2151, 532, 2078 and 2864.

SPECIAL ORDER

H.F. No. 2040: A bill for an act relating to water; modifying provisions relating to warrantied sewage treatment systems; creating a certification program for new wastewater treatment technology; appropriating money; amending Minnesota Statutes 2002, section 115.55, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 115; repealing Minnesota Statutes 2002, section 115.55, subdivision 10.

Senator Senjem moved to amend H.F. No. 2040, the unofficial engrossment, as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2002, section 115.03, is amended by adding a subdivision to read:

Subd. 1a. [PHOSPHORUS EFFLUENT.] The agency shall not amend existing rules or adopt new rules that prescribe a total phosphorus effluent limit, or require more stringent limits for phosphorus in water quality permits unless specifically approved by law."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Frederickson questioned whether the amendment was germane.

The President ruled that the amendment was germane.

CALL OF THE SENATE

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

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

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann

Bakk

Day

Fischbach

Kierlin

Kiscaden	LeClair	Ortman	Sams	Sparks
Kleis	Limmer	Ourada	Saxhaug	Stumpf
Koering	Metzen	Reiter	Scheid	Tomassoni
Kubly	Murphy	Robling	Senjem	Vickerman
Langseth	Neuville	Rosen	Skoe	Wergin

Those who voted in the negative were:

Anderson	Frederickson	Jungbauer	McGinn	Pogemiller
Belanger	Gaither	Kelley	Michel	Ranum
Betzold	Hann	Knutson	Moua	Rest
Chaudhary	Higgins	Larson	Nienow	Ruud
Cohen	Hottinger	Lourey	Olson	Skoglund
Dibble	Johnson, D.E.	Marko	Pappas	Solon
Foley	Johnson, D.J.	Marty	Pariseau	Wiger

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

H.F. No. 2040 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hann	Langseth	Nienow	Sams
Bachmann	Higgins	Larson	Olson	Saxhaug
Bakk	Hottinger	LeClair	Ortman	Scheid
Belanger	Johnson, D.E.	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Day	Kierlin	McGinn	Ranum	Stumpf
Dibble	Kiscaden	Metzen	Reiter	Tomassoni
Fischbach	Kleis	Michel	Rest	Vickerman
Foley	Knutson	Moua	Robling	Wergin
Frederickson	Koering	Murphy	Rosen	Wiger
Gaither	Kubly	Neuville	Ruud	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 653: A bill for an act relating to public safety; modifying 911 emergency telecommunications provisions governing multiline telephone systems; amending Minnesota Statutes 2002, sections 403.01, subdivision 6; 403.02, by adding subdivisions; 403.07, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 403.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hottinger	LeClair	Ortman	Saxhaug
Bachmann	Johnson, D.E.	Limmer	Ourada	Scheid
Betzold	Johnson, D.J.	Marko	Pappas	Skoglund
Chaudhary	Kelley	Marty	Pariseau	Solon
Day	Kierlin	McGinn	Ranum	Sparks
Dibble	Kiscaden	Metzen	Reiter	Stumpf
Fischbach	Kleis	Michel	Rest	Vickerman
Foley	Knutson	Murphy	Robling	Wergin
Gaither	Koering	Neuville	Rosen	Wiger
Hann	Kubly	Nienow	Ruud	
Higgins	Langseth	Olson	Sams	

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Sams moved that the vote whereby S.F. No. 653 was passed by the Senate on May 13, 2004, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Sams moved to amend S.F. No. 653 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 403.01, subdivision 6, is amended to read:

Subd. 6. [MULTISTATION OR PBX SYSTEM.] Every owner and operator of a multistation or private branch exchange (PBX) telecommunications multiline telephone system shall design and maintain the system to dial the 911 number without charge to the caller.

Sec. 2. Minnesota Statutes 2002, section 403.02, is amended by adding a subdivision to read:

Subd. 22. [CALL BACK NUMBER.] "Call back number" means a number used by the public safety answering point to recontact the location from which the 911 call was placed.

Sec. 3. Minnesota Statutes 2002, section 403.02, is amended by adding a subdivision to read:

Subd. 23. [EMERGENCY LOCATION IDENTIFICATION NUMBER.] "Emergency location identification number" means a valid North American numbering plan format telephone number, assigned to the multiline telephone system operator by the appropriate authority, that is used to route the call to a public safety answering point and is used to retrieve the automatic location identification for the public safety answering point.

Sec. 4. Minnesota Statutes 2002, section 403.02, is amended by adding a subdivision to read:

Subd. 24. [EMERGENCY RESPONSE LOCATION.] "Emergency response location" means a location to which a 911 emergency response team may be dispatched. The location must be specific enough to provide a reasonable opportunity for the emergency response team to locate a caller anywhere within it.

Sec. 5. Minnesota Statutes 2002, section 403.02, is amended by adding a subdivision to read:

Subd. 25. [MULTILINE TELEPHONE SYSTEM.] "Multiline telephone system" means a private telephone system comprised of common control units, telephones, and control hardware and software that share a common interface to the public switched telephone network. This includes network and premises-based systems and systems owned or leased by governmental agencies and nonprofit entities, as well as for-profit businesses.

Sec. 6. Minnesota Statutes 2002, section 403.02, is amended by adding a subdivision to read:

Subd. 26. [SHARED RESIDENTIAL MULTILINE TELEPHONE SYSTEM SERVICE.] "Shared residential multiline telephone service" means the use of a multiline telephone system to provide service to residential facilities. For purposes of this subdivision, "residential facilities" means both single-family and multifamily facilities including extended care facilities and dormitories.

Sec. 7. Minnesota Statutes 2002, section 403.07, subdivision 5, is amended to read:

Subd. 5. [LIABILITY.] (a) A wire line telecommunications service provider, its employees, or its agents are not liable to any person who uses enhanced 911 telecommunications service for release of subscriber information required under this chapter to any public safety answering point.

(b) A wire line telecommunications service provider is not liable to any person for the good

faith release to emergency communications personnel of information not in the public record, including, but not limited to, nonpublished or nonlisted telephone numbers.

(c) A wire line telecommunications service provider, its employees, or its agents are not liable to any person for civil damages resulting from or caused by any act or omission in the development, design, installation, operation, maintenance, performance, or provision of enhanced 911 telecommunications service, except for willful or wanton misconduct.

(d) A multiline telephone system manufacturer, provider, or operator is not liable for any civil damages or penalties as a result of any act or omission, except willful or wanton misconduct, in connection with developing, designing, installing, maintaining, performing, provisioning, adopting, operating, or implementing any plan or system required by section 403.15.

Sec. 8. [403.15] [MULTILINE TELEPHONE SYSTEM 911 REQUIREMENTS.]

Subdivision 1. [MULTISTATION OR PBX SYSTEM.] Except as otherwise provided in this section, every owner and operator of a new multistation or private branch exchange (PBX) multiline telephone system purchased after December 31, 2004, shall design and maintain the system to provide a call back number and emergency response location.

Subd. 2. [MULTILINE TELEPHONE SYSTEM USER DIALING INSTRUCTIONS.] Each multiline telephone system operator must demonstrate or otherwise inform each new telephone system user how to call for emergency assistance from that particular multiline telephone system.

Subd. 3. [SHARED RESIDENTIAL MULTILINE TELEPHONE SYSTEM.] On and after January 1, 2005, operators of shared multiline telephone systems, whenever installed, serving residential customers shall ensure that the shared multiline telephone system is connected to the public switched network and that 911 calls from the system result in at least one distinctive automatic number identification and automatic location identification for each residential unit, except those requirements do not apply if the residential facility maintains one of the following:

- (1) automatic location identification for each respective emergency response location;
- (2) the ability to direct emergency responders to the 911 caller's location through an alternative and adequate means, such as the establishment of a 24-hour private answering point; or
- (3) a connection to a switchboard operator, attendant, or other designated on-site individual.

Subd. 4. [HOTEL AND MOTEL MULTILINE TELEPHONE SYSTEM.] Operators of hotel and motel multiline telephone systems shall permit the dialing of 911 and shall ensure that 911 calls originating from hotel or motel multiline telephone systems allow the 911 system to clearly identify the address and specific location of the 911 caller.

Subd. 5. [BUSINESS MULTILINE TELEPHONE SYSTEM.] (a) An operator of business multiline telephone systems connected to the public switched telephone network and serving business locations of one employer shall ensure that calls to 911 from any telephone on the system result in one of the following:

- (1) automatic location identification for each respective emergency response location;
- (2) an ability to direct emergency responders to the 911 caller's location through an alternative and adequate means, such as the establishment of a 24-hour private answering point; or
- (3) a connection to a switchboard operator, attendant, or other designated on-site individual.

(b) Except as provided in paragraph (c), providers of multiline telephone systems serving multiple employers' business locations shall ensure that calls to 911 from any telephone result in automatic location identification for the respective emergency response location of each business location sharing the system.

- (c) Only one emergency response location is required in the following circumstances:

(1) an employer's workspace is less than 40,000 square feet, located on a single floor and on a single contiguous property;

(2) an employer's workspace is less than 7,000 square feet, located on multiple floors and on a single contiguous property; or

(3) an employer's workspace is a single public entrance, single floor facility on a single contiguous property.

Subd. 6. [SCHOOLS.] A multiline telephone system operated by a public or private educational institution, including a system serving dormitories and other residential customers, is subject to this subdivision and is not subject to subdivision 3. The operator of the education institution multiline system connected to the public switched network must ensure that calls to 911 from any telephone on the system result in one of the following:

(1) automatic location identification for each respective emergency response location;

(2) an ability to direct emergency responders to the 911 caller's location through an alternative and adequate means, such as the establishment of a 24-hour private answering point; or

(3) a connection to a switchboard operator, attendant, or other designated on-site individual.

Subd. 7. [EXEMPTIONS.] (a) Multiline telephone systems with a single emergency response location are exempt from subdivisions 1 and 3 to 6 and section 403.07, subdivision 3.

(b) Multiline telephone system operators that employ alternative methods of enhanced 911 support are exempt from subdivisions 1 and 3 to 6 and section 403.07, subdivision 3.

(c) A multiline telephone system operator may apply for an exemption from the requirements in this section from the chief officer of each public safety answering point serving that jurisdiction.

Subd. 8. [APPLICABILITY.] The requirements of subdivisions 4, 5, and 6 apply to new multiline telephone systems purchased after December 31, 2004. The requirements of subdivisions 2 and 3 and the exemptions in subdivision 7 apply regardless of when the multiline telephone system was installed.

Sec. 9. [EFFECTIVE DATE.]

Sections 1 to 8 are effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 653 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 56 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	LeClair	Ourada	Senjem
Bachmann	Johnson, D.E.	Limmer	Pappas	Skoglund
Belanger	Johnson, D.J.	Lourey	Pariseau	Solon
Betzold	Jungbauer	Marko	Ranum	Sparks
Chaudhary	Kelley	McGinn	Reiter	Stumpf
Day	Kiscaden	Metzen	Rest	Vickerman
Dibble	Kleis	Michel	Robling	Wergin
Fischbach	Knutson	Murphy	Rosen	Wiger
Foley	Koering	Neuville	Ruud	
Frederickson	Kubly	Nienow	Sams	
Hann	Langseth	Olson	Saxhaug	
Higgins	Larson	Ortman	Scheid	

Those who voted in the negative were:

Kierlin

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

SPECIAL ORDER

H.F. No. 2671: A bill for an act relating to motor carriers; modifying provisions governing motor carriers; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 221.011, subdivision 6; 221.0269, subdivision 3; 221.0314, subdivisions 7, 9; 221.033, subdivision 1; 221.036, subdivisions 1, 3, 12; 221.037, subdivision 2; 221.605, subdivision 1; 299K.07; Minnesota Statutes 2003 Supplement, sections 169.86, subdivision 5; 221.602, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 221; repealing Minnesota Statutes 2002, sections 221.011, subdivision 2b; 221.033, subdivision 3; 221.034; Minnesota Rules, parts 8860.0100; 8860.0200; 8860.0300; 8860.0400; 8860.0500; 8860.0600; 8860.0700; 8860.0800.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hottinger	Larson	Ortman	Scheid
Bachmann	Johnson, D.E.	LeClair	Ourada	Senjem
Belanger	Johnson, D.J.	Limmer	Pappas	Skoglund
Betzold	Jungbauer	Lourey	Pariseau	Solon
Chaudhary	Kelley	Marko	Ranum	Sparks
Day	Kierlin	Marty	Reiter	Stumpf
Dibble	Kiscaden	McGinn	Rest	Vickerman
Fischbach	Kleis	Metzen	Robling	Wergin
Foley	Knutson	Michel	Rosen	Wiger
Frederickson	Koering	Murphy	Ruud	
Hann	Kubly	Neuville	Sams	
Higgins	Langseth	Nienow	Saxhaug	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2429: A bill for an act relating to employment; requiring notice of intent to shift jobs out of the country; proposing coding for new law in Minnesota Statutes, chapter 181.

