

## STATE OF MINNESOTA

## EIGHTY-FIRST SESSION — 2000

## EIGHTY-SIXTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 13, 2000

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Lori Walber, Our Savior's Reformed Church, Brooklyn Park, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dorn	Howes	Mahoney	Paymar	Sykora
Abrams	Entenza	Huntley	Mares	Pelowski	Tingelstad
Anderson, B.	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Marko	Pugh	Trimble
Bakk	Finseth	Johnson	McCollum	Rest	Tuma
Biernat	Folliard	Juhnke	McElroy	Reuter	Tunheim
Bishop	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Boudreau	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Bradley	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kielkucki	Mulder	Rukavina	Wejman
Buesgens	Gray	Knoblach	Mullery	Schumacher	Wenzel
Carlson	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carruthers	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Cassell	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Chaudhary	Haake	Kuisle	Olson	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, K.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Daggett	Harder	Leighton	Osskopp	Solberg	Workman
Davids	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Folliard moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

**REPORTS OF CHIEF CLERK**

S. F. No. 2776 and H. F. No. 3064, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jaros moved that S. F. No. 2776 be substituted for H. F. No. 3064 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3097 and H. F. No. 3003, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Stanek moved that the rules be so far suspended that S. F. No. 3097 be substituted for H. F. No. 3003 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES**

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 178, A bill for an act relating to health; requiring informed consent of a female upon whom an abortion is performed; providing civil remedies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 672, A bill for an act relating to transportation; authorizing county review of plats on real property that is bordering existing or proposed county highways; authorizing dispute resolution between city and county; amending Minnesota Statutes 1998, sections 462.358, subdivision 3b; and 505.03, subdivision 2.

Reported the same back with the following amendments:

Page 4, line 11, after the period, insert "Within ten business days following a city's or town's receipt of the county engineer's written comments and recommendations, the city or town shall submit to the county board notice of the pending preliminary plat approval, along with a statement addressing the disposition of any written comments or recommendations made by the county engineer. In the event the city or town does not recommend amending the plat to conform to the recommendations made by the county engineer, representatives from the county, city or town, and property owner shall meet to discuss the differences and determine whether changes to the plat are appropriate prior to preliminary approval."

Page 4, delete lines 15 to 23

Amend the title as follows:

Page 1, delete lines 2 to 7, and insert:

"relating to plats; clarifying procedures and specifying responsibilities and timing for county review and comment on preliminary plats that include land bordering county or state roads; amending Minnesota Statutes 1998, sections 462.358, subdivision 3b; and 505.03, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 988, A bill for an act relating to utilities; creating advisory selection process for public utility commissioners; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, sections 216A.03, subdivisions 1 and 1a; and 216A.037; proposing coding for new law in Minnesota Statutes, chapter 216A.

Reported the same back with the following amendments:

Pages 1 to 4, delete sections 1 to 3

Page 4, line 10, delete "Sec. 4." and insert "Section 1."

Page 4, line 19, after "and" insert "a party or"

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "regulating"

Page 1, line 4, delete "commissioners" and insert "public utilities commissioners and providing complaint procedures"

Page 1, line 5, delete everything after the first comma and insert "section"

Page 1, delete lines 6 and 7 and insert "216A.037."

With the recommendation that when so amended the bill pass.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 1070, A bill for an act relating to game and fish; providing for certain lifetime game and fish licenses; establishing the lifetime fish and wildlife trust fund; imposing fees; requiring an annual report; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 97A.071, subdivision 2, is amended to read:

Subd. 2. [REVENUE FROM THE SMALL GAME LICENSE SURCHARGE.] Revenue from the small game surcharge and \$4 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 2. Minnesota Statutes 1999 Supplement, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. [DEER AND BEAR LICENSES.] (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), and (9), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4.

(b) At least \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds \$1,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding exceeds \$1,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$1,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Sec. 3. Minnesota Statutes 1998, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in paragraphs (b) ~~and~~, (c), and (d), a license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

(c) When the last day of February falls on a Saturday, an annual resident or nonresident fish house or dark house license, including a rental fish house or dark house license, obtained for the license year covering the last day of February, is valid through Sunday, March 1 and the angling license of the fish house licensee is extended through March 1.

(d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the lawful time within the license year that the licensed activity may be performed for the lifetime of the licensee.

Sec. 4. Minnesota Statutes 1998, section 97A.421, is amended to read:

97A.421 [VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.]

Subdivision 1. [GENERAL.] (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license; or

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Subd. 2. [ISSUANCE OF LICENSE AFTER CONVICTION FOR BUYING AND SELLING WILD ANIMALS.] A person may not obtain a license to take any wild animal or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, for a period of three years after being convicted of buying or selling game fish, big game, or small game, and the total amount of the sale is \$300 or more.

Subd. 3. [ISSUANCE OF A BIG GAME LICENSE AFTER CONVICTION.] A person may not obtain any big game license or take big game under a lifetime license, issued under section 97A.473, for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

(2) doing an act without a required big game license; or

(3) the second violation within three years under the game and fish laws relating to big game.

Subd. 4. [ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION.] A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery or hunt with a firearm under a lifetime license, issued under section 97A.473 or 97A.474, for five years after conviction.

Subd. 5. [COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION.] If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2. The commissioner's authority applies only to licenses to:

(1) maintain and operate fur or game farms or private fish hatcheries;

(2) take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;

(3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishing licensees; and

(4) sell live minnows.

Subd. 6. [APPLICABILITY TO MOOSE OR ELK LICENSES.] In this section the term "license" includes an application for a license to take either moose or elk.

Sec. 5. [97A.473] [RESIDENT LIFETIME LICENSES.]

Subdivision 1. [RESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license, a lifetime small game hunting license, a lifetime firearms deer license, or a lifetime sporting license to a person who is a resident of the state for at least one year or who is under age 21 and the child of a person who is a resident of the state for at least one year. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

(1) telephone or Internet notification, as specified by the commissioner;

(2) the purchase of stamps for the license; or

(3) registration and tag issuance, in the case of the resident lifetime deer license.

Subd. 2. [LIFETIME ANGLING LICENSE; FEE.] (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

(1) age 3 and under, \$227;

(2) age 4 to age 15, \$300;

(3) age 16 to age 50, \$383; and

(4) age 51 and over, \$203.

Subd. 3. [LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A resident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual resident small game hunting license. The license does not include any of the hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

(1) age 3 and under, \$217;

(2) age 4 to age 15, \$290;

(3) age 16 to age 50, \$363; and

(4) age 51 and over, \$213.

Subd. 4. [LIFETIME FIREARM DEER HUNTING LICENSE; FEE.] (a) A resident lifetime firearm deer hunting license authorizes a person to take deer with firearms in the state. The license authorizes those activities authorized by the annual resident firearm deer hunting license. The licensee must register and receive tags each year that the license is used. The tags shall be issued at no charge to the licensee.

(b) The fees for a resident lifetime firearm deer hunting license are:

(1) age 3 and under, \$337;

(2) age 4 to age 15, \$450;

(3) age 16 to age 50, \$573; and

(4) age 51 and over, \$383.

Subd. 5. [LIFETIME SPORTING LICENSE; FEE.] (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt small game in the state. The license authorizes those activities authorized by the annual resident angling and resident small game hunting licenses. The license does not include a trout and salmon stamp or any of the hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

(1) age 3 and under, \$357;

(2) age 4 to age 15, \$480;

(3) age 16 to age 50, \$613; and

(4) age 51 and over, \$413.

Sec. 6. [97A.474] [NONRESIDENT LIFETIME LICENSES.]

Subdivision 1. [NONRESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license or a lifetime small game hunting license to a nonresident. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

(1) telephone or Internet notification, as specified by the commissioner; or

(2) the purchase of stamps for the license.

Subd. 2. [NONRESIDENT LIFETIME ANGLING LICENSE; FEE.] (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

(1) age 3 and under, \$447;

(2) age 4 to age 15, \$600;

(3) age 16 to age 50, \$773; and

(4) age 51 and over, \$513.

Subd. 3. [NONRESIDENT LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A nonresident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual nonresident small game hunting license. The license does not include any of the hunting stamps required by law.

(b) The fees for a nonresident lifetime small game hunting license are:

(1) age 3 and under, \$947;

(2) age 4 to age 15, \$1,280;

(3) age 16 to age 50, \$1,633; and

(4) age 51 and over, \$1,083.

Sec. 7. [97A.4742] [LIFETIME FISH AND WILDLIFE TRUST FUND.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] The lifetime fish and wildlife trust fund is established as a fund in the state treasury. All money received from the issuance of resident lifetime angling, small game hunting, firearm deer hunting, and sporting licenses and earnings on the fund shall be credited to the lifetime fish and wildlife trust fund.

Subd. 2. [INVESTMENT OF FUND; USE OF INCOME FROM FUND.] Money in the lifetime fish and wildlife trust fund shall be invested by the state investment board to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The income received and accruing from investments of the fund shall be deposited in the lifetime fish and wildlife trust fund. Each year the commissioner of finance shall transfer from the lifetime fish and wildlife trust fund to the game and fish fund an amount equal to the amount that would otherwise have been collected from annual license fees for each lifetime license. Surcharge amounts shall be transferred based on sections 97A.071, subdivision 2, and 97A.075, subdivision 1.

Subd. 3. [LIFETIME LICENSE FEES.] By October 15 of each even-numbered year, the commissioner shall report on the adequacy of lifetime license fees and make specific requests for fee adjustments for the lifetime licenses to the legislative committees with jurisdiction over environment and natural resources finance and the commissioner of finance. The commissioner of finance shall review the fee report and make recommendations to the governor and legislature for each fee category under sections 97A.473 and 97A.474, as part of the biennial budget, under sections 16A.10 and 16A.11.

Subd. 4. [ANNUAL REPORT.] By November 15 each year, the commissioner shall submit a report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund and shall describe projects funded, locations of the projects, and results and benefits from the projects. The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

Sec. 8. Minnesota Statutes 1998, section 97A.475, subdivision 4, is amended to read:

Subd. 4. [SMALL GAME SURCHARGE.] Fees for annual licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Sec. 9. Minnesota Statutes 1999 Supplement, section 97B.020, is amended to read:

97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

Except as provided in this section, a person born after December 31, 1979, may not obtain ~~a~~ an annual license to take wild animals by firearms unless the person has a firearms safety certificate or equivalent certificate, driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

Sec. 10. [APPROPRIATION.]

\$60,000 is appropriated in fiscal year 2001 from the game and fish fund to the commissioner of natural resources to administer and market lifetime licenses.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment. The resident licenses under section 5 shall be made available by March 1, 2001, and apply to taking game and fish for the 2001 license year. The nonresident licenses under section 6 shall be made available by March 1, 2002, and apply to taking game and fish for the 2002 license year."

Delete the title and insert:

"A bill for an act relating to game and fish; providing for certain lifetime game and fish licenses; establishing the lifetime fish and wildlife trust fund; imposing fees; requiring an annual report; appropriating money; amending Minnesota Statutes 1998, sections 97A.071, subdivision 2; 97A.411, subdivision 1; 97A.421; and 97A.475, subdivision 4; Minnesota Statutes 1999 Supplement, sections 97A.075, subdivision 1; and 97B.020; proposing coding for new law in Minnesota Statutes, chapter 97A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 1172, A bill for an act relating to crime; including violation of a similar law from another state within the enhanced penalty provision of the harassment and antistalking law; amending Minnesota Statutes 1998, section 609.749, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 1267, A bill for an act relating to civil actions; clarifying the economic loss doctrine; providing for a comprehensive statute governing economic loss; proposing coding for new law in Minnesota Statutes, chapter 604.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [604.101] [ECONOMIC LOSS DOCTRINE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Buyer" means a person who buys or leases or contracts to buy or lease the goods that are alleged to be defective or the subject of a misrepresentation.

(c) "Goods" means tangible personal property, regardless of whether that property is incorporated into or becomes a component of some different property.

(d) "Period of restoration" means the time a reasonable person would find reasonably necessary to repair, replace, rebuild, or restore other tangible property and real property harmed by the defect in the goods to a quality level reasonably equivalent to the quality level that existed before the defect caused the harm, but excluding in all circumstances:

(1) time necessary to repair, replace, rebuild, or restore the goods themselves;

(2) delays or other impediments resulting from a difficulty in obtaining financing; and

(3) delays or other impediments resulting from zoning or environmental requirements imposed by law that did not apply to the use of the harmed property immediately before the harm occurred.

(e) "Product defect tort claim" means a common law tort claim for damages caused by a defect in the goods but does not include statutory claims. A defect in the goods includes a failure to adequately instruct or warn.

(f) "Seller" means a person who sells or leases or contracts to sell or lease the goods that are alleged to be defective or the subject of a misrepresentation.

(g) If a good is a component of a manufactured good, harm caused by the component good to the manufactured good is not harm to tangible personal property other than the component good.

Subd. 2. [SCOPE.] This section does not apply to claims for injury to the person. This section applies to any claim by a buyer against a seller for harm caused by a defect in the goods sold or leased, or for a misrepresentation relating to the goods sold or leased:

(1) regardless of whether the seller and the buyer were in privity regarding the sale or lease of the goods; and

(2) regardless of whether article 2 or article 2A of the Uniform Commercial Code under chapter 336 governed the sale or lease that caused the seller to be a seller and buyer to be a buyer.

Subd. 3. [LIMITS ON PRODUCT DEFECT TORT CLAIMS.] A buyer may not bring a product defect tort claim against a seller for compensatory damages unless a defect in the goods sold or leased caused harm to the buyer's tangible personal property other than the goods or to the buyer's real property. In any claim brought under this subdivision, the buyer may recover only for:

(1) loss of, damage to, or diminution in value of the other tangible personal property or real property, including, where appropriate, reasonable costs of repair, replacement, rebuilding, and restoration;

(2) business interruption losses, excluding loss of good will and harm to business reputation, that actually occur during the period of restoration; and

(3) additional family, personal, or household expenses that are actually incurred during the period of restoration.

Subd. 4. [LIMITS ON COMMON LAW MISREPRESENTATION CLAIMS.] A buyer may not bring a common law misrepresentation claim against a seller relating to the goods sold or leased unless the misrepresentation was made intentionally or recklessly.

Subd. 5. [RELATION TO COMMON LAW.] The economic loss doctrine applies to claims only as stated in this section. This section does not alter the elements of a product defect tort claim or a common law claim for misrepresentation.

Subd. 6. [APPLICATION; EFFECT ON EXISTING STATUTE.] This section governs claims by a buyer against a seller if the sale or lease that caused the seller to be a seller and the sale or lease that caused the buyer to be a buyer both occurred on or after August 1, 2000. Section 604.10 does not apply to a claim governed by this section.

Sec. 2. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall change the statutory reference in the footnote to Minnesota Statutes, section 336.2-721, to include section 604.101 as well as section 604.10.

Sec. 3. [EFFECTIVE DATE.]

This act is effective August 1, 2000."

Delete the title and insert:

"A bill for an act relating to civil actions; clarifying the economic loss doctrine; providing for a comprehensive statute governing economic loss; proposing coding for new law in Minnesota Statutes, chapter 604."

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 1333, A bill for an act relating to commerce; regulating contracts for the sale of wood; defining a term; amending Minnesota Statutes 1998, section 239.33.

Reported the same back with the following amendments:

Page 1, line 25, delete "sound merchantable"

Page 2, line 7, delete everything after the period and insert "This section does not apply to finished lumber measured in nominal dimensions."

Page 2, delete lines 8 and 9

With the recommendation that when so amended the bill pass.

The report was adopted.

Krinkie from the Committee on State Government Finance to which was referred:

H. F. No. 1394, A bill for an act relating to commerce; enacting revised article 9 of the Uniform Commercial Code as adopted by the National Conference of Commissioners on Uniform State Laws; appropriating money; amending Minnesota Statutes 1998, sections 336.1-105; 336.1-201; 336.2-103; 336.2-210; 336.2-326; 336.2-502; 336.2-716; 336.2A-103; 336.2A-303; 336.2A-307; 336.2A-309; 336.4-210; 336.7-503; 336.8-103; 336.8-106; 336.8-110; 336.8-301; 336.8-302; and 336.8-510; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1998, sections 336.9-101; 336.9-102; 336.9-103; 336.9-104; 336.9-105; 336.9-106; 336.9-107; 336.9-108; 336.9-109; 336.9-110; 336.9-112; 336.9-113; 336.9-114; 336.9-115; 336.9-116; 336.9-201; 336.9-202; 336.9-204; 336.9-205; 336.9-206; 336.9-207; 336.9-208; 336.9-301; 336.9-302; 336.9-303; 336.9-304; 336.9-305; 336.9-306; 336.9-307; 336.9-308; 336.9-309; 336.9-310; 336.9-311; 336.9-312; 336.9-313; 336.9-314; 336.9-315; 336.9-316; 336.9-317; 336.9-318; 336.9-403; 336.9-404; 336.9-405; 336.9-406; 336.9-407; 336.9-408; 336.9-410; 336.9-412; 336.9-413; 336.9-501; 336.9-502; 336.9-503; 336.9-504; 336.9-505; 336.9-506; 336.9-507; and 336.9-508; Minnesota Statutes 1999 Supplement, sections 336.9-203; 336.9-401; 336.9-402; and 336.9-411.

Reported the same back with the following amendments:

Page 8, line 12, delete "140" and insert "139"

Page 107, line 11, delete "140" and insert "139"

Page 145, delete section 139

Page 145, line 19, delete "EXEMPT"

Page 145, line 23, delete the paragraph coding

Page 145, line 27, delete everything after "until" and insert "July 1, 2003."

The secretary of state may also adopt expedited rules governing the establishment and operation of the central filing system under Minnesota Statutes, sections 336.9-501 to 336.9-530 and 336.9-701 to 336.9-709, pursuant to section 14.389."

Page 145, line 29, delete everything before the period, and insert "July 1, 2003"

Page 181, after line 4, insert:

### "ARTICLE 3

#### FUNDING

Section 1. [5.27] [DEPOSIT OF UNIFORM COMMERCIAL CODE FEES.]

Notwithstanding any law to the contrary, all fees received by the secretary of state under chapters 336 and 336A must be deposited in the Uniform Commercial Code account and are continuously appropriated to the secretary of state. This deposit must not occur until the Cambridge bank debt service account is fully funded.

Sec. 2. [APPROPRIATION.]

\$2,000,000 is appropriated from the general fund in fiscal year 2001 to the secretary of state for purposes of constructing the central filing system created by this act.

## Sec. 3. [AGENCY BASE.]

Beginning with fiscal year 2002, the general fund base for the office of the secretary of state must be reduced by the amount of fees that are anticipated to be appropriated to the office of the secretary of state under section 1."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete "chapter" and insert "chapters 5; and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2519, A bill for an act relating to human services; reducing the notice period for persons ineligible for MinnesotaCare because their incomes exceed the program income limit; expanding the requirement for the provision of information on private health insurance coverage to MinnesotaCare enrollees; amending Minnesota Statutes 1998, section 256L.05, subdivision 5; Minnesota Statutes 1999 Supplement, section 256L.07, subdivision 1.

Reported the same back with the following amendments:

Page 3, line 3, delete "six-month" and insert "12-month"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Seagren from the Committee on K-12 Education Finance to which was referred:

H. F. No. 2629, A bill for an act relating to the state building code; providing for indoor air quality standards in K-12 educational facilities; amending Minnesota Statutes 1999 Supplement, section 16B.61, subdivision 3.

Reported the same back with the following amendments:

Page 4, line 3, delete "new K-12" and insert "newly constructed"

Page 4, line 6, delete "or modified" and delete "a K-12" and insert "an"

Page 4, line 6, after the period, insert "For purposes of this paragraph, "educational facility" means a facility used primarily for instructional purposes for students in any grade from kindergarten through grade 12 that is owned by an independent, special, or common school district."

## Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2002."

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce to which was referred:

H. F. No. 2643, A bill for an act relating to health; requiring prompt payment by health plan companies and third-party administrators of clean claims for health care services; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Page 2, line 11, after the period, insert "The health plan company or third-party administrator may, at its discretion, require the health care provider to bill the health plan company or third-party administrator for the interest required under this section before any interest payment is made."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bishop from the Committee on Ways and Means to which was referred:

H. F. No. 2688, A bill for an act relating to crime prevention; authorizing disclosure of information about sex offenders; imposing additional registration requirements on sex offenders; establishing procedures for felony offenders who seek name changes; eliminating the statute of limitations for certain offenses; expanding the crime of solicitation to engage in sexual conduct; providing criminal penalties; clarifying the expungement law; making certain data about sex offenders available to law enforcement; clarifying the scope of the community notification law; authorizing release of information about sex offenders residing in treatment facilities; providing for criminal justice information systems technology; changing the membership of the criminal and juvenile justice information policy group; authorizing the purchase and distribution of criminal justice technology infrastructure; appropriating money; amending Minnesota Statutes 1998, sections 13.54, subdivision 6; 243.166, subdivisions 3, 5, 7, and by adding subdivisions; 244.052, as amended; 244.10, subdivision 2a; 259.11; 299C.65, subdivision 1, and by adding a subdivision; 517.08, subdivisions 1a and 1b; 518.27; 609.352, subdivisions 1 and 2; 609.749, subdivision 2; 609.795, subdivision 1; 609A.03; and 628.26; Minnesota Statutes 1999 Supplement, sections 13.46, subdivision 2; 243.166, subdivisions 1, 2, 4, and 6; and 299C.65, subdivisions 2 and 8; proposing coding for new law in Minnesota Statutes, chapters 176; 243; 259; 299C; and 609.

Reported the same back with the following amendments:

Page 1, after line 31, insert:

## "ARTICLE 1

### APPROPRIATIONS

#### Section 1. [CRIMINAL JUSTICE APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article to be available for fiscal year 2001.

	2000	2001
General Fund Total		\$16,279,000

APPROPRIATIONS  
Available for the Year  
Ending June 30, 2001

## Sec. 2. CORRECTIONS

7,697,000

\$1,500,000 is to increase the number of probation officers managing intensive supervised release caseloads. The commissioner will distribute these funds proportionately based on current unmet needs including areas of the state that are not currently served by an intensive supervised release caseload.

\$6,000,000 is for enhanced supervision of adult felony sex offenders by employing additional probation officers to reduce the caseloads of probation officers supervising sex offenders on probation or supervised release. The commissioner shall determine statewide eligibility for these funds according to the formula contained in Minnesota Statutes, section 401.10. Each Community Corrections Act jurisdiction and the department's probation and supervised release unit must submit to the commissioner an analysis of need along with a plan to meet these needs and reduce adult felony sex offender caseloads. Upon approval of the plans, the non-Community Corrections Act portion of these funds will be appropriated to the department and the distribution will be based on statewide need. The Community Corrections Act funds will be disbursed as grants to each Community Corrections Act jurisdiction. These appropriations may not be used to supplant existing state or county probation officer positions.

\$162,000 is for costs associated with complying with Minnesota Statutes, section 244.052.

\$35,000 is for costs associated with the bed impact of this bill.

## Sec. 3. PUBLIC SAFETY

8,582,000

Of this appropriation, \$7,500,000 may be used for:

(1) criminal justice technology infrastructure improvements under Minnesota Statutes, section 299C.65, subdivision 8a, for the purchase and distribution of:

- (i) electronic fingerprint capture technology;
- (ii) electronic photographic identification technology; and
- (iii) additional bandwidth to transfer and access electronic photographic identification data and electronic fingerprint data to the state's central database;

APPROPRIATIONS  
Available for the Year  
Ending June 30, 2001

(2) grants to government agencies to transfer and access data from the agencies to the statewide hot file probation and pretrial release data system. The criminal and juvenile justice information policy group shall review grant applications under this clause and the commissioner shall make the grants approved by the policy group within the limits of the appropriation. Part of this appropriation may be used for grants to pay the costs of developing or implementing a criminal justice information integration plan as described in Minnesota Statutes, section 299C.65, subdivisions 5, 6, and 7;

(3) Ramsey county and the sentencing guidelines commission to establish a pilot project in Ramsey county to use the statewide statute table to ensure accurate and uniform charging on criminal complaints; and

(4) an amount to be transferred to the supreme court to begin redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information. This appropriation may be used by the supreme court for only this purpose.

This appropriation may be used only for the purposes listed in this section.

The appropriations under this section are subject to the requirements of Minnesota Statutes, section 299C.65, subdivision 8.

Subdivision 1. Criminal Apprehension

1,082,000

Of this appropriation:

- (1) \$70,000 is for a technology systems position;
- (2) \$45,000 is for a criminal justice information systems training position;
- (3) \$128,000 is for two additional criminal assessment unit agents;
- (4) \$148,000 is for three criminal intelligence analyst positions;
- (5) \$144,000 is for four clerical positions; and
- (6) \$547,000 is for costs related to interfacing the state system with the national sex offender registry, software development and implementation, a system design consultant, office supplies and expenses, and sex offender registration costs. Positions funded by this appropriation may not supplant existing services.

The superintendent of the bureau of criminal apprehension shall transfer two agents from within the bureau to the criminal assessment unit to increase the unit's complement by two positions. The superintendent also shall transfer two agents from the gang strike force to other positions within the bureau, decreasing the gang strike force's complement by two positions.

#### Sec. 4. AUTOMOBILE THEFT PREVENTION BOARD

By June 30, 2001, the commissioner of finance shall transfer \$2,290,000 from the auto theft prevention account in the special revenue fund to the general fund."

Pages 26 and 27, delete sections 14 to 16

Pages 54 and 55, delete section 7

Renumber the sections in sequence

Renumber the articles in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 2713, A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; modifying licensing requirements for funeral establishments; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 23, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.50, subdivision 1; 149A.70, by adding subdivisions; 149A.71, subdivisions 2 and 4; 149A.73, subdivision 3; and 149A.97, subdivision 6, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3a. [BURIAL SITE GOODS AND SERVICES.] "Burial site goods and services" means all goods and services provided at a burial site that are associated with the final disposition of a dead human body.

Sec. 2. Minnesota Statutes 1998, section 149A.02, subdivision 22, is amended to read:

Subd. 22. [FUNERAL PROVIDER.] "Funeral provider" means any person that sells or offers to sell funeral goods or funeral services to the public. Funeral provider does not include monument builders who sell monuments at retail to the public but do not sell any other funeral good or funeral service.

Sec. 3. Minnesota Statutes 1998, section 149A.02, subdivision 23, is amended to read:

Subd. 23. [FUNERAL SERVICES.] "Funeral services" means any services which may be used to: (1) care for and prepare dead human bodies for burial, cremation, or other final disposition; ~~and~~ or (2) arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.

Sec. 4. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 33a. [PRENEED CONSUMER.] "Preneed consumer" means an individual who arranges for funeral goods or services prior to the death of that individual or another individual and who funds those goods or services through prepayment to a funeral provider or through purchase of an insurance policy.

Sec. 5. Minnesota Statutes 1998, section 149A.08, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] In addition to any other remedy provided by law, the commissioner may issue a cease and desist order to:

(1) stop a person from violating or threatening to violate any law, rule, order, stipulation agreement, settlement, compliance agreement, license, or permit which the commissioner is empowered to regulate, enforce, or issue; or

(2) prohibit a funeral provider from engaging in the sale of preneed funeral goods or funeral services if the funeral provider has been found in violation of any provision of this chapter.

Sec. 6. Minnesota Statutes 1998, section 149A.08, is amended by adding a subdivision to read:

Subd. 2a. [SALE OF PRENEED GOODS OR SERVICES; CONTENTS OF ORDER, HEARING, WHEN EFFECTIVE.] (a) This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (2).

(b) In addition to the requirements of subdivision 2, a cease and desist order must also specify that the hearing to which the funeral provider has a right occurs, if requested, before the order goes into effect and that a timely request for a hearing automatically stays the cease and desist order.

(c) A request for a hearing must be in writing, must be delivered to the commissioner by certified mail within 20 calendar days after the funeral provider receives the order, and must specifically state the reasons for seeking review of the order. If the funeral provider fails to request a hearing in writing within 20 calendar days of receipt of the order, the cease and desist order becomes the final order of the commissioner. If a funeral provider makes a timely request for a hearing, the cease and desist order is automatically stayed pending the outcome of the hearing. The commissioner must initiate a hearing within 30 calendar days from the date of receiving the written request for hearing. The hearing shall be conducted pursuant to sections 14.57 to 14.62. No earlier than ten calendar days but within 30 calendar days of receiving the presiding administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require.

Sec. 7. Minnesota Statutes 1998, section 149A.08, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR HEARING; HEARING; AND FINAL ORDER.] This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (1). A request for hearing must be in writing, delivered to the commissioner by certified mail within 20 calendar days after the receipt of the cease and desist order, and specifically state the reasons for seeking review of the order. The commissioner must initiate a hearing within 30 calendar days from the date of receipt of the written request for hearing. The hearing shall be conducted pursuant to sections 14.57 to 14.62. No earlier than ten calendar days but within 30 calendar days of receipt of the presiding administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. If, within 20 calendar days of receipt of the cease and desist order, the subject of the order fails to request a hearing in writing, the cease and desist order becomes the final order of the commissioner.

Sec. 8. Minnesota Statutes 1998, section 149A.08, subdivision 4, is amended to read:

Subd. 4. [REQUEST FOR STAY.] This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (1). When a request for a stay accompanies a timely hearing request, the commissioner may, in the commissioner's discretion, grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the office of administrative hearings within three working days from the receipt of the request. Within ten calendar days after receiving the request from the commissioner, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five calendar days of receiving the administrative law judge's recommendation.

Sec. 9. Minnesota Statutes 1998, section 149A.50, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED.] (a) Except as provided in paragraph (b) and section 149A.01, subdivision 3, no person shall maintain, manage, or operate a place or premise devoted to or used in the holding, care, or preparation of a dead human body for final disposition, or any place used as the office or place of business for the provision of funeral services, without possessing a valid license to operate a funeral establishment issued by the commissioner of health.

(b) Any place or premises that is used for the provision of funeral services and is not used in the holding, care, or preparation of a dead human body for final disposition is not required to be licensed as a funeral establishment. Any place or premises that is used in the holding, care, or preparation of a dead human body for final disposition must be licensed as a funeral establishment.

Sec. 10. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 5a. [SOLICITATIONS PROHIBITED IN CERTAIN SITUATIONS.] (a) No funeral provider may directly or indirectly:

(1) call upon an individual at a grave site, in a hospital, nursing home, hospice, or similar institution or facility, or at a visitation, wake, or reviewal for the purpose of soliciting the sale of funeral goods or funeral services or for the purpose of making arrangements for a funeral or the final disposition of a dead human body, without a specific request for solicitation from that individual;

(2) solicit the sale of funeral goods or services from an individual whose impending death is readily apparent, without a specific request for solicitation from that individual; or

(3) engage in telephone solicitation of an individual who has the right to control the final disposition of a dead human body within ten days after the death of the individual whose body is being disposed, without a specific request for solicitation from that individual.

(b) This subdivision does not apply to communications between an individual and a funeral provider who is related to the individual by blood, adoption, or marriage.

Sec. 11. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 8. [DISCLOSURE OF OWNERSHIP AND SALE.] (a) All funeral establishments and funeral providers must clearly state by whom they are owned on all business literature, correspondence, and contracts. Within 15 days of a change in ownership of a funeral establishment or funeral provider, the funeral establishment or funeral provider shall notify all preneed consumers by first class mail of the change in ownership. The notification shall advise all preneed consumers of their right to transfer all preneed trust funds to a new funeral provider and shall advise all preneed consumers who have revocable preneed trusts of their right to terminate the trust and receive a refund of all principal paid into the trust, plus interest accrued.

(b) For purposes of this subdivision:

(1) "change in ownership" means:

(i) the sale or transfer of all or substantially all of the assets of a funeral establishment or funeral provider;

(ii) the sale or transfer of a controlling interest of a funeral establishment or funeral provider; or

(iii) the termination of the business of a funeral establishment or funeral provider where there is no transfer of assets or stock; and

(2) "controlling interest" means:

(i) an interest in a partnership of greater than 50 percent; or

(ii) greater than 50 percent of the issued and outstanding shares of a stock of a corporation.

Sec. 12. Minnesota Statutes 1998, section 149A.71, subdivision 2, is amended to read:

Subd. 2. [PREVENTIVE REQUIREMENTS.] (a) To prevent unfair or deceptive acts or practices, the requirements of this subdivision must be met.

(b) Funeral providers must tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (c) to (e) and any other readily available information that reasonably answers the questions asked.

(c) Funeral providers must make available for viewing to people who inquire in person about the offerings or prices of funeral goods or funeral services, separate printed or typewritten price lists. Each funeral provider must have a separate price list for each of the following types of goods and services that are sold or offered for sale:

(1) caskets;

(2) alternative containers;

(3) outer burial containers; ~~and~~

(4) cremation containers and cremated remains containers; and

(5) cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services.

