

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

FIFTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, May 14, 2003

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Senator Gary W. Kubly.

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.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 13, 2003

The Honorable James P. Metzen
President of the Senate

Dear President Metzen:

On behalf of the people of Minnesota, I am honored to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1098, 941 and 350.

Sincerely,
Tim Pawlenty, Governor

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. 174, 727 and 1282.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 2003

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. 575: A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on sexual abuse against a minor; amending Minnesota Statutes 2002, section 541.073.

Senate File No. 575 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 2003

Senator Kubly moved that the Senate do not concur in the amendments by the House to S.F. No. 575, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 575. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 990: A bill for an act relating to state government; changing certain wild rice provisions; authorizing certain embargoes; clarifying certain food provisions; clarifying an enforcement provision; changing a milk storage requirement; changing certain procedures and requirements for organic food; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; clarifying animal feedlot regulation; changing fuel provisions; changing veterans homes provisions; providing for the headquarters of the departments of agriculture and health to be named after Orville L. Freeman; eliminating a requirement for anaplasmosis testing; requiring certain reports; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.05, by adding a subdivision; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 35.243; 41A.09, subdivision 1a; 116.07, subdivision 7; 198.001, by adding a subdivision; 198.004, subdivision 1; 198.005; 198.007; 239.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; 198.001, subdivision 7; 198.002, subdivision 5; 198.003, subdivision 2; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; 1715.1430.

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

Swenson, Blaine and Penas.

Senate File No. 990 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 13, 2003

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 575 and 42.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 13, 2003

FIRST READING OF HOUSE BILLS

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

H.F. No. 575: A bill for an act relating to state government; putting a limit on the amount to be spent on art in state-financed buildings; limiting administrative expenses; amending Minnesota Statutes 2002, section 16B.35, subdivision 1.

Referred to the Committee on Finance.

H.F. No. 42: A bill for an act relating to elections; prohibiting use of public funds to promote or defeat ballot questions; amending Minnesota Statutes 2002, section 123B.02, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 211B.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

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

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 293 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
293	197				

and that the above Senate File be indefinitely postponed.

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

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 504 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
504	384				

and that the above Senate File be indefinitely postponed.

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

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 723 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
723	456				

and that the above Senate File be indefinitely postponed.

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

Senator Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 671 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
671	660

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 671 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 671 and insert the language after the enacting clause of S.F. No. 660, the first engrossment; further, delete the title of H.F. No. 671 and insert the title of S.F. No. 660, the first engrossment.

And when so amended H.F. No. 671 will be identical to S.F. No. 660, and further recommends that H.F. No. 671 be given its second reading and substituted for S.F. No. 660, 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 Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 754 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
754	688

CONSENT CALENDAR

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

H.F. No.	S.F. No.
----------	----------

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 754 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 754 and insert the language after the enacting clause of S.F. No. 688, the first engrossment; further, delete the title of H.F. No. 754 and insert the title of S.F. No. 688, the first engrossment.

And when so amended H.F. No. 754 will be identical to S.F. No. 688, and further recommends that H.F. No. 754 be given its second reading and substituted for S.F. No. 688, 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 Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 883 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
883	602

CONSENT CALENDAR

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

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 883 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 883 and insert the language after the enacting clause of S.F. No. 602, the first engrossment; further, delete the title of H.F. No. 883 and insert the title of S.F. No. 602, the first engrossment.

And when so amended H.F. No. 883 will be identical to S.F. No. 602, and further recommends that H.F. No. 883 be given its second reading and substituted for S.F. No. 602, 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 Hottinger, from the Committee on Rules and Administration, to which was referred

H.F. No. 984 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.
984	679				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 984 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 984 and insert the language after the enacting clause of S.F. No. 679, the second engrossment; further, delete the title of H.F. No. 984 and insert the title of S.F. No. 679, the second engrossment.

And when so amended H.F. No. 984 will be identical to S.F. No. 679, and further recommends that H.F. No. 984 be given its second reading and substituted for S.F. No. 679, 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 Cohen from the Committee on Finance, to which was re-referred

S.F. No. 177: A bill for an act relating to transportation; requiring metropolitan airports commission to set certain taxicab vehicle qualifications; allowing quarterly payment of taxicab permit fee; authorizing certain transfers of taxicab permits; amending Minnesota Statutes 2002, section 221.091, subdivision 3.