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

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2429. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Higgins	Kleis	Lourey
Bakk	Fischbach	Hottinger	Koering	Marko
Betzold	Foley	Jungbauer	Kubly	Marty
Chaudhary	Frederickson	Kelley	Langseth	McGinn

Moua	Ranum	Sams	Solon	Wergin
Murphy	Reiter	Saxhaug	Sparks	Wiger
Nienow	Rest	Scheid	Stumpf	
Pappas	Robling	Skoe	Tomassoni	
Pogemiller	Rosen	Skoglund	Vickerman	

Those who voted in the negative were:

Bachmann	Hann	Larson	Neuville	Pariseau
Belanger	Johnson, D.J.	LeClair	Olson	Ruud
Dille	Kierlin	Limmer	Ortman	Senjem
Gaither	Knutson	Michel	Ourada	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2288: A bill for an act relating to courts; modifying conciliation court debtor disclosures; amending Minnesota Statutes 2002, section 491A.02, subdivision 9.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Higgins	LeClair	Ortman	Saxhaug
Bachmann	Hottinger	Limmer	Ourada	Scheid
Bakk	Johnson, D.J.	Lourey	Pappas	Senjem
Belanger	Jungbauer	Marko	Pariseau	Skoe
Betzold	Kelley	Marty	Pogemiller	Skoglund
Chaudhary	Kierlin	McGinn	Ranum	Solon
Dibble	Kiscaden	Michel	Reiter	Sparks
Dille	Kleis	Moua	Rest	Stumpf
Fischbach	Knutson	Murphy	Robling	Tomassoni
Foley	Kubly	Neuville	Rosen	Vickerman
Frederickson	Langseth	Nienow	Ruud	Wergin
Hann	Larson	Olson	Sams	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2139: A bill for an act relating to title insurance; providing for required premium reserves; defining a term; amending Minnesota Statutes 2002, sections 68A.02; 68A.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 68A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Fischbach	Johnson, D.J.	Langseth	Metzen
Bachmann	Foley	Jungbauer	Larson	Michel
Bakk	Frederickson	Kelley	LeClair	Moua
Belanger	Gaither	Kierlin	Limmer	Murphy
Betzold	Hann	Kiscaden	Lourey	Neuville
Chaudhary	Higgins	Kleis	Marko	Nienow
Dibble	Hottinger	Knutson	Marty	Olson
Dille	Johnson, D.E.	Kubly	McGinn	Ortman

Ourada
Pappas
Pariseau
Pogemiller
Ranum

Reiter
Rest
Robling
Rosen
Ruud

Sams
Saxhaug
Scheid
Senjem
Skoe

Skoglund
Solon
Sparks
Stumpf
Tomassoni

Vickerman
Wergin
Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2577: A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2002, sections 3.971, subdivision 8; 13.07; 13.461, by adding a subdivision; 13.465, subdivision 1, by adding a subdivision; 13.475, subdivision 4; 13.4965, by adding a subdivision; 13.4967, by adding a subdivision; 13.7411, subdivision 5; 15.0591, subdivision 2; 18F.02, subdivision 2a; 60A.23, subdivision 5; 82.34, subdivision 15; 85.053, subdivision 2; 89.391; 97A.055, subdivision 4; 103B.101, subdivision 10; 115B.16, subdivision 4; 115B.18, subdivision 1; 116A.11, subdivision 1; 119A.05, subdivision 1; 126C.48, subdivision 8; 162.081, subdivision 4; 163.16, subdivision 1; 163.161; 164.05, subdivision 3; 164.08, subdivision 1; 168.12, subdivision 2d; 181.953, subdivision 1; 214.03, subdivision 1; 237.39; 256D.03, subdivision 8; 260B.175, subdivision 1; 270B.01, subdivision 8; 272.0212, subdivision 2; 273.1398, subdivisions 1, 2d, 3; 275.07, subdivision 1; 276.04, subdivision 2; 290.191, subdivision 5; 290C.04; 306.32; 325F.19, subdivision 3; 325F.69, subdivisions 1, 4; 326.10, subdivisions 1, 7; 326.12, subdivision 2; 326.13; 326.15; 336.9-531; 344.20; 348.02; 357.021, subdivision 5; 365.59; 366.17; 368.85, subdivision 9; 385.09; 395.14; 477A.011, subdivisions 21, 27, 35; 477A.015; 609.3452, subdivision 2; Minnesota Statutes 2003 Supplement, sections 13.4963, subdivision 2; 18G.14, subdivisions 1, 8; 37.31, subdivision 4; 62J.692, subdivision 10; 62J.694, subdivision 1; 97A.482; 115B.31, subdivision 1; 116J.966, subdivision 1; 119B.125, subdivision 2; 127A.45, subdivision 10; 144.395, subdivision 1; 192.501, subdivision 2; 216C.41, subdivision 1; 246.014; 256.954, subdivision 3; 256B.0943, subdivisions 5, 7, 9, 12, by adding a subdivision; 270B.03, subdivision 6; 273.1392; 273.1398, subdivision 4c; 297A.668, subdivision 3; 297A.669, subdivision 16; 308B.201; 308B.311, subdivision 6; 308B.471, subdivision 2; 308B.735, subdivision 1; 365.52, subdivision 1; 469.177, subdivision 9; 469.339, subdivision 2; 473.253, subdivision 1; Laws 2003, First Special Session chapter 11, article 2, section 21; Laws 2003, First Special Session chapter 21, article 8, section 10; repealing Minnesota Statutes 2002, sections 18.79, subdivision 11; 115B.241; 273.1398, subdivisions 1a, 2e; 275.07, subdivisions 1a, 5; Laws 2001, chapter 161, section 29; Laws 2001, First Special Session chapter 5, article 3, section 9; Laws 2002, chapter 364, section 15; Laws 2002, chapter 380, article 4, section 1; Laws 2003, chapter 112, article 2, section 35; Laws 2003, chapter 127, article 5, section 19; Laws 2003, chapter 127, article 7, section 1; Laws 2003, chapter 128, article 2, section 13; Laws 2003, chapter 128, article 3, section 44; Laws 2003, First Special Session chapter 9, article 5, section 29; Minnesota Rules, parts 1220.0200; 1220.0300; 1220.0400; 1220.0500; 1220.0600; 1220.0700; 1220.0800; 1220.0900; 7380.0200; 7380.0210; 7380.0220; 7380.0230; 7380.0240.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson
Bachmann
Bakk
Belanger
Betzold
Chaudhary
Dibble
Dille

Fischbach
Foley
Frederickson
Gaither
Higgins
Hottinger
Johnson, D.E.
Johnson, D.J.

Jungbauer
Kelley
Kierlin
Kleis
Knutson
Kubly
Langseth
Larson

LeClair
Limmer
Lourey
Marko
Marty
McGinn
Metzen
Michel

Moua
Murphy
Neuville
Nienow
Olson
Ourada
Pappas
Pogemiller

Ranum	Rosen	Scheid	Solon	Vickerman
Reiter	Ruud	Senjem	Sparks	Wergin
Rest	Sams	Skoe	Stumpf	Wiger
Robling	Saxhaug	Skoglund	Tomassoni	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 1838: A bill for an act relating to traffic regulations; regulating uses of recreational vehicle combinations; authorizing motor carrier of passengers to operate articulated bus up to 61 feet in length without a permit; amending Minnesota Statutes 2002, sections 169.01, subdivision 78; 169.81, subdivision 3c, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Larson	Nienow	Sams
Bachmann	Hottinger	LeClair	Olson	Saxhaug
Bakk	Johnson, D.E.	Limmer	Ourada	Scheid
Belanger	Johnson, D.J.	Lourey	Pappas	Senjem
Betzold	Jungbauer	Marko	Pariseau	Skoe
Chaudhary	Kelley	Marty	Pogemiller	Skoglund
Dibble	Kierlin	McGinn	Ranum	Solon
Dille	Kiscaden	Metzen	Reiter	Sparks
Fischbach	Kleis	Michel	Rest	Stumpf
Frederickson	Knutson	Moua	Robling	Vickerman
Gaither	Koering	Murphy	Rosen	Wergin
Hann	Kubly	Neuville	Ruud	Wiger

Those who voted in the negative were:

Foley

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1836: A bill for an act relating to state government; the Office of the Secretary of State; simplifying filing procedures; eliminating certain filing requirements; requiring electronic registration after December 31, 2004; regulating notary appointments and commissions; appropriating money; amending Minnesota Statutes 2002, sections 184.30; 302A.821, subdivisions 1, 2, 4; 308A.995, subdivision 5; 317A.823, subdivision 1, by adding a subdivision; 322B.960, subdivisions 1, 2, 5; 325A.06, subdivision 1; 326.40, subdivision 2; 326.48, subdivision 3; 330.01, subdivision 1; 330.08; 330.09; 336.9-525; 340A.416, subdivision 4; 359.01; 359.071; 398.10; Minnesota Statutes 2003 Supplement, section 308B.121, subdivision 5.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Betzold	Fischbach	Hann	Johnson, D.J.
Bachmann	Chaudhary	Foley	Higgins	Jungbauer
Bakk	Dibble	Frederickson	Hottinger	Kelley
Belanger	Dille	Gaither	Johnson, D.E.	Kierlin

Kiscaden	Lourey	Nienow	Rosen	Sparks
Kleis	Marko	Olson	Ruud	Stumpf
Knutson	Marty	Ortman	Sams	Vickerman
Koering	McGinn	Ourada	Saxhaug	Wergin
Kubly	Metzen	Pappas	Scheid	Wiger
Langseth	Michel	Pogemiller	Senjem	
Larson	Moua	Ranum	Skoe	
LeClair	Murphy	Rest	Skoglund	
Limmer	Neuville	Robling	Solon	

So the bill passed and its title was agreed to.

RECONSIDERATION

Having voted on the prevailing side, Senator Knutson moved that the vote whereby S.F. No. 1836 was passed by the Senate on May 13, 2004, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Senator Knutson moved to amend S.F. No. 1836 as follows:

Page 15, line 18, delete "4 and 7 to 9" and insert "10"

Page 15, delete line 19

Page 15, line 20, delete "enactment." and delete "21" and insert "20"

The motion prevailed. So the amendment was adopted.

S.F. No. 1836 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Langseth	Nienow	Sams
Bachmann	Higgins	Larson	Olson	Saxhaug
Bakk	Hottinger	LeClair	Ortman	Scheid
Belanger	Johnson, D.E.	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Dibble	Kierlin	McGinn	Ranum	Sparks
Dille	Kiscaden	Metzen	Reiter	Stumpf
Fischbach	Kleis	Michel	Rest	Tomassoni
Foley	Knutson	Moua	Robling	Vickerman
Frederickson	Koering	Murphy	Rosen	Wergin
Gaither	Kubly	Neuville	Ruud	Wiger

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

SPECIAL ORDER

H.F. No. 2217: A bill for an act relating to traffic regulations; requiring vehicles to wait at railroad crossings until roadway is clear; amending Minnesota Statutes 2002, section 169.26, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Kubly	Neuville	Saxhaug
Bachmann	Higgins	Langseth	Olson	Scheid
Bakk	Hottinger	Larson	Ortman	Skoe
Belanger	Johnson, D.E.	LeClair	Pappas	Skoglund
Betzold	Johnson, D.J.	Limmer	Pariseau	Solon
Chaudhary	Jungbauer	Lourey	Ranum	Sparks
Cohen	Kelley	Marty	Reiter	Stumpf
Dibble	Kierlin	McGinn	Rest	Tomassoni
Fischbach	Kiscaden	Metzen	Robling	Vickerman
Foley	Kleis	Michel	Rosen	Wergin
Frederickson	Knutson	Moua	Ruud	Wiger
Gaither	Koering	Murphy	Sams	

Those who voted in the negative were:

Nienow	Ourada	Senjem
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So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2391: A bill for an act relating to health; modifying authority to dispense controlled substances; amending Minnesota Statutes 2002, section 152.11, subdivision 1; Minnesota Statutes 2003 Supplement, section 152.11, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Hann	Langseth	Nienow	Sams
Bachmann	Higgins	Larson	Olson	Saxhaug
Bakk	Hottinger	LeClair	Ortman	Scheid
Belanger	Johnson, D.E.	Limmer	Ourada	Senjem
Betzold	Johnson, D.J.	Lourey	Pappas	Skoe
Chaudhary	Jungbauer	Marko	Pariseau	Skoglund
Cohen	Kelley	Marty	Pogemiller	Solon
Dibble	Kierlin	McGinn	Ranum	Sparks
Dille	Kiscaden	Metzen	Reiter	Stumpf
Fischbach	Kleis	Michel	Rest	Tomassoni
Foley	Knutson	Moua	Robling	Vickerman
Frederickson	Koering	Murphy	Rosen	Wergin
Gaither	Kubly	Neuville	Ruud	Wiger

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Vickerman, Kubly, Frederickson and Rosen introduced--

S.F. No. 3065: A bill for an act relating to human services; requiring the Board on Aging to

obtain legislative approval before changing intrastate funding formulas; amending Minnesota Statutes 2002, section 256.975, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senators Anderson and Hottinger introduced--

S.F. No. 3066: A resolution affirming the Minnesota Legislature's commitment to the civil freedoms guaranteed by the constitutions of Minnesota and the United States.

Referred to the Committee on Judiciary.

Senator Reiter introduced--

S.F. No. 3067: A bill for an act relating to the legislature; confining regular legislative sessions to odd-numbered years; amending Minnesota Statutes 2002, section 3.011.