(d) Each separate price list must contain the name of the funeral provider's place of business and a caption describing the list as a price list for one of the types of funeral goods or funeral services described in paragraph (c), clauses (1) to ~~(4)~~ (5). The funeral provider must offer the list upon beginning discussion of, but in any event before showing, the specific funeral goods or services and must provide a photocopy of the price list, for retention, if so asked by the consumer. The list must contain, at least, the retail prices of all the specific funeral goods and services offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written price list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. However, funeral providers are not required to make a specific price list available if the funeral providers place the information required by this paragraph on the general price list described in paragraph (e).

(e) Funeral providers must give a printed or typewritten price list, for retention, to persons who inquire in person about the funeral goods or funeral services or prices offered by the funeral provider. The funeral provider must give the list upon beginning discussion of either the prices of or the overall type of funeral service or disposition or specific funeral goods or funeral services offered by the provider. This requirement applies whether the discussion takes place in the funeral establishment or elsewhere. However, when the deceased is removed for transportation to the funeral establishment, an in-person request for authorization to embalm does not, by itself, trigger the requirement to offer the general price list. If the provider, in making an in-person request for authorization to embalm, discloses that embalming is not required by law except in certain special cases, the provider is not required to offer the general price list. Any other discussion during that time about prices or the selection of funeral goods or funeral services triggers the requirement to give the consumer a general price list. The general price list must contain the following information:

- (1) the name, address, and telephone number of the funeral provider's place of business;
- (2) a caption describing the list as a "general price list";
- (3) the effective date for the price list;
- (4) the retail prices, in any order, expressed either as a flat fee or as the prices per hour, mile, or other unit of computation, and other information described as follows:
  - (i) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
  - (ii) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
  - (iii) separate prices for each cremation offered by the funeral provider, with the price including an alternative or cremation container, any crematory charges, and a description of the services and container included in the price, where applicable, and the price of cremation where the purchaser provides the container;
  - (iv) separate prices for each immediate burial offered by the funeral provider, including a casket or alternative container, and a description of the services and container included in that price, and the price of immediate burial where the purchaser provides the casket or alternative container;
  - (v) transfer of remains to the funeral establishment;
  - (vi) embalming;
  - (vii) other preparation of the body;
  - (viii) use of facilities, equipment, or staff for viewing;
  - (ix) use of facilities, equipment, or staff for funeral ceremony;
  - (x) use of facilities, equipment, or staff for memorial service;
  - (xi) use of equipment or staff for graveside service;
  - (xii) hearse or funeral coach; ~~and~~
  - (xiii) limousine; and
  - (xiv) separate prices for all cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services and excluding markers and headstones;

(5) the price range for the caskets offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or casket sale location." or the prices of individual caskets, as disclosed in the manner described in paragraphs (c) and (d);

(6) the price range for the alternative containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or alternative container sale location." or the prices of individual alternative containers, as disclosed in the manner described in paragraphs (c) and (d);

(7) the price range for the outer burial containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or outer burial container sale location." or the prices of individual outer burial containers, as disclosed in the manner described in paragraphs (c) and (d);

(8) the price range for the cremation containers and cremated remains containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or cremation container sale location." or the prices of individual cremation containers and cremated remains containers, as disclosed in the manner described in paragraphs (c) and (d);

(9) the price for the basic services of funeral ~~director~~ provider and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law;

(10) if the price for basic services, as described in clause (9), is not applicable, the statement "Please note that a fee for the use of our basic services is included in the price of our caskets. Our services include (specify services provided)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list, together with the casket price range or the prices of individual caskets. This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law; and

(11) the price range for the markers and headstones offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or marker or headstone sale location." or the prices of individual markers and headstones, as disclosed in the manner described in paragraphs (c) and (d).

(f) Funeral providers must give an itemized written statement, for retention, to each consumer who arranges a funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services ~~and~~. If the statement is provided at a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements. If the statement is provided by any other funeral provider, the statement must be signed by an authorized agent of the funeral provider. The statement must list the funeral goods and funeral services selected by that consumer and the prices to be paid for each item, specifically itemized cash advance items (these prices must be given to the extent then known or reasonably ascertainable if the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid), and the total cost of goods and services selected. The information required by this paragraph may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(g) Funeral providers must give any other price information, in any other format, in addition to that required by paragraphs (c) to (e) so long as the written statement required by paragraph (f) is given when required.

(h) Upon receiving actual notice of the death of an individual with whom a funeral provider has entered a preneed funeral agreement, the funeral provider must provide a copy of all preneed funeral agreement documents to the person who controls final disposition of the human remains or to the designee of the person controlling disposition. The person controlling disposition shall be provided with these documents at the time of the person's first contact with the funeral provider, if the first contact occurs in person at a funeral establishment, crematory, or other place of business of the funeral provider. If the contact occurs by other means or at another location, the documents must be provided within 24 hours of the first contact.

Sec. 13. Minnesota Statutes 1998, section 149A.71, subdivision 4, is amended to read:

Subd. 4. [CASKET, ALTERNATE CONTAINER, AND CREMATION CONTAINER SALES; RECORDS; REQUIRED DISCLOSURES.] Any funeral provider who sells or offers to sell a casket, alternate container, or cremation container to the public must maintain a record of each sale that includes the name of the purchaser, the purchaser's mailing address, the name of the decedent, the date of the decedent's death, and the place of death. These records shall be open to inspection by the commissioner and reported to the commissioner. Any funeral provider selling a casket, alternate container, or cremation container to the public, and not having charge of the final disposition of the dead human body, shall enclose within the casket, alternate container, or cremation container information provided by the commissioner that includes a blank certificate of death, and a copy of the statutes and rules controlling the removal, preparation, transportation, arrangements for disposition, and final disposition of a dead human body. This ~~section~~ subdivision does not apply to morticians, funeral directors, funeral establishments, crematories, or wholesale distributors of caskets, alternate containers, or cremation containers.

Sec. 14. Minnesota Statutes 1998, section 149A.73, subdivision 3, is amended to read:

Subd. 3. [OTHER REQUIRED PURCHASES OF FUNERAL GOODS OR FUNERAL SERVICES; DECEPTIVE ACTS OR PRACTICES.] (a) In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to condition the furnishing of any funeral good or funeral service to a consumer arranging a funeral upon the purchase of any other funeral good or funeral service, except as may be otherwise required by law or to charge any fee as a condition to furnishing any funeral goods or funeral services to a consumer arranging a funeral, other than the fees for services of funeral director and staff, other funeral services and funeral goods selected by the purchaser, and other funeral goods or services required to be purchased, as explained on the itemized statement in accordance with section 149A.72, subdivision 10.

(b) In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for a funeral provider to charge an increased price for the handling, placing, or setting of a funeral good based upon the fact that the good was not purchased from that funeral provider.

Sec. 15. Minnesota Statutes 1998, section 149A.73, is amended by adding a subdivision to read:

Subd. 5. [RENTAL OF FUNERAL GOODS.] It is a deceptive act or practice for a funeral provider to require as a condition of providing any funeral good that the funeral good be purchased by a consumer when rental of the funeral good is practicable.

Sec. 16. [149A.745] [FUNERAL INDUSTRY PRACTICES; PROHIBITION ON PREINTERMENT OF OUTER BURIAL CONTAINERS.]

A funeral provider is prohibited from interring a lined and sealed outer burial container until the death of the beneficiary.

Sec. 17. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 3a. [REQUIREMENTS FOR PRENEED FUNERAL AGREEMENTS.] It is unlawful for any person residing or doing business in this state to enter a preneed funeral agreement unless the agreement:

(1) is written in clear, understandable language and printed in a type that is easy to read in size and style;

(2) contains a complete, itemized description of the funeral goods and funeral services selected or purchased, including, when appropriate, manufacturer's name, model numbers, style numbers, and description of the type of material used in construction;

(3) discloses clearly and conspicuously whether the prices of the goods and services selected are guaranteed;

(4) discloses that funding options for a preneed funeral agreement consist of either prepayment to the funeral provider or the purchase of an insurance policy;

(5) discloses whether the funds received from the purchaser are required to be placed in a trust and, if the funds are required to be placed in a trust, provides the following information:

(i) lists the location of the trust account, including the name, address, and telephone number of the institution where the money will be held and any identifying account numbers, the amount of money to be trusted, and the names of the trustees; and

(ii) advises the purchaser as to the disposition of the interest from the trust and as to responsibility for taxes owed on the interest;

(6) contains the names, addresses, and telephone numbers of the Minnesota department of health as the regulatory agency for preneed trust accounts and the Minnesota attorney general's office as the regulatory agency that handles consumer complaints;

(7) discloses clearly and conspicuously that any person who makes payment under a preneed funeral agreement may cancel the agreement subject to the procedures for cancellation specified in subdivision 6a;

(8) contains the following statement, in bold-faced type and a minimum size of ten points:

"Within 15 calendar days after receipt of any money required to be held in trust, all such money must be deposited in a banking institution, savings association, or credit union, organized under state or federal laws, the accounts of which are insured by an instrumentality of the federal government. The person for whose benefit the money was paid according to this agreement shall be known as the beneficiary; the person or persons who paid the money shall be known as the purchaser; and the funeral provider shall be known as the depositor. The money must be carried in a separate account with the names of the depositor and the purchaser as trustees for the beneficiary.

The preneed arrangement trust shall be considered an asset of the purchaser until the death of the beneficiary. At the death of the beneficiary, the money in the trust shall be considered an asset of the beneficiary's estate, to the extent that the value of the trust exceeds the actual value for the goods and services provided at-need. This does not alter any asset exclusion requirements that exist under federal law. The depositor as trustee must disclose in writing the location of the trust account, including the name and address of the institution where the money is being held and any identifying account numbers, to the beneficiary when the money is deposited and when there are any subsequent changes to the location of the trust account."

(9) for agreements with revocable trusts, contains the following statement, in bold-faced type and a minimum size of ten points:

"REVOCABLE TRUST:

The preneed arrangement trust being created by the purchaser is revocable. These trust funds, including all principal and accrued interest, are the purchaser's assets. The purchaser may withdraw the principal and accrued interest at any time prior to the death of the beneficiary. At the death of the beneficiary, the funds shall be distributed in their entirety, principal plus accrued interest, with no fees retained by the trustees as administrative fees. The funds shall be distributed for the payment of the at-need funeral goods or services selected, with any excess funds distributed to the beneficiary's estate. At any time before or at the time of the beneficiary's death, the purchaser may transfer the preneed arrangements and related trust funds for use in the payment of funeral goods and services. The purchaser may not be charged any fee in connection with the transfer of a preneed arrangement and trust funds."

(10) for agreements with irrevocable trusts, contains the following statement, in bold-faced type and a minimum size of ten points:

"IRREVOCABLE TRUST:

A trust created to hold preneed arrangement funds is revocable in its entirety unless specifically limited by the purchaser. The purchaser has chosen to create an irrevocable trust in the amount of \$ (insert the dollar amount of the purchaser's irrevocable trust). The revocable portion of this trust fund is limited to that amount that exceeds the allowable supplemental security income asset exclusion used for determining eligibility for public assistance at the time the trust is created. The principal and accrued interest may not be withdrawn from the trust prior to the beneficiary's death, except to the extent that the trust funds exceed the irrevocable trust limitation. At the time of the beneficiary's death, the funds shall be distributed in their entirety, principal plus accrued interest, with no fees retained by the trustees as administrative fees. The funds shall be distributed for the payment of the at-need funeral goods or services selected, with any excess funds distributed to the beneficiary's estate. At any time prior to or at the time of the beneficiary's death, the purchaser may transfer the preneed arrangements and trust funds for use in the payment of funeral goods and services. The purchaser may not be charged any fee in connection with the transfer of a preneed arrangement and trust funds.";

(11) provides that if the particular funeral goods or funeral services specified in the agreement are unavailable at the time of delivery, the funeral provider must furnish goods and services similar in style and at least equal in quality to the material and workmanship of the goods or services specified and that the representative of the beneficiary has the right to choose the goods or services to be substituted; and

(12) contains an itemization of the sale of grave lots, spaces, lawn crypts, niches, or mausoleum crypts separate from all other funeral goods and services selected.

Sec. 18. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 4a. [FINANCE CHARGES ON PRENEED ARRANGEMENTS PROHIBITED.] Funeral providers are prohibited from assessing finance charges on preneed arrangements.

Sec. 19. Minnesota Statutes 1998, section 149A.97, subdivision 6, is amended to read:

Subd. 6. [DISBURSEMENT OF TRUST FUNDS.] The funds held in trust, including principal and accrued interest, may be distributed prior to the death of the beneficiary upon demand by the purchaser as specified in subdivision 6a, to the extent that the trust is designated revocable. At the death of the beneficiary and with satisfactory proof of death provided to the institution holding the trust funds, the funds, including principal and accrued interest, may be distributed by either the depositor as trustee or the purchaser as trustee, subject to section 149A.80. The funds shall be distributed in their entirety, with no fees to be retained by the trustees as administrative fees. The funds shall be distributed for the payment of the actual at-need value of the funeral goods and/or services selected with any excess funds distributed to the estate of the decedent.

Sec. 20. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 6a. [CANCELLATION OF AGREEMENT FOR PRENEED ARRANGEMENTS.] (a) If a purchaser cancels an agreement for an irrevocable trust for preneed arrangements at any time before midnight of the third business day after the date of the agreement, the purchaser shall receive a refund of all consideration paid according to the agreement. The refund must be distributed to the purchaser within 15 business days following receipt by the funeral provider of the cancellation notice from the purchaser.

(b) If the purchaser cancels an agreement for a revocable trust for preneed arrangements at any time after the date of the agreement, all funds held in a revocable trust, including all principal and accrued interest, must be distributed to the purchaser within 15 business days following receipt by the funeral provider of the cancellation notice.

(c) Cancellation is evidenced by the purchaser giving written notice of cancellation to the funeral provider at the address provided in the agreement. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox, properly addressed to the funeral provider and postage prepaid. Notice of cancellation need not take any specific form and is sufficient if it indicates, by any form of written expression, the intention of the purchaser not to be bound by the agreement.

Sec. 21. [EFFECTIVE DATE.]

Section 11 is effective January 1, 2001, and applies to all contracts entered into on or after that date."

Delete the title and insert:

"A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; modifying licensing requirements for funeral establishments; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivisions 22, 23, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.50, subdivision 1; 149A.70, by adding subdivisions; 149A.71, subdivisions 2 and 4; 149A.73, subdivision 3, and by adding a subdivision; and 149A.97, subdivision 6, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A."

With the recommendation that when so amended the bill pass.

The report was adopted.

Molnau from the Committee on Transportation Finance to which was referred:

H. F. No. 2745, A bill for an act relating to crimes; imposing felony penalty on person convicted of fourth impaired driving offense within ten-year period; requiring offender to be sentenced to both incarceration and to probation supervision; requiring a plan, a study, and legislative reports; amending Minnesota Statutes 1998, sections 169.121, subdivision 3b; 169.129, by adding a subdivision; and 609.135, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 169.121, subdivisions 3, 3d, and 3f; 169.1217, subdivision 7; 169.129, subdivision 1; and 609.135, subdivision 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2827, A bill for an act relating to retirement; modifying criteria for membership in the local government employees correctional plan; amending Minnesota Statutes 1999 Supplement, section 353E.02.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

RETIREMENT HEALTH CARE PROVISIONS

Section 1. [352G.01] [DEFINITIONS.]

Subdivision 1. [TERMS.] Unless the language or context clearly indicates that a different meaning is intended, the terms defined in this section, for the purposes of this chapter, have the meanings given them.

Subd. 2. [INCLUDED PARTICIPANTS.] "Included participants" means persons contributing to a retirement plan under chapter 3A, 352, 352B, 352D, or 490 on or after July 1, 2000.

Subd. 3. [ELIGIBLE RETIRED EMPLOYEE.] "Eligible retired employee" means a former employee who is drawing monthly retirement benefits under chapter 3A, 352, 352B, 352D, or 490, and who has at least 15 years of allowable service and was eligible to draw retirement benefits at the time of separation from state service.

Subd. 4. [DISABLED EMPLOYEE.] "Disabled employee" means an employee who has been determined disabled under chapter 3A, 352, 352B, 352D, or 490.

Subd. 5. [INELIGIBLE TERMINATED EMPLOYEE.] "Ineligible terminated employee" means a former state employee who is not eligible for benefits from the health care reimbursement plan.

Subd. 6. [ACCUMULATED CONTRIBUTIONS.] "Accumulated contributions" means the total deductions made from the salary of an employee into the health care reimbursement plan.

Subd. 7. [HEALTH CARE REIMBURSEMENT FUND.] The "health care reimbursement fund" includes the total accumulated contributions and employer contributions made by or on behalf of all included participants and any investment return attributable to the contributions.

Subd. 8. [ALLOWABLE SERVICE.] "Allowable service" means allowable service under chapter 3A, 352, 352B, 352D, or 490 except any allowable service reinstated by repaying a refund on or after July 1, 2000.

Subd. 9. [SALARY.] "Salary" means wages, or other periodic compensation paid to an employee before deductions for deferred compensation, supplemental retirement plans, or other voluntary salary reduction programs. Lump sum sick leave payments, severance payments, lump sum annual leave payments and overtime payments made at the time of separation from state service, payments in lieu of any employee-paid group insurance coverage, including the difference between single and family rates that may be paid to an employee with single coverage, and payments made as an employer-paid fringe benefit, workers' compensation payments, employer contributions to a deferred compensation or tax-sheltered annuity program, and amounts contributed under a benevolent vacation and sick leave donation program, are not salary.

Subd. 10. [DESIGNATED BENEFICIARY.] "Designated beneficiary" means the designated beneficiary established by the included participants or eligible retired employees under the retirement plan under chapter 3A, 352, 352B, 352D, or 490.

Subd. 11. [EXECUTIVE DIRECTOR.] "Executive director" means the executive director of the Minnesota state retirement system under section 352.03, subdivision 5.

Subd. 12. [BOARD.] "Board" means the board of directors of the Minnesota state retirement system established under section 352.03.

Subd. 13. [EMPLOYEE.] "Employee" means a person contributing to a retirement plan under chapter 3A, 352, 352B, 352D, or 490.

Sec. 2. [352G.02] [HEALTH CARE REIMBURSEMENT PLAN.]

Subdivision 1. [ESTABLISHMENT.] There is established the health care reimbursement plan for state employees covered under chapter 3A, 352, 352B, 352D, or 490. This plan must meet qualification requirements under the Internal Revenue Code, section 401(h), to ensure that both contributions and benefit payments are tax free.

Subd. 2. [STATE EMPLOYEES COVERED.] Every state employee contributing to a plan under chapter 3A, 352, 352B, 352D, or 490 on or after July 1, 2000, is covered by the health care reimbursement plan. Acceptance of state employment or continuance in state service in which contributions are made under chapter 3A, 352, 352B, 352D, or 490 is deemed consent to have deductions made from salary for deposit to the credit of the account of the state employee in the health care reimbursement plan.

Sec. 3. [352G.03] [COVERAGE TERMINATION.]

Coverage of any person under the health care reimbursement plan ends when the person ceases to be a state employee or is no longer covered by a pension plan under chapter 3A, 352, 352B, 352D, or 490.

Sec. 4. [352G.04] [APPEALS PROCEDURE.]

If someone wishes to appeal a decision made by the executive director, the appeal procedure established under section 352.031 must be followed.

Sec. 5. [352G.05] [STATE EMPLOYEES HEALTH CARE REIMBURSEMENT FUND, CONTRIBUTIONS BY EMPLOYEE AND EMPLOYER.]

Subdivision 1. [FUND CREATED.] There is created a special fund to be known as the state employees health care reimbursement fund. Employee contributions, employer contributions, investment returns, and any other amounts authorized by law shall be deposited in this account.

Subd. 2. [EMPLOYEE CONTRIBUTIONS.] The employee contribution to the fund must be equal to 0.5 percent of salary. These contributions must be made by deduction from salary as provided in section 352.04, subdivision 4.

Subd. 3. [EMPLOYER CONTRIBUTIONS.] The employer contribution to the fund must be equal to 0.5 percent of salary. These contributions shall be made under section 352.04, subdivisions 5 and 6.

Subd. 4. [OMITTED SALARY DEDUCTIONS.] If a department fails to take deductions from an employee's salary as provided in this section, the collection of omitted deduction must be made in accordance with section 352.04, subdivision 8, paragraphs (a), (b), and (c).

Subd. 5. [ERRONEOUS DEDUCTIONS; CANCELED WARRANTS.] Deductions taken from the salary of an employee for the health care reimbursement fund in error must, upon discovery and verification by the department making the deduction, be refunded to the employee in accordance with section 352.04, subdivision 9.

Subd. 6. [FUND DISBURSEMENT RESTRICTED.] The health care reimbursement fund must be disbursed only for the purposes provided by law. The expenses of the health care reimbursement plan and any benefits provided by law must be paid from the health care reimbursement fund. Refunds under section 352G.10, subdivisions 1 and 2, must be paid from the contributions prior to being invested in the health care reimbursement fund.

Sec. 6. [352G.06] [STATE TREASURER TO BE TREASURER OF THE HEALTH CARE REIMBURSEMENT FUND.]

The state treasurer and the treasurer's successor is ex officio treasurer of the health care reimbursement fund. The general bond to the state shall cover all liability for actions as treasurer of these funds. Funds of the system received by the treasurer must be set aside in the state treasury and credited to the health care reimbursement fund. The treasurer and the treasurer's successor shall deliver to the executive director copies of all payroll abstracts of the state together with the commissioner of finance's warrants covering the deductions made on these payroll abstracts for the health care reimbursement fund. The executive director shall have a list made of the commissioner of finance's warrants. These warrants must then be deposited with the state treasurer or the treasurer's successor to be credited to the health care reimbursement fund. The treasurer shall pay out of this fund only on warrants issued by the commissioner of finance, upon abstracts signed by the director, or by the finance officer designated by the director during the disability or the absence of the director. Abstracts for investments may be signed by the executive director of the state board of investment.

Sec. 7. [352G.07] [INVESTMENT BOARD TO INVEST FUNDS.]

The director shall, from time to time, certify to the state board of investment any portions of the health care reimbursement fund that in the judgment of the director are not required for immediate use. The state board of investment shall invest and reinvest sums so transferred, or certified, in securities that are duly authorized legal investments under section 11A.24. Amounts invested in the health care reimbursement fund must be accounted for separately from the retirement funds invested by the investment board.

Sec. 8. [352G.08] [HEALTH CARE REIMBURSEMENT PLAN BENEFITS.]

Subdivision 1. [AGE AND SERVICE REQUIREMENTS.] After separation from state service, an employee who has attained the age of at least 60, who has at least 15 years of allowable service, and is immediately eligible for retirement or disability benefits or an employee who qualifies for the rule of 90 regardless of age, is entitled upon application to benefits from the health care reimbursement plan as long as the employee has not accepted a refund under section 352G.10, subdivisions 1 and 2, or has repaid all refunds to the health care reimbursement plan under section 352G.10, subdivision 4. Benefits are not payable to an eligible disabled employee who is no longer collecting disability or retirement benefits.

Subd. 2. [BENEFIT SCHEDULE.] Those meeting the eligibility requirements in subdivision 1 will be entitled to the following monthly benefits:

<u>Retirement Date</u>	<u>Monthly Benefits</u>
<u>July 1, 2000 - June 30, 2002</u>	<u>\$55</u>
<u>July 1, 2002 - June 30, 2003</u>	<u>\$64</u>
<u>July 1, 2003 - June 30, 2004</u>	<u>\$73</u>
<u>July 1, 2004 - June 30, 2005</u>	<u>\$82</u>
<u>July 1, 2005 - June 30, 2006</u>	<u>\$92</u>
<u>July 1, 2006 - June 30, 2007</u>	<u>\$102</u>
<u>July 1, 2007 - June 30, 2008</u>	<u>\$113</u>
<u>July 1, 2008 - June 30, 2009</u>	<u>\$123</u>
<u>July 1, 2009 - June 30, 2010</u>	<u>\$134</u>
<u>July 1, 2010 - June 30, 2011</u>	<u>\$146</u>
<u>July 1, 2011 - and after</u>	<u>\$158</u>

Subd. 3. [PAYMENTS.] The first monthly payment will begin on July 1, 2002, and will be based on the schedule above. No monthly payments will be made prior to July 1, 2002. Payments will be paid directly to the eligible retired employee, but only upon providing documentation that the money is used to offset health insurance premiums or any other health expenses to meet the requirements under the Internal Revenue Code, section 401(h). At the discretion of the executive director, payments may be added to the monthly retirement checks received by the eligible retired employee.

Subd. 4. [TERMINATION OF BENEFITS.] Monthly benefits will terminate upon the death of the member and will not continue to a survivor or designated beneficiary.

Sec. 9. [352G.09] [ANNUAL INCREASES, CALCULATION OF HEALTH INSURANCE PLAN INFLATION ADJUSTMENT.]

(a) Annually, following June 30, the Minnesota state retirement system shall use the procedures in paragraph (b) to determine whether an inflation adjustment is payable and to determine the amount of the adjustment.

(b) If the medical inflation index increases from June 30 of the preceding year to June 30 of the current year, the Minnesota state retirement system shall certify the percentage increase. The amount certified is the lesser of the medical inflation index or five percent. The board, at its discretion, can decrease the adjustment in any year in order to maintain the financial integrity of the health insurance plan which includes avoiding projected unfunded liability. The board will seek advice from an approved actuary in determining if the inflation adjustment should be lowered.

(c) If an increase is payable, it will be made the following January 1. An eligible retired employee who has been receiving health insurance reimbursement benefits for at least 12 months as of the current June 30 is eligible to receive a full insurance plan inflation adjustment. An eligible retired employee who has been receiving a health insurance benefit for at least one full month, but less than 12 full months as of the current June 30, is eligible to receive a partial inflation adjustment as follows:

<u>Month Retired</u>	<u>Fraction of the Increase</u>
<u>July</u>	<u>11/12</u>
<u>August</u>	<u>10/12</u>
<u>September</u>	<u>9/12</u>
<u>October</u>	<u>8/12</u>
<u>November</u>	<u>7/12</u>
<u>December</u>	<u>6/12</u>
<u>January</u>	<u>5/12</u>
<u>February</u>	<u>4/12</u>
<u>March</u>	<u>3/12</u>
<u>April</u>	<u>2/12</u>
<u>May</u>	<u>1/12</u>

Sec. 10. [352G.10] [REFUND OF EMPLOYEE CONTRIBUTIONS.]

Subdivision 1. [REFUND.] An ineligible terminated employee, an eligible retired employee who has not yet begun collecting benefits, or an employee who moves to a state position no longer covered by chapter 3A, 352, 352B, 352D, or 490 may apply for a refund provided in subdivision 2. Application for a refund may be made after the termination of state service if the applicant has not again become a state employee required to be covered by the system.

Subd. 2. [AMOUNT OF REFUND.] The refund payable to a person defined in subdivision 1 is an amount equal to employee contributions plus interest at a rate of five percent per year compounded annually. The amount of the refund is paid from contributions paid under section 352G.05 prior to the money being invested in the health care reimbursement fund.

Subd. 3. [TERMINATION OF RIGHTS.] When an ineligible terminated employee or an eligible retired employee accepts a refund as provided in subdivision 2, all existing service and all rights and benefits to which the employee was entitled before accepting the refund terminate. Refunds may not be repaid.

Subd. 4. [REPAYMENT OF REFUND.] An included participant may repay a refund paid under subdivision 2 by paying the amount refunded plus 8.5 percent interest compounded annually. All refunds must be paid before termination or within one month following termination of state service.

## Sec. 11. [352G.11] [PAYMENTS UPON THE DEATH OF AN INCLUDED PARTICIPANT.]

Upon the death of an included participant or a person not yet collecting monthly benefits under this section, the designated beneficiary is entitled to a refund of contributions plus five percent interest, compounded annually.

## Sec. 12. [352G.12] [PAYMENT UPON THE DEATH OF AN ELIGIBLE RETIRED EMPLOYEE.]

Upon the death of an eligible retired employee who has started collecting monthly benefits, the designated beneficiary is entitled to a refund of the eligible retired employee's contributions plus five percent interest compounded annually until the date of termination of state service less the monthly benefits that have been paid.

## Sec. 13. [CURRENT RETIREES AND DISABLED EMPLOYEES.]

Any current retiree or disabled employee receiving monthly benefits under Minnesota Statutes, chapter 3A, 352, 352B, 352D, or 490 who have 15 or more years of service and are age 60 or who qualified for the rule of 90 at the time of termination of public employment, would be eligible to receive an additional \$55 per month. This additional payment will be added to the retired or disabled employees monthly retirement check and will be eligible for future postretirement adjustments under Minnesota Statutes, section 11A.18, subdivision 9. The present value necessary to provide this benefit increase to retired and disabled employees must be transferred to the postretirement fund under Minnesota Statutes, section 11A.18, subdivision 6, from the retirement fund the person is currently receiving the benefits. If the retired or disabled employee is receiving payments from more than one retirement plan meeting qualifications under this subdivision, the required reserves will be transferred from the plan with the most service credit.

## Sec. 14. [RETIREEES AND DISABLED EMPLOYEES UNDER AGE 60.]

A retired or disabled employee who has 15 or more years of service, but has not yet reached age 60, will be entitled to an additional \$55 per month upon attainment of age 60. The present value necessary to provide the benefit increase to those who become eligible later must be transferred to the postretirement fund when they reach age 60.

## Sec. 15. [FIRST INCREASE.]

An eligible or retired eligible employee would first be eligible for an increase on January 1, 2003. The required reserves to support the payment must be transferred on July 1, 2001.

## Sec. 16. [UNLIMITED RIGHT TO AMEND.]

Notwithstanding any other provision of the health benefit fund and provisions of the Internal Revenue Code, the provisions governing the health care reimbursement plan may be amended at any time and in any manner for any reason whatsoever. This right to amend includes, but is not limited to, the right to reduce or eliminate prospectively or retroactively any or all health benefits under the health care reimbursement plan for any or all persons who may be members, retirees, and other recipients, or otherwise may be entitled to health benefits under this plan. Benefits may be reduced or eliminated for any or all persons including members, retirees, and other recipients, even if they are then entitled to or are receiving health benefits.

## Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 16 are effective July 1, 2000.

## ARTICLE 2

MSRS-CORRECTIONAL PLAN MEMBERSHIP  
INCLUSIONS

Section 1. Minnesota Statutes 1998, section 352.91, subdivision 3c, is amended to read:

Subd. 3c. [NURSING PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota security hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows:

- (1) registered nurse - senior;
- (2) registered nurse;
- (3) registered nurse - principal; ~~and~~
- (4) licensed practical nurse 2; and
- (5) registered nurse practitioner.

Sec. 2. Minnesota Statutes 1998, section 352.91, subdivision 3d, is amended to read:

Subd. 3d. [OTHER CORRECTIONAL PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions at a correctional facility or at the Minnesota security hospital specified in paragraph (b), provided that at least 75 percent of the employee's working time is spent in direct contact with inmates or patients and the fact of this direct contact is certified to the executive director by the appropriate commissioner, unless the person elects to retain the current retirement coverage under Laws 1996, chapter 408, article 8, section 21.

(b) The employment positions are as follows: baker, chemical dependency counselor supervisor, chief cook, cook, cook coordinator, corrections behavior therapist, corrections behavior therapist specialist, corrections parent education coordinator, corrections security caseworker, corrections security caseworker career, corrections teaching assistant, dentist, electrician supervisor, general repair worker, library/information research services specialist, library/information research services specialist senior, plumber supervisor, psychologist 3, recreation therapist, recreation therapist coordinator, recreation program assistant, recreation therapist senior, stores clerk senior, water treatment plant operator, work therapy technician, work therapy assistant, work therapy program coordinator.

(c) "Covered correctional service" also means service as the director of the Phoenix/Pomiga treatment/behavior change program of the department of corrections and the Phoenix/Pomiga assistant group supervisors.

Sec. 3. Minnesota Statutes 1998, section 352.91, is amended by adding a subdivision to read:

Subd. 3f. [ADDITIONAL DEPARTMENT OF HUMAN SERVICES PERSONNEL.] (a) "Covered correctional service" means service by a state employee in one of the employment positions specified in paragraph (b) at the Minnesota security hospital or the Minnesota sexual psychopathic personality treatment center, provided that at least 75 percent of the employee's working time is spent in direct contact with patients and the fact of this direct contact is certified to the executive director by the commissioner of human services.

(b) The employment positions are:

- (1) behavior analyst 2;
- (2) licensed practical nurse 1;
- (3) office and administrative specialist senior;
- (4) psychologist 2;
- (5) social worker specialist;
- (6) behavior analyst 3; and
- (7) social worker senior.

Sec. 4. Minnesota Statutes 1998, section 352.91, is amended by adding a subdivision to read:

Subd. 3g. [ADDITIONAL CORRECTIONS DEPARTMENT PERSONNEL.] "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.

Sec. 5. [COVERAGE FOR PRIOR STATE SERVICE FOR CERTAIN PERSONS.]