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

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

S.F. No. 78: A bill for an act relating to local government; providing reimbursement to fire departments for expenses incurred in extinguishing certain motor vehicle fires; providing cities and towns authority to collect unpaid bills for certain emergency services from nonresidents; appropriating money; amending Minnesota Statutes 2002, sections 161.465; 366.011; 366.012.

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

Page 3, line 4, after "collect" insert "from recipients of services the delinquent" and strike "of this kind from delinquent"

Page 3, line 5, strike "recipients of services"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1547, 177 and 78 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 293, 504, 723, 671, 754, 883 and 984 were read the second time.

SPECIAL ORDERS

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

H.F. No. 385, S.F. Nos. 906, 597, 771, 829, H.F. Nos. 326, 1119, S.F. No. 770 and H.F. No. 547.

SPECIAL ORDER

H.F. No. 385: A bill for an act relating to judiciary; providing a gross misdemeanor penalty for fifth degree arson when the conduct results in bodily harm to a person; updating the fine amount for a misdemeanor penalty; amending Minnesota Statutes 2002, section 609.5632.

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 906: A bill for an act relating to corrections; authorizing collection of treatment co-pays from offenders; amending Minnesota Statutes 2002, section 241.272, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 597: A bill for an act relating to crimes; making it a crime of child endangerment to manufacture controlled substances in the presence of a child; amending Minnesota Statutes 2002, section 609.378, subdivision 1, by adding subdivisions.

Senator McGinn moved to amend S.F. No. 597 as follows:

Page 3, after line 34, insert:

"Sec. 4. Minnesota Statutes 2002, section 617.247, subdivision 5, is amended to read:

Subd. 5. [EXCEPTION.] This section does not apply to the performance of official duties by peace officers law enforcement agencies, court personnel, or attorneys, nor to licensed physicians, psychologists, or social workers or persons acting at the direction of a licensed physician, psychologist, or social worker in the course of a bona fide treatment or professional education program."

Page 3, line 36, delete "3" and insert "4"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 597 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 771: A bill for an act relating to insurance; improving insurance coverage of long-term care; amending Minnesota Statutes 2002, sections 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62S.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62S.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 829: A bill for an act relating to metropolitan government; eliminating certain reporting requirements; providing for a parks division committee on the metropolitan council; providing for the direct charging by the metropolitan council of industrial dischargers for certain wastewater treatment user fees; removing an obsolete requirement for metropolitan school districts to submit capital improvement plans to the metropolitan council for review; amending Minnesota Statutes 2002, sections 473.123, subdivision 4; 473.13, subdivision 1; 473.517, by adding a subdivision; repealing Minnesota Statutes 2002, sections 473.121, subdivision 12; 473.1623; 473.301, subdivision 4; 473.303; 473.704, subdivision 19; 473.863.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hann
Jungbauer

LeClair
Limmer

Nienow

Reiter

Wergin

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 326: A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 150A.06, subdivisions 1a, 3, by adding a subdivision; 150A.10, subdivision 1a, by adding a subdivision; 256B.55, subdivisions 3, 4, 5.

Senator Lourey moved that H.F. No. 326 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 1119: A bill for an act relating to elections; changing certain deadlines, procedures, requirements, and provisions; appropriating money; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 126C.17, subdivision 9; 201.061, subdivision 3; 201.071, subdivision 3; 201.161; 201.1611, subdivision 1; 201.171; 201.221, subdivision 3; 201.275; 202A.14, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.125; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.13, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivision 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6, by adding a subdivision; 204B.21, subdivisions 1, 2; 204B.22, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.15, subdivision 1; 204C.20, subdivision 2; 204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, subdivision 3, by adding a subdivision; 206.58, subdivision 1; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 375.101, subdivision 1; 414.041, subdivision 1; 447.32, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 5; 204D.

Senator Kleis moved to amend H.F. No. 1119, as amended pursuant to Rule 45, adopted by the Senate May 12, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 1035.)

Page 38, after line 5, insert:

"Sec. 58. Minnesota Statutes 2002, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. [RESOLUTION REQUIRED PRIMARY IN CERTAIN CIRCUMSTANCES.]
~~The school board of a school district may, by resolution adopted by June 1 of any year, decide to choose nominees for school district elective offices by a primary as provided in subdivisions 1 to 6. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked. In a school district election, if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions available, a school district must hold a primary.~~

Sec. 59. Minnesota Statutes 2002, section 205A.03, subdivision 3, is amended to read:

Subd. 3. [CANDIDATES, FILING.] The clerk shall place upon the primary ballot without partisan designation the names of individuals whose candidacies have been filed and for whom the proper filing fee has been paid. When not more than twice ~~the number of individuals to be elected to a school district elective office as many school board candidates as there are at-large school board positions available~~ file for nomination for the office or when not more than two candidates

for a specified school board position file for nomination for that office, their names must not be placed upon the primary ballot and must be placed on the school district general election ballot as the nominees for that office.