Referred to the Committee on Rules and Administration.

Senators Scheid, Pappas, Kierlin, Larson and Kiscaden introduced--

S.F. No. 3068: A bill for an act relating to liquor; modifying restrictions on importers of wine; prohibiting certain exclusive agreements in the sale of wine; amending Minnesota Statutes 2002, section 340A.307, subdivision 4, by adding a subdivision.

Referred to the Committee on Commerce.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 1:30 p.m. The motion prevailed.

The hour of 1:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1907: A bill for an act relating to elections; expanding membership and staff of the Campaign Finance and Public Disclosure Board; creating administrative remedy for violations of fair campaign practices in state and local elections; repealing mandate that county attorney

investigate violations of voter registration laws, local election campaign finance reporting, and fair campaign practices; appropriating money; amending Minnesota Statutes 2002, sections 10A.02, subdivisions 1, 2, 3, 7, 12; 201.275; 211A.04; 211A.05; 211B.14; 211B.15, subdivision 12; 383B.055, subdivision 2; Minnesota Statutes 2003 Supplement, section 204B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 10A; 211A; 211B; repealing Minnesota Statutes 2002, sections 211A.08, subdivisions 1, 2; 211B.16, subdivisions 1, 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 211A.05, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF FAILURE TO FILE.] If a candidate or committee fails to file a report on the date it is due, the filing officer shall immediately notify the ~~county attorney of the county where the candidate resides or where the committee headquarters is located. The county attorney shall then immediately notify the candidate or committee of the failure to file. If a report is not filed within ten days after the notification is mailed, the county attorney~~ filing officer shall proceed file a complaint under section 211A.08 211B.32.

Sec. 2. Minnesota Statutes 2002, section 211A.08, is amended by adding a subdivision to read:

Subd. 3. [COUNTY ATTORNEY AUTHORITY.] A county attorney may prosecute any violation of this chapter.

Sec. 3. Minnesota Statutes 2002, section 211B.16, is amended by adding a subdivision to read:

Subd. 3. [COUNTY ATTORNEY AUTHORITY.] A county attorney may prosecute any violation of this chapter.

Sec. 4. [211B.31] [DEFINITION.]

As used in sections 211B.32 to 211B.36, "office" means the Office of Administrative Hearings.

Sec. 5. [211B.32] [COMPLAINTS OF UNFAIR CAMPAIGN PRACTICES.]

Subdivision 1. [ADMINISTRATIVE REMEDY; EXHAUSTION.] A complaint alleging a violation of chapter 211A or 211B must be filed with the office. The complaint must be finally disposed of by the office before the alleged violation may be prosecuted by a county attorney.

Subd. 2. [LIMITATION ON FILING.] The complaint must be filed with the office within one year after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves fraud, concealment, or misrepresentation that could not be discovered during that one-year period, the complaint may be filed with the office within one year after the fraud, concealment, or misrepresentation was discovered.

Subd. 3. [FORM OF COMPLAINT.] The complaint must be in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The office may prescribe the form of a complaint.

Subd. 4. [PROOF OF CLAIM.] The burden of proving the allegations in the complaint is on the complainant. The standard of proof of a violation of section 211B.06, relating to false statements in paid political advertising or campaign material, is clear and convincing evidence. The standard of proof of any other violation of chapter 211A or 211B is a preponderance of the evidence.

Subd. 5. [FILING FEE; WAIVER; REFUND.] (a) The complaint must be accompanied by a filing fee of \$50, unless filed by a filing officer under section 211A.05, subdivision 2.

(b) The office may waive the payment of the filing fee, if the individual seeking a waiver of the fee files with the office an affidavit stating that the individual is financially unable to pay the fee.

(c) The office may refund the filing fee of a complainant who prevails on the merits.

Subd. 6. [SERVICE ON RESPONDENT.] Upon receipt of the filed complaint, the office must immediately notify the respondent and provide the respondent with a copy of the complaint by the most expeditious means available.

Sec. 6. [211B.33] [PRIMA FACIE REVIEW.]

Subdivision 1. [TIME FOR REVIEW.] The chief administrative law judge must randomly assign an administrative law judge to review the complaint. Within one business day after the complaint was filed with the office, when practicable, but never longer than three business days, the administrative law judge must make a preliminary determination for its disposition.

Subd. 2. [RECOMMENDATION.] (a) If the administrative law judge determines that the complaint does not set forth a prima facie violation of chapter 211A or 211B, the administrative law judge must dismiss the complaint.

(b) If the administrative law judge determines that the complaint sets forth a prima facie violation of section 211B.06 and was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge must conduct an expedited probable cause hearing under section 211B.34.

(c) If the administrative law judge determines that the complaint sets forth a prima facie violation of a provision of chapter 211A or 211B, other than section 211B.06, and that the complaint was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates, the administrative law judge, on request of any party, must conduct an expedited probable cause hearing under section 211B.34.

(d) If the administrative law judge determines that the complaint sets forth a prima facie violation of chapter 211A or 211B, and was filed more than 60 days before the primary or special election or more than 90 days before the general election to which the complaint relates, the administrative law judge must schedule an evidentiary hearing under section 211B.35.

Subd. 3. [NOTICE TO PARTIES.] The office must notify all parties of the determination made under subdivision 2. If the complaint is scheduled for hearing, the notice must identify the time and place of the hearing and inform all parties that they may submit evidence, affidavits, documentation, and argument for consideration by the administrative law judge.

Subd. 4. [JOINDER AND SEPARATION OF COMPLAINTS.] The chief administrative law judge may direct that two or more complaints be joined for disposition if the chief administrative law judge determines that the allegations in each complaint are of the same or similar character, are based on the same act or failure to act, or are based on two or more acts or failures to act constituting parts of a common scheme or plan. If one complaint contains two or more allegations, the chief administrative law judge may separate the allegations, if they are not of the same or similar character, if they are not based on the same act or failure to act, or if they are not based on two or more acts or failures to act constituting parts of a common scheme or plan. If the chief administrative law judge separates the allegations in a complaint, the assigned administrative law judge or judges may make separate recommendations under subdivision 2 for each allegation.

Sec. 7. [211B.34] [PROBABLE CAUSE HEARING.]

Subdivision 1. [TIME FOR REVIEW.] The assigned administrative law judge must hold a probable cause hearing on the complaint no later than three business days after receiving the assignment if an expedited hearing is required by section 211B.33, except that for good cause the administrative law judge may hold the hearing no later than seven days after receiving the assignment. If an expedited hearing is not required by section 211B.33, the administrative law judge must hold the hearing not later than 30 days after receiving the assignment.

Subd. 2. [DISPOSITION.] At the probable cause hearing, the administrative law judge must make one of the following determinations:

(a) The complaint is frivolous, or there is no probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge makes either determination, the administrative law judge must dismiss the complaint.

(b) There is probable cause to believe that the violation of law alleged in the complaint has occurred. If the administrative law judge so determines, the chief administrative law judge must schedule the complaint for an evidentiary hearing under section 211B.35.

Subd. 3. [RECONSIDERATION BY CHIEF ADMINISTRATIVE LAW JUDGE.] (a) If the administrative law judge dismisses the complaint, the administrative law judge shall provide to the complainant written notice of the right to seek reconsideration of the decision on the record by the chief administrative law judge.

(b) A petition for reconsideration must be filed within two business days after the dismissal. The chief administrative law judge must make a decision on the petition within three business days after receiving the petition. If the chief administrative law judge determines that the assigned administrative law judge made a clear error of law and grants the petition, within five business days after granting the petition, the chief administrative law judge shall schedule the complaint for an evidentiary hearing under section 211B.35.

Sec. 8. [211B.35] [EVIDENTIARY HEARING BY PANEL.]

Subdivision 1. [DEADLINE FOR HEARING.] When required by section 211B.34, subdivision 2 or 3, the chief administrative law judge must assign the complaint to a panel of three administrative law judges for an evidentiary hearing. The hearing must be held within the following times:

(1) ten days after the complaint was assigned, if an expedited probable cause hearing was requested or required under section 211B.33;

(2) 30 days after the complaint was filed, if it was filed within 60 days before the primary or special election or within 90 days before the general election to which the complaint relates; or

(3) 90 days after the complaint was filed, if it was filed at any other time.

For good cause shown, the panel may extend the deadline set forth in clause (2) or (3) by 60 days.

Subd. 2. [DISPOSITION OF COMPLAINT.] The panel must determine whether the violation alleged in the complaint occurred and must make at least one of the following dispositions:

(a) The panel may dismiss the complaint.

(b) The panel may issue a reprimand.

(c) The panel may find that a statement made in a paid advertisement or campaign material violated section 211B.06.

(d) The panel may impose a civil penalty of up to \$3,000 for any violation of chapter 211A or 211B.

(e) The panel may refer the complaint to the appropriate county attorney.

Subd. 3. [TIME FOR DISPOSITION.] The panel must dispose of the complaint:

(1) within three days after the hearing record closes, if an expedited probable cause hearing was required by section 211B.33; and

(2) within 14 days after the hearing record closes, if an expedited probable cause hearing was not required by section 211B.33.

Sec. 9. [211B.36] [PROCEDURES.]

Subdivision 1. [EVIDENCE AND ARGUMENT.] The administrative law judge or panel may consider any evidence and argument submitted until a hearing record is closed, including affidavits and documentation, or may continue a hearing to enable the parties to submit additional testimony.

Subd. 2. [WITHDRAWAL OF COMPLAINT.] At any time before an evidentiary hearing under section 211B.35 begins, a complainant may withdraw a complaint filed under section 211B.32. After the evidentiary hearing begins, a complaint filed under section 211B.32 may only be withdrawn with the permission of the panel.

Subd. 3. [COSTS.] If the assigned administrative law judge or panel determines the complaint is frivolous, they may order the complainant to pay the respondent's reasonable attorney fees and to pay the costs of the office in the proceeding in which the complaint was dismissed.

Subd. 4. [HEARINGS PUBLIC.] A hearing under section 211B.34 or 211B.35 may be conducted by conference telephone call or by interactive television. All hearings must be open to the public.

Subd. 5. [JUDICIAL REVIEW.] A party aggrieved by a final decision on a complaint filed under section 211B.32 is entitled to judicial review of the decision as provided in sections 14.63 to 14.69; however, proceedings on a complaint filed under section 211B.32 are not a contested case within the meaning of chapter 14 and are not otherwise governed by chapter 14.

Sec. 10. [211B.37] [COSTS ASSESSED.]

Except as otherwise provided in section 211B.36, subdivision 3, the chief administrative law judge shall assess the cost of considering complaints filed under section 211B.32 as provided in this section. Costs of complaints relating to a statewide ballot question or an election for a statewide or legislative office must be assessed against the appropriation from the general fund to the general account of the state elections campaign fund in section 10A.31, subdivision 4. Costs of complaints relating to any other ballot question or elective office must be assessed against the county or counties in which the election is held. Where the election is held in more than one county, the chief administrative law judge shall apportion the assessment among the counties in proportion to their respective populations within the election district to which the complaint relates according to the most recent decennial federal census.

Sec. 11. [REPEALER.]

Minnesota Statutes 2002, sections 211A.08, subdivisions 1 and 2; and 211B.16, subdivisions 1 and 2, are repealed.

Sec. 12. [EFFECTIVE DATE.]

This act is effective July 1, 2004, and applies to violations committed on or after that date."

Delete the title and insert:

"A bill for an act relating to elections; creating an administrative remedy for violations of fair campaign practices in state and local elections; repealing mandate that county attorney investigate violations of local election campaign finance reporting and fair campaign practices; amending Minnesota Statutes 2002, sections 211A.05, subdivision 2; 211A.08, by adding a subdivision; 211B.16, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 211B; repealing Minnesota Statutes 2002, sections 211A.08, subdivisions 1, 2; 211B.16, subdivisions 1, 2."

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

Senator Cohen from the Committee on Finance, to which was referred the following appointment as reported in the Journal for February 9, 2004:

DEPARTMENT OF TRANSPORTATION
COMMISSIONER

Lieutenant Governor Carol Molnau

Reports the same back with the recommendation that the appointment not be confirmed.

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

SECOND READING OF SENATE BILLS

S.F. No. 1907 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDER

H.F. No. 1006: A bill for an act relating to elections; providing for conformity with the federal Help America Vote Act; creating a complaint process; requiring a report; imposing a penalty; appropriating money; amending Minnesota Statutes 2002, sections 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding subdivisions; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.121, subdivision 1; 201.13, subdivision 1; 201.15; 201.155; 201.161; 201.171; 201.221, subdivisions 2, 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.12, subdivision 2; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.47; 204C.10; 206.57, by adding subdivisions; 206.81; proposing coding for new law in Minnesota Statutes, chapters 5; 200; 201; 204C.

Senator Marty moved to amend H.F. No. 1006, the unofficial engrossment, as follows:

Pages 1 to 11, delete sections 1 to 13 and insert:

"Section 1. Minnesota Statutes 2002, section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.]

A permanent system of voter registration by county is established, with the county systems linked together by a centralized statewide system a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system.