Subdivision 1. [ELECTION OF PRIOR STATE SERVICE COVERAGE.] (a) An employee who has future retirement coverage transferred to the correctional employees retirement plan under section 1, 2, or 3, or an employee who has retirement coverage for past correctional service transferred to the correctional employees retirement plan under section 2, is entitled to elect to obtain prior service credit for eligible state service performed after June 30, 1975, and before the first day of the first full pay period beginning after June 30, 2000, with the department of corrections or the department of human services at the Minnesota security hospital or the Minnesota sexual psychopathic personality treatment center. All eligible prior service credit must be purchased.

(b) For purposes of section 1, 3, or 4, eligible state service with the department of corrections or the department of human services is any prior period of continuous service after June 30, 1975, performed as an employee of the department of corrections or the department of human services that would have been eligible for the correctional employees retirement plan coverage under section 1, 3, or 4 if that prior service had been performed after the first day of the first full pay period beginning after June 30, 2000, rather than before that date. Service is continuous if there has been no period of discontinuation of eligible state service for a period greater than 180 calendar days. For purposes of section 2, paragraph (c), eligible state service is any period of service on or after the date which the employee started employment with the Phoenix treatment/behavior change program in a position specified in Minnesota Statutes, section 352.91, subdivision 3d, paragraph (c), in which at least 75 percent of the employee's working time is determined to have been spent in direct contact with program participants, and the date the employee joined the correctional employees plan.

(c) The commissioner of corrections or the commissioner of human services shall certify eligible state service to the executive director of the Minnesota state retirement system.

(d) A covered correctional plan employee employed on July 1, 2000, who has past service in a job classification covered under section 1, 3, or 4 on July 1, 2000, is entitled to purchase the past service if the applicable department certifies that the employee met the eligibility requirements for coverage. The employee shall pay the difference between the employee contributions actually paid during the period and what should have been paid under the correctional employees retirement plan. Payment for past service must be completed by June 30, 2002.

Subd. 2. [PAYMENT FOR PAST SERVICE.] (a) An employee electing to obtain prior service credit under subdivision 1 must pay an additional employee contribution for that prior service. The additional member contribution is the contribution differential percentage applied to the actual salary paid to the employee during the period of the prior eligible state service, plus interest at the rate of six percent per annum, compounded annually. The contribution differential percentage is the difference between 4.9 percent of salary and the applicable employee contribution rate of the general state employees retirement plan during the prior eligible state service.

(b) The additional member contribution must be paid only in a lump sum. Payment must accompany the election to obtain prior service credit. No election of payment may be made by the person or accepted by the executive director after June 30, 2002.

Subd. 3. [TRANSFER OF ASSETS.] Assets must be transferred from the general state employees retirement plan to the correctional employees retirement plan, in an amount equal to the present value of benefits earned under the general employees retirement plan for each employee transferring to the correctional employees retirement plan, as determined by the actuary retained by the legislative commission on pensions and retirement in accordance with Minnesota Statutes, section 356.215. The transfer of assets must be made within 45 days after the employee elects to transfer coverage to the correctional employees retirement plan.

Subd. 4. [EFFECT OF THE ASSET TRANSFER.] Upon transfer of assets in subdivision 3, service credit in the general state employees plan of the Minnesota state retirement system is forfeited and may not be reinstated. The service credit and transferred assets must be credited to the correctional employees retirement plan.

Subd. 5. [PAYMENT OF ACTUARIAL CALCULATION COSTS.] (a) The expense of the legislative commission on pensions and retirement attributable to the calculations of its consulting actuary under subdivision 3 must be reimbursed by the department of corrections and the department of human services.

(b) The expense reimbursement under paragraph (a) must be allocated between the two departments in a manner that is jointly agreeable. If no allocation procedure is developed by the commissioner of corrections and the commissioner of human services, the cost must be allocated on an equally shared basis.

(c) Payment of the expense reimbursement to the legislative commission on pensions and retirement is due 30 days after the receipt of the reimbursement request from the executive director of the legislative commission on pensions and retirement.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective July 1, 2000.

### ARTICLE 3

#### JUDGES RETIREMENT PLAN MODIFICATIONS

Section 1. Minnesota Statutes 1998, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. [COVERAGE.] (a) Employees enumerated in paragraph (c), clauses (2), (3), (4), and (6) to (15), if they are in the unclassified service of the state or metropolitan council and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified program under this chapter unless the employee gives notice to the executive director of the Minnesota state retirement system within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan. For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Persons referenced in paragraph (c), clauses (1) and (5), are participants in the unclassified program under this chapter unless the person is eligible to elect different coverage under section 3A.07 or 352C.011 and, after July 1, 1998, elects retirement coverage by the applicable alternative retirement plan. Persons referenced in paragraph (c), clause (16), are participants in the unclassified program under this chapter for judicial employment in excess of the service credit limit in section 490.121, subdivision 22.

(c) Enumerated employees and referenced persons are:

(1) the governor, the lieutenant governor, the secretary of state, the state auditor, the state treasurer, and the attorney general;

(2) an employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general;

(3) an employee of the state board of investment;

(4) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.0815 or 15A.083, subdivision 4;

(5) a member of the legislature;

(6) a permanent, full-time unclassified employee of the legislature or a commission or agency of the legislature or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota state retirement system;

(7) a person who is employed in a position established under section 43A.08, subdivision 1, clause (3), or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(8) the regional administrator, or executive director of the metropolitan council, general counsel, division directors, operations managers, and other positions as designated by the council, all of which may not exceed 27 positions at the council and the chair, provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations may be made without approval of the board of directors of the Minnesota state retirement system;

(9) the executive director, associate executive director, and not to exceed nine positions of the higher education services office in the unclassified service, as designated by the higher education services office before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota state retirement system, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(10) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota;

(11) the chief executive officers of correctional facilities operated by the department of corrections and of hospitals and nursing homes operated by the department of human services;

(12) an employee whose principal employment is at the state ceremonial house;

(13) an employee of the Minnesota educational computing corporation;

(14) an employee of the world trade center board; ~~and~~

(15) an employee of the state lottery board who is covered by the managerial plan established under section 43A.18, subdivision 3; ~~and~~

(16) a judge who has exceeded the service credit limit in section 490.121, subdivision 22.

Sec. 2. Minnesota Statutes 1998, section 352D.04, subdivision 2, is amended to read:

Subd. 2. [CONTRIBUTION RATES.] (a) The money used to purchase shares under this section is the employee and employer contributions provided in this subdivision.

(b) The employee contribution is an amount equal to the employee contribution specified in section 352.04, subdivision 2.

(c) The employer contribution is an amount equal to six percent of salary.

(d) These contributions must be made in the manner provided in section 352.04, subdivisions 4, 5, and 6.

(e) For members of the legislature, the contributions under this subdivision also must be made on per diem payments received during a regular or special legislative session, but may not be made on per diem payments received outside of a regular or special legislative session, on the additional compensation attributable to a leadership position under section 3.099, subdivision 3, living expense payments under section 3.101, or special session living expense payments under section 3.103.

(f) For a judge who is a member of the unclassified plan under section 352D.02, subdivision 1, paragraph (c), clause (16), the employee contribution rate is eight percent of salary, and there is no employer contribution.

Sec. 3. Minnesota Statutes 1998, section 356.30, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY; COMPUTATION OF ANNUITY.] (1) Notwithstanding any provisions to the contrary of the laws governing the funds enumerated in subdivision 3, a person who has met the qualifications of clause (2) may elect to receive a retirement annuity from each fund in which the person has at least six months allowable service, based on the allowable service in each fund, subject to the provisions of clause (3).

(2) A person may receive upon retirement a retirement annuity from each fund in which the person has at least six months allowable service, and augmentation of a deferred annuity calculated under the laws governing each public pension plan or fund named in subdivision 3, from the date the person terminated all public service if:

(a) the person has allowable service totaling an amount that allows the person to receive an annuity in any two or more of the enumerated funds; and

(b) the person has not begun to receive an annuity from any enumerated fund or the person has made application for benefits from all funds and the effective dates of the retirement annuity with each fund under which the person chooses to receive an annuity are within a one-year period.

(3) The retirement annuity from each fund must be based upon the allowable service in each fund, except that:

(a) The laws governing annuities must be the law in effect on the date of termination from the last period of public service under a covered fund with which the person earned a minimum of one-half year of allowable service credit during that employment.

(b) The "average salary" on which the annuity from each covered fund in which the employee has credit in a formula plan shall be based on the employee's highest five successive years of covered salary during the entire service in covered funds.

(c) The formula percentages to be used by each fund must be those percentages prescribed by each fund's formula as continued for the respective years of allowable service from one fund to the next, recognizing all previous allowable service with the other covered funds.

(d) Allowable service in all the funds must be combined in determining eligibility for and the application of each fund's provisions in respect to actuarial reduction in the annuity amount for retirement prior to normal retirement.

(e) The annuity amount payable for any allowable service under a nonformula plan of a covered fund must not be affected but such service and covered salary must be used in the above calculation.

(f) This section shall not apply to any person whose final termination from the last public service under a covered fund is prior to May 1, 1975.

(g) For the purpose of computing annuities under this section the formula percentages used by any covered fund, except the public employees police and fire fund, the judges retirement fund, and the state patrol retirement fund, must not exceed the percent specified in section 356.19, subdivision 4, per year of service for any year of service or fraction thereof. The formula percentage used by the public employees police and fire fund and the state patrol retirement fund must not exceed the percent specified in section 356.19, subdivision 6, per year of service for any year of service or fraction thereof. The formula percentage used by the judges retirement fund must not exceed the percent specified in section 356.19, subdivision 8, per year of service for any year of service or fraction thereof. The formula percentage used by the legislators retirement plan and the elective state officers retirement must not exceed 2.5 percent, but this limit does not apply to the adjustment provided under section 3A.02, subdivision 1, paragraph (c), or 352C.031, paragraph (b).

(h) Any period of time for which a person has credit in more than one of the covered funds must be used only once for the purpose of determining total allowable service.

(i) If the period of duplicated service credit is more than six months, or the person has credit for more than six months with each of the funds, each fund shall apply its formula to a prorated service credit for the period of duplicated service based on a fraction of the salary on which deductions were paid to that fund for the period divided by the total salary on which deductions were paid to all funds for the period.

(j) If the period of duplicated service credit is less than six months, or when added to other service credit with that fund is less than six months, the service credit must be ignored and a refund of contributions made to the person in accord with that fund's refund provisions.

Sec. 4. Minnesota Statutes 1998, section 490.121, subdivision 4, is amended to read:

Subd. 4. [ALLOWABLE SERVICE.] "Allowable service" means a whole year, or any fraction thereof, subject to the service credit limit in subdivision 22, served as a judge at any time, or served as a referee in probate for all referees in probate who were in office prior to January 1, 1974.

Sec. 5. Minnesota Statutes 1998, section 490.121, is amended by adding a subdivision to read:

Subd. 22. [SERVICE CREDIT LIMIT.] "Service credit limit" means the greater of: (1) 24 years of allowable service under chapter 490; or (2) for judges with allowable service rendered prior to July 1, 1980, the number of years of allowable service under chapter 490, which, when multiplied by the percentage listed in section 356.19, subdivision 7 or 8, whichever is applicable to each year of service, equals 76.8.

Sec. 6. Minnesota Statutes 1998, section 490.123, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTION RATES.] (a) A judge who is covered by the federal old age, survivors, disability, and health insurance program whose service does not exceed the service credit limit in section 490.121, subdivision 22, shall contribute to the fund from each salary payment a sum equal to 8.00 percent of salary.

(b) A judge not so covered whose service does not exceed the service credit limit in section 490.121, subdivision 22, shall contribute to the fund from each salary payment a sum equal to 8.15 percent of salary.

(c) The contribution under this subdivision is payable by salary deduction.

Sec. 7. Minnesota Statutes 1998, section 490.123, subdivision 1b, is amended to read:

Subd. 1b. [EMPLOYER CONTRIBUTION RATE.] The employer contribution rate to the fund on behalf of a judge is 20.5 percent of salary and continues after a judge exceeds the service credit limit in section 490.121, subdivision 22.

The employer contribution must be paid by the state court administrator and is payable at the same time as member contributions under subdivision 1a, or employee contributions to the unclassified plan in chapter 352D for judges whose service exceeds the limit in section 490.121, subdivision 22, are remitted.

Sec. 8. Minnesota Statutes 1998, section 490.124, subdivision 1, is amended to read:

Subdivision 1. [BASIC RETIREMENT ANNUITY.] Except as qualified hereinafter from and after mandatory retirement date, normal retirement date, early retirement date, or one year from the disability retirement date, as the case may be, a retirement annuity shall be payable to a retiring judge from the judges' retirement fund in an amount equal to: (1) the percent specified in section 356.19, subdivision 7, multiplied by the judge's final average compensation multiplied by the number of years and fractions of years of allowable service rendered prior to July 1, 1980; plus (2) the percent specified in section 356.19, subdivision 8, multiplied by the judge's final average compensation multiplied by the number of years and fractions of years of allowable service rendered after June 30, 1980; ~~provided that the annuity must not exceed 70 percent of the judge's annual salary for the 12 months immediately preceding retirement.~~ Service that exceeds the service credit limit in section 490.121, subdivision 22, must be excluded in calculating the retirement annuity, but compensation earned during this service must be used in determining a judge's final average compensation and calculating the retirement annuity.

Sec. 9. [PRIOR SERVICE.]

This section applies to a person who is a judge on July 1, 2000, and whose service under chapter 490 on that date exceeds the service credit limit in Minnesota Statutes, section 490.121, subdivision 22. A judge to whom this section applies may elect to have money transferred from the judges' plan to the judge's account in the unclassified employees plan in Minnesota Statutes, chapter 352D. The amount to be transferred is eight percent of the salary the judge

earned after reaching the service credit limit defined in Minnesota Statutes, section 490.121, subdivision 22. A judge electing this transfer forfeits all service credit under Minnesota Statutes, chapter 490, that exceeds the limit in Minnesota Statutes, section 490.121, subdivision 22. An election under this section must be made before retirement as a judge, and within 120 days of the effective date of this section. The election must be made on a form and in a manner specified by the executive director of the Minnesota state retirement system.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective July 1, 2000."

Delete the title and insert:

"A bill for an act relating to retirement; establishing a health care reimbursement plan for state employees; modifying correctional plan provisions; modifying the judges retirement plan; amending Minnesota Statutes 1998, sections 352.91, subdivisions 3c, 3d, and by adding subdivisions; 352D.02, subdivision 1; 352D.04, subdivision 2; 356.30, subdivision 1; 490.121, subdivision 4, and by adding a subdivision; 490.123, subdivisions 1a and 1b; and 490.124, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 352G."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 2880, A bill for an act relating to civil commitment; allowing county attorneys or their designee to have access to certain information for purposes of determining whether good cause exists to file a commitment proceeding; amending Minnesota Statutes 1998, section 253B.185, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete lines 12 to 21 and insert "Notwithstanding sections 144.335; 245.467, subdivision 6; 245.4876, subdivision 7; 260.161; 260.195, subdivision 6; and 609.749, subdivision 6, or any provision of chapter 13, or any other provision of state law, prior to filing a petition for commitment as a sexual psychopathic personality or as a sexually dangerous person, upon notice to the proposed patient, the county attorney or the county attorney's designee, may move the court for an order granting access to any or all of the following data for good cause, to the extent it relates to the proposed patient, for the purposes of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition during the commitment proceedings:"

Page 2, after line 16, insert:

"The court shall grant such motion if: (1) the department of corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person; or (2) the court determines that there is good cause basis for the county attorney to consider filing a petition for commitment as a sexual psychopathic personality or a sexually dangerous person."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2910, A bill for an act relating to charitable organizations; changing definitions; amending Minnesota Statutes 1998, section 309.501, subdivision 1.

Reported the same back with the following amendments:

Page 2, delete lines 21 to 24 and insert:

"(7) ~~and each~~ which supports designated or affiliated ~~agency supported by the recipient institution devotes agencies that devote~~ substantially all of ~~its~~ their activities directly to providing health, welfare, social, or other human services to individuals;"

Page 2, line 25, strike "and each" and insert "which supports" and strike "agency supported by"

Page 2, strike line 26

Page 2, line 27, strike everything before "all" and insert "agencies that provide"

Page 2, line 28, strike "its" and insert "their"

Page 2, line 31, strike "and each charitable agency is" and insert "which supports designated or affiliated agencies that are"

Page 3, line 13, after the period, insert "Any organization or an affiliate of an organization which provides abortions, promotes abortions, or directly refers for abortions, shall be ineligible to receive funds under this section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 2935, A bill for an act relating to health; regulating dental benefit plans; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 2973, A bill for an act relating to financial institutions; regulating certain loan charges and payments; making various technical changes; amending Minnesota Statutes 1998, sections 47.59, subdivisions 7, 10, and by adding a subdivision; 47.60, subdivision 2; 48.56; 56.131, subdivision 4; 58.02, subdivision 10; 58.04, subdivisions 2 and 3; 58.05, by adding a subdivision; 58.08, as amended; 58.10, subdivision 1; and 168.72, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 58.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 1998, sections 58.02, subdivision 15; and 58.05, subdivision 2; Minnesota Rules, part 2675.4180.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 47.52, is amended to read:

47.52 [AUTHORIZATION.]

(a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain detached facilities provided the facilities are located within: (1) the municipality in which the principal office of the applicant bank is located; or (2) 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or (3) a municipality in which no bank is located at the time of application; or (4) a municipality having a population of more than 10,000; or (5) a municipality having a population of 10,000 or less, as determined by the commissioner from the latest available data from the state demographer, or for municipalities located in the seven-county metropolitan area from the metropolitan council, and all the banks having a principal office in the municipality have consented in writing to the establishment of the facility.

(b) A detached facility shall not be closer than 50 feet to a detached facility operated by any other bank and shall not be closer than 100 feet to the principal office of any other bank, the measurement to be made in the same manner as provided above. This paragraph shall not be applicable if the proximity to the facility or the bank is waived in writing by the other bank and filed with the application to establish a detached facility.

(c) A bank is allowed, in addition to other facilities, part-time deposit-taking locations at elementary and secondary schools located within the municipality in which the main banking house or a detached facility is located if they are established in connection with student education programs approved by the school administration and consistent with safe, sound banking practices.

(d) In addition to other facilities, a bank may operate part-time locations at nursing homes and senior citizen housing facilities located within the municipality in which the main banking house or a detached facility is located, or within the seven-county metropolitan area if the bank's main banking facility or a detached facility is located within the seven-county metropolitan area, if they are operated in a manner consistent with safe, sound banking practices."

Page 2, line 15, before "A" insert "(a)"

Page 2, line 17, before the period, insert "except when a delay in crediting does not result in a finance or other charge or except as provided in paragraph (b)."

(b) If a financial institution, in the loan agreement or, in the case of open-end credit, on or with a periodic statement or similar document, specifies requirements for the consumer to follow in making payments, but accepts a payment that does not conform to the requirements, the creditor shall credit the payment within five days of receipt.

(c) If a financial institution fails to credit a payment, as required by paragraph (a) or (b) in time to avoid the imposition of finance or other charges, the financial institution shall adjust the consumer's account so that the charges imposed are credited to the consumer's account promptly or, in the case of open-end credit, no later than during the next billing cycle"

Page 6, after line 13, insert:

"Sec. 7. Minnesota Statutes 1998, section 52.04, subdivision 1, is amended to read:

Subdivision 1. A credit union has the following powers:

(1) to offer its members and other credit unions various classes of shares, share certificates, deposits, or deposit certificates;

(2) to receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other thrift organizations within its membership. Trust funds received by a real estate broker or the broker's salespersons in trust may be deposited in a credit union;

(3) to make loans to members for provident or productive purposes as provided in section 52.16;

(4) to make loans to a cooperative society or other organization having membership in the credit union;

(5) to deposit in state and national banks and trust companies authorized to receive deposits;

(6) to invest in any investment legal for savings banks or for trust funds in the state and, notwithstanding clause (3), to invest in and make loans of unsecured days funds (federal funds or similar unsecured loans) to financial institutions insured by an agency of the federal government and a member of the Federal Reserve System or required to maintain reserves at the Federal Reserve;

(7) to borrow money as hereinafter indicated;

(8) to adopt and use a common seal and alter the same at pleasure;

(9) to make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the Federal Credit Union Act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets. However, payments on shares of and deposit with credit unions chartered by other states are restricted to credit unions insured by the National Credit Union Administration. The restrictions imposed by this clause do not apply to share accounts and deposit accounts of the Minnesota corporate credit union in United States central credit union or to share accounts and deposit accounts of credit unions in the Minnesota corporate credit union;

(10) to contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(11) to indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred in connection with or arising out of any action, suit, or proceeding to which that person is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which that person is finally adjudged in the action, suit, or proceeding to be liable for negligence or misconduct in the performance of duties. The indemnification is not exclusive of any other rights to which that person may be entitled under any bylaw, agreement, vote of members, or otherwise;

(12) upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make those payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts, but a credit union proposing to permit draft withdrawals shall notify the commissioner of commerce, in the form prescribed, of its intent not less than 90 days prior to authorizing draft withdrawals. The board of directors of a credit union may restrict one class of shares to the extent that it may not be redeemed, withdrawn, or transferred except upon termination of membership in the credit union;

(13) to inform its members as to the availability of various group purchasing plans which are related to the promotion of thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(14) to facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group

insurance plan or a subgroup under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, if the credit union obtains written authorization from the member for remittance by share or deposit withdrawals or through proceeds of loans made by the members, or by permitting the credit union to make the payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for expenses incurred or in the case of credit life, accident and health, and involuntary unemployment insurance within the meaning of chapter 62B commissions for the handling of the insurance. The amount reimbursed or the commissions received may constitute the general income of the credit union. The directors, officers, committee members and employees of a credit union shall not profit on any insurance sale facilitated through the credit unions;

(15) to contract with another credit union to furnish services which either could otherwise perform. Contracted services under this clause are subject to regulation and examination by the commissioner of commerce like other services;

(16) in furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, and not in limitation of the specific powers hereinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union;

(17) to rent safe deposit boxes to its members if the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes;

(18) notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118 or section 9.031 or other applicable law and to receive deposits of trust funds provided that either the provider or the beneficial owner of the funds is a member of the credit union accepting the deposit;

(19) to accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of Treasury of the United States;

(20) to accept deposits pursuant to section 149A.97, subdivision 5, notwithstanding the provisions of section 52.05, if the deposits represent funding of prepaid funeral plans of members;

(21) to sell, in whole or in part, real estate secured loans provided that:

(a) the loan is secured by a first lien;

(b) the board of directors approves the sale;

(c) if the sale is partial, the agreement to sell a partial interest shall, at a minimum:

(i) identify the loan or loans covered by the agreement;

(ii) provide for the collection, processing, remittance of payments of principal and interest, taxes and insurance premiums and other charges or escrows, if any;

(iii) define the responsibilities of each party in the event the loan becomes subject to collection, loss or foreclosure;

(iv) provide that in the event of loss, each owner shall share in the loss in proportion to its interest in the loan or loans;

(v) provide for the distribution of payments of principal to each owner proportionate to its interest in the loan or loans;

(vi) provide for loan status reports;

(vii) state the terms and conditions under which the agreement may be terminated or modified; and

(d) the sale is without recourse or repurchase unless the agreement:

(i) requires repurchase of a loan because of any breach of warranty or misrepresentation;

(ii) allows the seller to repurchase at its discretion; or

(iii) allows substitution of one loan for another;

(22) in addition to the sale of loans secured by a first lien on real estate, to sell, pledge, discount, or otherwise dispose of, in whole or in part, to any source, a loan or group of loans, other than a self-replenishing line of credit; provided, that within a calendar year beginning January 1 the total dollar value of loans sold, other than loans secured by real estate or insured by a state or federal agency, shall not exceed 25 percent of the dollar amount of all loans and participating interests in loans held by the credit union at the beginning of the calendar year, unless otherwise authorized in writing by the commissioner;

(23) to designate the par value of the shares of the credit union by board resolution;

(24) to exercise by resolution the powers set forth in United States Code, title 12, section 1757, ~~as amended through December 31, 1992~~. Before exercising each power, the board must submit a plan to the commissioner of commerce detailing implementation of the power to be used;

(25) to offer self-directed individual retirement accounts and Keogh accounts and act as custodian and trustee of these accounts if:

(1) all contributions of funds are initially made to a deposit, share or share certificate account in the credit union;

(2) any subsequent transfer of funds to other assets is solely at the direction of the member and the credit union exercises no investment discretion and provides no investment advice with respect to plan assets; and

(3) the member is clearly notified of the fact that National Credit Union Share Insurance Fund coverage is limited to funds held in deposit, share or share certificate accounts of National Credit Union Share Insurance Fund-insured credit unions."

Page 12, after line 17, insert:

"Nothing in this subdivision prevents a financial institution under section 47.59, subdivision 1, paragraph (k), from making first lien residential mortgage loans under section 47.59 or other provisions of law available to financial institutions under that section."

Page 12, after line 27, insert:

"Nothing in this subdivision authorizes a mortgage originator to make loans on terms and conditions that would not be available to it in the absence of this section."

Page 12, line 34, delete "Contract holders" and insert "(a) A contract holder"

Page 12, line 36, before the period, insert "except when a delay in crediting does not result in a finance or other charge or except as provided in paragraph (b).

(b) If a retail installment contract or other instructions specify requirements for the consumer to follow in making payments, but the contract holder accepts a payment that does not conform to the requirements, the contract holder shall credit the payment within five days of receipt.

(c) If a contract holder fails to credit a payment, as required by paragraphs (a) and (b), in time to avoid the imposition of finance or other charges, the contract holder shall adjust the consumer's account so that the charges imposed are credited to the consumer's account promptly"

Page 12, after line 36, insert:

"Sec. 18. [COMMERCE DEPARTMENT EXAMINATION; FOUNDATION LOAN PORTFOLIO PILOT PROJECT.]

(a) Any nonprofit charitable organization recognized as exempt from federal income taxation under section 501(c)(3) of the federal Internal Revenue Code of 1986, as amended, participating as a regional organization under the challenge grant program established under Minnesota Statutes, section 116J.415, and serving the counties of Aitkin, Cook, Lake, St. Louis, Carlton, Itasca, and Koochiching as of the effective date of this section, may enter into an agreement with the commissioner of commerce to facilitate the charitable organization's participation in the United States Small Business Administration guaranteed lender program.

(b) The agreement referred to in paragraph (a) shall provide for a level of examination and supervision by the department of commerce necessary for the charitable organization to meet United States Small Business Administration requirements for guaranteed lender status, including an annual examination of the books, accounts, records, and files related to the charitable organization's portfolio of guaranteed loans. Reports of the commissioner's annual examination shall be made available to the United States Small Business Administration upon request.

(c) The charitable organization shall pay the department's cost, as determined by the commissioner of commerce, of the supervision and examination required under an agreement entered into pursuant to this section. The charitable organization shall also pay the department's cost, as determined by the commissioner, of negotiating the agreement. Money received by the department under this subdivision must be deposited in the state treasury and credited to an account in the special revenue fund. Money in this account is annually appropriated to the commissioner for purposes of administering this section.

(d) This section expires December 31, 2003.

Sec. 19. [VASA TOWNSHIP; DETACHED BANKING FACILITY.]

With the prior approval of the commissioner of commerce, a bank operating its principal office in Cannon Falls may establish and maintain not more than one detached facility in Vasa township. A bank desiring to establish such a detached facility must follow the approval procedure prescribed in Minnesota Statutes, section 47.54. The establishment of a detached facility under this section is subject to Minnesota Statutes, sections 47.51 to 47.57, except to the extent those sections are inconsistent with this section."

Page 13, after line 4, insert:

"(c) Minnesota Rules, part 2675.6141, subpart 1, is repealed effective the day following final enactment."

Page 13, line 6, delete "3 to 13, and 16" and insert "2, 4 to 15, 18, and 20"

Page 13, line 7, delete "2 and 15" and insert "3 and 17" and after the second period, insert "Section 19 is effective the day after compliance by the governing body of Vasa township with Minnesota Statutes, section 645.021, subdivision 3."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "establishing a foundation loan portfolio pilot project;"

Page 1, line 4, after the semicolon, insert "appropriating money;"

Page 1, line 6, after the third semicolon, insert "52.04, subdivision 1;"

Page 1, line 11, delete "section" and insert "sections 47.52; and"

Page 1, line 15, delete "part" and insert "parts" and before the period, insert "; and 2675.6141, subpart 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 2981, A bill for an act relating to public employment; adding certain supervisory or confidential employees to the list of employees who may be represented by the same exclusive representative that represents employees who are not supervisory or confidential; amending Minnesota Statutes 1999 Supplement, section 179A.06, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3102, A bill for an act relating to public employment; ratifying certain labor agreements; making technical changes to the Public Employment Labor Relations Act; amending Minnesota Statutes 1998, sections 15A.0815, subdivisions 2 and 3; 85A.02, subdivision 5a; and 179A.18, subdivision 1; Minnesota Statutes 1999 Supplement, section 179A.04, subdivision 3.

Reported the same back with the following amendments:

Page 3, line 6, delete "85" and insert "95"

Page 6, after line 20, insert:

"Sec. 6. Minnesota Statutes 1998, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. [DIRECTOR.] A state lottery is established under the supervision and control of the director of the state lottery appointed by the governor with the advice and consent of the senate. The director must be qualified by experience and training in the operation of a lottery to supervise the lottery. The director serves in the unclassified service. The annual salary rate authorized for the director is equal to ~~85~~ 95 percent of the salary rate prescribed for the governor."

Page 8, after line 27, insert:

"Subd. 17. [SALARY FOR THE DIRECTOR OF THE HIGHER EDUCATION SERVICES OFFICE.] The proposal to increase the salary of the director of the higher education services office, recommended by the legislative coordinating commission subcommittee on employee relations on February 22, 2000, is ratified.

Sec. 8. [MEMORANDUM OF UNDERSTANDING.]

The commissioner of employee relations may not execute a memorandum of understanding relating to employee compensation for travel time with an exclusive representative of a bargaining unit until after it has been approved by the legislative coordinating commission under Minnesota Statutes, section 3.855."

Page 8, line 29, delete "Section 6 is" and insert "Sections 7 and 8 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "raising certain salary limits; increasing salaries for certain state positions;"

Page 1, line 6, delete "and" and after "1;" insert "and 349A.02, subdivision 1;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3103, A bill for an act relating to health and human services; establishing the right to seek licensure for excluded adult foster care providers; changing requirements to background studies for licensed programs; establishing tribal licensing agency access to criminal history data; clarifying tort liability licensing exception for county agencies; amending Minnesota Statutes 1998, sections 245A.03, subdivision 2, and by adding a subdivision; 245A.04, subdivisions 3 and 3b; and 466.03, subdivision 6d; Minnesota Statutes 1999 Supplement, section 245A.04, subdivision 3d.

Reported the same back with the following amendments:

Page 12, line 13, after the comma, insert "after obtaining consent from the background study subject."

Page 12, line 14, delete "the same"

Page 12, line 15, after "data" insert "in the same manner"

Pages 21 and 22, delete section 6

Page 22, line 10, delete "7" and insert "6"

Page 22, line 11, delete everything after the period

Page 22, delete line 12

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, after the first semicolon, insert "and" and delete the second "and"

Page 1, line 11, delete "466.03, subdivision 6d;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3250, A bill for an act relating to vulnerable adults; establishing a vulnerable adult review panel; requiring a report to the legislature; classifying data; amending Minnesota Statutes 1998, section 626.557, subdivisions 9c, 9d, and 12b; Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3258, A bill for an act relating to Minneapolis-St. Paul International Airport; providing for the impact of expansion of the Minneapolis-St. Paul International Airport; authorizing airport mitigation planning, the establishment of airport impact zones, and tax increment financing districts in the cities of Bloomington, Burnsville, Eagan, Mendota Heights, Minneapolis, Richfield, and St. Paul; creating an airport impact mitigation fund in the state treasury; authorizing certain related activities by the department of trade and economic development; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For the purposes of this act, the terms defined in this section have the meanings given them.

Subd. 2. [AIRPORT IMPACT DISTRICT.] "Airport impact district" means an airport impact tax increment financing district described in section 3.

Subd. 3. [AIRPORT IMPACT ZONE.] "Airport impact zone" means a contiguous or noncontiguous geographic area designated by a city and approved by the commissioner as part of a mitigation plan under section 2.

Subd. 4. [AIRPORT SALES.] "Airport sales" means sales that are taxable under Minnesota Statutes, chapter 297A, and occur on property owned by the metropolitan airports commission at the Minneapolis-St. Paul International Airport including, without limit, parking, vehicle rental, food and beverage, vending, merchandise, and pay telephones. Airport sales do not include sales of goods or taxable services purchased by the metropolitan airports commission or by persons or entities conducting a private trade or business on property owned by the metropolitan airports commission at the Minneapolis-St. Paul International Airport.

Subd. 5. [CITY.] "City" means the cities of Bloomington, Burnsville, Eagan, Mendota Heights, Minneapolis, Richfield, and St. Paul, or any of them.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of trade and economic development.

Subd. 7. [COUNCIL.] "Council" means the metropolitan council.