Sec. 60. Minnesota Statutes 2002, section 205A.03, subdivision 4, is amended to read:

Subd. 4. [RESULTS.] The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. Within two days after the primary, the school board of the school district shall canvass the returns, and the two candidates for each office specified school board position who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office at-large school board positions who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

Sec. 61. Minnesota Statutes 2002, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. [FILING PERIOD.] ~~In school districts nominating candidates at a school district primary, Affidavits of candidacy may must be filed with the school district clerk no earlier than the 70th day and no later than the 56th day before the first Tuesday after the second Monday in September in the year when the school district general election is held. In all other school districts, affidavits of candidacy must be filed not more than 70 days and not less than 56 days before the school district general election.~~

Page 44, line 17, before the period, insert "; sections 58 to 61 are effective the day following final enactment for independent school district No. 742; and sections 58 to 61 are effective January 1, 2004, for all other school districts and apply to school board elections held in 2004 and thereafter"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend H.F. No. 1119, as amended pursuant to Rule 45, adopted by the Senate May 12, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 1035.)

Page 41, after line 1, insert:

"Sec. 64. Minnesota Statutes 2002, section 211B.045, is amended to read:

211B.045 [NONCOMMERCIAL SIGNS EXEMPTION.]

In any municipality with, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs, ~~notwithstanding the provisions of that ordinance,~~ all noncommercial signs of any size may be posted in any number from August 1 in a state general election year until ten days following the state general election."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheid moved to amend H.F. No. 1119, as amended pursuant to Rule 45, adopted by the Senate May 12, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 1035.)

Page 39, after line 6, insert:

"Sec. 61. Minnesota Statutes 2002, section 206.80, is amended to read:

206.80 [ELECTRONIC VOTING SYSTEMS.]

An electronic voting system purchased after July 1, 2004, may not be employed unless it:

- (1) permits every voter to vote in secret;
- (2) permits every voter to vote for all candidates and questions for whom or upon which the voter is legally entitled to vote;
- (3) supports cumulative voting and ranked-order voting and stores an electronic backup copy;
- (4) provides for write-in voting when authorized;
- (4) (5) rejects by means of the automatic tabulating equipment, except as provided in section 206.84 with respect to write-in votes, all votes for an office or question when the number of votes cast on it exceeds the number which the voter is entitled to cast;
- (5) (6) permits a voter at a primary election to select secretly the party for which the voter wishes to vote; and
- (6) (7) rejects, by means of the automatic tabulating equipment, all votes cast in a primary election by a voter when the voter votes for candidates of more than one party."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Scheid moved to amend the Scheid amendment to H.F. No. 1119 as follows:

Page 1, line 10, delete the new language

Page 1, line 16, after "(3)" insert "if purchased after July 1, 2004,"

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

The question recurred on the Scheid amendment, as amended.

The roll was called, and there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Metzen	Rest	Sparks
Bakk	Kelley	Moua	Saxhaug	Tomassoni
Chaudhary	Kiscaden	Pappas	Scheid	Wiger
Dibble	Lourey	Pogemiller	Skoe	
Higgins	Marko	Ranum	Solon	

Those who voted in the negative were:

Bachmann	Frederickson	Koering	Neuville	Ruud
Belanger	Gaither	Kubly	Nienow	Senjem
Berglin	Hann	Larson	Olson	Skoglund
Betzold	Johnson, D.E.	LeClair	Ortman	Stumpf
Cohen	Johnson, D.J.	Limmer	Ourada	Vickerman
Day	Jungbauer	Marty	Pariseau	Wergin
Dille	Kierlin	McGinn	Reiter	
Fischbach	Kleis	Michel	Robling	
Foley	Knutson	Murphy	Rosen	

The motion did not prevail. So the Scheid amendment, as amended, was not adopted.

Senator Higgins moved to amend H.F. No. 1119, as amended pursuant to Rule 45, adopted by the Senate May 12, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 1035.)