Sec. 2. Minnesota Statutes 2002, section 201.022, is amended to read:

201.022 [STATEWIDE REGISTRATION SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their voter registration applications to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration applications from the Department of Public Safety to the secretary of state or the county auditor;

- (5) assign a unique identifier to each legally registered voter in the state;
- (6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;
- (7) coordinate with other agency databases within the state;
- (8) allow county auditors and the secretary of state to add or modify information in the system to provide for accurate and up-to-date records;
- (9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;
- (10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed;
- (11) provide access to municipal clerks to use the system to enter or modify absentee voting records;
- (12) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes;
- (13) provide daily reports accessible by county auditors on the driver's license numbers, state identification numbers, or last four digits of the Social Security numbers submitted on voter registration applications that have been verified as accurate by the secretary of state; and
- (14) provide reports on the number of absentee ballots transmitted to and returned and cast by voters under section 203B.16.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021.

Subd. 2. [RULES.] The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1. ~~The rules must at least:~~

- ~~(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the Department of Public Safety;~~
- ~~(2) provide for the establishment and maintenance of a central database for all voter registration information;~~
- ~~(3) provide procedures for entering data into the statewide registration system;~~
- ~~(4) provide for interaction with the computerized driver's license records of the Department of Public Safety;~~
- ~~(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;~~
- ~~(6) allow the offices of all county auditors and the Secretary of State's Office to have access to the statewide registration system for review and search capabilities;~~
- ~~(7) provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;~~
- ~~(8) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes; and~~
- ~~(9) prescribe a procedure for the return of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor.~~

Sec. 3. Minnesota Statutes 2002, section 201.061, subdivision 1, is amended to read:

Subdivision 1. [PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration card application as described in section 201.071, subdivision 1, and submitting it in person or by mail to the county auditor of that county or to the Secretary of State's Office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration cards applications from a voter must submit the completed cards applications to the secretary of state or the appropriate county auditor within ten days after the cards applications are dated by the voter.

For purposes of this section, mail registration is defined as a voter registration application postmarked and delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service.

Sec. 4. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 1a. [INCOMPLETE REGISTRATION BY MAIL.] If the county auditor determines that a voter who has submitted a voter registration application by mail has not previously voted in this state for a federal office and has also not presented a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter to the auditor, and the county auditor is unable to verify the voter's driver's license, state identification, or last four digits of the voter's Social Security number as provided by the voter on the voter registration application, then the county auditor must notify the voter that the registration is incomplete and to complete registration by using one of the following methods:

(1) presenting to the auditor more than 20 days before the election a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

(2) registering in person before or on election day;

(3) if voting by mail, including a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(4) providing proof of residence by any of the methods authorized for election day registration in section 201.061, subdivision 3.

Sec. 5. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) showing presenting a driver's license or Minnesota identification card issued pursuant to section 171.07;

(2) showing presenting any document approved by the secretary of state as proper identification;

(3) showing presenting one of the following:

(i) a current valid student identification card from a postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card; or

(4) having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day; ~~or.~~

(5) For tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by ~~showing~~ presenting an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card and application.

Sec. 6. Minnesota Statutes 2002, section 201.071, subdivision 1, is amended to read:

Subdivision 1. [FORM.] A voter registration card application must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The ~~card~~ application must also contain a the following certification of voter eligibility:

"I certify that I:

- (1) will be at least 18 years old on election day;
- (2) am a citizen of the United States;
- (3) will have resided in Minnesota for 20 days immediately preceding election day;
- (4) maintain residence at the address given on the registration form;
- (5) am not under court-ordered guardianship of the person where I have not retained the right to vote;
- (6) have not been found by a court to be legally incompetent to vote;
- (7) have not been convicted of a felony without having my civil rights restored; and
- (8) have read and understand the following statement: that giving false information is a felony punishable by not more than five years imprisonment or a fine of not more than \$10,000, or both."

The certification must include boxes for the voter to respond to the following questions:

"(1) Are you a citizen of the United States?" and

"(2) Will you be 18 years old on or before election day?"

And the instruction:

"If you checked 'no' to either of these questions, do not complete this form."

~~The form of the voter registration card and the certification of voter eligibility must be as provided in the rules of the secretary of state~~ Each county auditor shall provide voter registration

applications in the form provided in this subdivision. Voter registration forms authorized by the National Voter Registration Act may also be accepted as valid.

Sec. 7. Minnesota Statutes 2002, section 201.071, subdivision 2, is amended to read:

Subd. 2. [INSTRUCTIONS.] A registration ~~card~~ application shall be accompanied by instructions specifying the manner and method of registration, the qualifications for voting, the penalties for false registration, and the availability of registration and voting assistance for elderly and handicapped individuals and residents of health care facilities and hospitals. The instructions must indicate that if the voter does not have a valid Minnesota driver's license or identification card, the last four digits of the voter's Social Security number must be provided, unless the voter does not have a Social Security number. If, prior to election day, a person requests the instructions in Braille, on cassette tape, or in a version printed in 16-point bold type with heavy leading, the county auditor shall provide them in the form requested. The secretary of state shall prepare Braille and cassette copies and make them available.

Sec. 8. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No voter registration application is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number, or if the voter has no current and valid Minnesota driver's license or Minnesota state identification number, the last four digits of the voter's Social Security number, if the voter has been issued a Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. Failure to check a box on an application form that a voter has certified to be true does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration ~~card~~ application if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration ~~card~~ application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A voter registration ~~card~~ application accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a voter registration ~~card~~ application accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

A voter registration application accepted before January 1, 2004, is not deficient for lack of a valid Minnesota driver's license or state identification number or the last four digits of a Social Security number. A voter registration application submitted by a voter who does not have a Minnesota driver's license or state identification number, or a Social Security number, is not deficient or incomplete for lack of any of these numbers.

Sec. 9. Minnesota Statutes 2002, section 201.091, subdivision 4, is amended to read:

Subd. 4. [PUBLIC INFORMATION LISTS.] The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

Before inspecting the public information list or obtaining a list of voters or other information

from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Upon receipt of a written request and a copy of the court order, the secretary of state ~~may~~ must withhold from the public information list the name of any registered voter placed under court-ordered protection.

Sec. 10. Minnesota Statutes 2002, section 201.091, subdivision 5, is amended to read:

Subd. 5. [COPY OF LIST TO REGISTERED VOTER.] The county auditors and the secretary of state shall provide ~~paper~~ copies of the public information lists ~~and may provide the lists in some other form~~ in electronic or other media to any voter registered in Minnesota within ten days of receiving a written request accompanied by payment of the cost of reproduction. The county auditors and the secretary of state shall make a copy of the list available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement. ~~No list made available for public inspection or purchase may include the date of birth of a registered voter.~~

Sec. 11. Minnesota Statutes 2002, section 201.091, is amended by adding a subdivision to read:

Subd. 9. [RESTRICTED DATA.] A list provided for public inspection or purchase must not include a voter's date of birth or any part of a voter's Social Security number, driver's license number, or identification card number.

Sec. 12. Minnesota Statutes 2002, section 201.121, subdivision 1, is amended to read:

Subdivision 1. [ENTRY OF REGISTRATION INFORMATION.] (a) ~~Upon receiving~~ At the time a voter registration card application is properly completed and, submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter in the information contained on it into the statewide registration system the information contained on it. ~~Voter registration cards applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor. Voter registration applications completed on election day must be entered into the statewide registration system within 42 days after the election, unless the county auditor notifies the secretary of state before the 42-day deadline has expired that the deadline will not be met.~~

(b) ~~Upon receiving a completed voter registration card or form application, the secretary of state may electronically transmit the information on the card or form application to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state may mail the voter registration card or form application to the county auditor.~~

(c) Within ten days after the county auditor has entered information from a voter registration application into the statewide registration system, the secretary of state shall compare the voter's name, date of birth, and driver's license number, state identification number, or the last four digits of the Social Security number with the same information contained in the Department of Public Safety database.

(d) The identification of a voter is verified if either clause (1) or clause (2) is satisfied:

(1) ten or more of the alphanumeric sequence of the driver's license number, or ten or more of the alphanumeric sequence of the state identification number, or three or more of the last four digits of the Social Security number stated on the voter registration application match those in the Department of Public Safety database, and either the name or date of birth on the voter registration application matches the name or date of birth in the Department of Public Safety database; or

(2) the information provided on the voter registration application and the corresponding

information in the Department of Public Safety database are otherwise sufficiently similar to conclude that the information relates to the same person.

(e) The secretary of state shall provide a report to the county auditor on a weekly basis that includes a list of voters whose name, date of birth, or identification number have been compared with the same information in the Department of Public Safety database and cannot be verified as provided in this subdivision. The report must list separately those voters who have submitted a voter registration application by mail and have not voted in a federal election in this state.

(f) The county auditor shall send a notice of incomplete registration to any voter whose name appears on the report and change the voter's status to "incomplete." A voter who receives a notice of incomplete registration from the county auditor may either provide the information required to complete the registration at least 21 days before the next election or at the polling place on election day."

Page 21, after line 1, insert:

"Sec. 29. Minnesota Statutes 2002, section 204C.08, is amended by adding a subdivision to read:

Subd. 1a. [VOTER'S BILL OF RIGHTS.] The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting during the morning of election day.

(2) If you are in line at your polling place any time between 7:00 a.m. and 8:00 p.m., you have the right to vote.

(3) If you can provide proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to vote after orally confirming your identity with an election judge.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your children into the voting booth with you.

(8) If you have been convicted of a felony but your civil rights have been restored, you have the right to vote.

(9) You have the right to vote without anyone trying to influence your vote.

(10) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(11) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(12) You have the right to take a sample ballot into the voting booth with you.

(13) You have the right to take a copy of this Voters' Bill of Rights into the voting booth with you.""

Page 23, after line 13, insert:

"Sec. 35. [FAILURE TO VERIFY SOCIAL SECURITY INFORMATION.]

A voter must not be included on the list of voters prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is incomplete because of a failure to match the last four digits of the voter's Social Security number until the commissioner of public safety has:

(1) entered into an agreement with the commissioner of the Social Security Administration under Minnesota Statutes, section 201.1615, regarding the use of the last four digits of a Social Security number to verify voter registration information; and

(2) assembled a complete and current database of the last four digits of the Social Security number of each resident of this state as maintained by the Social Security Administration.

Sec. 36. [VOTER REGISTRATION SYSTEM AVAILABILITY.]

The voter and election management system maintained by the secretary of state to meet the requirements of Minnesota Statutes, section 201.022, must be maintained and remain available to the secretary of state and county auditors until March 1, 2005, or until 30 days after the secretary of state has certified that a new or successor voter registration system has been fully tested and found to be free of defects, whichever is later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Marty then moved to amend the Marty amendment to H.F. No. 1006 as follows:

Page 13, delete section 35 and insert:

"Sec. 35. [FAILURE TO VERIFY VOTER INFORMATION.]

Subdivision 1. [DRIVER LICENSE OR STATE IDENTIFICATION NUMBER.] A voter must not be included on the list of voters prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is incomplete because of a failure to match the voter's driver's license or state identification number until the secretary of state has:

(1) entered into an agreement with the commissioner of public safety to electronically transfer driver's license records between their agency systems in order to be able to verify voter registration information; and

(2) certified that the voter registration system has been tested and shown to properly verify a voter's driver's license or state identification number.

Subd. 2. [SOCIAL SECURITY NUMBER.] A voter must not be included on the list of voters prepared under Minnesota Statutes, section 201.121, subdivision 1, whose registration is incomplete because of a failure to match the last four digits of the voter's Social Security number until the commissioner of public safety has:

(1) entered into an agreement with the commissioner of the Social Security Administration under Minnesota Statutes, section 201.1615, regarding the use of the last four digits of a Social Security number to verify voter registration information;

(2) assembled a complete and current database of the last four digits of the Social Security number of each resident of this state as maintained by the Social Security Administration; and

(3) certified, along with the secretary of state, that the voter registration system has been tested and shown to properly verify the last four digits of a voter's Social Security number."

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

Senator Kleis moved to amend the first Marty amendment to H.F. No. 1006 as follows:

Page 12, line 33, after "are" insert "physically"

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

The question recurred on the first Marty amendment, as amended.

The roll was called, and there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Ortman	Saxhaug
Bakk	Gaither	Langseth	Ourada	Scheid
Belanger	Hann	Lourey	Pappas	Senjem
Berglin	Higgins	Marko	Pariseau	Skoe
Betzold	Hottinger	Marty	Pogemiller	Skoglund
Chaudhary	Kelley	McGinn	Ranum	Solon
Cohen	Kierlin	Metzen	Rest	Sparks
Dibble	Kiscaden	Michel	Robling	Tomassoni
Dille	Kleis	Moua	Rosen	Vickerman
Fischbach	Knutson	Neuville	Ruud	Wergin
Foley	Koering	Olson	Sams	Wiger

Those who voted in the negative were:

Bachmann	Jungbauer	Limmer	Nienow	Reiter
Johnson, D.J.	LeClair			

The motion prevailed. So the first Marty amendment, as amended, was adopted.