Subd. 8. [DEPARTMENT.] "Department" means the department of trade and economic development.

Subd. 9. [GOVERNING BODY.] "Governing body" means the city council of a city.

Subd. 10. [HOUSING REPLACEMENT ACTIVITIES.] "Housing replacement activities" means rehabilitation, acquisition, relocation assistance, relocation of existing dwelling units, and construction of new dwelling units, for the purpose of replacing dwelling units eliminated by airport mitigation activities.

Subd. 11. [IMPACT REPORT.] "Impact report" means a written report identifying airport impacts adopted by a city under section 2.

Subd. 12. [MITIGATION FUND.] "Mitigation fund" means the airport impact mitigation fund established under section 4.

Subd. 13. [MITIGATION PLAN.] "Mitigation plan" means a plan for airport impact mitigation developed by a city and approved by the commissioner under section 2.

Subd. 14. [OBLIGATION.] "Obligation" has the meaning given it in Minnesota Statutes, section 475.51, subdivision 3. The term includes obligations issued to refund prior obligations issued under this act.

Subd. 15. [SCHOOL DISTRICT.] "School district" means a school district whose jurisdiction includes all or any portion of a city.

## Sec. 2. [AIRPORT IMPACT MITIGATION PLANNING.]

Subdivision 1. [IMPACT REPORT.] A city may study and identify airport impacts and the scope of those impacts on the city. At the conclusion of an impact study, a city must adopt a report of the impacts on the city. In studying airport impacts and preparing a report, a city must take into account airport noise impacts and additional environmental, transportation, and economic impacts associated with expansion of the Minneapolis-St. Paul International Airport. A city must also consider and incorporate the overhead noise guidelines established by the federal aviation administration and recommendations of the Low Frequency Noise Policy Committee concerning noise impacts.

Subd. 2. [MITIGATION PLAN.] (a) After adopting an airport impact report, a city must develop an airport mitigation plan for an airport impact zone in the city. In developing the mitigation plan, a city must seek to determine the most effective measures for mitigating the impacts identified in the impact report. A city may consider any measures for mitigating airport impacts including, but not limited to, noise insulation of residential and commercial buildings, land use conversion, development of housing to replace units lost through mitigation activities, and property value assurance programs. The mitigation plan must include:

(1) designated boundaries of the airport impact zone;

(2) a description of recommended impact mitigation measures;

(3) if the plan includes establishment of one or more airport impact tax increment financing districts, the proposed boundaries of each district, consistent with the terms of section 3;

(4) if the plan includes conversion of residential land use, a description of proposed housing replacement activities;

(5) estimates of costs of the recommended mitigation measures and possible financing sources;

(6) an analysis of the feasibility of property tax abatement under Minnesota Statutes, sections 469.1813 to 469.1815 as a financing source; and

(7) the estimated amount of obligations, if any, to be issued under this act, including a description of the proposed security for the obligations and whether the city requests credit enhancement by the council as provided in section 5, subdivision 2.

(b) Before initial approval of a mitigation plan, a city must conduct a public hearing after publishing at least ten days before the hearing a notice in a newspaper of general circulation in the city. The hearing notice must state that the mitigation plan and the mitigation report are available for review in the administrative offices of the city. After initial approval of the mitigation plan by the governing body, the city must submit the mitigation plan and the mitigation report to the commissioner for approval, and must also submit copies to the council and the metropolitan airports commission for review and comment. Not more than 60 days after receipt of the city's submission, the commissioner must approve, disapprove, or otherwise comment on the mitigation plan. Failure by the commissioner to approve or comment within 60 days is considered approval of the mitigation plan. An action described in a mitigation plan must not be financed by the mitigation fund or an airport impact district until the mitigation plan has been approved by the commissioner and then approved by the governing body.

(c) Before approving any mitigation plan, the commissioner must establish criteria for evaluating proposed airport impact zones, airport impact districts, and mitigation measures. The commissioner must consult with the cities, the council, and the metropolitan airports commission in developing the criteria. The commissioner must approve final criteria by December 31, 2000. Any mitigation plan approved under this act must be consistent with the criteria established under this paragraph.

(d) If the mitigation plan, or any amendment under paragraph (e), clause (3), includes credit enhancement by the council as provided in section 5, subdivision 2, the mitigation plan must also be approved by the council before issuance of bonds secured under section 5, subdivision 2.

(e) A mitigation plan may be changed after the notice, hearing, and approvals required for approval of the original plan. The change is required only to:

(1) increase the total estimated cost of mitigation activities;

(2) increase the total estimated amount of obligations to be issued;

(3) secure any obligations by the pledge described in section 5, subdivision 2, if the pledge was not included in the original plan;

(4) expand the boundaries of an airport impact zone;

(5) create or expand the boundaries of an airport impact district; or

(6) add mitigation activities beyond the scope of activities described in the original plan.

(f) Expenditures to implement a mitigation plan are not considered a business subsidy under Minnesota Statutes, sections 116J.993 to 116J.995.

Sec. 3. [AIRPORT IMPACT TAX INCREMENT FINANCING DISTRICTS.]

Subdivision 1. [AUTHORIZATION.] A city may establish one or more airport impact tax increment financing districts within an airport impact zone. At least 75 percent of the area of an airport impact district must be located within the 60 DNL contour surrounding the Minneapolis-St. Paul International Airport. The boundaries of each district must be described in a mitigation plan.

Subd. 2. [SPECIAL RULES.] (a) An airport impact district is considered a redevelopment district within the meaning of, and is subject to, Minnesota Statutes, sections 469.174 to 469.179, except as otherwise provided in this subdivision. For the purposes of Minnesota Statutes, section 469.174, subdivision 8, "project" means an airport impact zone described in section 2.

(b) For the purposes of Minnesota Statutes, section 469.174, subdivision 10, the governing body must find that parcels consisting of 70 percent of the area of the district are occupied by buildings, streets, utilities, or other improvements, and more than 50 percent of the buildings, not including outbuildings, currently or upon completion of airport expansion are reasonably expected to experience airport impacts identified in the mitigation plan to a degree requiring land use conversion to accommodate uses compatible with the airport. This finding may be made at the time of approval of the mitigation plan.

(c) For the purposes of Minnesota Statutes, section 469.1763, subdivision 2, the "in-district percentage" is 75 percent, except that any expenditures within the boundaries of any other airport impact tax increment financing district in the city are considered activities within the district whenever made notwithstanding anything to the contrary in Minnesota Statutes, section 469.1763, subdivision 3, and the 25 percent "pooling percentage" may be used only to pay for administrative expenses and housing replacement activities.

(d) For the purposes of Minnesota Statutes, section 469.176, subdivision 4j, the cost of correcting conditions that allow designation of the airport impact district includes the cost of a mitigation measure described in an approved mitigation plan.

(e) Minnesota Statutes, sections 273.1399 and 469.1782, subdivision 1, do not apply to the district if the city elects either or both of the following:

(1) the exemption under Minnesota Statutes, section 273.1399, subdivision 6, paragraph (d); or

(2) at least 15 percent of the revenue generated from tax increments from the airport impact district in any year is deposited in the housing replacement account of the city and spent for housing replacement activities described in the mitigation plan.

(f) Housing replacement activities may be located in the city within or outside the airport impact district.

(g) Minnesota Statutes, chapter 473F, does not apply to property within an airport impact district beginning in the first year in which tax increment is paid to the city and continuing until decertification of the district. Tax increment from the district is calculated according to Minnesota Statutes, section 469.177, subdivision 3, clause (a), without regard to the fiscal disparities provisions of Minnesota Statutes, chapter 473F.

Sec. 4. [AIRPORT IMPACT MITIGATION FUND.]

Subdivision 1. [FUND CREATED; SOURCES.] The airport impact mitigation fund is established in the state treasury. The mitigation fund is administered by the commissioner for the purposes described in this section.

Subd. 2. [INCREMENTAL AIRPORT SALES TAX.] Notwithstanding anything to the contrary in Minnesota Statutes, section 297A.44, to the extent revenues derived from sales taxes imposed under Minnesota Statutes, chapter 297A, on airport sales exceed \$12,000,000 in any fiscal year, the excess revenues are appropriated annually to the mitigation fund beginning in the fiscal year ending in 2001 and ending in the fiscal year ending in 2025.

Subd. 3. [GENERAL FUND APPROPRIATION.] (a) \$2,000,000 is appropriated from the general fund to the mitigation fund. The appropriation is available until spent.

(b) To ensure adequate funding to meet long-term airport mitigation needs under this act, the legislature declares as policy its intent to appropriate \$4,000,000 in each of the following four biennia 2001-2002 through 2007-2008 and \$2,000,000 in the first year of the 2009-2010 biennium, for a total of \$20,000,000 appropriated over that ten-year period, including the appropriation in paragraph (a).

Subd. 4. [USE OF REVENUES.] Amounts in the mitigation fund may be spent only for the following purposes:

- (1) to pay principal of, interest on, and redemption premium, if any, on obligations issued by a city under this act;
- (2) to pay or reimburse a city for costs incurred to implement a mitigation plan, including, without limit, costs of preparing the impact report and mitigation plan;
- (3) to pay a school district to mitigate decreases in student population created by mitigation activities of a city under the city's mitigation plan; and
- (4) by the department to pay the costs of administering the mitigation fund and related activities of the department under this act.

Subd. 5. [PAYMENT PROVISIONS.] (a) Before disbursing any amounts from the mitigation fund, the commissioner must establish criteria for selecting activities identified in subdivision 4 to be financed from the fund. The commissioner must consult with the cities, the school districts, the council and the metropolitan airports commission in developing the criteria. The commissioner must approve final criteria by December 31, 2000. The criteria must identify priorities for funding, taking into account:

- (1) the severity of airport impacts among the cities and school districts;
  - (2) the type of mitigation measures required in order to address the impacts;
  - (3) the cost of impact mitigation activities identified in the mitigation plans;
  - (4) the amount of obligations to be issued under this act as identified in the mitigation plans; and
  - (5) the amount of other revenues available to pay the costs identified in subdivision 4.
- (b) The commissioner may establish procedures for administration of the mitigation fund as necessary, including without limitation a process for applications, disbursement, and reporting of expenditures.

Subd. 6. [TERMINATION OF MITIGATION FUND.] The mitigation fund ends on the earlier of:

- (1) the date by which all cities and school districts have notified the commissioner that all costs payable from the mitigation fund under this act have been paid; or
- (2) the end of the fiscal year ending in 2030.

The balance of amounts in the mitigation fund on its termination are credited to the state general fund.

Sec. 5. [BONDS; SECURITY.]

Subdivision 1. [TERMS.] (a) A city may issue obligations secured by

- (1) tax increments,

- (2) abatements,
- (3) amounts disbursed from the airport mitigation fund,
- (4) any other revenues available to the city under law, or
- (5) any combination of revenue described in clauses (1) to (4).

(b) The proceeds of obligations must be used to pay or reimburse any costs to implement a mitigation plan, including, without limit, costs of preparing the impact report and the mitigation plan. The governing body may provide by resolution that the obligations are additionally secured by the full faith and credit of the city. Notwithstanding any other law or charter provision, voter approval is not required and net debt limits do not apply to obligations issued under this section. Obligations secured in whole or in part with tax increments from an airport impact district must be issued according to Minnesota Statutes, section 469.178, and this act.

Subd. 2. [METROPOLITAN AREA CREDIT ENHANCEMENT PROGRAM.] (a) The council may establish an airport impact mitigation bond credit enhancement program as provided in this section. The council may pledge its full faith and credit and taxing powers to obligations issued under this act if:

(1) the city so requests and the commissioner and the council approves that pledge as part of the city's mitigation plan; and

(2) the council finds that revenues pledged for payment of the obligations will produce, as estimated at the time of the pledge, at least 125 percent of the principal and interest due on the obligations.

(b) The pledge must be made by resolution of the council. Voter approval of obligations secured by the pledge described in this subdivision is not required and net debt limits do not apply.

(c) Before pledging its full faith and credit, the council must establish criteria for approving requests for credit enhancement under this section. The council must establish criteria in consultation with the cities, the commissioner, and the metropolitan airports commission. The criteria must set forth priorities for credit enhancement that are consistent with the priorities established by the commissioner for disbursement from the mitigation fund under section 4, and may contain limits on the total amount of obligations that may be credit enhanced under this subdivision.

(d) If there is a deficiency in revenues pledged to obligations credit enhanced under this subdivision, the council must levy a tax against all taxable property in the metropolitan area and advance the proceeds of the levy to the city for deposit in the debt service fund for the obligations. The city must reimburse the council for the advance to the extent the deficient revenues are later collected.

(e) Taxes levied by the council because of credit enhancement under this subdivision do not affect the amount or rate of taxes that may be levied by the council for other purposes and are not subject to limit as to rate or amount.

(f) The council and each city that participates in the credit enhancement program may enter into agreements they determine to be necessary to implement the credit enhancement program. The agreements may extend over any period, notwithstanding any law to the contrary.

Sec. 6. [LOCAL APPROVAL; APPLICATION; EFFECTIVE DATES.]

Sections 1, 2, 4, and 5 do not require local approval, because Minnesota Statutes, section 645.023, subdivision 1, clause (a), applies. Section 5 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. Sections 1, 2, 4, and 5, are effective June 1, 2000. Section 3 is effective for each of the cities of Bloomington, Burnsville, Eagan, Mendota Heights, Minneapolis, Richfield, and St. Paul the day after the governing body of each city and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3, and section 469.1782, subdivision 2."

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "authorizing a metropolitan area credit enhancement program including a contingent metropolitan area property tax levy;"

With the recommendation that when so amended the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3260, A bill for an act relating to lake improvement districts; modifying provisions relating to lake improvement districts; amending Minnesota Statutes 1998, sections 103B.535, 103B.545, subdivision 1; 103B.551, subdivision 1; 103B.555, subdivision 1; and 103B.571, subdivision 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3319, A bill for an act relating to drivers' licenses; conforming state "open bottle" law to federal provisions; combining responsibility for all driver education programs with commissioner of public safety; regulating satisfactions of judgment on automobile liability claims; allowing drivers' license to be renewed within five years of expiration without written examination; modifying ignition interlock pilot program; making clarifying and technical changes; amending Minnesota Statutes 1998, sections 169.122, subdivisions 1, 2, and 3; 171.183, subdivision 1; 171.27; and 171.305, as amended; Minnesota Statutes 1999 Supplement, sections 169.974, subdivision 2; and 171.05, subdivision 2; repealing Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770.

Reported the same back with the following amendments:

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 1998, section 161.14, is amended by adding a subdivision to read:

Subd. 45. [DIANA L. KOSKI MEMORIAL BRIDGE.] The bridge over marked trunk highway No. 5 on Prairie Center Drive in Eden Prairie is hereby named and designated the Diana L. Koski Memorial Bridge. The commissioner shall erect one sign on this bridge in each direction, visible to vehicles on the trunk highway, to mark the bridge, subject to the provisions of section 161.139."

Page 9, line 27, delete "6" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "drivers' licenses" and insert "transportation; designating the Diana L. Koski Memorial Bridge"

Page 1, line 11, after "sections" insert "161.14, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3331, A bill for an act relating to crime prevention; creating the position of director of domestic violence and sexual assault prevention and an interagency task force on domestic violence and sexual assault prevention; specifying the powers, duties, and organization of the director and task force; amending Minnesota Statutes 1998, sections 611A.25, by adding a subdivision; and 611A.34, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Page 3, line 16, after "issues" insert ", child visitation, and abused children's programs"

Page 4, line 11, before the semicolon, insert ", or a designee"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3347, A bill for an act relating to state government; the office of administrative hearings; authorizing the chief administrative law judge to establish a system of subject matter specialization for judges; amending Minnesota Statutes 1998, section 14.48.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 14.48, is amended to read:

14.48 [~~CREATION OF OFFICE OF ADMINISTRATIVE HEARINGS, CHIEF ADMINISTRATIVE LAW JUDGE APPOINTED; OTHER ADMINISTRATIVE LAW JUDGES APPOINTED.~~]

Subdivision 1. [CREATION.] A state office of administrative hearings is created.

Subd. 2. [CHIEF ADMINISTRATIVE LAW JUDGE.] The office shall be under the direction of a chief administrative law judge who shall be learned in the law and appointed by the governor, with the advice and consent of the senate, for a term ending on June 30 of the sixth calendar year after appointment. Senate confirmation of the chief administrative law judge shall be as provided by section 15.066. The chief administrative law judge may hear cases and shall appoint additional administrative law judges and compensation judges to serve in the office as necessary to fulfill the duties prescribed in chapters 14 and 176. The chief administrative law judge may delegate to a subordinate employee the exercise of a specified statutory power or duty as deemed advisable, subject to the control of the chief administrative law judge. Every delegation must be by written order filed with the secretary of state. The chief administrative law judge is subject to the provisions of the Minnesota Constitution, article VI, section 6, the jurisdiction of the board on judicial standards, and the provisions of the code of judicial conduct.

Subd. 3. [ADMINISTRATIVE LAW JUDGES AND COMPENSATION JUDGES.] (a) All administrative law judges and compensation judges shall be in the classified service except that the chief administrative law judge shall be in the unclassified service, but may be removed only for cause.

(b) All administrative law judges and workers' compensation judges must be learned in the law and must be free of any political or economic association that would impair their ability to function in a fair and impartial manner. Administrative law judges shall have demonstrated knowledge of administrative procedures and ~~shall be free of any~~

~~political or economic association that would impair their ability to function officially in a fair and objective manner. All workers' compensation judges shall be learned in the law, shall have demonstrated knowledge of workers' compensation laws and shall be free of any political or economic association that would impair their ability to function officially in a fair and objective manner.~~

(c) The appointment of individuals as workers' compensation judges or as administrative law judges does not preclude the chief administrative law judge from establishing a system of training to enable them to acquire demonstrable knowledge and to become qualified to conduct hearings in the area other than the area of their original appointment. Conducting hearings in the other area does not affect an administrative law judge's or workers' compensation judge's job class established pursuant to section 43A.07 or seniority within that job class. The chief administrative law judge shall annually notify the department of finance of the amount of credit payable to the workers' compensation special fund for time spent by workers' compensation judges on noncompensation proceedings.

(d) Administrative law judges and compensation judges are subject to the provisions of the code of judicial conduct. Administrative law and compensation judges may, however, serve as a member of a governmental board when so directed by the legislature. The chief administrative law judge shall provide training to administrative law and compensation judges about the requirements of the code and shall apply the provisions of the code to their actions. Only administrative law judges serving as temporary judges under a written contract are considered to be part-time judges for purposes of the code. Reports required to be filed by the code must be filed with the chief administrative law judge. The chief administrative law judge shall apply the provisions of the code of judicial conduct, to the extent applicable, to the other administrative law and compensation judges in a manner consistent with interpretations made by the board on judicial standards. The chief administrative law judge shall follow the procedural requirements of the commissioner's plan for state employees if any adverse personnel action is taken based in whole or in part as a violation of the code of judicial conduct.

(e) In addition to other duties provided by law, workers' compensation and administrative law judges may mediate, arbitrate, or take other appropriate action on matters referred to the office of administrative hearings by any member of the federal or state judicial branch or by the workers' compensation court of appeals.

Sec. 2. Minnesota Statutes 1998, section 14.50, is amended to read:

14.50 [HEARINGS BEFORE ADMINISTRATIVE LAW JUDGE.]

All hearings of state agencies required to be conducted under this chapter shall be conducted by an administrative law judge assigned by the chief administrative law judge or by a workers' compensation judge assigned by the chief administrative law judge as provided in section 14.48. All hearings required to be conducted under chapter 176 shall be conducted by a compensation judge assigned by the chief administrative law judge or by an administrative law judge assigned by the chief administrative law judge as provided in section 14.48. In assigning administrative law judges or compensation judges to conduct such hearings, the chief administrative law judge shall attempt to utilize personnel having expertise in the subject to be dealt with in the hearing. ~~Only administrative law judges learned in the law shall be assigned to contested case hearings. Only compensation judges shall be assigned to workers' compensation matters.~~ It shall be the duty of the administrative law judge to: (1) advise an agency as to the location at which and time during which a hearing should be held so as to allow for participation by all affected interests; (2) conduct only hearings for which proper notice has been given; (3) see to it that all hearings are conducted in a fair and impartial manner. Except in the case of workers' compensation hearings involving claims for compensation it shall also be the duty of the ~~administrative law~~ administrative law judge to make a report on each proposed agency action in which the ~~administrative law~~ administrative law judge functioned in an official capacity, stating findings of fact and conclusions and recommendations, taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant substantive and procedural requirements of law or rule, and (iii) in rulemaking proceedings, demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective December 31, 2000."

Delete the title and insert:

"A bill for an act relating to state government; the office of administrative hearings; authorizing additional training; regulating the conduct of judges in the office; amending Minnesota Statutes 1998, sections 14.48; and 14.50."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3424, A bill for an act relating to real property; requiring the secretary of state to establish a task force to study and make recommendations on electronic filing of real estate documents.

Reported the same back with the following amendments:

Page 1, line 18, delete "realtors" and insert "real estate agents"

Page 2, line 21, delete "shall expire" and insert "expires"

Page 2, line 22, delete "no later than"

With the recommendation that when so amended the bill pass.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3475, A bill for an act relating to motor vehicles; modifying how state vehicles are identified; amending Minnesota Statutes 1999 Supplement, section 168.012, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3477, A bill for an act relating to human services; clarifying medical assistance reimbursement requirements for speech-language pathologists; amending Minnesota Statutes 1999 Supplement, section 256B.0625, subdivision 8b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 256B.0625, subdivision 8b, is amended to read:

Subd. 8b. [SPEECH LANGUAGE PATHOLOGY AND AUDIOLOGY SERVICES.] Medical assistance covers speech language pathology and related services, including specialized maintenance therapy. Medical assistance covers audiology services and related services. Services provided by a person who has been issued a temporary registration under section 148.5161 shall be reimbursed at the same rate as services performed by a speech language pathologist or audiologist as long as the requirements of section 148.5161, subdivision 3, are met."

Amend the title as follows:

Page 1, line 4, before the semicolon, insert "and audiologists"

With the recommendation that when so amended the bill pass.

The report was adopted.

Holsten from the Committee on Environment and Natural Resources Finance to which was referred:

H. F. No. 3516, A bill for an act relating to natural resources; allowing expenditure of appropriated money for certain seminars and conferences; clarifying certain prohibitions related to the operation of snowmobiles, all-terrain vehicles, and motorboats; modifying composition of the outdoor recreation system; modifying disposition of certain receipts; designating a migratory waterfowl refuge; modifying certain rulemaking authority; eliminating trawling fees; providing for acquisition of critical aquatic habitat; modifying commissioner's authority to remove rough fish; modifying minnow retailer and turtle license provisions; clarifying forfeiture procedure; modifying mineral land provisions; increasing project amount for security in place of bonds; granting legislative approval for certain water usage; amending Minnesota Statutes 1998, sections 9.071; 86A.04; 86B.331, subdivision 1; 93.05; 93.055; 93.14; 93.15; 93.16; 93.17; 93.193, subdivision 1; 93.21; 93.22; 93.25, subdivisions 1 and 2; 93.26; 93.27; 93.28; 93.285, subdivisions 2 and 3; 93.335, subdivision 1; 93.43; 97A.095, by adding a subdivision; 97A.405, subdivision 3; 97A.475, subdivision 30; 97C.041; 97C.501, subdivisions 1 and 2; and 97C.605, subdivisions 1 and 2; Minnesota Statutes 1999 Supplement, sections 84.91, subdivision 1; 97A.065, subdivision 2; 169.1217, subdivision 7a; 290.431; 290.432; and 574.264, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 93; and 97C; repealing Minnesota Statutes 1998, sections 93.07; 93.08; 93.09; 93.10; 93.11; 93.12; 93.13; 93.18; 93.19; 93.191; 93.192; 93.202; 93.23; 93.24; 93.283; 93.285, subdivisions 4 and 5; 93.30; 93.31; 93.32; 93.335, subdivisions 4 and 5; 93.34, subdivisions 1 and 3; 93.351; 93.352; 93.353; 93.354; 93.355; 93.356; 93.357; 93.37; 93.38; 93.39; 93.42; and 97B.312.

Reported the same back with the following amendments:

Page 2, line 23, after "advance" insert "no more than \$5,000 of"

Page 21, delete section 28 and insert:

"Sec. 28. Minnesota Statutes 1998, section 97A.405, is amended by adding a subdivision to read:

Subd. 4. [REPLACEMENT LICENSES.] The commissioner may permit licensed firearms deer hunters to change zone or season options before the regular firearms deer season begins. The commissioner may issue a replacement license if the applicant submits the original firearms deer license that is being replaced and the applicant pays any increase in cost between the original and the replacement license."

Page 22, after line 26, insert:

"Sec. 30. Minnesota Statutes 1998, section 97A.475, is amended by adding a subdivision to read:

Subd. 44. [REPLACEMENT LICENSES.] The fee for a replacement firearms deer license is \$5."

Page 30, after line 14, insert:

"Sec. 42. [SNOWMOBILE TRAILS AND ENFORCEMENT ACCOUNT; AUTHORIZATION.]

The commissioner of natural resources may use up to 50 percent of a snowmobile maintenance and grooming grant under Minnesota Statutes, section 84.83, that was available as of December 31, 1999, to reimburse the intended recipient for the actual cost of snowmobile trail grooming equipment to be used for grant-in-aid trails. The costs must be incurred in fiscal year 2000 and recipients seeking reimbursement under this section must provide acceptable documentation of the costs to the commissioner. All applications for reimbursement under this section must be received no later than September 1, 2000."

Page 30, after line 22, insert:

"Sec. 44. [EFFECTIVE DATE.]

Section 42 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 12, after the semicolon, insert "providing for replacement licenses;"

Page 1, line 17, after the semicolon, insert "authorizing the commissioner of natural resources to use snowmobile grant-in-aid funds to reimburse eligible recipients for certain snowmobile trail grooming equipment expenses;"

Page 1, line 23, after "97A.405," insert "by adding a" and delete "3"

Page 1, line 24, after "30" insert ", and by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Holsten from the Committee on Environment and Natural Resources Finance to which was referred:

H. F. No. 3520, A bill for an act relating to environment; modifying reimbursement provisions for certain settlements made under the Environment Response and Liability Act; amending Minnesota Statutes 1998, section 115B.17, subdivision 19.

Reported the same back with the following amendments:

Page 3, line 19, delete "paragraphs (a) to (e) to the contrary" and insert "any provisions to the contrary in paragraphs (a) to (e)"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3537, A bill for an act relating to human services; providing for a special nursing facility rate adjustment process for facilities that downsize or close; requiring budget neutrality; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [256B.436] [CLOSURE PLANS.]

Subdivision 1. [DEFINITIONS.] (a) "Closure" means the voluntary cessation of operations of a nursing facility and voluntary delicensure and decertification of all nursing facility beds of the nursing facility.

(b) "Commencement of closure" means the date on which the commissioner of health is notified of a planned closure in accordance with section 144A.16, as part of an approved closure plan.

(c) "Completion of closure" means the date on which the final resident of the nursing facility or nursing facilities designated for closure in an approved closure plan is discharged from the facility or facilities.

(d) "Closure plan" means a plan to close one or more nursing facilities and reallocate the resulting savings to provide special rate adjustments at other facilities.

(e) "Interim closure payments" means the medical assistance payments that may be made to a nursing facility designated for closure in an approved plan under this section.

(f) "Phased plan" means a closure plan affecting more than one nursing facility undergoing closure that is commenced and completed in phases.

(g) "Special rate adjustment" means an increase in a nursing facility's operating rates under this section.

(h) "Standardized resident days" means the standardized resident days as calculated under Minnesota Rules, part 9549.0054, subpart 2, based on the resident days in each resident class for the most recent reporting period required to be reported to the commissioner.

Subd. 2. [PROPOSAL FOR A CLOSURE PLAN.] (a) One or more nursing facilities that are owned or operated by a nonprofit corporation owning or operating more than 22 nursing facilities licensed in Minnesota may submit to the commissioner a proposal for a closure plan under this section.

(b) A facility or facilities reimbursed under section 256B.431 or 256B.434 with a closure plan approved by the commissioner under subdivision 4 are eligible for the following payments:

(1) facilities designated for closure are eligible for interim closure payments under subdivision 5; and

(2) facilities that remain open are eligible for a special rate adjustment.

(c) To be considered for approval, a proposal must include the following:

(1) a description of the proposed closure plan, which shall include identification of the facility or facilities to receive a special rate adjustment, the amount and timing of special rate adjustment proposed for each facility for the case mix level "A" operating rate, the standardized resident days for each facility for which a special rate adjustment is proposed, and the effective date for each special rate adjustment. The actual special rate adjustment for a facility shall be allocated proportionately to the various rate per diems included in that facility's operating rate;

(2) an analysis of the projected state medical assistance costs of the closure plan as proposed, including the estimated costs of the special rate adjustments and estimated resident relocation costs;

(3) an analysis of the projected state medical assistance savings of the closure plan as proposed, including any savings projected to result from closure of one or more nursing facilities;

(4) the proposed timetable for any proposed closure, including the proposed dates for commencement and completion of closure;

(5) the proposed relocation plan for current residents of any facility designated for closure. The proposed relocation plan must be designed to comply with all applicable state and federal statutes and regulations, including, but not limited to, section 144A.16, and Minnesota Rules, parts 4655.6810 to 4655.6830, 4658.1600 to 4658.1690, and 9546.0010 to 9546.0060; and

(6) documentation, in a format approved by the commissioner, that all the nursing facilities receiving a special rate adjustment under the plan have accepted joint and several liability for recovery of overpayments under section 256B.0641, subdivision 2, for the facilities designated for closure under the plan.

Subd. 3. [PHASED CLOSURE PLANS.] A proposal for a phased plan may include more than one closure, each of which must meet the requirements of this section and each of which may be implemented in phases at different times. As part of a phased plan, a nursing facility may receive a special rate adjustment under more than one phase of the plan, and the cost savings from the closure of a nursing facility designated for closure under the plan may be applied as an offset to the subsequent costs of more than one phase of the plan. If a facility is proposed to receive a special rate adjustment or provide cost savings under more than one phase of a plan, the proposal must describe the special rate adjustments or cost savings in each of the affected phases of the plan. Review and approval of a phased plan under subdivision 4 shall apply to all phases of the plan as proposed.

Subd. 4. [REVIEW AND APPROVAL OF PROPOSALS.] (a) The commissioner may grant interim closure payments or special rate adjustments for a nursing facility or facilities according to an approved plan that satisfies the requirements of this section. The commissioner shall not approve a proposal unless the commissioner determines that projected state savings of the plan equal or exceed projected state costs, including the estimated costs of special rate adjustments, estimated resident relocation costs, and state agency administrative costs directly related to the accomplishment of duties specified in this subdivision relative to that proposal. For purposes of a phased plan, the requirement that costs must not exceed savings applies to both the aggregate costs and savings of the plan and to each phase of the plan. A special rate adjustment under this section shall be effective no earlier than the first day of the month following completion of closure of all facilities designated for closure under the plan. For purposes of a phased plan, the special rate adjustment for each phase shall be effective no earlier than the first day of the month following completion of closure of all facilities designated for closure in that phase of the plan. No special rate adjustment under this section shall take effect prior to July 1, 2000.

(b) Upon receipt of a proposal for a closure plan, the commissioner shall provide a copy of the proposal to the commissioner of health. The commissioner of health shall certify to the commissioner within 30 days whether the proposal, if implemented, will satisfy the requirements of section 144A.16, and Minnesota Rules, parts 4655.6810 to 4655.6830 and 4658.1600 to 4658.1690. The commissioner shall not approve a plan under this section unless the commissioner of health has made the certification required under this paragraph.

(c) The commissioner shall review a proposal for a closure plan to determine whether it satisfies the requirements of this section. A determination shall be made within 60 days of the date the proposal is submitted. If the commissioner determines that the proposal does not satisfy the requirements of this section, or if the commissioner of health does not certify the proposal under paragraph (b), the applicant shall be provided written notice as soon as practicable, specifying the deficiencies of the proposal. The proposal may be modified and resubmitted for further review by each commissioner. The commissioner of health shall review a modified proposal within 30 days from the date it is submitted, and the commissioner shall make a final determination on whether the proposal satisfies the requirements of this section within 60 days of the date the modified proposal is submitted.

(d) Approval of a closure plan expires 18 months after approval by the commissioner, unless commencement of closure has occurred at all facilities designated for closure under the plan.

Subd. 5. [INTERIM CLOSURE PAYMENTS.] Instead of receiving payments under section 256B.431 or 256B.434, a facility or facilities designated for closure under an approved closure plan may elect in its proposal to have the commissioner:

(1) extend the interim and settle-up rate provisions under Minnesota Rules, part 9549.0057, to include facilities covered by this section, effective from commencement of closure to completion of closure;

(2) extend the length of the interim period but not to exceed 12 months;

(3) limit the amount of reimbursable expenses related to the acquisition of new capital assets;

(4) prohibit the acquisition of additional capital debt or refinancing of existing capital debt unless prior approval is obtained from the commissioner;

(5) establish as the aggregate administrative operating cost limitation for the interim period the actual aggregate administrative operating costs for the period immediately prior to commencement of closure that is of the same duration as the interim period;

(6) require the retention of financial and statistical records until the commissioner has audited the interim period and the settle-up rate;

(7) make aggregate payments under this subdivision for the interim period up to the level of the aggregate payments for the period immediately prior to commencement of closure that is of the same duration as the interim period; or

(8) change any other provision to which all parties to the plan agree.