Page 14, after line 29, insert:

"Sec. 13. Minnesota Statutes 2002, section 201.1611, subdivision 1, is amended to read:

Subdivision 1. [FORMS.] All post-secondary institutions that enroll students accepting state or federal financial aid shall ~~provide~~ make available voter registration forms to each student as early as possible in the fall quarter. School districts shall make available voter registration forms each May and September to students registered as students of the school district who will be eligible to vote at the next election. A school district has no obligation to make available voter registration forms to students who participate in a postsecondary education option program or who otherwise reside in the district but do not attend a school operated by the district. A school district fulfills its obligation to a student under this section if it makes available a voter registration form to the student one time. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. The institutions and school districts may request these forms from the secretary of state. Institutions shall consult with their campus student government in determining the most effective means of distributing the forms and in seeking to facilitate election day registration of students under section 201.061, subdivision 3. School districts must advise students that completion of the voter registration forms is not a school district requirement."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 55 and nays 11, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Olson	Reiter
Gaither	Jungbauer	Limmer	Pariseau	Ruud
Hann				

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend H.F. No. 1119, as amended pursuant to Rule 45, adopted by the Senate May 12, 2003, as follows:

(The text of the amended House File is identical to S.F. No. 1035.)

Page 2, after line 33, insert:

"Sec. 2. Minnesota Statutes 2002, section 10A.01, subdivision 5, is amended to read:

Subd. 5. [ASSOCIATED BUSINESS.] "Associated business" means an association from which the individual receives compensation in excess of ~~\$50~~ \$500 in a year, except for actual and reasonable expenses, ~~in any month~~ as a director, officer, owner, member, partner, employer or employee, or whose securities the individual holds worth \$2,500 or more at fair market value.

"Associated business" also means a lobbyist or principal by whom the individual is compensated in excess of \$500 in a year, except for actual and reasonable expenses, for providing services to the lobbyist or principal as an independent contractor or consultant. If an individual is compensated by an association for providing services to a lobbyist or principal as an independent contractor or consultant, "associated business" includes both the association that pays the compensation and the lobbyist or principal to whom the services are provided.

Sec. 3. Minnesota Statutes 2002, section 10A.01, subdivision 21, is amended to read:

Subd. 21. [LOBBYIST.] (a) "Lobbyist" means an individual:

(1) ~~engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, who spends more than five hours in any month or more than \$250, not including the individual's own travel expenses and membership dues, of more than \$5,000 in any year, for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials; or~~

(2) who spends more than \$250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit, by communicating or urging others to communicate with public or local officials.

(b) "Lobbyist" does not include:

(1) a public official;

(2) an employee of the state, ~~including an employee of any of the public higher education systems;~~

(3) an elected local official;

(4) a nonelected local official or an employee of a political subdivision or public higher education system acting in an official capacity, unless the nonelected official or employee of a political subdivision or public higher education system spends more than 50 hours in any month attempting to influence legislative or administrative action, or the official action of a metropolitan governmental unit other than the political subdivision or public higher education system employing the official or employee, by communicating or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, or the official action of a metropolitan governmental unit, and related research, analysis, and compilation and dissemination of information relating to legislative or administrative policy in this state, or to the policies of metropolitan governmental units;

(5) a party or the party's representative appearing in a proceeding before a state board, commission, or agency of the executive branch unless the board, commission, or agency is taking administrative action;

(6) an individual while engaged in selling goods or services to be paid for by public funds;

(7) a news medium or its employees or agents while engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly urge official action;

(8) a paid expert witness whose testimony is requested by the body before which the witness is appearing, but only to the extent of preparing or delivering testimony; or

(9) a party or the party's representative appearing to present a claim to the legislature and communicating to legislators only by the filing of a claim form and supporting documents and by appearing at public hearings on the claim.

(c) An individual who volunteers personal time to work without pay or other consideration on a

lobbying campaign, and who does not spend more than the limit in paragraph (a), clause (2), need not register as a lobbyist.

(d) An individual who provides administrative support to a lobbyist and whose salary and administrative expenses attributable to lobbying activities are reported as lobbying expenses by the lobbyist, but who does not communicate or urge others to communicate with public or local officials, need not register as a lobbyist.

Sec. 4. Minnesota Statutes 2002, section 10A.01, subdivision 33, is amended to read:

Subd. 33. [PRINCIPAL.] "Principal" means an individual ~~or~~ association, political subdivision, or public higher education system that:

(1) spends more than \$500 in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) is not included in clause (1) and spends a total of at least \$50,000 in any calendar year on efforts to influence legislative action, administrative action, or the official action of metropolitan governmental units, as described in section 10A.04, subdivision 6.