H.F. No. 1006 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 54 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lourey	Ourada	Senjem
Bakk	Johnson, D.E.	Marko	Pappas	Skoe
Berglin	Kelley	Marty	Pariseau	Skoglund
Betzold	Kierlin	McGinn	Ranum	Solon
Chaudhary	Kiscaden	Metzen	Rest	Sparks
Dibble	Kleis	Moua	Robling	Stumpf
Dille	Knutson	Murphy	Rosen	Tomassoni
Fischbach	Koering	Neuville	Ruud	Vickerman
Foley	Kubly	Nienow	Sams	Wergin
Frederickson	Langseth	Olson	Saxhaug	Wiger
Higgins	Larson	Ortman	Scheid	

Those who voted in the negative were:

Bachmann	Gaither	Johnson, D.J.	LeClair	Michel
Belanger	Hann	Jungbauer	Limmer	Reiter

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

SPECIAL ORDER

S.F. No. 2313: A bill for an act relating to economic development; modifying bonding authority for the Minnesota Public Facilities Authority; amending Minnesota Statutes 2002, sections 446A.12, subdivision 1; 446A.14; 446A.17; 446A.19.

Senator Frederickson moved to amend S.F. No. 2313 as follows:

Page 3, line 1, delete "such" and insert "those"

The motion prevailed. So the amendment was adopted.

S.F. No. 2313 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Hann	Larson	Olson	Saxhaug
Bachmann	Higgins	LeClair	Ortman	Scheid
Bakk	Hottinger	Limmer	Ourada	Senjem
Belanger	Johnson, D.E.	Lourey	Pappas	Skoe
Berglin	Johnson, D.J.	Marko	Pariseau	Skoglund
Betzold	Jungbauer	Marty	Pogemiller	Solon
Chaudhary	Kelley	McGinn	Ranum	Sparks
Cohen	Kierlin	Metzen	Reiter	Stumpf
Dibble	Kiscaden	Michel	Rest	Tomassoni
Fischbach	Kleis	Moua	Robling	Vickerman
Foley	Knutson	Murphy	Rosen	Wergin
Frederickson	Kubly	Neuville	Ruud	Wiger
Gaither	Langseth	Nienow	Sams	

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

SPECIAL ORDER

H.F. No. 2246: A bill for an act relating to health; modifying the nursing facility survey process; establishing a quality improvement program; requiring annual quality improvement reports; requiring the commissioner of health to seek federal waivers and approvals; amending Minnesota Statutes 2002, sections 144A.10, subdivision 1a, by adding a subdivision; 256.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Nienow	Saxhaug
Bachmann	Hann	Larson	Olson	Scheid
Bakk	Higgins	LeClair	Ortman	Senjem
Belanger	Hottinger	Limmer	Pappas	Skoe
Berglin	Johnson, D.E.	Lourey	Pariseau	Skoglund
Betzold	Johnson, D.J.	Marko	Pogemiller	Solon
Chaudhary	Jungbauer	Marty	Ranum	Sparks
Cohen	Kelley	McGinn	Reiter	Stumpf
Dibble	Kierlin	Metzen	Rest	Tomassoni
Dille	Kiscaden	Michel	Robling	Wergin
Fischbach	Kleis	Moua	Rosen	Wiger
Foley	Knutson	Murphy	Ruud	
Frederickson	Kubly	Neuville	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2151: A bill for an act relating to telecommunications; regulating certain payments, credits, and interest charges; changing various cable system provisions; establishing consumer protections for wireless customers; expanding call areas; providing alternative regulation plans for telephone companies; amending Minnesota Statutes 2002, sections 237.01, subdivision 3; 237.06;

237.766; 237.773, subdivision 3; 238.02, subdivision 3; 238.03; 238.08, subdivisions 3, 4; 238.081; 238.083, subdivisions 2, 4; 238.084, subdivision 1; 238.11, subdivision 2; 238.22, subdivision 13; 238.23; 238.24, subdivisions 3, 4, 6, 9, 10; 238.242, subdivisions 1, 3; 238.25, subdivisions 5, 10; 238.35, subdivisions 1, 4; 238.36, subdivision 2; 238.39; 238.40; 238.43, subdivision 1; 325E.02; proposing coding for new law in Minnesota Statutes, chapters 237; 325F; repealing Minnesota Statutes 2002, sections 238.01; 238.02, subdivisions 2, 17, 18, 19, 25; 238.082; 238.083, subdivisions 3, 5; 238.084, subdivisions 2, 3, 5; 238.12, subdivision 1a; 238.36, subdivision 1.

Senator Kelley moved to amend H.F. No. 2151, as amended pursuant to Rule 45, adopted by the Senate April 26, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2774.)

Page 2, line 8, after the period, insert "A local exchange carrier must notify its customers of the right to the immediate credit for incorrect directory assistance. The notice must be in a writing labeled "NOTICE OF RIGHT TO INCORRECT DIRECTORY ASSISTANCE CREDIT." The notice must be given to a new customer within 45 days of commencing service and at least annually thereafter and the notification print must be of sufficient size to be clearly legible."

Pages 6 to 8, delete articles 5 and 6

Page 9, line 1, delete "7" and insert "5"

Page 11, line 3, after the period, insert "The prices, terms, and conditions contained in the agreements required to be filed shall be publicly disclosed in their entirety, and other terminating carriers may elect to adopt those prices, terms, and conditions in whole or in part for technically similar services provided in the exchanges included in the agreement."

Page 11, line 29, delete "8" and insert "6"

Page 12, line 15, after the period, insert "A price increase that includes only the actual amount of any increase in taxes or fees, which the government requires the provider to impose upon the customer, is not a substantive change for purposes of this section."

Page 12, line 19, after the period, insert "The provider may meet the requirement to provide a written copy of the contract by providing an electronic copy of the contract at the customer's request."

Page 12, lines 22 and 23, delete "[NOTICE OF SUBSTANTIVE CHANGE; CUSTOMER MAY OPT OUT.]" and insert "[PROVIDER-INITIATED SUBSTANTIVE CHANGE.]"

Page 12, line 26, delete everything after the period

Page 12, delete lines 27 to 30

Page 12, line 31, delete everything before "The"

Page 12, after line 36, insert:

"Subd. 4. [CUSTOMER-INITIATED CHANGE.] If the customer proposes to the provider any change in the terms of an existing contract, the provider must clearly disclose to the customer orally or electronically any change to the existing contract terms that would result from the customer's proposed change, including, but not limited to, contract duration and price. The customer's proposed change is only effective if the provider agrees to the proposed change and the customer agrees to any resulting changes in the contract. The provider must maintain recorded or electronic verification of the disclosure."

Page 13, line 5, delete "9" and insert "7"

Page 13, delete lines 7 to 36

Page 14, delete line 1 and insert:

"Section 1. [237.411] [REDUCED RATE REGULATION FOR CERTAIN BUSINESS CUSTOMERS.]

Subdivision 1. [BUSINESS CUSTOMER; DEFINED.] For the purpose of this section, "business customer" means a customer subscribing to four or more business lines.

Subd. 2. [COMPETITIVE AREA; DEFINED.] A "competitive area" is an exchange located:

(1) in the metropolitan area extended area service toll-free calling area;

(2) in a city of the first class; or

(3) in an area declared competitive by the commission pursuant to subdivision 3.

Subd. 3. [COMPETITIVE AREA DESIGNATION.] The commission must designate that an exchange is located in a competitive area if, upon petition by a telephone company or telecommunications carrier providing local service in that exchange, the commission finds that the petitioning company or carrier has lost 20 percent or more of its business access lines in that exchange to at least two different competitors, including unregulated service providers.

Subd. 4. [REDUCED RATE REGULATION.] The rates, prices, tariffs, or charges to a business customer in a competitive area by a telephone company or a telecommunications carrier offering local service are only subject to sections 237.07, subdivision 1; 237.66; and 237.663, and are not subject to any rules imposing rate or price restrictions beyond those sections or to other order or investigation of local rates under section 237.081.

Subd. 5. [PROTECTION FROM ANTICOMPETITIVE PRICING.] This subdivision applies to prices governed by subdivision 4. A telephone company must not price its local telephone services, whether offered singly or as part of a bundle of services, below the total service long-run incremental cost of providing the service or services.

Subd. 6. [ENFORCEMENT.] The powers and duties granted to the commission by section 237.081 apply to violations or suspected violations of this section. A person aggrieved by a violation of this section may file a complaint as provided in section 237.081, which shall be treated as any other complaint filed under that section. The commissioner of commerce may investigate violations or alleged violations of this section.

Sec. 2. [PUBLIC UTILITIES COMMISSION RESPONSIBILITIES.]

(a) By January 15, 2005, the Public Utilities Commission must develop, in consultation with the Office of the Attorney General and the Department of Commerce, a means for resolution of small consumer complaints with a monetary reimbursement component.

(b) By January 15, 2005, the Public Utilities Commission must develop and recommend to the legislature a plan for increasing the number of plans offering flat-rate statewide calling, making them available to all customers in Minnesota, and addressing methods of reducing the cost of such plans."

Page 14, delete article 10

Page 14, line 9, delete "11" and insert "8"

Amend the title accordingly

Pursuant to Rule 41, Senator Kierlin moved that he be excused from voting on all questions pertaining to H.F. No. 2151. The motion prevailed.

The question was taken on the adoption of the Kelley amendment. The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend H.F. No. 2151, as amended pursuant to Rule 45, adopted by the Senate April 26, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2774.)

Pages 14 to 36, delete article 11 and insert:

"ARTICLE 11

CABLE SYSTEM CHANGES

Section 1. Minnesota Statutes 2002, section 238.02, subdivision 3, is amended to read:

Subd. 3. [CABLE COMMUNICATIONS SYSTEM.] (a) "Cable communications system" means a system ~~which operates~~ that (1) provides the service of receiving and amplifying (i) programs broadcast by one or more television or radio stations and (ii) other programs originated by a person operating a cable communications ~~company system~~ or by another party, ~~and distributing person, and~~ (2) distributes those programs by wire, cable, microwave, or other means, regardless of whether the means are owned or leased, to persons who subscribe to the service.

(b) This definition does not include:

(a) (1) a system ~~which~~ that serves fewer than 50 subscribers or a system ~~which~~ that serves more than 50 but fewer than 1,000 subscribers if the governing bodies of all political subdivisions served by the system, vote, by resolution, to remove the system from the provisions of this chapter; provided that:

(i) no part of a system, nor any area within the municipality served by the system, may be removed from the provisions of this chapter if more than 1,000 subscribers are served by the system; and

(ii) any system ~~which serves~~ servicing more than 50 but fewer than 1,000 subscribers that has been removed from the provisions of this chapter ~~shall be returned~~ becomes subject to the provisions of this chapter if the governing bodies of 50 percent or more of the political subdivisions served by the system vote, by resolution, in favor of the return;

(b) (2) a master antenna television system;

(c) (3) a specialized closed-circuit system ~~which~~ that does not use the public rights-of-way for the construction of its physical plant; and

(d) (4) a translator system ~~which~~ that receives and rebroadcasts over-the-air signals.

Sec. 2. Minnesota Statutes 2002, section 238.03, is amended to read:

238.03 [APPLICABILITY.]

This chapter applies to every cable communications system ~~and every cable communications company,~~ as defined in section 238.02, operating within the state, including a cable communications company ~~which constructs, operates and maintains a cable communications system comprised in whole or in part through the of facilities of a person franchised to offer common or contract carrier services subject to regulation under chapter 237.~~ Persons possessing franchises for any of the purposes of this chapter are subject to this chapter although no property has been acquired, business transacted, or franchises exercised.

Sec. 3. Minnesota Statutes 2002, section 238.08, subdivision 3, is amended to read:

Subd. 3. [MUNICIPAL OPERATION.] ~~Nothing in this chapter shall be construed to limit~~ Unless otherwise prohibited by applicable law, any municipality from the right to may construct, purchase, and operate cable communications systems, or, ~~to~~ operate facilities and channels for community television, including, but not limited to, public, educational, and governmental access and local origination programming. Any municipal system, including the operation of community television by a municipality, ~~shall be~~ is subject to this chapter to the same extent as ~~would~~ any nonpublic cable communications system.

Sec. 4. Minnesota Statutes 2002, section 238.08, subdivision 4, is amended to read:

Subd. 4. [FEE, TAX, OR CHARGE.] Nothing in this chapter shall be construed to limit the power of any municipality to impose upon any person operating a cable communications company system a fee, tax, or charge.

Sec. 5. Minnesota Statutes 2002, section 238.081, is amended to read:

238.081 [FRANCHISE PROCEDURE.]

Subdivision 1. [PUBLICATION OF NOTICE.] The franchising authority shall have published once each week for two successive weeks in a newspaper of general circulation in each municipality within the cable service territory, a notice of intent to consider an application for a franchise, requesting applications for the franchise other than a franchise renewal pursuant to the United States Code, title 47, section 546.

Subd. 2. [REQUIRED INFORMATION IN NOTICE.] The notice must include at least the following information:

- (1) the name of the municipality making the request;
- (2) the closing date for submission of applications;
- (3) a statement of the application fee, if any, and the method for its submission;
- (4) a statement by the franchising authority of the ~~desired system design and~~ services to be offered;
- (5) a statement by the franchising authority of criteria and priorities against which the applicants for the franchise must be evaluated;
- (6) a statement that applications for the franchise must contain at least the information required by subdivision 4;
- (7) the date, time, and place for the public hearing, to hear proposals from franchise applicants; and
- (8) the name, address, and telephone number of the individuals who may be contacted for further information.