Subd. 6. [COST SAVINGS OF CLOSURE.] For purposes of this section, the calculation of medical assistance cost savings from the closure of a nursing facility designated for closure under a closure plan shall be according to the following criteria:

(a) The projected medical assistance savings of the closure of a facility shall be the aggregate medical assistance payments to the facility for the most recently completed state fiscal year prior to submission of the proposal, as reflected in the number of resident days of care for each resident class provided by the facility in that fiscal year, multiplied by the payment rate for each resident class.

(b) If one or more facilities designated for closure in an approved closure plan are not able to be closed for any reason, or projections of savings for that closure are otherwise prohibited under this section, the projected medical assistance savings from that closure may not be offset against the medical assistance costs of special rate adjustments under the plan. In that event, the applicant must notify the commissioner in writing and the applicant must either amend its proposal by reducing the special rate adjustment to reduce the medical assistance cost of the plan by at least the amount of the medical assistance savings that were projected from the closure of that facility, or withdraw the plan.

(c) No medical assistance savings shall be projected from closure of a nursing facility that is designated for closure under a closure plan, if the facility is subject to adverse licensure action under section 144A.11 at the time the proposal is submitted or at the commencement of closure.

(d) Medical assistance savings under paragraph (a) shall be recognized for purposes of this section beginning the first day of the month following the month of completion of closure for all facilities designated for closure under the plan, or all facilities designated for closure under that phase for a phased plan.

Subd. 7. [OTHER RATE ADJUSTMENTS.] Except as otherwise provided in subdivision 5, facilities subject to this section remain eligible for any applicable rate adjustments provided under section 256B.431, 256B.434, or any other section.

Sec. 2. [MORATORIUM EXCEPTION PROCESS.]

For fiscal year beginning July 1, 2000, when approving nursing home moratorium exception projects under Minnesota Statutes, section 144A.073, the commissioner of health shall give priority to a project to build a replacement facility in the city of Anoka or in Anoka county within ten miles of the city of Anoka.

Sec. 3. [REPORT.]

(a) By January 15, 2001, the commissioner of health and the commissioner of human services shall each report to the senate health and family security committee, and the house health and human services committee, any recommendations for revision and general application of the closure process established in section 1, including a recommendation on the advisability of providing an appropriation to facilitate closure projects that are not budget neutral.

(b) The report required in paragraph (a) must also contain recommendations to make state financial and technical assistance available to all nursing facilities statewide that are considering closure or downsizing due to financial or staffing problems or the age or structural inadequacy of the facility and physical plant. The recommendations must address issues related to alternative facility use, including, but not limited to, conversion of all or part of the facility to provide assisted living, housing with services, and board and lodging.

Sec. 4. [RELOCATION STUDY.]

(a) The commissioner of health, in consultation with representatives of nursing facility operators, employees, residents, and advocates, shall study and report to the legislature by January 15, 2001, on:

(1) Minnesota Statutes, section 144A.16, and on Minnesota Rules, parts 4655.6810 to 4655.6830 and 4658.1600 to 4658.1690, governing relocation of nursing facility and boarding care home residents; and

(2) the impact on residents of relocations occurring under Minnesota Statutes, section 256B.436.

(b) The report shall recommend any necessary modifications in law or rule.

Sec. 5. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to nursing homes that give notice of closure to the commissioner of health on or after February 25, 2000."

Delete the title and insert:

"A bill for an act relating to human services; establishing a process to close nursing facilities and reallocate the savings to other facilities; requiring budget neutrality; proposing coding for new law in Minnesota Statutes, chapter 256B."

With the recommendation that when so amended the bill pass.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 3553, A bill for an act relating to state government; establishing guidelines for the administration of battered women's shelter per diem funding by the Minnesota Center for Crime Victim Services located in the department of public safety; proposing coding for new law in Minnesota Statutes, chapter 611A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 13.82, subdivision 3b, is amended to read:

Subd. 3b. [DOMESTIC ABUSE DATA.] The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 4 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to an organization designated by the Minnesota center for crime victims services, the department of corrections, or the department of public safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the ~~battered women's~~ domestic abuse advisory council.

Sec. 2. Minnesota Statutes 1999 Supplement, section 13.99, subdivision 108, is amended to read:

Subd. 108. [~~BATTERED WOMEN VICTIMS OF DOMESTIC ABUSE.~~] Data on ~~battered women victims of domestic abuse~~ maintained by grantees and recipients of per diem payments for emergency shelter and support services for ~~battered women victims of domestic abuse~~ are governed by ~~section~~ sections 611A.32, subdivision 5, and 611A.371, subdivision 3.

Sec. 3. Minnesota Statutes 1999 Supplement, section 15.059, subdivision 5a, is amended to read:

Subd. 5a. [LATER EXPIRATION.] Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Investment advisory council, created in section 11A.08;

Intergovernmental information systems advisory council, created in section 16B.42, expires June 30, 1999;

Feedlot and manure management advisory committee, created in section 17.136;

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

Pesticide applicator education and examination review board, created in section 18B.305;

Advisory seed potato certification task force, created in section 21.112;

Food safety advisory committee, created in section 28A.20;

Minnesota organic advisory task force, created in section 31.95;

Public programs risk adjustment work group, created in section 62Q.03;

Workers' compensation self-insurers' advisory committee, created in section 79A.02;

Youth corps advisory committee, created in section 84.0887;

Iron range off-highway vehicle advisory committee, created in section 85.013;

Mineral coordinating committee, created in section 93.002;

Game and fish fund citizen advisory committees, created in section 97A.055;

Wetland heritage advisory committee, created in section 103G.2242;

Wastewater treatment technical advisory committee, created in section 115.54;

Solid waste management advisory council, created in section 115A.12;

Nuclear waste council, created in section 116C.711;

Genetically engineered organism advisory committee, created in section 116C.93;

Environment and natural resources trust fund advisory committee, created in section 116P.06;

Child abuse prevention advisory council, created in section 119A.13;

Chemical abuse and violence prevention council, created in section 119A.293;

Youth neighborhood centers advisory board, created in section 119A.295;

Interagency coordinating council, created in section 125A.28, expires June 30, 1999;

Desegregation/integration advisory board, created in section 124D.892;

Nonpublic education council, created in section 123B.445;

Permanent school fund advisory committee, created in section 127A.30;

Indian scholarship committee, created in section 124D.84, subdivision 2;

American Indian education committees, created in section 124D.80;

Summer scholarship advisory committee, created in section 124D.95;

Multicultural education advisory committee, created in section 124D.894;

Male responsibility and fathering grants review committee, created in section 124D.33;

Library for the blind and physically handicapped advisory committee, created in section 134.31;

Higher education advisory council, created in section 136A.031;

Student advisory council, created in section 136A.031;

Cancer surveillance advisory committee, created in section 144.672;

Maternal and child health task force, created in section 145.881;

State community health advisory committee, created in section 145A.10;

Mississippi River Parkway commission, created in section 161.1419;

School bus safety advisory committee, created in section 169.435;

Advisory council on workers' compensation, created in section 175.007;

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

Health professionals services program advisory committee, created in section 214.32;

Rehabilitation advisory council for the blind, created in section 248.10;

American Indian advisory council, created in section 254A.035;

Alcohol and other drug abuse advisory council, created in section 254A.04;

Medical assistance drug formulary committee, created in section 256B.0625;

Home care advisory committee, created in section 256B.071;

Preadmission screening, alternative care, and home and community-based services advisory committee, created in section 256B.0911;

Traumatic brain injury advisory committee, created in section 256B.093;

Minnesota commission serving deaf and hard-of-hearing people, created in section 256C.28;

American Indian child welfare advisory council, created in section 260.835;

Juvenile justice advisory committee, created in section 268.29;

Northeast Minnesota economic development fund technical advisory committees, created in section 298.2213;

Iron range higher education committee, created in section 298.2214;

Northeast Minnesota economic protection trust fund technical advisory committee, created in section 298.297;

~~Battered women's~~ Domestic abuse advisory council, created in section 611A.34.

Sec. 4. Minnesota Statutes 1998, section 15.0591, subdivision 2, is amended to read:

Subd. 2. [BODIES AFFECTED.] A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

(1) advisory council on ~~battered women~~ domestic abuse;

- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board of examiners for nursing home administrators;
- (5) board on aging;
- (6) chiropractic examiners board;
- (7) consumer advisory council on vocational rehabilitation;
- (8) council on disability;
- (9) council on affairs of Chicano/Latino people;
- (10) council on Black Minnesotans;
- (11) dentistry board;
- (12) department of economic security advisory council;
- (13) higher education services office;
- (14) housing finance agency;
- (15) Indian advisory council on chemical dependency;
- (16) medical practice board;
- (17) medical policy directional task force on mental health;
- (18) Minnesota employment and economic development task force;
- (19) Minnesota office of citizenship and volunteer services advisory committee;
- (20) Minnesota state arts board;
- (21) nursing board;
- (22) optometry board;
- (23) pharmacy board;
- (24) physical therapists council;
- (25) podiatry board;
- (26) psychology board;
- (27) veterans advisory committee.

Sec. 5. Minnesota Statutes 1998, section 119A.37, subdivision 4, is amended to read:

Subd. 4. [ADDITIONAL SERVICES.] Each family visitation center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each family visitation center must have available an individual knowledgeable about or experienced in the provision of services to ~~battered women~~ domestic abuse victims on its staff, its board of directors, or otherwise available to it for consultation.

Sec. 6. Minnesota Statutes 1998, section 120B.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLENCE PREVENTION CURRICULUM.] (a) The commissioner of children, families, and learning, in consultation with the commissioners of health and human services, state minority councils, ~~battered women's domestic abuse~~ domestic abuse programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and service cooperatives;

(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;

(8) opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.

(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

Sec. 7. Minnesota Statutes 1999 Supplement, section 144D.01, subdivision 4, is amended to read:

Subd. 4. [HOUSING WITH SERVICES ESTABLISHMENT OR ESTABLISHMENT.] "Housing with services establishment" or "establishment" means an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment.

Housing with services establishment does not include:

- (1) a nursing home licensed under chapter 144A;
- (2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;
- (3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245B;
- (4) a board and lodging establishment which serves as a shelter for ~~battered women~~ domestic abuse victims or other similar purpose;
- (5) a family adult foster care home licensed by the department of human services;
- (6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;
- (7) residential settings for persons with mental retardation or related conditions in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;
- (8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;
- (9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; or
- (10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245B.

Sec. 8. Minnesota Statutes 1998, section 256D.02, subdivision 12a, is amended to read:

Subd. 12a. [RESIDENT.] (a) For purposes of eligibility for general assistance and general assistance medical care, a person must be a resident of this state.

(b) A "resident" is a person living in the state for at least 30 days with the intention of making the person's home here and not for any temporary purpose. Time spent in a shelter for ~~battered women~~ domestic abuse victims shall count toward satisfying the 30-day residency requirement. All applicants for these programs are required to demonstrate the requisite intent and can do so in any of the following ways:

(1) by showing that the applicant maintains a residence at a verified address, other than a place of public accommodation. An applicant may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner; or

(2) by verifying residence according to Minnesota Rules, part 9500.1219, subpart 3, item C.

(c) For general assistance medical care, a county agency shall waive the 30-day residency requirement in cases of medical emergencies. For general assistance, a county shall waive the 30-day residency requirement where unusual hardship would result from denial of general assistance. For purposes of this subdivision, "unusual hardship" means the applicant is without shelter or is without available resources for food.

The county agency must report to the commissioner within 30 days on any waiver granted under this section. The county shall not deny an application solely because the applicant does not meet at least one of the criteria in this subdivision, but shall continue to process the application and leave the application pending until the residency requirement is met or until eligibility or ineligibility is established.

(d) For purposes of paragraph (c), the following definitions apply (1) "metropolitan statistical area" is as defined by the United States Census Bureau; (2) "shelter" includes any shelter that is located within the metropolitan statistical area containing the county and for which the applicant is eligible, provided the applicant does not have to travel more than 20 miles to reach the shelter and has access to transportation to the shelter. Clause (2) does not apply to counties in the Minneapolis-St. Paul metropolitan statistical area.

(e) Migrant workers as defined in section 256J.08 and, until March 31, 1998, their immediate families are exempt from the residency requirements of this section, provided the migrant worker provides verification that the migrant family worked in this state within the last 12 months and earned at least \$1,000 in gross wages during the time the migrant worker worked in this state.

(f) For purposes of eligibility for emergency general assistance, the 30-day residency requirement under this section shall not be waived.

(g) If any provision of this subdivision is enjoined from implementation or found unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain valid and shall be given full effect.

Sec. 9. Minnesota Statutes 1999 Supplement, section 256D.06, subdivision 5, is amended to read:

Subd. 5. Any applicant, otherwise eligible for general assistance and possibly eligible for maintenance benefits from any other source shall (a) make application for those benefits within 30 days of the general assistance application; and (b) execute an interim assistance authorization agreement on a form as directed by the commissioner. The commissioner shall review a denial of an application for other maintenance benefits and may require a recipient of general assistance to file an appeal of the denial if appropriate. If found eligible for benefits from other sources, and a payment received from another source relates to the period during which general assistance was also being received, the recipient shall be required to reimburse the county agency for the interim assistance paid. Reimbursement shall not exceed the amount of general assistance paid during the time period to which the other maintenance benefits apply and shall not exceed the state standard applicable to that time period. The commissioner shall adopt rules authorizing county agencies or other client representatives to retain from the amount recovered under an interim assistance agreement 25 percent plus actual reasonable fees, costs, and disbursements of appeals and litigation, of providing special assistance to the recipient in processing the recipient's claim for maintenance benefits from another source. The money retained under this section shall be from the state share of the recovery. The commissioner or the county agency may contract with qualified persons to provide the special assistance. The rules adopted by the commissioner shall include the methods by which county agencies shall identify, refer, and assist recipients who may be eligible for benefits under federal programs for the disabled. This subdivision does not require repayment of per diem payments made to shelters for ~~battered women~~ domestic abuse victims pursuant to section 256D.05, subdivision 3.

Sec. 10. Minnesota Statutes 1998, section 256G.02, subdivision 6, is amended to read:

Subd. 6. [EXCLUDED TIME.] "Excluded time" means:

(a) any period an applicant spends in a hospital, sanitarium, nursing home, shelter other than an emergency shelter, halfway house, foster home, semi-independent living domicile or services program, residential facility offering care, board and lodging facility or other institution for the hospitalization or care of human beings, as

defined in section 144.50, 144A.01, or 245A.02, subdivision 14; maternity home, ~~battered women's~~ shelter for domestic abuse victims, or correctional facility; or any facility based on an emergency hold under sections 253B.05, subdivisions 1 and 2, and 253B.07, subdivision 6;

(b) any period an applicant spends on a placement basis in a training and habilitation program, including a rehabilitation facility or work or employment program as defined in section 268A.01; or receiving personal care assistant services pursuant to section 256B.0627, subdivision 4; semi-independent living services provided under section 252.275, and Minnesota Rules, parts 9525.0500 to 9525.0660; day training and habilitation programs and assisted living services; and

(c) any placement for a person with an indeterminate commitment, including independent living.

Sec. 11. Minnesota Statutes 1999 Supplement, section 256G.03, subdivision 2, is amended to read:

Subd. 2. [NODURATIONAL TEST.] Except as otherwise provided in sections 256J.75; 256B.056, subdivision 1; 256D.02, subdivision 12a, and 256J.12 for purposes of this chapter, no waiting period is required before securing county or state residence. A person cannot, however, gain residence while physically present in an excluded time facility unless otherwise specified in this chapter or in a federal regulation controlling a federally funded human service program. Interstate migrants who enter a shelter for ~~battered women~~ domestic abuse victims directly from another state can gain residency while in the facility provided the person can provide documentation that the person is a victim of domestic abuse as defined in section 256J.49, subdivision 2, and the county determines that the placement is appropriate; and the commissioner of human services is authorized to make per diem payments under section 256D.05, subdivision 3, on behalf of such individuals.

Sec. 12. Minnesota Statutes 1998, section 256I.04, subdivision 2c, is amended to read:

Subd. 2c. [CRISIS SHELTERS.] Secure crisis shelters for ~~battered women~~ domestic abuse victims and their children designated by the Minnesota department of corrections are not group residences under this chapter.

Sec. 13. Minnesota Statutes 1999 Supplement, section 256J.12, subdivision 1a, is amended to read:

Subd. 1a. [30-DAY RESIDENCY REQUIREMENT.] An assistance unit is considered to have established residency in this state only when a child or caregiver has resided in this state for at least 30 consecutive days with the intention of making the person's home here and not for any temporary purpose. The birth of a child in Minnesota to a member of the assistance unit does not automatically establish the residency in this state under this subdivision of the other members of the assistance unit. Time spent in a shelter for ~~battered women~~ domestic abuse victims shall count toward satisfying the 30-day residency requirement.

Sec. 14. Minnesota Statutes 1998, section 256J.28, subdivision 5, is amended to read:

Subd. 5. [FOOD STAMPS FOR PERSONS RESIDING IN A ~~BATTERED WOMAN'S SHELTER FOR DOMESTIC ABUSE VICTIMS~~.] Members of an MFIP-S assistance unit residing in a ~~battered woman's~~ shelter for domestic abuse victims may receive food stamps or the food portion twice in a month if the unit that initially received the food stamps or food portion included the alleged abuser.

Sec. 15. Minnesota Statutes 1998, section 257.75, subdivision 6, is amended to read:

Subd. 6. [PATERNITY EDUCATIONAL MATERIALS.] The commissioner of human services shall prepare educational materials for new and prospective parents that describe the benefits and effects of establishing paternity. The materials must include a description and comparison of the procedures for establishment of paternity through a recognition of parentage under this section and an adjudication of paternity under sections 257.51 to 257.74. The commissioner shall consider the use of innovative audio or visual approaches to the presentation of the materials to facilitate understanding and presentation. In preparing the materials, the commissioner shall consult with child advocates and support workers, ~~battered women's~~ advocates for domestic abuse victims, social service

providers, educators, attorneys, hospital representatives, and people who work with parents in making decisions related to paternity. The commissioner shall consult with representatives of communities of color. On and after January 1, 1994, the commissioner shall make the materials available without cost to hospitals, requesting agencies, and other persons for distribution to new parents.

Sec. 16. Minnesota Statutes 1998, section 268.362, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The commissioner shall make grants to eligible organizations for programs to provide education and training services to targeted youth. The purpose of these programs is to provide specialized training and work experience for targeted youth who have not been served effectively by the current educational system. The programs are to include a work experience component with work projects that result in the rehabilitation, improvement, or construction of (1) residential units for the homeless, or (2) education, social service, or health facilities which are owned by a public agency or a private nonprofit organization.

(b) Eligible facilities must principally provide services to homeless or very low income individuals and families, and include the following:

- (1) Head Start or day care centers;
- (2) homeless, ~~battered women~~ domestic abuse victim, or other shelters;
- (3) transitional housing;
- (4) youth or senior citizen centers; and
- (5) community health centers.

Two or more eligible organizations may jointly apply for a grant. The commissioner shall administer the grant program.

Sec. 17. Minnesota Statutes 1998, section 518B.01, subdivision 21, is amended to read:

Subd. 21. [ORDER FOR PROTECTION FORMS.] The state court administrator, in consultation with the advisory council on ~~battered women~~ domestic abuse, city and county attorneys, and legal advocates who work with victims, shall develop a uniform order for protection form that will facilitate the consistent enforcement of orders for protection throughout the state.

Sec. 18. Minnesota Statutes 1998, section 609.101, subdivision 2, is amended to read:

Subd. 2. [MINIMUM FINES.] Notwithstanding any other law, when a court sentences a person convicted of violating section 609.221, 609.222, 609.223, 609.2231, 609.224, 609.2242, 609.267, 609.2671, 609.2672, 609.342, 609.343, 609.344, or 609.345, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law.

The court shall collect the portion of the fine mandated by this subdivision and forward 70 percent of it to a local victim assistance program that provides services locally in the county in which the crime was committed. The court shall forward the remaining 30 percent to the commissioner of finance to be credited to the general fund. If more than one victim assistance program serves the county in which the crime was committed, the court may designate on a case-by-case basis which program will receive the fine proceeds, giving consideration to the nature of the crime committed, the types of victims served by the program, and the funding needs of the program. If no victim assistance program serves that county, the court shall forward 100 percent of the fine proceeds to the commissioner of finance to be credited to the general fund. Fine proceeds received by a local victim assistance program must be used to provide direct services to crime victims.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

As used in this subdivision, "victim assistance program" means victim witness programs within county attorney offices or any of the following programs: crime victim crisis centers, victim-witness programs, ~~battered women shelters~~ for domestic abuse victims and nonshelter programs, and sexual assault programs.

Sec. 19. Minnesota Statutes 1998, section 609.605, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] Whoever trespasses upon the grounds of a facility providing emergency shelter services for ~~battered women~~ domestic abuse victims, as defined under section 611A.31, subdivision 3, or of a facility providing transitional housing for ~~battered women~~ domestic abuse victims and their children, without claim of right or consent of one who has right to give consent, and refuses to depart from the grounds of the facility on demand of one who has right to give consent, is guilty of a gross misdemeanor.

Sec. 20. Minnesota Statutes 1998, section 609.7495, subdivision 1, is amended to read:

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

(a) "Facility" means any of the following:

- (1) a hospital or other health institution licensed under sections 144.50 to 144.56;
- (2) a medical facility as defined in section 144.561;
- (3) an agency, clinic, or office operated under the direction of or under contract with the commissioner of health or a community health board, as defined in section 145A.02;
- (4) a facility providing counseling regarding options for medical services or recovery from an addiction;
- (5) a facility providing emergency shelter services for ~~battered women~~ domestic abuse victims, as defined in section 611A.31, subdivision 3, or a facility providing transitional housing for ~~battered women~~ domestic abuse victims and their children;
- (6) a facility as defined in section 626.556, subdivision 2, paragraph (f);
- (7) a facility as defined in section 626.5572, subdivision 6, where the services described in that paragraph are provided;
- (8) a place to or from which ambulance service, as defined in section 144E.001, is provided or sought to be provided; and
- (9) a hospice program licensed under section 144A.48.

(b) "Aggrieved party" means a person whose access to or egress from a facility is obstructed in violation of subdivision 2, or the facility.

Sec. 21. Minnesota Statutes 1998, section 611A.07, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner of corrections, after considering the recommendations of the ~~battered women~~ domestic abuse advisory council and the sexual assault advisory council, and in collaboration with the commissioner of public safety, shall adopt standards governing electronic monitoring devices used to protect victims of domestic abuse. In developing proposed standards, the commissioner shall consider the experience of the

courts in the tenth judicial district in the use of the devices to protect victims of domestic abuse. These standards shall promote the safety of the victim and shall include measures to avoid the disparate use of the device with communities of color, product standards, monitoring agency standards, and victim disclosure standards.

Sec. 22. Minnesota Statutes 1998, section 611A.31, subdivision 2, is amended to read:

Subd. 2. "~~Battered woman~~" "Domestic abuse victim" means a woman person who is being or has been victimized by domestic abuse as defined in section 518B.01, subdivision 2.

Sec. 23. Minnesota Statutes 1998, section 611A.31, subdivision 3, is amended to read:

Subd. 3. "Emergency shelter services" include, but are not limited to, secure crisis shelters for ~~battered women~~ domestic abuse victims and housing networks for ~~battered women~~ domestic abuse victims.

Sec. 24. Minnesota Statutes 1998, section 611A.32, subdivision 1, is amended to read:

Subdivision 1. [GRANTS AWARDED.] The commissioner shall award grants to programs which provide emergency shelter services and support services to ~~battered women~~ domestic abuse victims and their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by ~~battered women~~ domestic abuse victims. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations. By July 1, 1995, community-based domestic abuse advocacy and support services programs must be established in every judicial assignment district.

Sec. 25. Minnesota Statutes 1998, section 611A.32, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services, support services, or both, to ~~battered women~~ domestic abuse victims and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

(1) a proposal for the provision of emergency shelter services, support services, or both, for ~~battered women~~ domestic abuse victims and their children;

(2) a proposed budget;

(3) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections 611A.33 and 611A.34;

(4) evidence of an ability to represent the interests of ~~battered women~~ domestic abuse victims and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may require by rule adopted under chapter 14, after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 26. Minnesota Statutes 1998, section 611A.32, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF GRANTEEES.] Every public or private nonprofit agency which receives a grant to provide emergency shelter services and support services to ~~battered women~~ domestic abuse victims shall comply with all rules of the commissioner related to the administration of the pilot programs.

Sec. 27. Minnesota Statutes 1998, section 611A.32, subdivision 5, is amended to read:

Subd. 5. [CLASSIFICATION OF DATA COLLECTED BY GRANTEEES.] Personal history information and other information collected, used or maintained by a grantee from which the identity or location of any ~~battered woman~~ victim of domestic abuse may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

Sec. 28. Minnesota Statutes 1998, section 611A.33, is amended to read:

611A.33 [DUTIES OF COMMISSIONER.]

The commissioner shall:

(1) Review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;

(2) Appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;

(3) After considering the recommendation of the advisory council, appoint a program director to perform the duties set forth in section 611A.35;

(4) Design and implement a uniform method of collecting data on ~~battered women~~ domestic abuse victims to be used to evaluate the programs funded under section 611A.32;

(5) Provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

(6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

Sec. 29. Minnesota Statutes 1998, section 611A.34, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner shall appoint a 12-member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. The ~~battered women's domestic abuse~~ advisory council shall also serve as a liaison between the commissioner and organizations that provide services to ~~battered women~~ domestic abuse victims. Section 15.059 governs the filling of vacancies and removal of members of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Sec. 30. Minnesota Statutes 1998, section 611A.34, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable about and have experience or interest in issues concerning ~~battered women~~ domestic abuse victims, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of ~~battered women~~ domestic abuse victims in Minnesota. No more than six of the members of the ~~battered women's~~ domestic abuse advisory council may be representatives of community or governmental organizations that provide services to ~~battered women~~ domestic abuse

victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Sec. 31. Minnesota Statutes 1998, section 611A.34, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The advisory council shall:

(1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for ~~battered women~~ domestic abuse victims that are funded under section 611A.32, other than matters of a purely administrative nature;

(2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants for the position of ~~battered women's~~ domestic abuse program director;

(4) advise the commissioner on the rules adopted under chapter 14 pursuant to section 611A.33;

(5) review applications received by the commissioner for grants under section 611A.32 and make recommendations on the awarding of grants; and

(6) advise the program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32.

Sec. 32. Minnesota Statutes 1998, section 611A.345, is amended to read:

611A.345 [ADVISORY COUNCIL RECOMMENDATIONS.]

The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for ~~battered women~~ domestic abuse victims funded under section 611A.32. Before taking action on matters related to programs and services for ~~battered women~~ domestic abuse victims and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

Sec. 33. Minnesota Statutes 1998, section 611A.35, is amended to read:

611A.35 [~~BATTERED WOMEN'S~~ DOMESTIC ABUSE PROGRAM DIRECTOR.]

The commissioner shall appoint a program director. In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to section 611A.34, subdivision 3, clause (3). The program director shall administer the funds appropriated for sections 611A.31 to 611A.36, consult with and provide staff to the advisory council, and perform other duties related to ~~battered women's~~ domestic abuse programs as the commissioner may assign. The program director shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 34. Minnesota Statutes 1998, section 611A.36, subdivision 1, is amended to read:

Subdivision 1. [FORM PRESCRIBED.] The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on ~~battered women~~ domestic abuse victims. The method and form of data collection shall be designed to

document the incidence of assault on ~~battered women~~ domestic abuse victims as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Sec. 35. Minnesota Statutes 1998, section 611A.36, subdivision 2, is amended to read:

Subd. 2. [MANDATORY DATA COLLECTION.] Every local law enforcement agency shall collect data related to ~~battered women~~ domestic abuse victims in the form required by the commissioner. The data shall be collected and transmitted to the commissioner at such times as the commissioner shall, by rule, require.

Sec. 36. [611A.37] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 36 to 40, the terms defined have the meanings given them unless otherwise provided or indicated by the context.

Subd. 2. [DIRECTOR.] "Director" means the director of the Minnesota center for crime victim services or a designee.

Subd. 3. [CENTER.] "Center" means the Minnesota center for crime victim services.

Subd. 4. [SHELTER FACILITY.] "Shelter facility" means a secure crisis shelter, housing network, safe home, or other facility operated by a nonprofit organization and designated by the center for the purpose of providing food, lodging, safety, and 24-hour coverage for victims of domestic abuse and their minor children.

Subd. 5. [DESIGNATED SHELTER FACILITY.] "Designated shelter facility" means a facility that has applied to, and been approved by, the center to provide shelter and services to victims of domestic abuse and their minor children.

Subd. 6. [PER DIEM RATE.] "Per diem rate" means a daily charge per person for providing food, lodging, safety, and 24-hour coverage for victims of domestic abuse and their minor children.

Subd. 7. [RESERVE AMOUNT.] "Reserve amount" means the amount the center has reserved for each shelter facility.

Subd. 8. [DOMESTIC ABUSE VICTIM.] "Domestic abuse victim" has the meaning given in section 611A.31, subdivision 2.

Sec. 37. [611A.371] [PROGRAM OPERATION.]

Subdivision 1. [PURPOSE.] The purpose of the per diem program is to provide reimbursement in a timely, efficient manner to local programs for the reasonable and necessary costs of providing victims of domestic abuse and their minor children with food, lodging, and safety. Per diem funding may not be used for other purposes.

Subd. 2. [NONDISCRIMINATION.] Designated shelter facilities are prohibited from discriminating against a domestic abuse victim or the victim's minor children on the basis of race, color, creed, religion, national origin, marital status, status with regard to public assistance, disability, or sexual orientation.

Subd. 3. [DATA.] Personal history information collected, used, or maintained by a designated shelter facility from which the identity or location of any domestic abuse victim may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the facility shall maintain the data in accordance with the provisions of chapter 13.

Sec. 38. [611A.372] [DUTIES OF THE DIRECTOR.]

In addition to any other duties imposed by law, the director, with the approval of the commissioner of public safety, shall:

- (1) supervise the administration of per diem payments to designated shelter facilities;
- (2) collect data on shelter facilities;
- (3) conduct an annual evaluation of the per diem program;
- (4) report to the governor and the legislature on the need for emergency secure shelter; and
- (5) develop an application process for shelter facilities to follow in seeking reimbursement under the per diem program.

Sec. 39. [611A.373] [PAYMENTS.]

Subdivision 1. [PAYMENT REQUESTS.] Designated shelter facilities may submit requests for payment monthly based on the number of persons housed. Upon approval of the request for payment by the center, payments shall be made directly to designated shelter facilities from per diem funds on behalf of domestic abuse victims and their minor children who reside in the shelter facility. Payments made to a designated shelter facility must not exceed the annual reserve amount for that facility unless approved by the director. These payments must not affect the eligibility of individuals who reside in shelter facilities for public assistance benefits, except when required by federal law or regulation.

Subd. 2. [RESERVE AMOUNT.] The center shall calculate annually the reserve amount for each designated shelter facility. This calculation may be based upon program type, average occupancy rates, and licensed capacity limits. The total of all reserve amounts shall not exceed the legislative per diem appropriation.

Sec. 40. [611A.375] [APPEAL PROCESS.]

(a) Except as provided in paragraph (b), a designated shelter facility may, within 30 days after receiving a decision by the center to deny payment, request reconsideration. A designated shelter facility which is denied payment upon reconsideration is entitled to a contested case hearing within the meaning of chapter 14.

(b) A facility may not appeal a decision by the center to deny payments in excess of the facility's reserve amount.

Sec. 41. Minnesota Statutes 1999 Supplement, section 626.558, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF THE TEAM.] A county shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service or community-based agencies, and parent groups. As used in this section, a "community-based agency" may include, but is not limited to, schools, social service agencies, family service and mental health collaboratives, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for its activities with ~~battered women's~~ domestic abuse programs and services.

Sec. 42. Minnesota Statutes 1998, section 629.341, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF RIGHTS.] The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

- (1) an order restraining the abuser from further acts of abuse;
- (2) an order directing the abuser to leave your household;
- (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (4) an order awarding you or the other parent custody of or visitation with your minor child or children; or
- (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area ~~battered women's~~ domestic abuse shelter, to be designated by the department of corrections.