Sec. 5. Minnesota Statutes 2002, section 10A.04, subdivision 4, is amended to read:

Subd. 4. [CONTENT.] (a) A report under this section must include information the board requires from the registration form and the information required by this subdivision for the reporting period.

(b) A lobbyist must report a general description of the subject or subjects on which the lobbyist lobbied on behalf of each principal.

(c) A lobbyist must report the unitemized total amount of all income from the principal for lobbying activities on behalf of the principal, rounded to the nearest \$10,000. The total must include amounts paid to cover the lobbyist's salary and administrative expenses. The report must include any payments to the lobbyist by any other person for lobbying activities on behalf of the principal.

(d) A lobbyist must report the lobbyist's total disbursements on lobbying, separately listing lobbying to influence legislative action, lobbying to influence administrative action, and lobbying to influence the official actions of a metropolitan governmental unit, and a breakdown of disbursements for each of those kinds of lobbying into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses.

~~(e) (e) A lobbyist must report the amount and nature of each gift, item, or benefit, excluding contributions to a candidate, equal in value to \$5 or more, and each contribution to a candidate equal in value to \$50 or more, given or paid to any official, as defined in section 10A.071, subdivision 1, by the lobbyist or an employer or employee at the direction of the lobbyist. The list must include the name and address of each official to whom the gift, item, or benefit, or contribution was given or paid and the date it was given or paid.~~

~~(f) (f) A lobbyist must report each original source of money in excess of \$500 in any year used for the purpose of lobbying to influence legislative action, administrative action, or the official action of a metropolitan governmental unit. The list must include the name, address, and employer, or, if self-employed, the occupation and principal place of business, of each payer of money in excess of \$500.~~

~~(e) On the report due April 15, the lobbyist must provide a general description of the subjects lobbied in the previous 12 months (g) A lobbyist must report the amount and date of each contribution given by the lobbyist to a party organization within a house of the legislature.~~

Sec. 6. Minnesota Statutes 2002, section 10A.04, subdivision 6, is amended to read:

Subd. 6. [PRINCIPAL REPORTS.] (a) A principal must report to the board as required in this subdivision by March 15 for the preceding calendar year.

(b) The principal must report the total amount, ~~rounded to the nearest \$20,000,~~ spent by the principal during the preceding calendar year to influence legislative action, the total amount spent by the principal during the preceding calendar year to influence administrative action, and the total amount spent by the principal during the preceding calendar year to influence the official action of metropolitan governmental units.

(c) The principal must report under this subdivision a total amount that includes:

(1) all direct payments by the principal to lobbyists in this state;

(2) all expenditures for advertising, mailing, research, analysis, compilation and dissemination of information, and public relations campaigns related to legislative action, administrative action, or the official action of metropolitan governmental units in this state; and

(3) all salaries and administrative expenses attributable to activities of the principal or a lobbyist engaged by the principal relating to efforts on behalf of the principal to influence legislative action, administrative action, or the official action of metropolitan governmental units in this state."

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. 1119 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	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

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

SPECIAL ORDER

S.F. No. 770: A bill for an act relating to Hennepin county; authorizing the county board to establish a different governance structure of its medical center; removing its medical center and its health maintenance organization from certain contracting requirements; amending Minnesota Statutes 2002, section 383B.217, subdivisions 1, 3, 7.

Senator Rest moved to amend S.F. No. 770 as follows:

Pages 1 and 2, delete sections 1 and 2

Page 2 line 22, strike "contracted"

Page 2, line 23, after the stricken "with" insert "that are incidental to or that are included as part of a contract for the purchase of goods, materials, supplies, or equipment"

Page 2, line 25, after the period, insert "Contracting and purchasing of services shall comply with sections 383B.141 to 383B.151 or other applicable laws related to public procurement."

Page 4, line 2, after the stricken "process" insert ", except for services,"

Page 4, line 3, after the period, insert "When contracting for services, the county board must comply with sections 383B.141 to 383B.151 and other applicable law, except that the board may contract with a private or public cooperative purchasing organization if it can be established that the purchasing organization's services that are purchased have been awarded through a competitive or request for proposal process."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 770 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

NOTICE OF RECONSIDERATION

Senator Dibble gave notice of his intention to move for reconsideration of the vote whereby S.F. No. 829 was passed by the Senate on Wednesday, May 14, 2003.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Lourey moved that H.F. No. 326 be taken from the table. The motion prevailed.