Subd. 3. [OTHER RECIPIENTS OF NOTICE.] In addition to the published notice, the franchising authority shall mail copies of the notice of intent to franchise to any person it has identified as being a potential candidate for the franchise.

Subd. 4. [CONTENTS OF FRANCHISING PROPOSAL.] (a) The franchising authority shall require that proposals for a cable communications franchise be notarized and contain, but not necessarily be limited to, the following information:

- (1) plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately;
- (2) a statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission;
- (3) a description of the proposed system design and planned operation, including at least the following items:
 - (i) the general area for location of antennae and the head end, if known;
 - (ii) the schedule for activating two-way capacity;
 - (iii) the type of automated services to be provided;

(iv) the number of channels and services to be made available for access cable broadcasting; and

(v) a schedule of charges for facilities and staff assistance for access cable broadcasting;

(4) the terms and conditions under which particular service is to be provided to governmental and educational entities;

(5) a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;

(6) a time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;

(7) a statement indicating the applicant's qualifications and experience in the cable communications field, if any;

(8) an identification of the municipalities in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built;

(9) plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;

(10) a statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary, or affiliated company; and

(11) a notation and explanation of omissions or other variations with respect to the requirements of the proposal.

~~(b) Substantive amendments may not be made in a proposal after a proposal has been submitted to the franchising authority and before award of a franchise~~ Upon submission of a proposal, the municipality and applicant may negotiate franchise terms.

Subd. 5. [TIME LIMIT TO SUBMIT APPLICATION.] The franchising authority shall allow at least 20 days from the first date of published notice to the closing date for submitting applications.

Subd. 6. [PUBLIC HEARING ON FRANCHISE.] A public hearing before the franchising authority affording reasonable notice and a reasonable opportunity to be heard with respect to all applications for the franchise must be completed at least seven days before the ~~introduction of the adoption of a franchise ordinance in the proceedings of the franchising authority.~~

Subd. 7. [AWARD OF FRANCHISE.] Franchises may be awarded ~~only by ordinance or other~~ official action by the franchising authority.

Subd. 8. [COSTS OF AWARDED FRANCHISE.] Nothing in this section prohibits a franchising authority from recovering from a ~~successful~~ an applicant the ~~entire~~ entire reasonable and necessary costs of ~~the entire process of awarding the~~ processing a cable communications franchise.

Subd. 9. [FRANCHISING NONPROFIT OR MUNICIPALLY OWNED SYSTEM.] Nothing contained in this section prohibits a franchising authority from franchising a nonprofit or municipally owned system. The municipality or nonprofit entity is considered an applicant for purposes of this section.

Subd. 10. [FRANCHISE; JOINT POWERS.] In the cases of municipalities acting in concert, the municipalities may delegate to another entity ~~such~~ any duties, responsibilities, privileges, or activities described in this section, if ~~such~~ the delegation is proper according to state and local law.

Sec. 6. Minnesota Statutes 2002, section 238.083, subdivision 2, is amended to read:

Subd. 2. [WRITTEN APPROVAL OF FRANCHISING AUTHORITY.] A sale or transfer of a franchise, including a sale or transfer by means of a fundamental corporate change, requires the written approval of the franchising authority. The parties to the sale or transfer of a franchise shall make a written request to the franchising authority for its approval of the sale or transfer. ~~The franchising authority shall reply in writing within 30 days of the request and shall indicate its approval of the request or its determination that a public hearing is necessary if it determines that a sale or transfer of a franchise may adversely affect the company's subscribers. The franchising authority shall conduct a public hearing on the request within 30 days of that determination.~~

Sec. 7. Minnesota Statutes 2002, section 238.083, subdivision 4, is amended to read:

Subd. 4. [APPROVAL OR DENIAL OF TRANSFER REQUEST.] ~~Within 30 days after the public hearing,~~ The franchising authority shall approve or deny in writing the sale or transfer request. The approval must not be unreasonably withheld.

Sec. 8. Minnesota Statutes 2002, section 238.084, subdivision 1, is amended to read:

Subdivision 1. [ALL SYSTEMS.] The following requirements apply to all ~~classes A, B, and C~~ cable communications systems unless provided otherwise:

(a) a provision that the franchise ~~complies~~ shall comply with the Minnesota franchise standards contained in this section;

(b) a provision requiring the franchisee and the franchising authority to conform to state laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and to conform to federal laws and regulations regarding cable as they become effective;

(c) a provision limiting the initial and renewal franchise term to not more than 15 years each;

(d) a provision specifying that the franchise is must be nonexclusive;

(e) a provision prohibiting sale or transfer of the franchise or sale or transfer of stock so as to create a new controlling interest under section 238.083, except at the approval of the franchising authority, which approval must not be unreasonably withheld, and conditioned that the sale or transfer is completed pursuant to section 238.083;

(f) a provision granting the franchising authority collecting a franchise fee the authority to audit the franchisee's accounting and financial records upon reasonable notice, and requiring that the franchisee file with the franchising authority annually reports of gross subscriber revenues and other information as the franchising authority deems appropriate;

(g) provisions specifying:

(1) current subscriber charges or that the current charges are available for public inspection in the municipality;

(2) the length and terms of residential subscriber contracts, if they exist, or that the current length and terms of residential subscriber contracts are available for public inspection in the municipality; and

(3) the procedure by which subscriber charges are established, unless such a provision is contrary to state or federal law;

(h) a provision indicating by title the office or officer of the franchising authority that is responsible for the continuing administration of the franchise;

(i) a provision requiring the franchisee to indemnify and hold harmless the franchising authority during the term of the franchise, and to maintain throughout the term of the franchise, liability insurance in an amount as the franchising authority may require insuring both the franchising

authority and the franchisee with regard to damages and penalties which that they may legally be required to pay as a result of the exercise of the franchise;

(j) a provision that at the time the franchise becomes effective and thereafter until the franchisee has liquidated all of its obligation with the franchising authority, the franchisee shall furnish a performance bond, certificate of deposit, or other type of instrument approved by the franchising authority in an amount as the franchising authority deems to be adequate compensation for damages resulting from the franchisee's nonperformance. The franchising authority may, from year to year and in its sole discretion, reduce the amount of the performance bond or instrument;

(k) a provision that nothing contained in the franchise relieves a person from liability arising out of the failure to exercise reasonable care to avoid injuring the franchisee's facilities while performing work connected with grading, regrading, or changing the line of a street or public place or with the construction or reconstruction of a sewer or water system;

(l) a provision that the franchisee's technical ability, financial condition, and legal qualification were considered and approved by the franchising authority in a full public proceeding that afforded reasonable notice and a reasonable opportunity to be heard;

(m) ~~a provision requiring the construction of a cable system with a channel capacity available for immediate or potential use, equal to a minimum of 72 MHz of bandwidth, the equivalent of 12 television broadcast channels. For purposes of this section, a cable system with a channel capacity, available for immediate or potential use, equal to a minimum of 72 MHz of bandwidth means: the provision of a distribution system designed and constructed so that a minimum of 72 MHz of bandwidth, the equivalent of 12 television broadcast channels, can be put into use with only the addition of the appropriate headend equipment;~~

(n) ~~a provision in initial franchises that there be a full description of the system proposed for construction identifying the system capacity and technical design and a schedule showing:~~

~~(1) that for franchise areas which will be served by a system proposed to have fewer than 100 plant miles of cable:~~

~~(i) that within 90 days of the granting of the franchise, the franchisee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;~~

~~(ii) that energized trunk cable must be extended substantially throughout the authorized area within one year after receipt of the necessary governmental permits, licenses, certificates, and authorizations and that persons along the route of the energized cable will have individual "drops" as desired during the same period of time; and~~

~~(iii) that the requirement of this section may be waived by the franchising authority only upon occurrence of unforeseen events or acts of God construction of the cable communications system must commence no later than 240 days after the granting of the franchise; or~~

~~(2) that for franchise areas which will be served by a system proposed to have 100 plant miles of cable or more, a provision: construction of the cable communications system must proceed at a reasonable rate of not less than 50 plant miles constructed per year of the franchise term;~~

~~(i) (3) that within 90 days of the granting of the franchise, the franchisee shall apply for the necessary governmental permits, licenses, certificates, and authorizations;~~

~~(ii) that engineering and design must be completed within one year after the granting of the franchise and that a significant amount of construction must be completed within one year after the franchisee's receipt of the necessary governmental permits, licenses, certificates, and authorizations;~~

~~(iii) that energized trunk cable must be extended substantially throughout the authorized area within five years after commencement of construction and that persons along the route of the energized cable will have individual "drops" within the same period of time, if desired~~

construction throughout the authorized franchise area must be substantially completed within five years of the granting of the franchise; and

~~(iv)~~ (4) that the requirement of this section be waived by the franchising authority only upon occurrence of unforeseen events or acts of God;

~~(o)~~ (n) unless otherwise already provided for by local law, a provision that the franchisee shall obtain a permit from the proper municipal authority before commencing construction of a cable communications system, including the opening or disturbance of a street, sidewalk, driveway, or public place. The provision must specify remedies available to the franchising authority in cases where the franchisee fails to meet the conditions of the permit;

~~(p)~~ (o) unless otherwise already provided for by local law, a provision that wires, conduits, cable, and other property and facilities of the franchisee be located, constructed, installed, and maintained in compliance with applicable codes. The provision must also specify that the franchisee keep and maintain its property so as not to unnecessarily interfere with the usual and customary trade, traffic, or travel upon the streets and public places of the franchise area or endanger the life or property of any person;

~~(q)~~ (p) unless otherwise already provided for by local law, a provision that the franchising authority and the franchisee shall establish a procedure in the franchise for the relocation or removal of the franchisee's wires, conduits, cables, and other property located in the street, right-of-way, or public place whenever the franchising authority undertakes public improvements which that affect the cable equipment;

~~(r)~~ (q) a provision incorporating by reference as a minimum the technical standards promulgated by the Federal Communications Commission relating to cable communications systems contained in subpart K of part 76 of the Federal Communications Commission's rules and regulations relating to cable communications systems and found in Code of Federal Regulations, title 47, sections 76.601 to 76.617. The results of tests required by the Federal Communications Commission must be filed within ten days of the conduct of the tests with the franchising authority;

~~(s)~~ (r) a provision establishing how the franchising authority and the person operating a cable communications company system shall determine who is to bear the costs of required special testing;

~~(t) a provision pertaining to the franchisee's construction and maintenance of a cable communications system having the technical capacity for nonvoice return communications which, for purposes of this section, means the provision of appropriate system design techniques with the installation of cable and amplifiers suitable for the subsequent insertion of necessary nonvoice communications electronic modules.~~

~~In cases where an initial franchise is granted, the franchisee shall provide a cable communications system having the technical capacity for nonvoice return communications.~~

~~When a franchise is renewed, sold, or transferred and is served by a system that does not have the technical capacity for nonvoice return communications, the franchising authority shall determine when and if the technical capacity for nonvoice return communications is needed after appropriate public proceedings at the municipal level giving reasonable notice and a reasonable opportunity to be heard;~~

~~(u)~~ (s) a provision stating that no signals of a class IV cable communications channel may be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for permission must be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provisions. The written permission must be for a limited period of time not to exceed one year, which is renewable at the option of the subscriber. No penalty may be invoked for a subscriber's failure to provide or renew the authorization. The authorization is revocable at any time by the subscriber without penalty of any kind.~~The~~

~~permission must be required for each type or classification of class IV cable communications activity planned for the purpose;~~

(1) No information or data obtained by monitoring transmission of a signal from a subscriber terminal, including but not limited to lists of the names and addresses of the subscribers or lists that identify the viewing habits of subscribers, may be sold or otherwise made available to any ~~party~~ person other than to the company and its employees for internal business use, or to the subscriber who is the subject of that information, unless the company has received specific written authorization from the subscriber to make the data available;

(2) Written permission from the subscriber must not be required for the systems conducting systemwide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of this information is subject to clause (1);

(3) For purposes of this provision, a "class IV cable communications channel" means a signaling path provided by a cable communications system to transmit signals of any type from a subscriber terminal to another point in the communications system;

~~(v)~~ (t) a provision specifying the procedure for the investigation and resolution by the franchisee of complaints regarding quality of service, equipment malfunction, billing disputes, and other matters;

~~(w)~~ (u) a provision requiring that at least a toll-free or collect telephone number for the reception of complaints be provided to the subscriber and that the franchisee shall maintain a repair service capable of responding to subscriber complaints or requests for service within 24 hours after receipt of the complaint or request. ~~The A~~ provision must also state who will bear the costs included in making these repairs, adjustments, or installations;

~~(x)~~ (v) a provision granting the franchising authority the right to terminate and cancel the franchise and the rights and privileges of the franchise if the franchisee substantially violates a provision of the franchise ordinance, attempts to evade the provisions of the franchise ordinance, or practices fraud or deceit upon the franchising authority. The municipality shall provide the franchisee with a written notice of the cause for termination and its intention to terminate the franchise and shall allow the franchisee a minimum of 30 days after service of the notice in which to correct the violation. The franchisee must be provided with an opportunity to be heard at a public hearing before the governing body of the municipality before the termination of the franchise;