Sec. 43. Minnesota Statutes 1998, section 629.342, subdivision 2, is amended to read:

Subd. 2. [POLICIES REQUIRED.] (a) By July 1, 1993, each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) The bureau of criminal apprehension, the board of peace officer standards and training, and the ~~battered women's~~ domestic abuse advisory council appointed by the commissioner of corrections under section 611A.34, in consultation with the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association, shall develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

(c) Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic abuse incidents before July 1, 1992, are not required to develop a new policy but must review their policies and consider the written model policy developed under paragraph (b).

Sec. 44. Minnesota Statutes 1998, section 629.72, subdivision 6, is amended to read:

Subd. 6. [NOTICE REGARDING RELEASE OF ARRESTED PERSON.] (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make

a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local ~~battered women's~~ domestic abuse programs established under section 611A.32 or sexual assault programs of:

- (1) the conditions of release, if any;
  - (2) the time of release;
  - (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
  - (4) if the arrested person is charged with domestic abuse, the location and telephone number of the area ~~battered women's~~ domestic abuse shelter as designated by the department of corrections.
- (b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

Sec. 45. [APPROPRIATION.]

\$400,000 is appropriated from the general fund to the commissioner of public safety for the fiscal year ending June 30, 2000, to be used to make per diem payments to designated shelter facilities under Minnesota Statutes, section 611A.373."

Delete the title and insert:

"A bill for an act relating to domestic abuse; establishing guidelines for the administration of per diem payments to designated shelter facilities that provide shelter and services to victims of domestic abuse; requiring the director of the Minnesota center for crime victim services to administer the per diem program; changing references in the statutes from battered women to domestic abuse or domestic victims as appropriate; appropriating money; amending Minnesota Statutes 1998, sections 13.82, subdivision 3b; 15.0591, subdivision 2; 119A.37, subdivision 4; 120B.22, subdivision 1; 256D.02, subdivision 12a; 256G.02, subdivision 6; 256I.04, subdivision 2c; 256J.28, subdivision 5; 257.75, subdivision 6; 268.362, subdivision 1; 518B.01, subdivision 21; 609.101, subdivision 2; 609.605, subdivision 2; 609.7495, subdivision 1; 611A.07, subdivision 1; 611A.31, subdivisions 2 and 3; 611A.32, subdivisions 1, 2, 3, and 5; 611A.33; 611A.34, subdivisions 1, 2, and 3; 611A.345; 611A.35; 611A.36, subdivisions 1 and 2; 629.341, subdivision 3; 629.342, subdivision 2; and 629.72, subdivision 6; Minnesota Statutes 1999 Supplement, sections 13.99, subdivision 108; 15.059, subdivision 5a; 144D.01, subdivision 4; 256D.06, subdivision 5; 256G.03, subdivision 2; 256J.12, subdivision 1a; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3564, A bill for an act relating to state government; modifying provisions administered by the commissioner of administration relating to public lands, procurements, easements, designer selection, parking facilities, energy efficiency in state buildings; capital project predesign; certain appropriations and other matters; modifying the authority of the state archaeologist; amending Minnesota Statutes 1998, sections 16A.28, subdivision 5; 16B.26; 16B.33, subdivision 3; 16B.335, as amended; 16B.58, subdivisions 5 and 7; 16B.85, subdivisions 2 and 3; 16C.06, subdivision 3; and 16C.08, subdivision 3; Minnesota Statutes 1999 Supplement,

sections 16B.32, subdivision 2; 16C.081; and 138.35, subdivisions 1 and 1a; Laws 1996, chapter 463, sections 13, subdivision 9; and 15, subdivision 4; Laws 1998, chapters 386, article 1, section 35; and 404, section 13, subdivision 10; Laws 1999, chapter 250, article 1, section 12, subdivision 5; repealing Minnesota Statutes 1999 Supplement, section 16B.415.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 16B.26, is amended to read:

16B.26 [~~UTILITY COMPANIES, PERMITS TO CROSS STATE-OWNED LANDS~~ EASEMENTS.]

Subdivision 1. [~~EASEMENTS GRANTING AN EASEMENT.~~] (a) [AUTHORITY.] Except where the authority conferred by this section has been imposed on some other state or county office, the commissioner may grant an easement or permit over, under, or across any land owned by the state for the purpose of ~~constructing~~ roads, streets, telephone, telegraph, and electric power lines, cables or conduits, underground or otherwise, ~~or mains or pipe lines~~ pipelines for gas, liquids, or solids in suspension, airport building restriction and glide slope, access, retaining walls and tieback anchors, channel improvement, drainage, or recreational trails. This authority does not apply to land under the jurisdiction of the commissioner of natural resources or land obtained for trunk highway purposes.

(b) [NOTICE OF REVOCATION.] An easement or permit is revocable by written notice given by the commissioner if at any time its continuance will conflict with a public use of the land over, under, or upon which it is granted, or for any other reason. The notice must be in writing and is effective 90 days after the notice is sent by certified mail to the last known address of the record holder of the easement. If the address of the holder of the easement or permit is not known, it expires 90 days after the notice is recorded in the office of the county recorder of the county in which the land is located. Upon revocation of an easement, the commissioner may allow a reasonable time to vacate the premises affected.

(c) [EASEMENT RUNS WITH LAND.] State land subject to an easement or permit granted by the commissioner remains subject to sale or lease, and the sale or lease does not revoke the permit or easement granted.

Subd. 2. [LAND CONTROLLED BY OTHER AGENCIES.] If the easement or permit involves land under the jurisdiction of an agency other than the department of administration, it is subject to the approval of the head of the agency and is subject to revocation by the commissioner as provided in this section, on request of the head of the agency.

Subd. 3. [APPLICATION.] An application for easement or permit under this section must be in quadruplicate and must include: a legal description of the land affected; a map showing the area affected by the easement or permit; and a detailed design of any structures to be placed on the land. The commissioner may require that the application be in another form and include other descriptions, maps, or designs. The commissioner may at any time order changes or modifications respecting construction or maintenance of structures or other conditions of the easement which the commissioner finds necessary to protect the public health and safety.

Subd. 4. [FORM; DURATION.] The easement or permit must be in a form prescribed by the attorney general and must describe the location of the easement granted. The easement or permit continues until revoked by the commissioner, subject to change or modification as provided in this section.

Subd. 5. [CONSIDERATION; TERMS.] The commissioner may prescribe consideration and conditions for granting an easement or permit. Money received by the state under this section must be credited to the fund to which income or proceeds of sale from the land would be credited, if provision for the sale is made by law. Otherwise, it must be credited to the general fund.

Subd. 6. [OBTAINING AN EASEMENT.] With prior agreement of the property owner, the commissioner may, where necessary and appropriate, obtain an easement or permit over, under, or across nonstate land.

Sec. 2. Minnesota Statutes 1999 Supplement, section 16B.32, subdivision 2, is amended to read:

Subd. 2. [ENERGY CONSERVATION GOALS; EFFICIENCY PROGRAM.] (a) The commissioner of administration in consultation with the department of public service, in cooperation with one or more public utilities or comprehensive energy services providers, may conduct a shared-savings program involving energy conservation expenditures on state-owned buildings. The public utility or energy services provider shall contract with appropriate state agencies to implement energy efficiency improvements in the selected buildings. A contract must require the public utility or energy services provider to include all energy efficiency improvements in selected buildings that are calculated to achieve a cost payback within ten years. The contract must require that the public utility or energy services provider be repaid solely from energy cost savings and only to the extent of energy cost savings. Repayments must be interest-free. The goal of the program in this paragraph is to demonstrate that through effective energy conservation the total energy consumption per square foot of state-owned and wholly state-leased buildings could be reduced by at least 25 percent from consumption in the base year of 1990. All agencies participating in the program must report to the commissioner of administration their monthly energy usage, building schedules, inventory of energy-consuming equipment, and other information as needed by the commissioner to manage and evaluate the program.

(b) The commissioner may exclude from the program of paragraph (a) a building in which energy conservation measures are carried out. "Energy conservation measures" means measures that are applied to a state building that improve energy efficiency and have a simple return of investment in ten years or within the remaining period of a lease, whichever time is shorter, and involves energy conservation, conservation facilities, renewable energy sources, improvements in operations and maintenance efficiencies, or retrofit activities.

(c) This subdivision expires ~~January 1, 2004~~ December 31, 2006.

Sec. 3. Minnesota Statutes 1998, section 16B.33, subdivision 3, is amended to read:

Subd. 3. [AGENCIES MUST REQUEST DESIGNER.] (a) [APPLICATION.] Upon undertaking a project with an estimated cost greater than ~~\$750,000~~ \$2,000,000 or a planning project with estimated fees greater than ~~\$60,000~~ \$200,000, every user agency, except the capitol area architectural and planning board, shall submit a written request for a primary designer for its project to the commissioner, who shall forward the request to the board. The University of Minnesota and the Minnesota state colleges and universities shall follow the process in subdivision 3a to select designers for their projects. The written request must include a description of the project, the estimated cost of completing the project, a description of any special requirements or unique features of the proposed project, and other information which will assist the board in carrying out its duties and responsibilities set forth in this section.

(b) [REACTIVATED PROJECT.] If a project for which a designer has been selected by the board becomes inactive, lapses, or changes as a result of project phasing, insufficient appropriations, or other reasons, the commissioner, the Minnesota state colleges and universities, or the University of Minnesota may, if the project is reactivated, retain the same designer to complete the project.

(c) [FEE LIMIT REACHED AFTER DESIGNER SELECTED.] If a project initially estimated to be below the cost and planning fee limits of this subdivision has its cost or planning fees revised so that the limits are exceeded, the project must be referred to the board for designer selection even if a primary designer has already been selected. In this event, the board may, without conducting interviews, elect to retain the previously selected designer if it determines that the interests of the state are best served by that decision and shall notify the commissioner of its determination.

Sec. 4. Minnesota Statutes 1998, section 16B.58, subdivision 5, is amended to read:

Subd. 5. [MONEY COLLECTED.] Money collected by the commissioner as rents, charges, or fees in connection with and for the use of a parking lot or facility is appropriated to the commissioner for the purpose of operating, maintaining, improving, ~~and replacing,~~ and safeguarding parking lots or facilities owned or operated by the state, including providing necessary and suitable uniforms for employees, and to carry out the purposes of this section, except as provided in subdivision 7.

Sec. 5. Minnesota Statutes 1998, section 16B.58, subdivision 7, is amended to read:

Subd. 7. [SURCHARGE FOR VEHICLES OCCUPIED BY ONE PERSON.] The commissioner shall impose a surcharge of 25 percent for vehicles occupied by only one person parking in a state parking facility in the capitol area, as described by section 15.50, subdivision 2. The revenue from this additional charge shall be placed by the commissioner in a special account. For the benefit of state employees employed in the capitol area, the money in the account is appropriated to the commissioner and shall be used by the commissioner in the following order of priority: (1) to acquire or lease commuter vans pursuant to section 16B.56; (2) ~~within limits and upon conditions the commissioner determines to be necessary, to reimburse state agencies for all costs resulting from agreements with the metropolitan transit commission, or its successor, or other operators pursuant to section 473.409, including costs related to employees employed outside the capitol area, and to acquire bus cards or other prepurchased fare devices for use in lieu of cash fares from Metro Transit or its successor, and other operators authorized by section 473.409, for resale at a discounted incentive rate to state employees to encourage increased transit ridership;~~ (3) to be used for maintaining and improving promote other alternative transportation modes, including initiatives to support and increase the use of multi-occupancy vehicles; and (4) to maintain and improve parking lots or facilities owned or operated by the state associated with buildings described in section 16B.24, subdivision 1, or, when the commissioner approves, any other parking lots or facilities owned or rented by a state agency for state employees. The commissioner may adopt rules necessary to administer the provisions of this subdivision, subdivision 5, and section 473.409. The rules may exempt from the surcharge vehicles operated by persons whom the commissioner determines have job requirements that make car or van pooling impractical.

Sec. 6. Minnesota Statutes 1998, section 16B.85, subdivision 2, is amended to read:

Subd. 2. [RISK MANAGEMENT FUND.] (a) All state agencies, political subdivisions, and the Minnesota state colleges and universities, may, in cooperation with the commissioner, participate in insurance programs and other funding alternative programs provided by the risk management fund.

(b) ~~When an agency or agencies enter entity described in paragraph (a) enters into an insurance or self-insurance program, each agency entity shall contribute the appropriate share of its costs as determined by the commissioner.~~

(c) The money in the fund to pay claims arising from state activities and for administrative costs, including costs for the adjustment and defense of the claims, is appropriated to the commissioner.

(d) Interest earned from the investment of money in the fund shall be credited to the fund and be available to the commissioner for the expenditures authorized in this subdivision.

(e) The fund is exempt from the provisions of section 16A.152, subdivision 4. In the event that proceeds in the fund are insufficient to pay outstanding claims and associated administrative costs, the commissioner, in consultation with the commissioner of finance, may assess ~~state agencies entities~~ participating in the fund amounts sufficient to pay the costs. The commissioner shall determine the proportionate share of the assessment of each ~~agency entity~~.

Sec. 7. Minnesota Statutes 1998, section 16B.85, subdivision 3, is amended to read:

Subd. 3. [RESPONSIBILITIES.] The commissioner shall:

(1) review the state's exposure to various types of potential risks in consultation with affected ~~agencies entities~~ and advise ~~state agencies them~~ as to the reduction of risk and fiscal management of those losses;

(2) be responsible for statewide risk management coordination, evaluation of funding and insuring alternatives, and the approval of all insurance purchases in consultation with affected ~~agencies~~ entities;

(3) identify ways to eliminate redundant efforts in the management of state risk management and insurance programs;

(4) maintain the state risk management information system; and

(5) administer and maintain the state risk management fund.

Sec. 8. Minnesota Statutes 1999 Supplement, section 16C.081, is amended to read:

16C.081 [EXCEPTION FOR FEDERAL CONTRACTS.]

Notwithstanding any law to the contrary, ~~the commissioner of transportation, commissioner of the pollution control agency, or commissioner of natural resources~~ an agency may, when required by a federal agency entering into an intergovernmental contract, negotiate contract terms providing for full or partial prepayment to the federal agency before work is performed or services are provided.

Sec. 9. Laws 1998, chapter 386, article 1, section 35, is amended to read:

Sec. 35. [REPEALER.]

Minnesota Statutes 1996, sections 16B.06; 16B.07; 16B.08; 16B.09; 16B.101; 16B.102; 16B.103; 16B.123; 16B.13; 16B.14; 16B.15; 16B.16; 16B.167; 16B.17; 16B.175; 16B.18, subdivisions 1, 2, and 4; 16B.185; 16B.19; 16B.20, subdivisions 1 and 3; 16B.21; 16B.22; 16B.226; 16B.227; 16B.23; 16B.28; 16B.29; and 16B.89; and Minnesota Statutes 1997 Supplement, sections 16B.18, subdivision 3; and 16B.20, subdivision 2; ~~and 16B.482~~, are repealed.

Sec. 10. [REINSTATEMENT OF SECTION 16B.482.]

Notwithstanding Minnesota Statutes, section 645.36, Minnesota Statutes 1997 Supplement, section 16B.482, is reinstated.

Sec. 11. [REPEALER.]

Minnesota Statutes 1999 Supplement, section 16B.415, is repealed.

Sec. 12. [EFFECTIVE DATE.]

Sections 9 and 10 are effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to state government; modifying provisions administered by the commissioner of administration relating to procurements, easements, designer selection, parking facilities, and energy efficiency in state buildings; amending Minnesota Statutes 1998, sections 16B.26; 16B.33, subdivision 3; 16B.58, subdivisions 5 and 7; and 16B.85, subdivisions 2 and 3; Minnesota Statutes 1999 Supplement, sections 16B.32, subdivision 2; and 16C.081; Laws 1998, chapter 386, article 1, section 35; repealing Minnesota Statutes 1999 Supplement, section 16B.415."

With the recommendation that when so amended the bill pass.

The report was adopted.

Goodno from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 3597, A bill for an act relating to state government; regulating investments; modifying investment options for the medical education endowment fund and the tobacco use prevention and local public health endowment fund; amending Minnesota Statutes 1998, section 11A.24, subdivisions 5 and 6; Minnesota Statutes 1999 Supplement, sections 62J.694, subdivisions 1 and 2; and 144.395, subdivisions 1 and 2.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 3618, A bill for an act relating to education; balancing statewide accountability and district autonomy under the profile of learning; requiring the graduation rule to be developed independently of any national education goals; reducing the required number of content standards; including decision making and inquiry in all content standards; determining scoring criteria and recordkeeping practices; amending Minnesota Statutes 1998, section 120B.03; Minnesota Statutes 1999 Supplement, sections 120B.02; and 120B.30, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [MORATORIUM; MORATORIUM REPEAL.]

(a) Minnesota Statutes, sections 120B.02 and 120B.03, and other law and rules governing the state's profile of learning, including preparatory content standards and state high school graduation standards related to the profile of learning, are not mandated by the state for kindergarten through grade 12 students.

(b) Paragraph (a) shall remain in effect until:

(1) the commissioner certifies to the legislature that, under section 2, the recommendations in the commissioner's plan have been addressed and districts' technology needs for reporting have been fully met; and

(2) after the legislature receives the certification under clause (1), a law is enacted specifically repealing paragraph (a).

(c) During the period of the moratorium, school districts may develop and implement a system of high academic standards for students. Districts may disseminate to the commissioner information about the district's system of high academic standards for students. The commissioner, at the request of a school district, must disseminate to that district the information the commissioner receives about districts' systems of high academic standards for students that are developed and implemented under this paragraph.

Sec. 2. [REPORT; IMPLEMENTATION PLAN; TECHNOLOGY NEEDS; CERTIFICATION.]

Subdivision 1. [REPORT ON CONTRACTORS' RECOMMENDATIONS; IMPLEMENTATION PLAN.] After two nationally recognized independent organizations under contract, including the American Federation of Teachers, conduct an external review of the state's standards and related procedures, policies, assessments, and the department of children, families, and learning's implementation plan consistent with section 3, the commissioner must analyze the contractors' recommendations and report to the legislature by December 15, 2000. The report must contain the contractors' recommendations, the commissioner's analysis of the contractors' recommendations, and a plan the commissioner develops in response to those recommendations for implementing the recommendations the

commissioner considers appropriate. The plan must indicate how the commissioner proposes to alter graduation standards under the profile of learning to meet the educational needs of all students. The plan must separately indicate which of the contractors' recommendations that the commissioner considers appropriate:

(1) can be effected through administrative actions;

(2) require changes in rule; and

(3) require changes in law.

The commissioner may implement the recommendations under clause (1), but must not begin to adopt rules to implement the recommendations under clause (2) until specifically authorized by law. The commissioner is prohibited from implementing the recommendations under clause (3).

Subd. 2. [TECHNOLOGY NEEDS.] The commissioner must work with school districts to ensure that all districts have sufficient ongoing access to computers and needed software at minimal cost, and staff training and support to permit:

(1) efficient daily classroom recordkeeping;

(2) consistent communications between schools and between school districts; and

(3) compatible local and state accountability reporting.

Subd. 3. [ANNUAL REPORTS.] The commissioner annually by December 15 must report to the legislature on the progress made in implementing the commissioner's plan under subdivision 1 and meeting districts' technology needs for reporting under subdivision 2. The commissioner must continue to present an annual progress report until the conditions under section 1, paragraph (b), are met.

Sec. 3. [CONTENT OF EXTERNAL REVIEW.]

(a) The contractors under section 2 must examine and report on the quality of the state's standards and assessments as an integrated educational system.

(b) The contractors' report must include:

(1) an analysis of the link between the state's standards and assessments intended to hold schools accountable for educational achievement;

(2) meaningful comparisons and specific recommendations for revision by benchmarking the state's standards and assessments against the best existing models; and

(3) diagnostic information, including the strengths and weaknesses of the state's academic standards.

(c) For benchmarking purposes, the contractors must indicate:

(1) whether the standards are clear, specific, and measurable, and whether they are easily understood by teachers, parents, and students;

(2) how Minnesota's standards in English, mathematics, science, and social studies compare to objective exemplary standards; what important elements found in the objective exemplary standards are not found in Minnesota's standards; and what is most important for students to learn;

(3) how well state assessments measure the standards, whether the assessments measure the core academic standards and, if they do not, which standards are not adequately measured;

(4) whether the state assessments are challenging, or more demanding or less demanding than the standards imply, and whether the assessments are set at an appropriate level of difficulty for a particular grade level; and

(5) how proficiency is defined on the state's assessments, whether this definition is comparable to the definition of proficiency, and what changes can strengthen the quality and alignment of the state's standards and assessments.

Sec. 4. Minnesota Statutes 1998, section 120A.41, is amended to read:

120A.41 [LENGTH OF SCHOOL YEAR; DAYS OF INSTRUCTION.]

A school board's annual school calendar must include at least three additional days of student instruction or staff development training related to implementing section 16 beyond the number of days of student instruction the board formally adopted as its school calendar at the beginning of the 1996-1997 school year.

Sec. 5. Minnesota Statutes 1999 Supplement, section 120B.02, is amended to read:

120B.02 [RESULTS-ORIENTED GRADUATION RULE; BASIC SKILLS REQUIREMENTS; PROFILE OF LEARNING.]

(a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the commissioner shall use its rulemaking authority under section 127A.05, subdivision 4, to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The commissioner shall not prescribe in rule or otherwise the delivery system or form of instruction that local sites must use to meet the requirements contained in this rule.

(b) To successfully accomplish paragraph (a), the commissioner shall set in rule high academic standards for all students. The standards must contain the foundational skills in the three core curricular areas of reading, writing, and mathematics while meeting requirements for high school graduation. The standards must also provide an opportunity for students to excel by meeting higher academic standards through a profile of learning that uses curricular requirements to allow students to expand their knowledge and skills beyond the foundational skills. All commissioner actions regarding the rule must be premised on the following:

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the department of children, families, and learning, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable;

(4)(i) student work completed in the six required learning areas of learning area 1, English language and grammar; learning area 2, composition and speech; learning area 3, mathematics; learning area 4, science; learning area 5, social studies; and learning area 6, literature and the arts; means high school students in grades 9 to 12 must at least complete 12 content standards that include six state-required content standards and six elective content standards, (ii) middle school students in grades 6 to 8 must at least complete one content standard in each of the six required learning areas, (iii) intermediate school students in grades 4 and 5 must complete a content standard in learning areas 1, 2, and 3 and two elective content standards, and (iv) primary school students in kindergarten to grade 3 must focus on learning areas 1, 2, and 3 but are not required to complete content standards in any learning areas;

(5) districts, at their election, may offer students a seventh learning area of world language from which students may satisfy an elective content standard requirement; and

(6) a student who is participating in a rigorous course of study, including an advanced placement or international baccalaureate program, talented youth mathematics project, a concurrent enrollment course where a student takes a college course in a secondary school setting, or a post-secondary enrollment options course or program under section 124D.09, is not required to complete other requirements of any content standards corresponding to the student's rigorous course of study.

(c) Districts must ensure that:

(1) district curriculum and corresponding instruction incorporate content standards in courses offered to students;

(2) assessment of student academic achievement on a content standard is integrated into the grade the student receives for the quality of work a student completes for a course or program; and

(3) all required and elective content standards contain elements of decision making and inquiry.

(d) For purposes of adopting the rule, the commissioner, in consultation with the department, recognized psychometric experts in assessment, and other interested and knowledgeable educators, using the most current version of professional standards for educational testing, shall evaluate the alternative approaches to assessment.

~~(d)~~ (e) The content of the graduation rule must differentiate between minimum competencies reflected in the basic requirements assessment and rigorous profile of learning standards. When fully implemented, the requirements for high school graduation in Minnesota must include both basic requirements and the required profile of learning. The profile of learning must measure student performance academic achievement using performance-based assessments based on student academic achievement compiled over time that integrate higher academic standards, higher order thinking skills, and application of knowledge from a variety of content areas. The profile of learning shall include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens. The commissioner shall develop and disseminate to school districts a uniform method for reporting student performance academic achievement on the profile of learning. Districts may use outstanding work from each grade level as exemplars for measuring student work in that grade.

~~(e)~~ (f) The commissioner shall periodically review and report on the assessment process and student achievement with the expectation of raising the standards and expanding high school graduation requirements.

~~(f)~~ (g) The commissioner shall report in writing to the legislature annually by January 15 on its progress in developing and implementing the graduation requirements according to the requirements of this subdivision and section 120B.10 until such time as all the graduation requirements are implemented.

(h) Basic skills and profile of learning requirements must be developed and implemented independently of any national education goals established under the 1994 Goals 2000: Educate America Act.

Sec. 6. [120B.0215] [VARIATIONS FOR STUDENTS WITH INDIVIDUAL EDUCATION PLANS OR SECTION 504 ACCOMMODATION PLANS.]

Subdivision 1. [DETERMINATION OF REQUIREMENTS.] (a) A student in kindergarten through grade 8 with an individual education plan or section 504 accommodation plan shall have all content standards considered by the student's individual education plan team or section 504 accommodation plan team for inclusion in the student's individual education plan or section 504 accommodation plan under subdivision 2.

(b) A student's individual education plan team or section 504 accommodation plan team must consider the state's graduation requirements for inclusion in the student's individual education plan or section 504 accommodation plan when a student with a disability is 14 years old or registers for grade 9, whichever is first. An individual education plan team also must consider the student's transition plan when determining which of the required and elective content standards to include in the student's individual education plan.

Subd. 2. [INDIVIDUALIZED PLANS.] (a) For a student in kindergarten through grade 8 with an individual education plan or section 504 accommodation plan, the student's individual education plan team or section 504 accommodation plan team may modify preparatory content standards for the student in the individual education plan or section 504 accommodation plan. The team must determine the specifications of a content standard the student will pursue under the selected modification. If the team determines that the student is exempt from one or more of the content standards, it must explain the exemption in the student's individual education plan or section 504 accommodation plan. When the team adopts an exempt status for a content standard, it must determine whether or not a different standard or individual education plan goal specific to the learning area is appropriate and include that goal in the student's plan.

(b) For a high school student with an individual education plan or section 504 accommodation plan, the student's individual education plan team or section 504 accommodation plan team must:

(1) determine whether the student will pursue the content standards without modification;

(2) determine whether one or more of the required content standards will be modified to an individual level;

(3) define the elective content standards that the student also will pursue and whether, for each elective, the student will pursue the content standard without modification or have the content standard modified to an individual level; or

(4) determine whether the student is exempt from one or more of the state's graduation requirements.

When the team adopts exempt status for a content standard, it must determine whether or not a different standard or individual education plan goal specific to the learning area is appropriate and include that goal in the student's plan.

(c) A student's individual education plan team or section 504 accommodation plan team must determine the specifications of a preparatory or high school content standard the student will pursue when the team modifies a content standard. When a content standard is modified, the student's individual education plan team or section 504 accommodation plan team must determine the appropriate assessment of the modified content standard.

Sec. 7. [120B.0216] [ENGLISH PROFICIENCY; INDIVIDUAL GRADUATION PLANS.]

A district must establish and maintain procedures giving students the opportunity to complete both preparatory courses and high school content standards. Graduation requirements for a student must not be modified unless section 120B.0215 applies or unless modified in an individual graduation plan developed for a student with limited English proficiency and annually reviewed by a team that includes school advisory staff designated by the district, the student's teachers, the student's parent or guardian, and the student. A district must not modify specifications for standards in learning areas one to six to permit a student to complete a standard in a language other than English.

Sec. 8. [120B.0217] [TESTING AND ASSESSMENT; MEASURING STUDENT PERFORMANCE.]

Subdivision 1. [DISTRICT CRITERION-REFERENCED TESTING AND ASSESSMENT REQUIREMENTS.]

(a) The commissioner must develop a state model for local criterion-referenced testing and assessment consistent with this section.

(b) A district must:

(1) test and assess student performance in preparatory and high school content standards;

(2) establish processes by which to transfer as completed (i) those content standards that other Minnesota public school districts verify on transcripts as completed, (ii) the work that post-secondary educational institutions or educational institutions outside the state accept for completing the equivalent of content standards and verify on transcripts as completed, and (iii) a student's opportunities to complete high school content standards through learning the student acquires outside the district's curriculum; and

(3) use grading criteria under subdivision 2.

Subd. 2. [GRADING.] The assessment of student achievement under the profile of learning must align with the district's grading system and must be included as part of the student's grade for a subject or course.

Sec. 9. [120B.0218] [NOTICE TO PARENTS AND STUDENTS.]

In addition to other applicable notice requirements, the district must notify parents and students in writing about:

(1) the content standards taught and assessed in the school curriculum;

(2) the procedures for advising the student and the student's parent or guardian about graduation requirements and for accessing these procedures;

(3) the procedures by which students may meet graduation requirements with the equivalent of content standards completed outside the district's curriculum; and

(4) the district's individual student progress and achievement reporting schedule.

Sec. 10. Minnesota Statutes 1998, section 120B.03, subdivision 1, is amended to read:

Subdivision 1. [DISTRICT IMPLEMENTATION OF THE PROFILE OF LEARNING.] (a) A school district shall implement the profile of learning of the graduation rule under paragraph (b); or (c); ~~or (d).~~

~~A district may implement the profile of learning under paragraph (c) or (d) only after the commissioner approves the district's request for a waiver and approves the local plan for full implementation.~~

~~(b) A school district shall implement the profile of learning for the 1998-1999 school year and later.~~

~~(c)~~ (b) A school district shall implement the profile of learning as follows:

(1) for the 1998-1999 first school year after which the moratorium under section 1 is repealed and later, the district shall implement all the required standards in learning areas at the preparatory level and (i) must implement for ninth grade students a minimum of six at least two learning areas under the profile of learning with three from the areas of read, listen, and view English language and grammar; write and speak composition and speech; mathematical applications mathematics; scientific applications and science; and people and cultures; (ii) in addition, may implement for ninth grade students the learning areas of social studies and three from the areas of literature and the arts; inquiry; decision making; resource management; and world language;

(2) for the 1999-2000 second school year after which the moratorium under section 1 is repealed and later, the district shall implement for ninth and tenth grade students two other learning areas under clause (1)(i) in addition to those implemented under clause (1) if four learning areas were not completed under clause (1)(i). The district shall complete the four learning areas of read, listen, and view; write and speak; mathematical applications; scientific applications; and people and cultures if the four areas were not completed in clause (1); in addition, may implement

the learning areas of social studies and the remainder from the areas of literature and the arts; inquiry; decision making; resource management; and world language if the learning areas were not completed under clause (1)(ii); and

(3) for the ~~2000-2001~~ third school year after which the moratorium under section 1 is repealed and later, the district shall implement for ninth, tenth, and eleventh grade students the two learning areas in the profile of learning that were not implemented under clauses (1) and (2), if applicable, with the expectation that students graduating in the fourth school year after which the moratorium under section 1 is repealed must successfully complete all profile of learning requirements under section 120B.02 in order to graduate.

~~(c)~~ (c) A district shall develop a local plan to implement the profile of learning and have all ~~ten~~ six learning areas fully implemented by the ~~2001-2002~~ start of the third school year after which the moratorium under section 1 is repealed with the expectation that students graduating in the fourth school year after which the moratorium under section 1 is repealed must successfully complete all profile of learning requirements under section 120B.02 in order to graduate.

~~(d)~~ (d) A district shall notify the commissioner by July 1, ~~1998~~ of the first school year preceding the school year in which districts' obligation to begin implementing the profile of learning under paragraph (b), clause (1), arises, as to whether the district will implement the profile of learning under paragraph (b); or (c); or (d).

~~(f)~~ An advisory committee of 11 members is established to advise the governor and commissioner on the implementation of the graduation rule under this section. The commissioner shall appoint 11 members with representatives from education organizations, business, higher education, parents, and organizations representing communities of color:

~~The committee shall review the implementation of the basic requirements and the profile of learning standards.~~

~~The commissioner shall provide technical and other assistance to the advisory committee. The committee expires on December 1, 1998.~~

(e) Consistent with the requirements under section 2, subdivision 2, the commissioner shall convene an advisory group composed of qualified experts and interested stakeholders to recommend recordkeeping practices under the profile of learning. After reviewing advisory group recommendations, the commissioner must evaluate the software available to implement recordkeeping practices under the profile of learning and certify to all districts and the legislature that the software needed to record and report student academic achievement levels is readily available to all districts at minimal cost by July 1 of the first school year preceding the school year in which districts' obligation to begin implementing the profile of learning under paragraph (b), clause (1), arises.

(f) To meet the educational accountability and reporting standards under this chapter, and consistent with the requirements under section 2, subdivision 2, the commissioner shall work with school districts to develop and implement a uniform system of measuring and reporting student academic achievement completed as requirements under the profile of learning.

Sec. 11. Minnesota Statutes 1998, section 120B.03, subdivision 3, is amended to read:

Subd. 3. ~~[WAIVER LOCAL PLAN.] In order to receive a waiver, A district must document why the waiver is necessary; how the local plan under subdivision 1, paragraph (c), improves student achievement, and how the profile of learning will be fully implemented for the 2001-2002 students graduating in the fourth school year after which the moratorium is repealed under section 1.~~

Sec. 12. Minnesota Statutes 1999 Supplement, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. ~~[STATEWIDE TESTING AND REPORTING.] (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, shall include in the comprehensive assessment system, for each grade level to be tested, a single statewide norm-referenced or criterion-referenced test;~~

or a combination of a norm-referenced and a criterion-referenced test, which shall be highly correlated aligned with the state's graduation standards and administered annually to all students in the third, fifth, and eighth grades. The reading and math tests administered to third and fifth grade students and the writing test administered to fifth grade students must be sufficiently rigorous, valid, and reliable for districts to use the test results for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation.