H.F. No. 326: A bill for an act relating to health; modifying dental practice provisions; amending Minnesota Statutes 2002, sections 150A.06, subdivisions 1a, 3, by adding a subdivision; 150A.10, subdivision 1a, by adding a subdivision; 256B.55, subdivisions 3, 4, 5.

Senator Vickerman moved to amend H.F. No. 326 as follows:

Page 1, after line 7, insert:

"ARTICLE 1
DENTAL PRACTICE MODIFICATIONS"

Page 2, line 35, delete "REGISTERED"

Page 3, lines 3, 11, and 14, delete "registered"

Page 5, line 25, delete "unregistered and registered"

Page 5, line 26, after "assistants" insert "and dental aides"

Page 5, line 27, delete "registration" and insert "licensure"

Page 7, lines 20 and 30, delete "registered" and insert "licensed"

Page 7, line 34, delete "registered"

Page 9, after line 32, insert:

"ARTICLE 2
LICENSURE FOR DENTAL ASSISTANTS"

Section 1. Minnesota Statutes 2002, section 116J.70, subdivision 2a, is amended to read:

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

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

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

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

- (i) abstracters regulated pursuant to chapter 386;
- (ii) accountants regulated pursuant to chapter 326A;
- (iii) adjusters regulated pursuant to chapter 72B;
- (iv) architects regulated pursuant to chapter 326;
- (v) assessors regulated pursuant to chapter 270;
- (vi) athletic trainers regulated pursuant to chapter 148;
- (vii) attorneys regulated pursuant to chapter 481;
- (viii) auctioneers regulated pursuant to chapter 330;
- (ix) barbers regulated pursuant to chapter 154;
- (x) beauticians regulated pursuant to chapter 155A;
- (xi) boiler operators regulated pursuant to chapter 183;
- (xii) chiropractors regulated pursuant to chapter 148;
- (xiii) collection agencies regulated pursuant to chapter 332;
- (xiv) cosmetologists regulated pursuant to chapter 155A;

- (xv) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (xvi) detectives regulated pursuant to chapter 326;
- (xvii) electricians regulated pursuant to chapter 326;
- (xviii) mortuary science practitioners regulated pursuant to chapter 149A;
- (xix) engineers regulated pursuant to chapter 326;
- (xx) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xxi) certified interior designers regulated pursuant to chapter 326;
- (xxii) midwives regulated pursuant to chapter 147D;
- (xxiii) nursing home administrators regulated pursuant to chapter 144A;
- (xxiv) optometrists regulated pursuant to chapter 148;
- (xxv) osteopathic physicians regulated pursuant to chapter 147;
- (xxvi) pharmacists regulated pursuant to chapter 151;
- (xxvii) physical therapists regulated pursuant to chapter 148;
- (xxviii) physician assistants regulated pursuant to chapter 147A;
- (xxix) physicians and surgeons regulated pursuant to chapter 147;
- (xxx) plumbers regulated pursuant to chapter 326;
- (xxxi) podiatrists regulated pursuant to chapter 153;
- (xxxii) practical nurses regulated pursuant to chapter 148;
- (xxxiii) professional fund raisers regulated pursuant to chapter 309;
- (xxxiv) psychologists regulated pursuant to chapter 148;
- (xxxv) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (xxxvi) registered nurses regulated pursuant to chapter 148;
- (xxxvii) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (xxxviii) steamfitters regulated pursuant to chapter 326;
- (xxxix) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (xl) veterinarians regulated pursuant to chapter 156;
- (xli) water conditioning contractors and installers regulated pursuant to chapter 326;
- (xlii) water well contractors regulated pursuant to chapter 103I;
- (xliii) water and waste treatment operators regulated pursuant to chapter 115;
- (xliv) motor carriers regulated pursuant to chapter 221;
- (xlv) professional firms regulated under chapter 319B;
- (xlvi) real estate appraisers regulated pursuant to chapter 82B;

(xlvii) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;

(4) any driver's license required pursuant to chapter 171;

(5) any aircraft license required pursuant to chapter 360;

(6) any watercraft license required pursuant to chapter 86B;

(7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and

(8) any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 2002, section 144.054, subdivision 2, is amended to read:

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

Sec. 3. Minnesota Statutes 2002, section 150A.01, subdivision 5, is amended to read:

Subd. 5. [DENTAL ASSISTANT AIDE.] "Dental assistant aide" means a person performing acts authorized under section 150A.10, subdivision 2.