~~(y)~~ (w) a provision that no person operating a cable communications company system, notwithstanding any provision in a franchise, may abandon a cable communications service system or a portion of it without having given three months prior written notice to the franchising authority. No person operating a cable communications company system may abandon a cable communications service system or a portion of it without compensating the franchising authority for damages resulting to it from the abandonment;

~~(z)~~ (x) a provision requiring that upon termination or forfeiture of a franchise, unless otherwise required by applicable law, the franchisee shall remove its cable, wires, and appliances from the streets, alleys, and other public places within the franchise area if the franchising authority so requests, and a procedure to be followed in the event the franchisee fails to remove its cable, wires, and appliances from the streets, alleys, and other public places within the franchise area;

~~(aa)~~ (y) a provision that when a franchise or cable system is offered for sale to be transferred or sold, the franchising authority shall have has the right to purchase the system;

~~(bb)~~ (z) a provision establishing the minimum number of access channels that the franchisee shall make available. This provision must require that the franchisee shall provide to each of its subscribers who receive some or all of the services offered on the system, reception on at least one specially designated access channel. ~~The specially designated access channel may be used by local educational authorities and local government on a first-come, first-served, nondiscriminatory~~

~~basis. During those hours that the specially designated access channel is not being used by the local educational authorities or local government, the franchisee shall lease time to commercial or noncommercial users on a first-come, first-served, nondiscriminatory basis if the demand for that time arises. The franchisee may also use this specially designated access channel for local origination during those hours when the channel is not in use by local educational authorities, local government, or commercial or noncommercial users who have leased time. The provision may require the franchisee to provide separate public access channels available for use by the general public on a first-come, first-served, nondiscriminatory basis; local educational access channels; local governmental access channels; and channels available for lease on a first-come, first-served, nondiscriminatory basis by commercial and noncommercial users. The provision may require that whenever the specially designated access channel required by this paragraph is in use during 80 percent of the weekdays, Monday through Friday, for 80 percent of the time during a consecutive three-hour period for six weeks running, and there is a demand for use of an additional channel for the same purpose, the franchisee has six months in which to provide a new, specially designated access channel for the same purpose; provided that, the provision of the additional channel or channels does not require the cable system to install converters. The VHF spectrum must be used for one of the public, educational, or governmental specially designated access channel channels required in this paragraph. The provision must also require that the franchisee shall establish rules for the administration of the specially designated access channel.~~

~~Franchisees providing only alarm services or only data transmission services for computer-operated functions do not need to provide access channel reception to alarm and data service subscribers, unless such channel is administered by a municipality;~~

~~(aa) a provision specifying the minimum equipment that the franchisee shall make available for public use. The provision may require the franchisee to make readily available for public use at least the minimal equipment necessary for the production of programming and playback of prerecorded programs for the access channels. The provision may require that, upon request, the franchisee, at minimum, shall also make readily available the minimum equipment necessary to make it possible to record programs at remote locations with battery-operated portable equipment; and~~

~~(bb) for a franchise in the metropolitan area, as defined in section 473.121, a provision designating the standard VHF channel 6 for uniform regional channel usage as required in section 238.43.~~

Sec. 9. Minnesota Statutes 2002, section 238.11, subdivision 2, is amended to read:

Subd. 2. [ACCESS CHANNEL.] No cable communications ~~company~~ system may prohibit or limit a program or class or type of program presented over a leased channel or a channel made available for public access, governmental or educational purposes. Neither the person operating a cable communications ~~company~~ system nor the officers, directors, or employees of the cable communications system is liable for any penalties or damages arising from programming content not originating from or produced by the cable communications ~~company~~ system and shown on any public access channel, education access channel, government access channel, leased access channel, or regional channel.

Sec. 10. [238.115] [CABLE PROVIDER COMPLAINTS.]

A cable communications company holding a franchise to provide cable communications services in any area of this state must immediately provide a consumer complaint telephone number to any person who calls the company or its agent and asks for a consumer complaint number. The number provided must be the telephone number of a person or agency that is unaffiliated with the cable communications company and that is organized to provide assistance to complaining consumers.

Sec. 11. Minnesota Statutes 2002, section 238.22, subdivision 13, is amended to read:

Subd. 13. [PROPERTY OWNER.] "Property owner" means any person with a recorded interest in a multiple dwelling complex, or person known to the person operating a cable communications company system to be an owner, or the authorized agent of the person.

Sec. 12. Minnesota Statutes 2002, section 238.23, is amended to read:

238.23 [ACCESS REQUIRED.]

Subdivision 1. [PROVISION OF ACCESS.] A property owner or other person controlling access shall provide a cable communications ~~company~~ system access to the property owner's multiple dwelling complex. The access provided must be perpetual and freely transferable by one person operating a cable communications company system to another. A cable communications ~~company~~ system granted access, and its successors in interest, must fully comply with sections 238.22 to 238.27.

Subd. 2. [RESIDENT'S RIGHTS.] The intent of sections 238.22 to 238.27 is to give residents the freedom to choose among competing cable communications services and nothing in sections 238.22 to 238.27 ~~shall be interpreted to require~~ requires residents to hook up or subscribe to any services offered by any cable communications ~~company~~ system or alternative provider of cable communications services.

Sec. 13. Minnesota Statutes 2002, section 238.24, subdivision 3, is amended to read:

Subd. 3. [INSTALLATION; BOND.] The facilities must be installed in an expeditious and workmanlike manner, must comply with applicable codes, and must be installed parallel to utility lines when economically feasible. A property owner may require a person operating a cable communications company system to post a bond or equivalent security in an amount not exceeding the estimated cost of installation of the cable communications facilities on the premises. Any bond filed by a cable communications ~~company~~ system with a municipality ~~which that would provide coverage to the property owner as provided under this subdivision shall be considered to fulfill~~ fulfills the requirements of this subdivision.

Sec. 14. Minnesota Statutes 2002, section 238.24, subdivision 4, is amended to read:

Subd. 4. [INDEMNIFY FOR DAMAGE.] A person operating a cable communications company system shall indemnify a property owner for damage caused by the company in the installation, operation, maintenance, or removal of its facilities.

Sec. 15. Minnesota Statutes 2002, section 238.24, subdivision 6, is amended to read:

Subd. 6. [MASTER ANTENNA TELEVISION SYSTEM.] Nothing in sections 238.22 to 238.27 precludes a property owner from entering into an agreement for use of a master antenna television system by a person operating a cable communications company system or other television communications service.

Sec. 16. Minnesota Statutes 2002, section 238.24, subdivision 9, is amended to read:

Subd. 9. [NOT RETROACTIVE.] Nothing in sections 238.22 to 238.27 affects the validity of an agreement effective before June 15, 1983 between a property owner, a person operating a cable communications company system, or any other person providing cable communications services on or within the premises of the property owner.

Sec. 17. Minnesota Statutes 2002, section 238.24, subdivision 10, is amended to read:

Subd. 10. [CHANNEL CAPACITY.] (a) A property owner must provide access ~~by to~~ a franchised person operating a cable communications company system, as required under section 238.23, only if that cable company installs equipment with channel capacity sufficient to provide access to other providers of television programming or cable communications services so that residents or association members have a choice of alternative providers of those services. If the equipment is installed, the cable communications ~~company~~ system shall allow alternative providers to use the equipment. If some of the residents or association members choose to subscribe to the services of an alternative provider, the cable company that installed the equipment ~~shall~~ must be reimbursed by the other providers for the cost of equipment and installation on the property on a pro rata basis ~~which that~~ reflects the number of subscribers of each provider on that property to the total number of subscribers on that property. In determining the pro rata amount of

reimbursement by any alternative provider, the cost of equipment and installation shall must be reduced to the extent of cumulative depreciation of that equipment at the time the alternative provider begins providing service.

(b) If equipment is already installed as of June 15, 1983, with channel capacity sufficient to allow access to alternative providers, the access and pro rata reimbursement provisions of paragraph (a) apply.

Sec. 18. Minnesota Statutes 2002, section 238.242, subdivision 1, is amended to read:

Subdivision 1. [PROVIDING ALTERNATIVE SERVICE.] Other providers of television programming or cable communications services shall notify the person operating a cable communications company system when a resident or association member occupying a dwelling unit in a multiple dwelling complex requests the services provided for by this section or section 238.241. After reaching agreement with the alternative service provider for reimbursement to be paid for use of the equipment, the cable communications company system shall make available the equipment necessary to provide the alternative service without unreasonable delay.

Sec. 19. Minnesota Statutes 2002, section 238.242, subdivision 3, is amended to read:

Subd. 3. [FINANCIAL RECORDS MADE AVAILABLE.] The person operating a cable communications company system, upon written request, shall make available to the alternative provider financial records supporting the reimbursement cost requested.

Sec. 20. Minnesota Statutes 2002, section 238.25, subdivision 5, is amended to read:

Subd. 5. [SERVICE OF PETITION.] The petition must be served upon all persons named in the petition as property owners in the same manner as a summons in a civil action; except that, service may be made upon a property owner by three weeks' published notice if the person operating a cable communications company system, its or the person's agent or attorney, files an affidavit stating on belief that the property owner is not a resident of the state and that the company has mailed a copy of the notice to the property owner at the property owner's place of residence, or that after diligent inquiry the property owner's place of residence cannot be ascertained by the company. If the state is a property owner, the notice must be served upon the attorney general. Any property owner not served as provided under this paragraph is not bound by the proceeding unless the property owner voluntarily appears therein in the proceeding.

Sec. 21. Minnesota Statutes 2002, section 238.25, subdivision 10, is amended to read:

Subd. 10. [FINAL CERTIFICATE.] Upon completion of the proceedings, the attorney for the person operating the cable communications company system shall make a certificate describing the access acquired and the purpose or purposes for which acquired, and reciting the fact of final payment of all awards or judgments in relation thereto. The certificate must be filed with the court administrator and a certified copy thereof filed for record with the county recorder. The record is notice to all parties of the access to the premises described in the petition.

Sec. 22. Minnesota Statutes 2002, section 238.35, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE FINDINGS.] There is a long-standing legislative policy in the state of Minnesota to provide for the dedication or other provision of easements and public rights-of-way required by public utilities and cable communications companies systems. Except for applicable governmental rules, these easements do not include any limitation on the type, number, or size of cables or related cable communication system components. There is a public understanding and acceptance of the need of public utilities and cable communications companies systems to have the ability to use existing utility easements and public rights-of-way in order to provide new and improved cable communications services made possible by technological developments and to make changes to the cables or related cable communication systems components. Changing technology has caused and will continue to cause over time the development of new cable communications services requiring changing uses of existing utility easements and public rights-of-way. Cable communications companies systems have a need to use existing utility easements and public rights-of-way in order to deliver their services to the public.

The addition of cable communications system components does not constitute an unanticipated or added burden on the real estate subject to the easements or public rights-of-way.

Sec. 23. Minnesota Statutes 2002, section 238.35, subdivision 4, is amended to read:

Subd. 4. [RESTRICTIONS ON USE.] (a) As a condition of using any utility easement, a cable communications ~~company shall be~~ system is subject to any burdens, duties, or obligations specified in the easement of the grantee of the easement.

(b) Subject to any applicable rights and obligations of sections 237.162 and 237.163 and any local right-of-way ordinance adopted under those statutes, a person operating a cable communications ~~company system~~ shall restore the real estate, and any landscaping or improvements thereon, to the condition they were in prior to entry within 30 days of completing the installation of the cables and related cable communications system components upon that real estate and to make changes to the cables or related cable communication systems components. Changing technology has caused and will continue to cause over time the development of new cable communications services requiring changing uses of existing utility easements. Restoration which cannot be completed during the winter months must be accomplished as promptly as weather conditions permit.

Sec. 24. Minnesota Statutes 2002, section 238.36, subdivision 2, is amended to read:

Subd. 2. [CABLE COMMUNICATIONS COMPANY'S SYSTEM'S EQUIPMENT.] "Cable communications ~~company's system's~~ equipment" means aerial wires, cables, amplifiers, associated power supply equipment, and other transmission apparatus necessary for the proper operation of the cable communications system in a franchised area.

Sec. 25. Minnesota Statutes 2002, section 238.39, is amended to read:

238.39 [LEGAL AUTHORITY.]

Every pole, duct, and conduit agreement must contain a provision that the cable communications ~~company system~~ shall submit to the public utility company evidence of the cable communications ~~company's system's~~ lawful authority to place, maintain, and operate its facilities within public streets, highways, and other thoroughfares and shall secure the legally necessary permits and consents from federal, state, county, and municipal authorities to construct, maintain, and operate facilities at the locations of poles or conduit systems of the public utility company ~~which that~~ it uses. The parties to the agreement shall at all times observe and comply with, and the provisions of a pole, duct, and conduit agreement are subject to, the laws, ordinances, and rules ~~which that~~ in any manner affect the rights and obligations of the parties to the agreement, so long as the laws, ordinances, or rules remain in effect.

Sec. 26. Minnesota Statutes 2002, section 238.40, is amended to read:

238.40 [LIABILITY; INDEMNIFY PUBLIC UTILITY.]