(b) In addition, at the secondary level, districts shall assess student performance in all required learning areas and selected required standards within each area of the profile of learning. The testing instruments and testing process shall be determined by the commissioner. The results shall be aggregated at the site and district level. The testing shall be administered beginning in the 1999-2000 school year and thereafter.

~~(c) The comprehensive assessment system shall include an evaluation of commissioner shall report school site and school district performance student academic achievement levels during the 1997-1998 school year and thereafter using an established performance baseline developed from students' test scores under this section that records, at a minimum, of the current and two immediately preceding school years. The report shall include students' unweighted mean test scores in each tested subject, a second performance baseline that reports, at a minimum, the same unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and a third performance baseline that reports the same unweighted test scores of all students except those students receiving limited English proficiency instruction. The evaluation report also shall record separately, in proximity to the reported performance baselines levels, the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, or are eligible to receive special education services.~~

(d) In addition to the testing and reporting requirements under paragraphs (a), (b), and (c), the commissioner shall include the following components in the statewide ~~educational accountability and public reporting system~~:

(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students ~~with that provides testing exemptions, only with parent or guardian approval, from the testing requirement only~~ for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06, determines that the student is incapable of taking a statewide test, or for a limited English proficiency student under section 124D.59, subdivision 2, if the student has been in the United States for fewer than 12 months and for whom special language barriers exist, such as the student's native language does not have a written form or the district does not have access to appropriate interpreter services for the student's native language;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis including average daily attendance, high school graduation rates, and high school drop-out rates by grade level; and

(3) ~~students' scores on the American College Test;~~

~~(4) participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement; and~~

~~(5) basic skills and advanced competencies connecting teaching and learning to high academic standards, assessment, and transitions to citizenship and employment.~~

(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner.

Sec. 13. Minnesota Statutes 1999 Supplement, section 120B.35, is amended to read:

120B.35 [STUDENT ACADEMIC ACHIEVEMENT LEVELS.]

(a) Each school year, a school district must determine if the student achievement levels at each school site meet state and local expectations. If student achievement levels at a school site do not meet state and local expectations for two out of three consecutive school years, beginning with the ~~2000-2001~~ first school year after which the moratorium under section 1 is repealed, the district must work with the school site to adopt a plan to raise student achievement levels to meet state and local expectations. The legislature will determine state expectations after receiving a recommendation from the commissioner of children, families, and learning. ~~The commissioner must submit recommendations to the legislature by January 15, 2000.~~

(b) A district, with timely and adequate technical support from the department at the district's request, must assist school sites in developing recommendations for rigorous, valid, and reliable assessment methods to determine student achievement of content standards required for graduation. The methods of assessment may be different for different content standards, but must indicate a clearly defined minimum level of student achievement in each content standard required for graduation. A district must make timely information about its assessment methods and levels of student achievement readily available in a useful format to interested members of the public and the department, consistent with the requirements of section 13.32. The district also must publish an annual report containing district information about student achievement on the state's basic reading, math, and writing tests, the content standards that students must complete under the profile of learning in order to graduate, sample assessment methods the district uses to determine student achievement, and planned and implemented district efforts to improve student learning and district instruction and curriculum, which it must disseminate to district residents and transmit to the department in a useful and timely manner. The commissioner must review the performance of a school site or district demonstrating a pattern of low student achievement on the state's third and fifth grade reading and math tests and fifth grade writing test and on the eighth grade basic reading and math skills tests and tenth grade writing skills test, and may review the performance of other districts at the request of the district or at the discretion of the commissioner. The commissioner must pay the costs of these reviews.

(c) The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement. The plan must include parental involvement components.

Sec. 14. Minnesota Statutes 1998, section 123A.06, is amended by adding a subdivision to read:

Subd. 3a. [GRADUATION REQUIREMENT ALTERNATIVE.] The profile of learning high school graduation requirement under section 120B.02 does not apply to students enrolled in an area learning center if the center has:

- (1) adopted a resolution to use alternative graduation requirements that are specified and detailed; and
- (2) informed the parent or guardian of students who are enrolled or applying to enroll of this resolution.

Sec. 15. Minnesota Statutes 1999 Supplement, section 124D.10, subdivision 10, is amended to read:

~~Subd. 10. [PUPIL PERFORMANCE.] A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students. In the absence of the commissioner's requirements, the school must meet the outcomes contained in the contract with the sponsor. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students. The profile of learning high school graduation requirement under section 120B.02 does not apply to students enrolled in a charter school if the board has:~~

- (1) adopted a resolution to use alternative graduation requirements that are specified and detailed; and
- (2) informed the parent or guardian of students who are enrolled or applying to enroll of this resolution.

Sec. 16. [CURRICULUM; INSTRUCTIONAL PRACTICES FOR TEACHERS; ALTERNATIVE ASSESSMENTS.]

To fully implement standards and assessments, districts must work to improve:

(1) the scope and sequence of curriculum, especially in language arts, mathematics, science, and social studies at all instruction levels;

(2) research-based instructional skills of teachers and other district staff who work with students; and

(3) alternative assessments of student achievement.

Sec. 17. [CONTRACTORS TO COMPARE PROPOSALS.]

The commissioner separately must contract with each of the two nationally recognized independent organizations under contract in section 2 to conduct an external review and analysis of the learning areas and content standards proposed in a Minnesota revisor of statutes document labeled A00-1008 and dated 03/06/00. This review and analysis must incorporate the review content listed in section 3 and must compare the state's standards and related procedures, policies, and assessments with the proposals in a Minnesota revisor of statutes document labeled A00-1008 and dated 03/06/00. The contractors must report their findings by December 15, 2000, to the commissioner and the education committees of the legislature.

Sec. 18. [DISSEMINATING INFORMATION.]

The commissioner, in a timely fashion using readily accessible formats, must disseminate clear information to all school districts about the changes made in this act.

Sec. 19. [EFFECT ON PROFILE OF LEARNING RULES.]

The rules of the department of children, families, and learning are void to the extent they are inconsistent with this act.

Sec. 20. [DEPARTMENT COSTS.]

The department of children, families, and learning is responsible for any costs resulting from the implementing of this act.

Sec. 21. [REPEALER.]

(a) Minnesota Statutes 1998, sections 120B.03, subdivision 2; and 120B.04, are repealed.

(b) Minnesota Rules, parts 3501.0320, subpart 2, items E and F; 3501.0360; 3501.0370; 3501.0400; and 3501.0430, items A to D, are repealed.

Sec. 22. [EFFECTIVE DATE.]

Sections 1 to 21 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; balancing statewide accountability and district autonomy under the profile of learning; requiring the graduation rule to be developed independently of any national education goals; reducing the required number of content standards; including decision making and inquiry in all content standards; determining scoring criteria and recordkeeping practices; amending Minnesota Statutes 1998, sections 120A.41;

120B.03, subdivisions 1 and 3; and 123A.06, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 120B.02; 120B.30, subdivision 1; 120B.35; and 124D.10, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 120B; repealing Minnesota Statutes 1998, sections 120B.03, subdivision 2; and 120B.04; Minnesota Rules, parts 3501.0320, subpart 2, items E and F; 3501.0360; 3501.0370; 3501.0400; and 3501.0430, items A, B, C, and D."

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3626, A bill for an act relating to professions; modifying supervisory and disciplinary requirements for psychologists; amending Minnesota Statutes 1998, sections 148.89, by adding subdivisions; and 148.925, subdivisions 1, 2, 3, 5, and 6; Minnesota Statutes 1999 Supplement, section 148.941, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 3629, A bill for an act relating to public employment; exempting certain public hospital employees from the compensation limit; amending Minnesota Statutes 1998, section 43A.17, subdivision 9.

Reported the same back with the following amendments:

Page 2, line 19, after the period, insert "Subject to the approval of the governing body of the political subdivision."

Page 2, line 21, delete "are" and insert "may be"

Amend the title as follows:

Page 1, line 2, delete "exempting" and insert "authorizing the exemption of"

With the recommendation that when so amended the bill pass.

The report was adopted.

Leppik from the Committee on Higher Education Finance to which was referred:

H. F. No. 3637, A bill for an act relating to state government finance; using a portion of the budget surplus to pay for deferred maintenance of state buildings; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Ness from the Committee on Agriculture and Rural Development Finance to which was referred:

H. F. No. 3667, A bill for an act relating to the environment; requiring a report to the legislature on pesticide management.

Reported the same back with the following amendments:

Page 1, line 6, before "The" insert "(a)"

Page 1, line 8, after the third semicolon, insert "transportation:"

Page 1, line 10, after "must" insert "statistically"

Page 1, line 11, delete "can"

Page 1, line 12, delete "be" and insert "are" and after "around" insert "a representative sample of"

Page 1, after line 20, insert:

"(b) For purposes of the review and report in paragraph (a), the term "pesticide" has the meaning given in Minnesota Statutes, section 18B.01, subdivision 18, except that it does not include disinfectants, sanitizers, deodorizers, or antimicrobial agents for general cleaning purposes."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means without further recommendation.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 3688, A bill for an act relating to transportation; adopting Midwest Interstate Passenger Rail Compact; amending Minnesota Statutes 1998, section 218.011, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 218.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 3692, A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c, and by adding a subdivision; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116C.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapters 18B; and 18C.

Reported the same back with the following amendments:

Page 1, line 15, after "TRAINING" insert "STUDY"

Page 1, line 16, after "shall" insert "study and"

Page 1, line 17, after the comma, insert "a plan of"

Page 1, line 24, delete "each training session" and insert "the plan"

Page 1, after line 27, insert:

"(e) The commissioner shall report to the house and senate agriculture committees by January 30, 2001, on recommendations for training, examination, certification, and costs of a private applicator manure certification program as an alternative to required manure management plans."

Page 2, delete section 2

Page 3, line 15, delete "0.25" and insert "0.3"

Page 5, line 23, delete the new language

Page 5, line 24, reinstate the stricken language

Page 5, line 25, reinstate the stricken language

Page 5, lines 26 and 27, delete the new language and reinstate the stricken language

Page 5, line 28, delete "1999"

Page 9, delete section 6

Page 11, line 26, delete "1,000" and insert "400"

Page 12, line 17, delete "state or"

Page 13, line 23, delete "9" and insert "7"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 7, delete everything after "7c"

Page 1, line 8, delete "subdivision"

Page 1, line 10, delete "116C.072" and insert "116.072"

Page 1, line 11, delete everything after the comma and insert "chapter 18B."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Broecker from the Committee on Judiciary Finance to which was referred:

H. F. No. 3742, A bill for an act relating to courts; authorizing use of the Revenue Recapture Act for collection of certain conciliation court judgments; providing for priority of claims; modifying service of process requirements; appropriating money; amending Minnesota Statutes 1998, sections 270A.03, subdivision 7; 270A.04, subdivision 3; 270A.07, subdivision 5; 270A.09, subdivision 1; 270A.10; and 491A.01, subdivision 3; Minnesota Statutes 1999 Supplement, section 270A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 491A.

Reported the same back with the following amendments:

Page 6, line 12, after "14" insert ", or the debtor is a recipient of food stamps, transitional child care, or transitional medical assistance"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 3768, A bill for an act relating to education; codifying the state high school graduation rule on the profile of learning; amending Minnesota Statutes 1999 Supplement, sections 120B.02; 122A.09, subdivision 4; 126C.10, subdivision 14; and 290.0674, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 120B; repealing Minnesota Statutes 1998, section 120B.03, subdivision 1; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0360; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; and 3501.0469.

Reported the same back with the recommendation that the bill be re-referred to the Committee on K-12 Education Finance without further recommendation.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 3868, A bill for an act relating to agriculture; amending certain requirements for licensed aquatic farms; amending Minnesota Statutes 1998, sections 17.4984, subdivisions 2, 6, and 7; 17.4985, subdivision 2; 17.4987; 17.4992, subdivision 3; and 97C.521.

Reported the same back with the following amendments:

Page 2, lines 4 and 5, delete the new language

Page 2, line 7, after the period, insert "When artificial tanks, jars, or other containers are added to existing licensed facilities, an additional inspection is not required."

Page 2, line 13, reinstate the stricken language and before "sold" insert "and taking into consideration the recommendation of the licensed applicant."

Page 2, lines 15 and 16, reinstate the stricken language and delete the new language

Page 2, delete lines 20 and 21 and insert:

"(g) Carp and bullheads may be removed from licensed waters, and transported and disposed of by the licensee."

Page 3, lines 17 and 18, reinstate the stricken language

Page 3, delete line 19, and insert "commissioner, covering the quantity number or pounds of all species sold or"

Page 3, lines 20 and 21, reinstate the stricken language

Pages 3 to 5, delete sections 4 and 5

Page 5, line 15, delete "shall" and insert "may"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "17.4985, subdivision 2; 17.4987;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 3950, A bill for an act relating to public defense; authorizing access to various criminal and juvenile justice databases for purposes of criminal defense; amending Minnesota Statutes 1998, sections 299C.147, subdivisions 2 and 3; 299C.46, subdivision 3, and by adding a subdivision; Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1, is amended to read:

Subdivision 1. [ACCESS.] (a) The bureau shall administer and maintain the computerized juvenile history record system based on sections 260B.171 and 260C.171 and other statutes requiring the reporting of data on juveniles. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to all trial courts and appellate courts, to a person who has access to the juvenile court records as provided in sections 260B.171 and 260C.171 or under court rule, to public defenders as provided in section 611.272, and to criminal justice agencies in other states in the conduct of their official duties.

(b) Except for access authorized under paragraph (a), the bureau shall only disseminate a juvenile adjudication history record in connection with a background check required by statute or rule and performed on a licensee, license applicant, or employment applicant or performed under section 624.713. A consent for release of information from an individual who is the subject of a juvenile adjudication history is not effective and the bureau shall not release a juvenile adjudication history record and shall not release information in a manner that reveals the existence of the record.

Sec. 2. Minnesota Statutes 1998, section 299C.147, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT.] The bureau shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The data in the system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to public defenders as provided in section 611.272, and to criminal justice agencies in other states in the conduct of their official duties.

Sec. 3. Minnesota Statutes 1998, section 299C.147, subdivision 3, is amended to read:

Subd. 3. [AUTHORITY TO ENTER OR RETRIEVE DATA.] Only criminal justice agencies may submit data to ~~and obtain data from~~ the conditional release data system and only persons who are authorized users under subdivision 2 may obtain data from the system. The commissioner of corrections may require that any or all information be submitted to the conditional release data system. A consent to the release of data in the conditional release data system from the individual who is the subject of the data is not effective.

Sec. 4. Minnesota Statutes 1998, section 299C.46, subdivision 3, is amended to read:

Subd. 3. [AUTHORIZED USE, FEE.] (a) The criminal justice data communications network shall be used exclusively by:

- (1) criminal justice agencies in connection with the performance of duties required by law;
- (2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by Public Law Number 99-1691;
- (3) other agencies to the extent necessary to provide for protection of the public or property in an emergency or disaster situation;
- (4) noncriminal justice agencies statutorily mandated, by state or national law, to conduct checks into state databases prior to disbursing licenses or providing benefits; ~~and~~
- (5) the public authority responsible for child support enforcement in connection with the performance of its duties; and
- (6) the public defender, as provided in section 611.272.

(b) The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the data communications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

(c) The commissioner of public safety is authorized to arrange for the connection of the data communications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Sec. 5. [611.272] [ACCESS TO GOVERNMENT DATA.]

The district public defender, the state public defender, or an attorney working for a public defense corporation under section 611.216 have access to the criminal justice data communications network described in section 299C.46, as provided in this section. Access to data under this section is limited to data regarding the public defender's own client as necessary to prepare criminal cases in which the public defender has been appointed, including, but not limited to, criminal history data under section 13.87; juvenile offender data under section

299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 299C.147; and diversion program data under section 299C.46, subdivision 5. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 5; data protected under section 13.82, subdivision 10; or confidential arrest warrant indices data under section 13.82, subdivision 12. The public defender has access to the data at no charge, except for the monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal."

Delete the title and insert:

"A bill for an act relating to public defense; authorizing access to various criminal and juvenile justice databases for purposes of criminal defense; amending Minnesota Statutes 1998, sections 299C.147, subdivisions 2 and 3; and 299C.46, subdivision 3; Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611."

With the recommendation that when so amended the bill pass.

The report was adopted.

Lindner from the Committee on Jobs and Economic Development Policy to which was referred:

H. F. No. 3960, A bill for an act relating to workers' compensation; modifying indemnity provision; amending Minnesota Statutes 1998, section 176.061, subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 176.011, subdivision 3, is amended to read:

Subd. 3. [DAILY WAGE.] "Daily wage" means the daily wage of the employee in the employment engaged in at the time of injury but does not include tips and gratuities paid directly to an employee by a customer of the employer and not accounted for by the employee to the employer. If the amount of the daily wage received or to be received by the employee in the employment engaged in at the time of injury was irregular or difficult to determine, or if the employment was part time, the daily wage shall be computed by dividing the total amount of wages, vacation pay, and holiday pay the employee actually earned in such employment in the last 26 weeks, by the total number of days in which ~~the employee actually performed any of the duties of such employment~~ such wages, vacation pay, and holiday pay was earned, provided further, that in the case of the construction industry, mining industry, or other industry where the hours of work are affected by seasonal conditions, the weekly wage shall not be less than five times the daily wage. If the employee worked or earned less than a full day's worth of wages, vacation pay, or holiday pay, the total amount earned shall be divided by the corresponding proportion of that day. Where board or allowances other than tips and gratuities are made to an employee in addition to wages as a part of the wage contract they are deemed a part of earnings and computed at their value to the employee. In the case of persons performing services for municipal corporations in the case of emergency, then the normal working day shall be considered and computed as eight hours, and in cases where such services are performed gratis or without fixed compensation the daily wage of the person injured shall, for the purpose of calculating compensation payable under this chapter, be taken to be the usual going wage paid for similar services in municipalities where such services are performed by paid employees. If, at the time of injury, the employee was regularly employed by two or more employers, the employee's earnings in all such employments shall be included in the computation of daily wage.

Sec. 2. Minnesota Statutes 1999 Supplement, section 176.011, subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire including the following:

- (1) an alien;
- (2) a minor;
- (3) a sheriff, deputy sheriff, constable, marshal, police officer, firefighter, county highway engineer, and peace officer while engaged in the enforcement of peace or in the pursuit or capture of a person charged with or suspected of crime;
- (4) a person requested or commanded to aid an officer in arresting or retaking a person who has escaped from lawful custody, or in executing legal process, in which cases, for purposes of calculating compensation under this chapter, the daily wage of the person shall be the prevailing wage for similar services performed by paid employees;
- (5) a county assessor;
- (6) an elected or appointed official of the state, or of a county, city, town, school district, or governmental subdivision in the state. An officer of a political subdivision elected or appointed for a regular term of office, or to complete the unexpired portion of a regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;
- (7) an executive officer of a corporation, except those executive officers excluded by section 176.041;
- (8) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioners of human services and corrections similar to those of officers and employees of the institutions, and whose services have been accepted or contracted for by the commissioner of human services or corrections as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services in institutions where the services are performed by paid employees;
- (9) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision of it. The daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed by paid employees;
- (10) a voluntary uncompensated worker participating in a program established by a local social services agency. For purposes of this clause, "local social services agency" means any agency established under section 393.01. In the event of injury or death of the worker, the wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid in the county at the time of the injury or death for similar services performed by paid employees working a normal day and week;
- (11) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 84.089. The daily wage of the worker for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;
- (12) a voluntary uncompensated worker in the building and construction industry who renders services for joint labor-management nonprofit community service projects. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(13) a member of the military forces, as defined in section 190.05, while in state active service, as defined in section 190.05, subdivision 5a. The daily wage of the member for the purpose of calculating compensation under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(14) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138. The daily wage of the worker, for the purposes of calculating compensation under this chapter, shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(15) a voluntary uncompensated worker, other than a student, who renders services at the Minnesota state academy for the deaf or the Minnesota state academy for the blind, and whose services have been accepted or contracted for by the commissioner of children, families, and learning, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(16) a voluntary uncompensated worker, other than a resident of the veterans home, who renders services at a Minnesota veterans home, and whose services have been accepted or contracted for by the commissioner of veterans affairs, as authorized by law. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(17) a worker who renders in-home attendant care services to a physically handicapped person, and who is paid directly by the commissioner of human services for these services, shall be an employee of the state within the meaning of this subdivision, but for no other purpose;

(18) students enrolled in and regularly attending the medical school of the University of Minnesota in the graduate school program or the postgraduate program. The students shall not be considered employees for any other purpose. In the event of the student's injury or death, the weekly wage of the student for the purpose of calculating compensation under this chapter, shall be the annualized educational stipend awarded to the student, divided by 52 weeks. The institution in which the student is enrolled shall be considered the "employer" for the limited purpose of determining responsibility for paying benefits under this chapter;

(19) a faculty member of the University of Minnesota employed for an academic year is also an employee for the period between that academic year and the succeeding academic year if:

(a) the member has a contract or reasonable assurance of a contract from the University of Minnesota for the succeeding academic year; and

(b) the personal injury for which compensation is sought arises out of and in the course of activities related to the faculty member's employment by the University of Minnesota;

(20) a worker who performs volunteer ambulance driver or attendant services is an employee of the political subdivision, nonprofit hospital, nonprofit corporation, or other entity for which the worker performs the services. The daily wage of the worker for the purpose of calculating compensation under this chapter shall be the usual wage paid at the time of injury or death for similar services performed by paid employees;

(21) a voluntary uncompensated worker, accepted by the commissioner of administration, rendering services as a volunteer at the department of administration. In the event of injury or death of the worker, the daily wage of the worker, for the purpose of calculating compensation under this chapter, shall be the usual wage paid at the time of the injury or death for similar services performed in institutions by paid employees;

(22) a voluntary uncompensated worker rendering service directly to the pollution control agency. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees;

(23) a voluntary uncompensated worker while volunteering services as a first responder or as a member of a law enforcement assistance organization while acting under the supervision and authority of a political subdivision. The daily wage of the worker for the purpose of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees; and

(24) a voluntary uncompensated member of the civil air patrol rendering service on the request and under the authority of the state or any of its political subdivisions. The daily wage of the member for the purposes of calculating compensation payable under this chapter is the usual going wage paid at the time of injury or death for similar services if the services are performed by paid employees.

If it is difficult to determine the daily wage as provided in this subdivision, the trier of fact may determine the wage upon which the compensation is payable.

Sec. 3. Minnesota Statutes 1998, section 176.011, subdivision 20, is amended to read:

Subd. 20. [AVERAGE WEEKLY WAGE.] The statewide average weekly wage for any year means that wage determined by the commissioner in the following manner: On or before July 1 preceding the year in which the wage is to be applicable, the total wages reported on ~~contribution tax~~ reports to the department of economic security for the preceding 12 months ending on December 31 of that year shall be divided by the average monthly number of ~~insured covered~~ workers (determined by dividing the total ~~insured covered~~ workers reported for the year ending December 31 by 12). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the next highest dollar.

Sec. 4. Minnesota Statutes 1998, section 176.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION TO RECEIVE BENEFITS FROM EMPLOYER; SUBROGATION.] If the employee or the employee's dependents elect to receive benefits from the employer, or the special compensation fund, the employer or the special compensation fund has a right of indemnity or is subrogated to the right of the employee or the employee's dependents to recover damages against the other party. The employer, or the attorney general on behalf of the special compensation fund, may bring legal proceedings against the party and recover the aggregate amount of benefits payable to or on behalf of the employee or the employee's dependents, regardless of whether such benefits are recoverable by the employee or the employee's dependents at common law or by statute together with costs, disbursements, and reasonable attorney's fees of the action.

If an action as provided in this chapter is prosecuted by the employee, the employer, or the attorney general on behalf of the special compensation fund, against the third person, and results in judgment against the third person, or settlement by the third person, the employer has no liability to reimburse or hold the third person harmless on the judgment or settlement in absence of a written agreement to do so executed prior to the injury.

Sec. 5. Minnesota Statutes 1998, section 176.061, subdivision 5, is amended to read:

Subd. 5. [CUMULATIVE REMEDIES.] If an injury or death for which benefits are payable is caused under circumstances which created a legal liability for damages on the part of a party other than the employer, that party being then insured or self-insured in accordance with this chapter, and the provisions of subdivisions 1, 2, 3, and 4 do not apply, or the party other than the employer is not then insured or self-insured as provided by this chapter, legal proceedings may be taken by the employee or the employee's dependents in accordance with clause (a), or by the employer, or by the attorney general on behalf of the special compensation fund, in accordance with clause (b), against the other party to recover damages, notwithstanding the payment of benefits by the employer or the special compensation fund or their liability to pay benefits.

(a) If an action against the other party is brought by the injured employee or the employee's dependents and a judgment is obtained and paid or settlement is made with the other party, the employer or the special compensation fund may deduct from the benefits payable the amount actually received by the employee or dependents or paid on their behalf in accordance with subdivision 6. If the action is not diligently prosecuted or if the court deems it advisable in order to protect the interests of the employer or the special compensation fund, upon application the court may grant the employer or the special compensation fund the right to intervene in the action for the prosecution of the action. If the injured employee or the employee's dependents or any party on their behalf receives benefits from the employer or the special compensation fund or institutes proceedings to recover benefits or accepts from the employer or the special compensation fund any payment on account of the benefits, the employer or the special compensation fund is subrogated to the rights of the employee or the employee's dependents or has a right of indemnity against a third party regardless of whether such benefits are recoverable by the employee or the employee's dependents at common law or by statute. The employer or the attorney general on behalf of the special compensation fund may maintain a separate action or continue an action already instituted. This action may be maintained in the name of the employee or the names of the employee's dependents, or in the name of the employer, or in the name of the attorney general on behalf of the special compensation fund, against the other party for the recovery of damages. If the action is not diligently prosecuted by the employer or the attorney general on behalf of the special compensation fund, or if the court deems it advisable in order to protect the interest of the employee, the court, upon application, may grant to the employee or the employee's dependents the right to intervene in the action for the prosecution of the action. The proceeds of the action or settlement of the action shall be paid in accordance with subdivision 6.

(b) If an employer, being then insured, sustains damages due to a change in workers' compensation insurance premiums, whether by a failure to achieve a decrease or by a retroactive or prospective increase, as a result of the injury or death of an employee which was caused under circumstances which created a legal liability for damages on the part of a party other than the employer, the employer, notwithstanding other remedies provided, may maintain an action against the other party for recovery of the premiums. This cause of action may be brought either by joining in an action described in clause (a) or by a separate action. Damages recovered under this clause are for the benefit of the employer and the provisions of subdivision 6 are not applicable to the damages.

(c) The third party is not liable to any person other than the employee or the employee's dependents, or the employer, or the special compensation fund, for any damages resulting from the injury or death.

A coemployee working for the same employer is not liable for a personal injury incurred by another employee unless the injury resulted from the gross negligence of the coemployee or was intentionally inflicted by the coemployee.

Sec. 6. Minnesota Statutes 1998, section 176.061, subdivision 7, is amended to read:

Subd. 7. [MEDICAL TREATMENT.] The liability of an employer or the special compensation fund for medical treatment or payment of any other compensation under this chapter is not affected by the fact that the employee was injured through the fault or negligence of a third party, against whom the employee may have a cause of action which may be sued under this chapter, but the employer, or the attorney general on behalf of the special compensation fund, has a separate additional cause of action against the third party to recover any amounts paid for medical treatment or for other compensation payable under this section resulting from the negligence of the third party regardless of whether such other compensation is recoverable by the employee or the employee's dependents at common law or by statute. This separate cause of action of the employer or the attorney general on behalf of the special compensation fund may be asserted in a separate action brought by the employer or the attorney general on behalf of the special compensation fund against the third party, or in the action commenced by the employee or the employer or the attorney general on behalf of the special compensation fund under this chapter, but in the latter case the cause of action shall be separately stated, the amount awarded in the action shall be separately set out in the verdict, and the amount recovered by suit or otherwise as reimbursement for medical expenses or other compensation shall be for the benefit of the employer or the special compensation fund to the extent that the employer or the special compensation fund has paid or will be required to pay compensation or pay for medical treatment of the injured employee and does not affect the amount of periodic compensation to be paid.

Sec. 7. Minnesota Statutes 1998, section 176.061, subdivision 10, is amended to read:

Subd. 10. [INDEMNITY.] Notwithstanding the provisions of chapter 65B or any other law to the contrary, an employer has a right of indemnity for any compensation paid or payable pursuant to this chapter, regardless of whether such compensation is recoverable by the employee or the employee's dependents at common law or by statute, including temporary total compensation, temporary partial compensation, permanent partial compensation, medical compensation, rehabilitation, death, and permanent total compensation.

Sec. 8. Minnesota Statutes 1998, section 176.061, is amended by adding a subdivision to read:

Subd. 11. [RIGHT OF CONTRIBUTION.] To the extent the employer has fault, separate from the fault of the injured employee to whom workers' compensation benefits are payable, any nonemployer third party who is liable has a right of contribution against the employer in an amount proportional to the employer's percentage of fault but not to exceed the net amount the employer recovered pursuant to subdivision 6, paragraphs (c) and (d). The employer may avoid contribution exposure by affirmatively waiving, before selection of the jury, the right to recover workers' compensation benefits paid and payable, thus removing compensation benefits from the damages payable by any third party.

Procedurally, if the employer waives or settles the right to recover workers' compensation benefits paid and payable, the employee or the employee's dependents have the option to present all common law or wrongful death damages whether they are recoverable under the Workers' Compensation Act or not. Following the verdict, the trial court will deduct any awarded damages that are duplicative of workers' compensation benefits paid or payable.

Sec. 9. Minnesota Statutes 1998, section 176.081, subdivision 1, is amended to read:

Subdivision 1. [LIMITATION OF FEES.] (a) A fee for legal services of 25 percent of the first \$4,000 of compensation awarded to the employee and 20 percent of the next \$60,000 of compensation awarded to the employee is the maximum permissible fee and does not require approval by the commissioner, compensation judge, or any other party. All fees, including fees for obtaining medical or rehabilitation benefits, must be calculated according to the formula under this subdivision, except as otherwise provided in clause (1) or (2).

(1) The contingent attorney fee for recovery of monetary benefits according to the formula in this section is presumed to be adequate to cover recovery of medical and rehabilitation benefit or services concurrently in dispute. Attorney fees for recovery of medical or rehabilitation benefits or services shall be assessed against the employer or insurer only if the attorney establishes that the contingent fee is inadequate to reasonably compensate the attorney for representing the employee in the medical or rehabilitation dispute. In cases where the contingent fee is inadequate the employer or insurer is liable for attorney fees based on the formula in this subdivision or in clause (2).

For the purposes of applying the formula where the employer or insurer is liable for attorney fees, the amount of compensation awarded for obtaining disputed medical and rehabilitation benefits under sections 176.102, 176.135, and 176.136 shall be the dollar value of the medical or rehabilitation benefit awarded, where ascertainable.

(2) The maximum attorney fee for obtaining a change of doctor or qualified rehabilitation consultant, or any other disputed medical or rehabilitation benefit for which a dollar value is not reasonably ascertainable, is the amount charged in hourly fees for the representation or \$500, whichever is less, to be paid by the employer or insurer.

(3) The fees for obtaining disputed medical or rehabilitation benefits are included in the \$13,000 limit in paragraph (b). An attorney must concurrently file all outstanding disputed issues. An attorney is not entitled to attorney fees for representation in any issue which could reasonably have been addressed during the pendency of other issues for the same injury.

(b) All fees for legal services related to the same injury are cumulative and may not exceed \$13,000. If multiple injuries are the subject of a dispute, the commissioner, compensation judge, or court of appeals shall specify the attorney fee attributable to each injury.

(c) If the employer or the insurer or the defendant is given written notice of claims for legal services or disbursements, the claim shall be a lien against the amount paid or payable as compensation. Subject to the foregoing maximum amount for attorney fees, up to 25 percent of the first \$4,000 of periodic compensation awarded to the employee and 20 percent of the next \$60,000 of periodic compensation awarded to the employee may be withheld from the periodic payments for attorney fees or disbursements if the payor of the funds clearly indicates on the check or draft issued to the employee for payment the purpose of the withholding, the name of the attorney, the amount withheld, and the gross amount of the compensation payment before withholding. In no case shall fees be calculated on the basis of any undisputed portion of compensation awards. Allowable fees under this chapter shall be based solely upon genuinely disputed claims or portions of claims, including disputes related to the payment of rehabilitation benefits or to other aspects of a rehabilitation plan. The existence of a dispute is dependent upon a disagreement after the employer or insurer has had adequate time and information to take a position on liability. Neither the holding of a hearing nor the filing of an application for a hearing alone may determine the existence of a dispute. Except where the employee is represented by an attorney in other litigation pending at the department or at the office of administrative hearings, a fee may not be charged after June 1, 1996, for services with respect to a medical or rehabilitation issue arising under section 176.102, 176.135, or 176.136 performed before the employee has consulted with the department and the department certifies that there is a dispute and that it has tried to resolve the dispute.