Sec. 4. Minnesota Statutes 2002, section 150A.01, subdivision 8, is amended to read:

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

Sec. 5. Minnesota Statutes 2002, section 150A.02, subdivision 1, is amended to read:

Subdivision 1. There is hereby created a board of dentistry whose duty it shall be to carry out the purposes and enforce the provisions of sections 150A.01 to 150A.12. The board shall consist of two public members as defined by section 214.02, five qualified resident dentists, one qualified resident registered dental assistant, and one qualified resident dental hygienist appointed by the governor. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of board complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214. Each board member who is a dentist, registered dental assistant, or dental hygienist shall have been lawfully in active practice in this state for five years immediately preceding appointment; and no board member shall be eligible for appointment to more than two consecutive four-year terms, and members serving on the board at the time of the enactment hereof shall be eligible to reappointment provided they shall not have served more than nine consecutive years at the expiration of the term to which they are to be appointed. At least 90 days prior to the expiration of the terms of dentists, registered dental assistants, or dental hygienists, the Minnesota dental association, Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor for each term expiring not less than two dentists, two registered dental assistants, or two dental hygienists, respectively, who are qualified to serve on the board, and from the list so recommended the governor may appoint members to the board for the term of four years, the appointments to be made within 30 days after the expiration of the terms. Within 60 days after the occurrence of a

dentist, registered dental assistant, or dental hygienist vacancy, prior to the expiration of the term, in the board, the Minnesota dental association, the Minnesota dental assistants association, or the Minnesota state dental hygiene association shall recommend to the governor not less than two dentists, two registered dental assistants, or two dental hygienists, who are qualified to serve on the board and from the list so recommended the governor, within 30 days after receiving such list of dentists, may appoint one member to the board for the unexpired term occasioned by such vacancy. Any appointment to fill a vacancy shall be made within 90 days after the occurrence of such vacancy. The first four-year term of the dental hygienist and of the registered dental assistant shall commence on the first Monday in January, 1977.

Sec. 6. Minnesota Statutes 2002, section 150A.03, subdivision 1, is amended to read:

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

Sec. 7. Minnesota Statutes 2002, section 150A.05, is amended by adding a subdivision to read:

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

Sec. 8. Minnesota Statutes 2002, section 150A.05, subdivision 2, is amended to read:

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

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

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

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

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

(5) the practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure ~~or registration~~ examinations administered by regional and national testing agencies with whom the board is authorized to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

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

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

Sec. 9. Minnesota Statutes 2002, section 150A.06, subdivision 2a, is amended to read:

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

Sec. 10. Minnesota Statutes 2002, section 150A.06, subdivision 2b, is amended to read:

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

Sec. 11. Minnesota Statutes 2002, section 150A.06, subdivision 5, is amended to read:

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

Sec. 12. Minnesota Statutes 2002, section 150A.06, subdivision 6, is amended to read:

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

Sec. 13. Minnesota Statutes 2002, section 150A.08, subdivision 1, is amended to read:

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

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

(2) Conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest

plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

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

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

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

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

(7) Gross immorality;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 14. Minnesota Statutes 2002, section 150A.08, subdivision 3, is amended to read:

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

Sec. 15. Minnesota Statutes 2002, section 150A.08, subdivision 4, is amended to read:

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

Sec. 16. Minnesota Statutes 2002, section 150A.08, subdivision 5, is amended to read:

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

Sec. 17. Minnesota Statutes 2002, section 150A.08, subdivision 6, is amended to read:

Subd. 6. [MEDICAL RECORDS.] Notwithstanding contrary provisions of sections 13.384 and 144.651 or any other statute limiting access to medical or other health data, the board may obtain medical data and health records of a licensee, ~~registrant~~, or applicant without the licensee's, ~~registrant's~~, or applicant's consent if the information is requested by the board as part of the process specified in subdivision 5. The medical data may be requested from a provider, as defined in section 144.335, subdivision 1, clause (b), an insurance company, or a government agency, including the department of human services. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and shall not be liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision shall be classified as private under the Minnesota Government Data Practices Act.

Sec. 18. Minnesota Statutes 2002, section 150A.08, subdivision 8, is amended to read:

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

Sec. 19. Minnesota Statutes 2002, section 150A.081, subdivision 1, is amended to read:

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

Sec. 20. Minnesota Statutes 2002, section 150A.081, subdivision 2, is amended to read:

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

Sec. 21. Minnesota Statutes 2002, section 150A.09, subdivision 1, is amended to read:

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

Sec. 22. Minnesota Statutes 2002, section 150A.09, subdivision 3, is amended to read:

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

and registered dental assistant shall provide the board written notice of the new address either personally or by first class mail.