(a) Every pole, duct, and conduit agreement must contain a provision that the cable communications ~~company system~~ shall defend, indemnify, protect, and save harmless the public utility from and against any and all claims and demands for damages to property and injury or death to persons, including payments made under any worker's compensation law or under any plan for employees' disability and death benefits, which may arise out of or be caused:

(1) by the erection, maintenance, presence, use, or removal of the cable communications ~~company's system's~~ cable, equipment, and facilities or by the proximity of the cables, equipment, and facilities of the parties to the agreement; or

(2) by any act of the cable communications ~~company system~~ on or in the vicinity of the public utility company's poles and conduit system, in the performance of the agreement. Nothing contained in this section relieves the public utility company from liability for the negligence of the public utility company or anyone acting under its direction and control.

(b) The cable communications ~~company~~ system shall also indemnify, protect, and save harmless the public utility:

(1) from any and all claims and demands ~~which that~~ arise directly or indirectly from the operation of the cable communications ~~company's system's~~ facilities including taxes, special charges by others, claims, and demands (i) for damages or loss for infringement of copyright, (ii) for libel and slander, (iii) for unauthorized use of television broadcast programs, and (iv) for unauthorized use of other program material; and

(2) from and against all claims and demands for infringement of patents with respect to the manufacture, use, and operation of the cable communications equipment in combination with the public utility company's poles, conduit system, or otherwise.

(c) Nothing contained in this section relieves the public utility company from liability for the negligence of the public utility company or anyone acting under its direction and control.

Sec. 27. Minnesota Statutes 2002, section 238.43, subdivision 1, is amended to read:

Subdivision 1. [~~DEFINITION REGIONAL CHANNEL ENTITY.~~] ~~For the purposes of this section "Regional channel entity" or "entity"~~ means an independent, nonprofit corporation to govern the operation of the regional channel.

Sec. 28. [REVISOR INSTRUCTIONS.]

(a) The revisor of statutes shall delete the words "shall mean" and insert "means" where found in Minnesota Statutes, section 238.02.

(b) The revisor of statutes shall change the term "cable communications company" to "cable communications system" where found in Minnesota Statutes, chapter 238.

(c) In Minnesota Statutes, section 238.18, subdivision 1, the revisor of statutes shall delete paragraph (a) and renumber paragraph (b) as section 238.02, subdivision 1b, and renumber paragraph (c) as section 238.02, subdivision 34.

(d) In Minnesota Statutes, section 238.22, the revisor of statutes shall renumber subdivision 6 as section 238.02, subdivision 1a; subdivision 7 as section 238.02, subdivision 1c; subdivision 8 as section 238.02, subdivision 1d; subdivision 10 as section 238.02, subdivision 21a; subdivision 11 as section 238.02, subdivision 28a; subdivision 12 as section 238.02, subdivision 29a; subdivision 13 as section 238.02, subdivision 31a; and subdivision 14 as section 238.02, subdivision 31d.

(e) In Minnesota Statutes, section 238.36, the revisor of statutes shall renumber subdivision 2 as section 238.02, subdivision 3a; subdivision 3 as section 238.02, subdivision 20a; and subdivision 4 as section 238.02, subdivision 31b.

(f) The revisor of statutes shall renumber Minnesota Statutes, section 238.43, subdivision 1, as section 238.02, subdivision 31c.

Sec. 29. [REPEALER.]

Minnesota Statutes 2002, sections 238.01; 238.02, subdivisions 2, 17, 18, 19, and 25; 238.082; 238.083, subdivisions 3 and 5; 238.084, subdivisions 2, 3, and 5; 238.12, subdivision 1a; and 238.36, subdivision 1, are repealed."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend H.F. No. 2151, as amended pursuant to Rule 45, adopted by the Senate April 26, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2774.)

Pages 3 to 6, delete article 4

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Day	Michel	Sams	Vickerman
Bakk	Higgins	Moua	Saxhaug	Wiger
Belanger	Jungbauer	Murphy	Senjem	
Berglin	Langseth	Pappas	Skoe	
Cohen	Metzen	Pogemiller	Stumpf	

Those who voted in the negative were:

Bachmann	Hottinger	LeClair	Ortman	Scheid
Betzold	Johnson, D.E.	Limmer	Ourada	Skoglund
Chaudhary	Johnson, D.J.	Lourey	Pariseau	Solon
Dibble	Kelley	Marko	Ranum	Sparks
Dille	Kiscaden	Marty	Reiter	Tomassoni
Fischbach	Kleis	McGinn	Rest	Wergin
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	
Hann	Larson	Olson	Ruud	

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

H.F. No. 2151 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 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Nienow	Sams
Bachmann	Gaither	Larson	Olson	Saxhaug
Bakk	Hann	LeClair	Ortman	Scheid
Belanger	Higgins	Limmer	Ourada	Senjem
Berglin	Hottinger	Lourey	Pappas	Skoe
Betzold	Johnson, D.E.	Marko	Pariseau	Skoglund
Chaudhary	Johnson, D.J.	Marty	Pogemiller	Solon
Cohen	Jungbauer	McGinn	Ranum	Sparks
Day	Kelley	Metzen	Reiter	Stumpf
Dibble	Kiscaden	Michel	Rest	Tomassoni
Dille	Kleis	Moua	Robling	Vickerman
Fischbach	Knutson	Murphy	Rosen	Wergin
Foley	Kubly	Neuville	Ruud	Wiger

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

SPECIAL ORDER

H.F. No. 532: A bill for an act relating to highways; modifying provisions governing use of highway right-of-way by snowmobiles; amending Minnesota Statutes 2002, section 84.87, subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Frederickson	Langseth	Nienow	Sams
Bachmann	Gaither	Larson	Olson	Saxhaug
Bakk	Hann	LeClair	Ortman	Scheid
Belanger	Hottinger	Limmer	Ourada	Senjem
Berglin	Johnson, D.E.	Lourey	Pappas	Skoe
Betzold	Johnson, D.J.	Marko	Pariseau	Skoglund
Chaudhary	Jungbauer	Marty	Pogemiller	Solon
Cohen	Kelley	McGinn	Ranum	Sparks
Day	Kierlin	Metzen	Reiter	Stumpf
Dibble	Kiscaden	Michel	Rest	Tomassoni
Dille	Kleis	Moua	Robling	Vickerman
Fischbach	Knutson	Murphy	Rosen	Wergin
Foley	Koering	Neuville	Ruud	Wiger

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2078: A bill for an act relating to public transit; clarifying railroad grade crossing requirements; clarifying crimes involving public transit; providing penalties; amending Minnesota Statutes 2002, section 609.855, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

Senator Skoglund moved to amend H.F. No. 2078, as amended pursuant to Rule 45, adopted by the Senate May 12, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 1904.)

Page 2, after line 18, insert:

"Sec. 2. [473.4055] [REGULATION OF LIGHT RAIL TRANSIT WARNING SIGNALS.]

A statutory or home rule charter city or town may by ordinance regulate within its jurisdiction the sounding of horns, whistles, or other audible warnings by light rail transit vehicles. All regulations and ordinances adopted under this section must conform to federal law."

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. 2078 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Senjem
Bachmann	Hann	Larson	Ortman	Skoe
Bakk	Higgins	LeClair	Ourada	Skoglund
Belanger	Hottinger	Limmer	Pappas	Solon
Berglin	Johnson, D.E.	Lourey	Pariseau	Sparks
Betzold	Johnson, D.J.	Marko	Pogemiller	Stumpf
Chaudhary	Jungbauer	Marty	Ranum	Tomassoni
Cohen	Kelley	McGinn	Reiter	Vickerman
Day	Kierlin	Metzen	Rest	Wergin
Dibble	Kiscaden	Michel	Robling	Wiger
Dille	Kleis	Moua	Rosen	
Fischbach	Knutson	Murphy	Sams	
Foley	Koering	Neuville	Saxhaug	
Frederickson	Kubly	Nienow	Scheid	

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

SPECIAL ORDER

H.F. No. 2864: A bill for an act relating to food law; clarifying the basis on which food can be labeled as kosher; amending Minnesota Statutes 2002, sections 31.651, subdivision 1; 31.661.

Senator Cohen moved that the amendment made to H.F. No. 2864 by the Committee on Rules and Administration in the report adopted May 12, 2004, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 2864 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Frederickson	Koering	Murphy	Sams
Bachmann	Gaither	Kubly	Neuville	Saxhaug
Bakk	Hann	Langseth	Nienow	Scheid
Belanger	Higgins	Larson	Ortman	Senjem
Berglin	Hottinger	LeClair	Ourada	Skoe
Betzold	Johnson, D.E.	Limmer	Pappas	Skoglund
Chaudhary	Johnson, D.J.	Lourey	Pogemiller	Solon
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Dibble	Kierlin	McGinn	Rest	Tomassoni
Dille	Kiscaden	Metzen	Robling	Vickerman
Fischbach	Kleis	Michel	Rosen	Wergin
Foley	Knutson	Moua	Ruud	Wiger

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Johnson, D.E. 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. 606 and that the rules of the Senate be so far suspended as to give H.F. No. 606, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 606: A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; modifying provisions for payment of claims; amending Minnesota Statutes 2002, sections 62M.07; 62Q.74; 62Q.75, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, section 62Q.745.

Senator Frederickson moved to amend H.F. No. 606, as amended pursuant to Rule 45, adopted by the Senate May 13, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 1721.)

Page 2, line 16, delete "such" and insert "the"

The motion prevailed. So the amendment was adopted.

Senator Bakk moved to amend H.F. No. 606, as amended pursuant to Rule 45, adopted by the Senate May 13, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 1721.)

Page 2, after line 24, insert:

"Sec. 3. [62Q.7321] [ALLOCATION OF COST.]

(a) Health plan companies must not build their costs of complying with sections 62Q.732 to 62Q.75 into the premium rates they charge to individuals and employers.

(b) Health plan companies may reduce their reimbursement of providers by the cost to health plan companies of complying with sections 62Q.732 to 62Q.75."

Renumber 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 Sams moved to amend H.F. No. 606, as amended pursuant to Rule 45, adopted by the Senate May 13, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 1721.)

Page 2, line 23, delete "62Q.752" and insert "62Q.75"

Page 3, line 26, delete "62Q.74, and 62Q.752" and insert "and 62Q.74"

The motion prevailed. So the amendment was adopted.

H.F. No. 606 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Senjem
Bachmann	Hann	Larson	Ortman	Skoe
Bakk	Higgins	LeClair	Pappas	Skoglund
Belanger	Hottinger	Limmer	Pariseau	Solon
Berglin	Johnson, D.E.	Lourey	Pogemiller	Sparks
Betzold	Johnson, D.J.	Marko	Ranum	Stumpf
Chaudhary	Jungbauer	Marty	Reiter	Tomassoni
Cohen	Kelley	McGinn	Rest	Vickerman
Day	Kierlin	Metzen	Robling	Wergin
Dibble	Kiscaden	Michel	Rosen	Wiger
Dille	Kleis	Moua	Ruud	
Fischbach	Knutson	Murphy	Sams	
Foley	Koering	Neuville	Saxhaug	
Frederickson	Kubly	Nienow	Scheid	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 5.1, Senator Bachmann, chief author, moved that H.F. No. 2798 be withdrawn from the Committee on Judiciary, given a second reading, and placed on General Orders.

CALL OF THE SENATE

Senator Kleis imposed a call of the Senate for the balance of the proceedings on H.F. No. 2798. The Sergeant at Arms was instructed to bring in the absent members.

Senator Kleis raised a point of order as to the affirmative votes required under Rule 5.1, on the Bachmann motion.

The President ruled that 41 affirmative votes would be required.

Senator Kleis appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marko	Rest	Stumpf
Bakk	Hottinger	Marty	Sams	Tomassoni
Berglin	Johnson, D.E.	Metzen	Saxhaug	Vickerman
Betzold	Kelley	Moua	Scheid	Wiger
Chaudhary	Kiscaden	Murphy	Skoe	
Cohen	Kubly	Pappas	Skoglund	
Dibble	Langseth	Pogemiller	Solon	
Foley	Lourey	Ranum	Sparks	

Those who voted in the negative were:

Bachmann	Hann	Larson	Olson	Ruud
Belanger	Johnson, D.J.	LeClair	Ortman	Senjem
Day	Jungbauer	Limmer	Ourada	Wergin
Dille	Kierlin	McGinn	Pariseau	
Fischbach	Kleis	Michel	Reiter	
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

So the decision of the President was sustained.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until Friday, May 14, 2004.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marko	Rest	Stumpf
Bakk	Hottinger	Marty	Sams	Tomassoni
Berglin	Johnson, D.E.	Metzen	Saxhaug	Vickerman
Betzold	Kelley	Moua	Scheid	Wiger
Chaudhary	Kiscaden	Murphy	Skoe	
Cohen	Kubly	Pappas	Skoglund	
Dibble	Langseth	Pogemiller	Solon	
Foley	Lourey	Ranum	Sparks	

Those who voted in the negative were:

Bachmann	Hann	Larson	Olson	Ruud
Belanger	Johnson, D.J.	LeClair	Ortman	Senjem
Day	Jungbauer	Limmer	Ourada	Wergin
Dille	Kierlin	McGinn	Pariseau	
Fischbach	Kleis	Michel	Reiter	
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

The motion prevailed. So the Senate was adjourned.

Patrick E. Flahaven, Secretary of the Senate

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