Sec. 23. Minnesota Statutes 2002, section 150A.09, subdivision 5, is amended to read:

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

Sec. 24. Minnesota Statutes 2002, section 150A.10, subdivision 2, is amended to read:

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

Sec. 25. Minnesota Statutes 2002, section 214.18, subdivision 5, is amended to read:

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

Sec. 26. Minnesota Statutes 2002, section 352.91, subdivision 3g, is amended to read:

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

(b) The employment positions and correctional facilities are:

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

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

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

(4) psychologist 2, at the Minnesota correctional facility-Faribault, the Minnesota correctional facility-Lino Lakes, the Minnesota correctional facility-Moose Lake, the Minnesota correctional facility-Oak Park Heights, the Minnesota correctional facility-Red Wing, the Minnesota

correctional facility-St. Cloud, the Minnesota correctional facility-Shakopee, and the Minnesota correctional facility-Stillwater; and

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 326 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 63 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnson, D.J.	LeClair	Reiter
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 547: A bill for an act relating to commerce; regulating payment for certain warranty work by farm implement dealers; changing the definition of heavy and utility equipment; amending Minnesota Statutes 2002, section 325E.068, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E.

Senator Sams moved that the amendment made to H.F. No. 547 by the Committee on Rules and Administration in the report adopted April 22, 2003, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

Senator Skoe moved to amend H.F. No. 547 as follows:

Page 1, line 17, before "Approved" insert "Unless the farm equipment dealer agrees to a later date,"

The motion prevailed. So the amendment was adopted.

H.F. No. 547 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

CONSENT CALENDAR

H.F. No. 1095: A bill for an act relating to human services; extending the deadline for commencing construction for previously approved moratorium projects; providing for expired and canceled proposals; amending Minnesota Statutes 2002, section 144A.073, by adding subdivisions.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Senjem
Bachmann	Hann	Larson	Ourada	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 passed and its title was agreed to.

S.F. No. 1278: A bill for an act relating to crime prevention; clarifying the reporting requirements of the predatory offender registration law; amending Minnesota Statutes 2002, section 243.166, subdivisions 3, 4a.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Senjem
Bachmann	Hann	Larson	Ourada	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 passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

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

H.F. No. 956: A bill for an act relating to veterans homes; clarifying use of certain funds; amending Minnesota Statutes 2002, section 198.261.

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

Page 1, after line 12, insert:

"Sec. 2. [MINNEAPOLIS VETERANS HOME.]

Subdivision 1. [APPROPRIATION.] \$1,500,000 is appropriated from the bond proceeds fund to the commissioner of administration to replace sanitary sewer pipes in building 17 at the Minnesota veterans home in Minneapolis. This appropriation is not available until at least \$1,000,000 has been committed to the project from other sources.

Subd. 2. [BOND SALE.] To provide the money appropriated in this section from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$1,500,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing the sale of state bonds; appropriating money;"

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

SECOND READING OF HOUSE BILLS

H.F. No. 956 was read the second time.

RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

APPOINTMENTS

Senator Hottinger from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 693: Senators Wiger, Dibble and Robling.

S.F. No. 328: Senators Solon, Higgins and Kiscaden.

S.F. No. 575: Senators Kubly, Ortman and Skoglund.

H.F. No. 784: Senators Foley, Berglin, Ranum, Higgins and Knutson.

Senator Hottinger moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Jungbauer, Nienow, Dille, Anderson and Marty introduced--

S.F. No. 1548: A bill for an act relating to environment; requiring phosphorus management plans for municipal wastewater facilities; amending Minnesota Statutes 2002, section 115.44, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senators Kierlin, Day, Senjem, Murphy and Kiscaden introduced--

S.F. No. 1549: A bill for an act relating to capital improvements; authorizing spending to better public land and buildings; authorizing the board of trustees of the Minnesota state colleges and universities to make capital improvements at Winona state university; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

MEMBERS EXCUSED

Senators Hottinger and Rest were excused from the Session of today for brief periods of time. Senators Anderson and Pogemiller were excused from the Session of today from 11:00 a.m. to 12:05 p.m. Senator Moua was excused from the Session of today from 11:00 a.m. to 12:15 p.m.

Senator Ranum was excused from the Session of today from 12:55 to 1:30 p.m. Senator Sams was excused from the Session of today from 1:15 to 1:45 p.m. Senator Metzen was excused from the Session of today from 2:10 to 2:15 p.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 9:00 a.m., Thursday, May 15, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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