(d) An attorney who is claiming legal fees for representing an employee in a workers' compensation matter shall file a statement of attorney fees with the commissioner, compensation judge before whom the matter was heard, or workers' compensation court of appeals on cases before the court. A copy of the signed retainer agreement shall also be filed. The employee and insurer shall receive a copy of the statement. The statement shall be on a form prescribed by the commissioner and shall report the number of hours spent on the case.

(e) Employers and insurers may not pay attorney fees or wages for legal services of more than \$13,000 per case.

(f) Each insurer and self-insured employer shall file annual statements with the commissioner detailing the total amount of legal fees and other legal costs incurred by the insurer or employer during the year. The statement shall include the amount paid for outside and in-house counsel, deposition and other witness fees, and all other costs relating to litigation.

(g) An attorney must file a statement of attorney fees within 12 months of the date the attorney has submitted the written notice specified in paragraph (c). If the attorney has not filed a statement of attorney fees within the 12 months, the attorney must send a renewed notice of lien to the insurer. If 12 months have elapsed since the last notice of lien has been received by the insurer and no statement of attorney fees has been filed, the insurer must release the withheld money to the employee, except that before releasing the money to the employee, the insurer must give the attorney 30 days' written notice of the pending release. The insurer must not release the money if the attorney files a statement of attorney fees within the 30 days.

Sec. 10. Minnesota Statutes 1998, section 176.101, subdivision 1, is amended to read:

Subdivision 1. [TEMPORARY TOTAL DISABILITY.] (a) For injury producing temporary total disability, the compensation is 66-2/3 percent of the weekly wage at the time of injury.

(b) (1) Commencing on October 1, ~~1995~~ 2000, the maximum weekly compensation payable is ~~\$615~~ \$750 per week.

(2) The workers' compensation advisory council may consider adjustment increases and make recommendations to the legislature.

(c) The minimum weekly compensation payable is ~~\$104~~ \$130 per week or the injured employee's actual weekly wage, whichever is less.

(d) Temporary total compensation shall be paid during the period of disability subject to the cessation and commencement conditions in paragraphs (e) to (l).

(e) Temporary total disability compensation shall cease when the employee returns to work. Except as otherwise provided in section 176.102, subdivision 11, temporary total disability compensation may only be recommenced following cessation under this paragraph, paragraph (h), or paragraph (j) prior to payment of 104 weeks of temporary total disability compensation and only as follows:

(1) if temporary total disability compensation ceased because the employee returned to work, it may be recommenced if the employee is laid off or terminated for reasons other than misconduct ~~within one year after returning to work~~ if the layoff or termination occurs prior to 90 days after the employee has reached maximum medical improvement. Recommended temporary total disability compensation under this clause ceases when any of the cessation events in paragraphs (e) to (l) occurs; or

(2) if temporary total disability compensation ceased because the employee returned to work or ceased under paragraph (h) or (j), it may be recommenced if the employee is medically unable to continue at a job due to the injury. Where the employee is medically unable to continue working due to the injury, temporary total disability compensation may continue until any of the cessation events in paragraphs (e) to (l) occurs following commencement. If an employee who has not yet received temporary total disability compensation becomes medically unable to continue working due to the injury after reaching maximum medical improvement, temporary total disability compensation shall commence and shall continue until any of the events in paragraphs (e) to (l) occurs following commencement. For purposes of commencement or recommencement under this clause only, a new period of maximum medical improvement under paragraph (j) begins when the employee becomes medically unable to continue working due to the injury. Temporary total disability compensation may not be recommenced under this clause and a new period of maximum medical improvement does not begin if the employee is not actively employed when the employee becomes medically unable to work. All periods of initial and recommenced temporary total disability compensation are included in the 104-week limitation specified in paragraph (k).

(f) Temporary total disability compensation shall cease if the employee withdraws from the labor market. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee reenters the labor market prior to 90 days after the employee reached maximum medical improvement and prior to payment of 104 weeks of temporary total disability compensation. Once recommenced, temporary total disability ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(g) Temporary total disability compensation shall cease if the total disability ends and the employee fails to diligently search for appropriate work within the employee's physical restrictions. Temporary total disability compensation may be recommenced following cessation under this paragraph only if the employee begins diligently searching for appropriate work within the employee's physical restrictions prior to 90 days after maximum medical improvement and prior to payment of 104 weeks of temporary total disability compensation. Once recommenced, temporary total disability compensation ceases when any of the cessation events in paragraphs (e) to (l) occurs.

(h) Temporary total disability compensation shall cease if the employee has been released to work without any physical restrictions caused by the work injury.

(i) Temporary total disability compensation shall cease if the employee refuses an offer of work that is consistent with a plan of rehabilitation filed with the commissioner which meets the requirements of section 176.102, subdivision 4, or, if no plan has been filed, the employee refuses an offer of gainful employment that the employee can do in the employee's physical condition. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced.

(j) Temporary total disability compensation shall cease 90 days after the employee has reached maximum medical improvement, except as provided in section 176.102, subdivision 11, paragraph (b). For purposes of this subdivision, the 90-day period after maximum medical improvement commences on the earlier of: (1) the date that the employee receives a written medical report indicating that the employee has reached maximum medical improvement; or (2)

the date that the employer or insurer serves the report on the employee and the employee's attorney, if any. Once temporary total disability compensation has ceased under this paragraph, it may not be recommenced except if the employee returns to work and is subsequently medically unable to continue working as provided in paragraph (e), clause (2).

(k) Temporary total disability compensation shall cease entirely when 104 weeks of temporary total disability compensation have been paid, except as provided in section 176.102, subdivision 11, paragraph (b). Notwithstanding anything in this section to the contrary, initial and recommenced temporary total disability compensation combined shall not be paid for more than 104 weeks, regardless of the number of weeks that have elapsed since the injury, except that if the employee is in a retraining plan approved under section 176.102, subdivision 11, the 104 week limitation shall not apply during the retraining, but is subject to the limitation before the plan begins and after the plan ends.

(l) Paragraphs (e) to (k) do not limit other grounds under law to suspend or discontinue temporary total disability compensation provided under this chapter.

(m) Once an employee has been paid 52 weeks of temporary total compensation, the employer or insurer must notify the employee in writing of the 104-week limitation on payment of temporary total compensation. A copy of this notice must also be filed with the department.

Sec. 11. Minnesota Statutes 1998, section 176.101, subdivision 2a, is amended to read:

Subd. 2a. [PERMANENT PARTIAL DISABILITY.] (a) Compensation for permanent partial disability is as provided in this subdivision. Permanent partial disability must be rated as a percentage of the whole body in accordance with rules adopted by the commissioner under section 176.105. The percentage determined pursuant to the rules must be multiplied by the corresponding amount in the following table:

Impairment rating (percent)	Amount
<del>0-25</del>	<del>\$ 75,000</del>
<u>0-5</u>	<u>\$ 75,000</u>
<u>6-10</u>	<u>80,000</u>
<u>11-15</u>	<u>85,000</u>
<u>16-20</u>	<u>90,000</u>
<u>21-25</u>	<u>95,000</u>
26-30	<del>80,000</del> <u>100,000</u>
31-35	<del>85,000</del> <u>110,000</u>
36-40	<del>90,000</del> <u>120,000</u>
41-45	<del>95,000</del> <u>130,000</u>
46-50	<del>100,000</del> <u>140,000</u>
51-55	<del>120,000</del> <u>165,000</u>

56-60	<del>140,000</del> <u>190,000</u>
61-65	<del>160,000</del> <u>215,000</u>
66-70	<del>180,000</del> <u>240,000</u>
71-75	<del>200,000</del> <u>265,000</u>
76-80	<del>240,000</del> <u>315,000</u>
81-85	<del>280,000</del> <u>365,000</u>
86-90	<del>320,000</del> <u>415,000</u>
91-95	<del>360,000</del> <u>465,000</u>
96-100	<del>400,000</del> <u>515,000</u>

An employee may not receive compensation for more than a 100 percent disability of the whole body, even if the employee sustains disability to two or more body parts.

(b) Permanent partial disability is payable upon cessation of temporary total disability under subdivision 1. If the employee requests payment in a lump sum, then the compensation must be paid within 30 days. This lump-sum payment may be discounted to the present value calculated up to a maximum five percent basis. If the employee does not choose to receive the compensation in a lump sum, then the compensation is payable in installments at the same intervals and in the same amount as the employee's temporary total disability rate on the date of injury. Permanent partial disability is not payable while temporary total compensation is being paid.

Sec. 12. Minnesota Statutes 1998, section 176.101, subdivision 8, is amended to read:

Subd. 8. [CESSATION OF BENEFITS.] Temporary total disability payments shall cease at retirement. "Retirement" means that a preponderance of the evidence supports a conclusion that an employee has retired. The subjective statement of an employee that the employee is not retired is not sufficient in itself to rebut objective evidence of retirement but may be considered along with other evidence.

For injuries occurring after January 1, 1984, an employee who receives social security old age and survivors insurance retirement benefits under the Social Security Act, Public Law Number 98-21, as amended, is presumed retired from the labor market. This presumption is For injuries occurring after October 1, 2000, an employee who receives any other service-based government retirement pension is presumed retired from the labor market. The term "service-based government retirement pension" does not include disability-based government pensions. These presumptions are rebuttable by a preponderance of the evidence.

Sec. 13. Minnesota Statutes 1998, section 176.102, subdivision 3, is amended to read:

Subd. 3. [REVIEW PANEL.] There is created a rehabilitation review panel composed of the commissioner or a designee, who shall serve as an ex officio member and two members each from employers, insurers, rehabilitation, and medicine, one member representing chiropractors, and four members representing labor. The members shall be appointed by the commissioner and shall serve four-year terms which may be renewed. Terms, compensation, and removal for members shall be governed by section 15.0575. The panel shall select a chair. The panel shall review and make a determination with respect to appeals from orders of the commissioner regarding certification approval of qualified rehabilitation consultants and vendors. The hearings are de novo and initiated by the panel under the contested case procedures of chapter 14, and are appealable to the workers' compensation court of appeals in the manner provided by section 176.421.

Sec. 14. Minnesota Statutes 1998, section 176.102, subdivision 11, is amended to read:

Subd. 11. [RETRAINING; COMPENSATION.] (a) Retraining is limited to 156 weeks. An employee who has been approved for retraining may petition the commissioner or compensation judge for additional compensation not to exceed 25 percent of the compensation otherwise payable. If the commissioner or compensation judge determines that this additional compensation is warranted due to unusual or unique circumstances of the employee's retraining plan, the commissioner may award additional compensation in an amount not to exceed the employee's request. This additional compensation shall cease at any time the commissioner or compensation judge determines the special circumstances are no longer present.

(b) If the employee is not employed during a retraining plan that has been specifically approved under this section, temporary total compensation is payable for up to 90 days after the end of the retraining plan; except that, payment during the 90-day period is subject to cessation in accordance with section 176.101. If the employee is employed during the retraining plan but earning less than at the time of injury, temporary partial compensation is payable at the rate of 66-2/3 percent of the difference between the employee's weekly wage at the time of injury and the weekly wage the employee is able to earn in the employee's partially disabled condition, subject to the maximum rate for temporary total compensation. Temporary partial compensation is not subject to the 225-week or 450-week limitations provided by section 176.101, subdivision 2, during the retraining plan, but is subject to those limitations before and after the plan.

(c) Any request for retraining shall be filed with the commissioner before ~~104~~ 156 weeks of any combination of temporary total or temporary partial compensation have been paid. Retraining shall not be available after ~~104~~ 156 weeks of any combination of temporary total or temporary partial compensation benefits have been paid unless the request for the retraining has been filed with the commissioner prior to the time the ~~104~~ 156 weeks of compensation have been paid.

(d) The employer or insurer must notify the employee in writing of the ~~104-week~~ 156-week limitation for filing a request for retraining with the commissioner. This notice must be given before 80 weeks of temporary total disability or temporary partial disability compensation have been paid, regardless of the number of weeks that have elapsed since the date of injury. If the notice is not given before the 80 weeks, the period of time within which to file a request for retraining is extended by the number of days the notice is late, but in no event may a request be filed later than 225 weeks after any combination of temporary total disability or temporary partial disability compensation have been paid. The commissioner may assess a penalty of \$25 per day that the notice is late, up to a maximum penalty of \$2,000, against an employer or insurer for failure to provide the notice. The penalty is payable to the assigned risk safety account.

Sec. 15. Minnesota Statutes 1998, section 176.106, subdivision 7, is amended to read:

Subd. 7. [REQUEST FOR HEARING.] Any party aggrieved by the decision of the commissioner's designee may request a formal hearing by filing the request with the commissioner and serving the request on all parties no later than 30 days after the decision; ~~provided, however, that the commissioner shall review a decision of the commissioner's designee regarding a claim for a medical benefit of \$1,500 or less and the commissioner's decision shall be final.~~ Requests on other issues shall be referred to the office of administrative hearings for a de novo hearing before a compensation judge. Except where the only issues to be determined pursuant to this section involve liability for past treatment or services that will not affect entitlement to ongoing or future proposed treatment or services under section 176.102 or 176.135, the commissioner shall refer a timely request to the office of administrative hearings within five working days after filing of the request and the hearing at the office of administrative hearings must be held on the first date that all parties are available but not later than 60 days after the office of administrative hearings receives the matter. Following the hearing, the compensation judge must issue the decision within 30 days. The decision of the compensation judge is appealable pursuant to section 176.421.

Sec. 16. Minnesota Statutes 1998, section 176.111, subdivision 5, is amended to read:

Subd. 5. [PAYMENTS, TO WHOM MADE.] In death cases compensation payable to dependents is computed on the following basis and shall be paid to the persons entitled thereto or to a guardian or conservator as required under section 176.092. The minimum amount of dependency compensation that must be paid to persons entitled thereto is \$60,000.

Sec. 17. Minnesota Statutes 1998, section 176.111, subdivision 18, is amended to read:

Subd. 18. [BURIAL EXPENSE.] In all cases where death results to an employee from a personal injury arising out of and in the course of employment, the employer shall pay the expense of burial, not exceeding in amount ~~\$7,500~~ \$15,000. In case any dispute arises as to the reasonable value of the services rendered in connection with the burial, its reasonable value shall be determined and approved by the commissioner, a compensation judge, or workers' compensation court of appeals, in cases upon appeal, before payment, after reasonable notice to interested parties as is required by the commissioner. If the deceased leaves no dependents, no compensation is payable, except as provided by this chapter.

Sec. 18. Minnesota Statutes 1998, section 176.111, is amended by adding a subdivision to read:

Subd. 22. [PAYMENTS TO ESTATE; DEATH OF EMPLOYEE.] In every case of death of an employee resulting from personal injury arising out of and in the course of employment where there are no persons entitled to monetary benefits of dependency compensation, the employer shall pay to the estate of the deceased employee the sum of \$60,000.

Sec. 19. Minnesota Statutes 1998, section 176.129, subdivision 3, is amended to read:

Subd. 3. [PAYMENTS TO FUND, INJURY.] If an employee suffers a personal injury resulting in permanent partial disability, temporary total disability, temporary partial disability, permanent total disability, or death and the employee or the employee's dependents are entitled to compensation under sections 176.101 or 176.111 the employer shall pay to the commissioner a lump sum amount, without any interest deduction, equal to 20 percent of the total compensation payable. The rate under this subdivision shall be adjusted as provided under subdivision 4a and applies to injuries occurring after June 1, 1971, for payments made on or after January 1, 1984. This payment is to be credited to the special compensation fund and shall be in addition to any compensation payments made by the employer under this chapter. Payment shall be made ~~as soon as the amount is determined and approved by~~ and the completed assessment form shall be submitted to the commissioner no later than April 1 and August 15 of the same calendar year.

Sec. 20. Minnesota Statutes 1998, section 176.129, subdivision 4, is amended to read:

Subd. 4. [TIME OF INJURY.] Subdivision 3 applies to all workers' compensation payments, exclusive of medical costs, paid under section 176.101 or 176.111 for an injury or death occurring on or after June 1, 1971.

Payments made for personal injuries that occurred prior to June 1, 1971, shall be reported to the special compensation fund but shall not be assessed at the rate in effect on the date of occurrence.

Sec. 21. Minnesota Statutes 1998, section 176.231, subdivision 2, is amended to read:

Subd. 2. [INITIAL REPORT, WRITTEN REPORT.] Where subdivision 1 requires an injury to be reported within 48 hours, the employer may make an initial report by telephone, telegraph, or personal notice, and file a written report of the injury within seven days from its occurrence or within such time as the commissioner of labor and industry designates. All written reports of injuries required by subdivision 1 shall include the date of injury, amounts of payments made, if any, and the date of the first payment. The reports shall be on a form designed by the commissioner, with a clear copy suitable for imaging to the commissioner, one copy to the insurer, and one copy to the employee.

The employer must give the employee the "Minnesota Workers' Compensation System Employee Information Sheet" at the time the employee is given a copy of the first report of injury.

If an insurer or self-insurer repeatedly fails to pay benefits within three days of the due date, pursuant to section 176.221, the insurer or self-insurer shall be ordered by the commissioner to explain, in person, the failure to pay benefits due in a reasonable time. If prompt payments are not thereafter made, the commissioner shall refer the insurer or self-insurer to the commissioner of commerce for action pursuant to section 176.225, subdivision 4.

Sec. 22. Minnesota Statutes 1998, section 176.611, subdivision 2a, is amended to read:

Subd. 2a. [~~SETTLEMENT AND CONTINGENCY RESERVE~~ ALTERNATIVE COST ALLOCATION ACCOUNT.] To reduce long-term costs, minimize impairment to agency operations and budgets, and distribute risk of ~~one-time catastrophic~~ claims, the commissioner of employee relations shall maintain a separate account within the state compensation revolving fund. The account shall be used to pay for lump-sum or annuitized settlements, structured claim settlements, and ~~one-time large, legal, catastrophic~~ medical, indemnity, or other ~~irregular~~ claim costs that might ~~otherwise~~ pose a significant burden for agencies. The commissioner of employee relations, with the approval of the commissioner of finance, may establish criteria and procedures for payment from the account on an agency's behalf. The commissioner of employee relations may assess agencies on a reimbursement or premium basis from time to time to ensure adequate account reserves. The account consists of appropriations from the general fund, receipts from billings to agencies, and credited investment gains or losses attributable to balances in the account. The state board of investment shall invest the assets of the account according to section 11A.24.

Sec. 23. [LEGISLATIVE FINDINGS.]

The Minnesota workers' compensation assigned risk plan is to aid in the operation of the workers' compensation system by providing a source of workers' compensation insurance for employers unable to obtain such coverage from the private insurance market. The operations for this plan have yielded a surplus from investment returns and other sources of approximately \$500,000,000. It is in the public interest and is the intent of the legislature to use a portion of the excess surplus currently maintained by the Minnesota workers' compensation assigned risk plan to reduce the current and future obligations of the second injury and the supplementary benefits programs of the special compensation fund administered by the department of labor and industry.

Sec. 24. [MINNESOTA WORKERS' COMPENSATION ASSIGNED RISK PLAN SURPLUS UTILIZATION.]

Subdivision 1. [SCOPE.] This section governs the transfer of a portion of the excess surplus from the Minnesota workers' compensation assigned risk plan to the special compensation fund for the purpose of reducing and whenever possible eliminating unfunded liabilities of the second injury and supplementary benefits programs of the special compensation fund.

Subd. 2. [EXCESS SURPLUS.] "Excess surplus" means the amount of the Minnesota workers' compensation assigned risk plan funds that exceeds the amount necessary to pay all current and future liabilities of this plan, including, but not limited to:

(1) administrative expenses;

(2) benefit claims; and

(3) in the event the Minnesota workers' compensation assigned risk plan is dissolved under Minnesota Statutes, section 79.251, subdivision 8, the amounts which would be due insurers who have paid assessments to this plan.

Subd. 3. [TRANSFER OF EXCESS SURPLUS FUNDS.] (a) On July 1, 2000, the commissioner of commerce shall certify to the commissioner of finance the amount of the Minnesota workers' compensation assigned risk plan excess surplus. If the excess surplus in the plan exceeds \$355,000,000 then the commissioner of commerce and the commissioner of finance must direct the transfer of the excess surplus funds as follows. On July 1, 2000, an amount

of \$355,000,000 to a separate account within the special compensation fund called the excess surplus account. The principal portion of the money in the excess surplus account is appropriated to the department of labor and industry for settlement of liabilities of the second injury and supplementary benefits programs. Interest earned on the excess surplus account shall be credited to the account. Interest earnings on the excess surplus account are appropriated to the department of labor and industry to pay annual claims in the second injury and supplementary benefits programs. Up to \$1,000,000 in the excess surplus account may be applied to administrative costs incurred by these programs.

(b) The transfer of funds authorized by this subdivision is not subject to review under Minnesota Statutes, chapter 14.

Subd. 4. [ASSESSMENT.] By July 1, 2001, the rate assessed by the commissioner of labor and industry under Minnesota Statutes, section 176.129, subdivisions 3 and 4a, shall be reduced by at least 30 percent from the rate in effect on January 1, 2000.

Subd. 5. [STATUS REPORT.] On October 15, 2002, and October 15, 2004, the department of labor and industry will report to the governor and the legislature on the status of its efforts to reduce the unfunded liabilities of the second injury and the supplementary benefits programs. These reports will include an updated projection of the remaining long-term liabilities for these programs and will make appropriate recommendations.

Sec. 25. [NONSEVERABILITY.]

The provisions of sections 23 and 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts in section 11 are not severable. If any of the following events occur before June 1, 2005, then the provisions of sections 23 and 24, the minimum and maximum benefit rates of section 10, and the changes in permanent partial disability impairment ratings and corresponding dollar amounts in section 11 are not valid and the law as it existed prior to the effective date of these sections shall remain in effect:

- (1) any alterations are made to the minimum or maximum benefit rates in section 10;
- (2) any alterations are made to the permanent partial disability impairment ratings or corresponding dollar amounts in section 11;
- (3) section 23 or 24 is declared unconstitutional; or
- (4) the transfer of funds referenced in section 24 does not occur in full.

Sec. 26. [REPEALER.]

Minnesota Statutes 1998, section 176.129, subdivision 2, is repealed.

Sec. 27. [EFFECTIVE DATES.]

Sections 1, 10, 11, and 14 are effective for dates of injury on or after October 1, 2000. Section 9 is effective for written notices of claims for legal services that were filed on or after August 1, 2000. Sections 16, 17, and 18 are effective for dates of injury on or after the day following final enactment. Sections 23, 24, 25, and 26 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to workers' compensation; increasing benefits; clarifying language; providing for a transfer of funds; modifying various workers' compensation provisions; amending Minnesota Statutes 1998, sections 176.011, subdivisions 3 and 20; 176.061, subdivisions 3, 5, 7, 10, and by adding a subdivision; 176.081,

subdivision 1; 176.101, subdivisions 1, 2a, and 8; 176.102, subdivisions 3 and 11; 176.106, subdivision 7; 176.111, subdivisions 5, 18, and by adding a subdivision; 176.129, subdivisions 3 and 4; 176.231, subdivision 2; and 176.611, subdivision 2a; Minnesota Statutes 1999 Supplement, section 176.011, subdivision 9; repealing Minnesota Statutes 1998, section 176.129, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Development Finance.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 3997, A bill for an act relating to courts; establishing a combined jurisdiction program; proposing coding for new law in Minnesota Statutes, chapter 484; repealing Laws 1996, chapter 365, section 3, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 1996, chapter 365, section 3, as amended by Laws 1998, chapter 367, article 11, section 26, is amended to read:

Sec. 3. [REPEALER.]

Section 2 is repealed when the project is completed, or June 30, ~~2000~~ 2002, whichever occurs earlier.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to courts; extending the streamlined dissolution procedure project; modifying the duties and powers of a referee for the duration of a family court block calendar pilot program; amending Laws 1996, chapter 365, section 3, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 4042, A bill for an act relating to tax increment financing; authorizing the city of St. Paul to create a housing district.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 4060, A resolution memorializing the President and Congress of the United States to take whatever action is necessary to obtain the release of Americans being held against their will in North Korea, China, Russia, and Vietnam.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 4073, A bill for an act relating to the legislature; establishing a legislative budget office; appropriating money; amending Minnesota Statutes 1998, section 3.98, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on State Government Finance.

The report was adopted.

Pursuant to Senate Concurrent Resolution No. 10, H. F. No. 4073 was re-referred to the Committee on Rules and Legislative Administration.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

H. F. No. 4076, A bill for an act relating to state government; requiring state agencies to provide grant information on the Internet; requiring the commissioner of administration to develop a uniform Internet application for grants; amending Minnesota Statutes 1998, section 16B.467; proposing coding for new law in Minnesota Statutes, chapter 15.

Reported the same back with the following amendments:

Page 1, line 13, delete "the" and insert "any"

Page 1, line 23, delete everything after "agencies"

Page 1, line 24, delete everything before the period and insert "when feasible"

With the recommendation that when so amended the bill pass.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 4088, A bill for an act relating to tax increment financing; establishing an original net tax capacity for a housing district to be created within the city of Minneapolis.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

S. F. No. 11, A bill for an act relating to domestic abuse; providing for a six-year statute of limitations for causes of action based on domestic abuse; amending Minnesota Statutes 1998, section 541.05, subdivision 1; Minnesota Statutes 1999 Supplement, section 541.07.

Reported the same back with the following amendment:

Page 2, delete lines 14 and 15 and insert:

"(10) For assault, battery, or false imprisonment, if the conduct that gives rise to the cause of action also constitutes domestic abuse as defined in section 518B.01."

With the recommendation that when so amended the bill pass.

The report was adopted.

Holsten from the Committee on Environment and Natural Resources Finance to which was referred:

S. F. No. 1288, A bill for an act relating to natural resources; exempting trappers from blaze orange requirements; providing that for certain turkey license applicants qualifying land may be noncontiguous; increasing hunting and fishing license fees; appropriating money; amending Minnesota Statutes 1998, sections 97A.435, subdivision 4; 97A.475, subdivisions 2, 3, 6, 7, 8, 11, 12, 13, and 20; 97A.485, subdivision 12; and 97B.071.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 17.451, subdivision 2, is amended to read:

Subd. 2. [FARMED CERVIDAE.] "Farmed cervidae" means members of the cervidae family that are:

(1) raised for the purpose of shooting, harvesting, producing fiber, meat, or animal by-products, as pets, or as breeding stock; and

(2) registered in a manner approved by the board of animal health.

Sec. 2. Minnesota Statutes 1998, section 17.452, subdivision 5, is amended to read:

Subd. 5. [RAISING FARMED CERVIDAE IS AN AGRICULTURAL PURSUIT.] Raising farmed cervidae is agricultural production and an agricultural pursuit, which may include the sale of farmed cervidae to a person for personal consumption. Personal consumption may include the taking of farmed cervidae by firearms or archery on a licensed shooting preserve.

Sec. 3. Minnesota Statutes 1998, section 17.452, subdivision 8, is amended to read:

Subd. 8. [SLAUGHTER.] Farmed cervidae that are to be sold for commercial meat purposes must be slaughtered and inspected in accordance with the United States Department of Agriculture voluntary program for exotic animals, Code of Federal Regulations, title 9, part 352.

Sec. 4. [17.4521] [CERVIDAE SHOOTING PRESERVES.]

Subdivision 1. [FEES FOR SHOOTING PRESERVES.] (a) The fee for a cervidae shooting preserve license is \$500 for the original application and \$25 for the annual license.

(b) Shooting preserve licenses issued under this subdivision expire on the last day of March. The annual renewal fee for a license is \$25.

Subd. 2. [SHOOTING PRESERVE APPLICATION.] The commissioner may license up to ten cervidae shooting preserves in the state. An application for a cervidae shooting preserve license must be filed with the commissioner. The application must include a legal description of the shooting preserve land, number of acres, species to be harvested, and other necessary information prescribed by the commissioner.

Subd. 3. [LICENSES.] A person may not operate a cervidae shooting preserve without a license. The commissioner, in consultation with the commissioner of natural resources, may issue a license to operate a cervidae shooting preserve if the commissioner determines that it is in the public interest and that there will not be an adverse effect on wild cervidae populations. Shooting preserves may be located in all parts of the state as determined by the commissioner. The commissioner must perform a site inspection before a license may be issued. The commissioner may waive the inspection prior to granting the license. The commissioner shall either grant or deny the request for a shooting preserve license within 60 days of the date the initial completed application was received or within 30 days of a request for license renewal.

Subd. 4. [GAME AVAILABLE.] Game that may be released and harvested in a licensed cervidae shooting preserve must be specified in the license and are limited to species raised as farmed cervidae under sections 17.451 and 17.452. Only farmed cervidae from herds in the accredited program of the board of animal health may be transported to and released in a licensed cervidae shooting preserve.

Subd. 5. [LOCATION; SIZE OF PRESERVE.] A shooting preserve must be separated from any farmed cervidae breeding pens or pastures by a minimum distance established by the commissioner. A shooting preserve must contain not less than 240 nor more than 960 contiguous acres, including any water area, and must have areas of cover to provide for concealment of the cervidae sufficient to prevent the cervidae from being visible in all parts of the preserve at one time and must afford cervidae the chance of escape from pursuit by patrons of the shooting preserve.

Subd. 6. [POSTING OF BOUNDARIES.] The boundaries of a shooting preserve must be clearly posted in a manner prescribed by the commissioner. The operator must post signs around the entire perimeter of the preserve at intervals not to exceed 500 feet.

Subd. 7. [FENCING AND ENCLOSURES.] All perimeter fencing must comply with farmed cervidae requirements in section 17.452.

Subd. 8. [REMOVAL OF ALL WILD CERVIDAE.] All wild cervidae must be removed from the shooting preserve property at the owner's expense prior to final issuance of the shooting preserve license.

Subd. 9. [REVOCAION OF LICENSE.] The commissioner may revoke a shooting preserve license if the licensee or persons authorized to hunt in the shooting preserve have been convicted of a violation under this section. After revocation, a new license may be issued at the discretion of the commissioner.

Subd. 10. [HUNTING LICENSE NOT REQUIRED.] A hunting license is not required to hunt authorized species of cervidae on a licensed shooting preserve.

Subd. 11. [SEASON.] (a) The open season for harvesting in a shooting preserve is August 15 through March 31.

(b) The commissioner may restrict the open season after receiving a complaint, holding a public hearing, and finding that the population of a particular species of wild cervidae is harmed by harvesting in the shooting preserve.

Subd. 12. [WEAPONS LIMITATIONS.] A person may take farmed cervidae on a shooting preserve by archery or firearms authorized by law to take wild cervidae in the same area.

Subd. 13. [LICENSEE MAY ESTABLISH RESTRICTIONS.] A shooting preserve licensee is responsible for determining who is allowed to harvest in the preserve. In each preserve, the licensee may establish the charge for taking cervidae, the shooting hours, the season, weapon limitations, and restrictions on the age, sex, and number of each species that may be taken by the hunter. These provisions may not conflict with this section and may not be less restrictive than any rule.

Subd. 14. [IDENTIFICATION AND MARKING OF CERVIDAE.] All cervidae must be identified by permanent tattoo, electronic implant, or other means of identification that comply with section 17.452.

Subd. 15. [MARKING HARVESTED CERVIDAE.] Harvested cervidae must be marked in accordance with or identified by the shooting preserve operator in a manner prescribed by the commissioner. The commissioner may issue the tags or other markings at a cost not to exceed \$2 each. The marking must remain attached on the cervidae while the cervidae is transported.

Subd. 16. [RECORDKEEPING.] A shooting preserve must maintain a registration book listing the names, addresses, and hunting license numbers, if applicable, of all patrons of the shooting preserve, the date when they harvested, the amount and species of cervidae taken, and the tag numbers or other markings affixed to each animal. A shooting preserve must keep records of the number of each species raised and purchased and the date and number of each species released. An annual report shall be made to the commissioner by the date herd registration is required. The records must be open to inspection by the commissioner at all reasonable times.

Sec. 5. Minnesota Statutes 1998, section 97A.071, subdivision 2, is amended to read:

Subd. 2. [REVENUE FROM THE SMALL GAME LICENSE SURCHARGE.] Revenue from the small game surcharge and \$4 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under sections 97A.473, subdivisions 3 and 5, and 97A.474, subdivision 3, shall be credited to the wildlife acquisition account and the money in the account shall be used by the commissioner only for the purposes of this section, and acquisition and development of wildlife lands under section 97A.145 and maintenance of the lands, in accordance with appropriations made by the legislature.

Sec. 6. Minnesota Statutes 1999 Supplement, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. [DEER AND BEAR LICENSES.] (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (4), (5), and (9), and 3, clauses (2), (3), and (7), and licenses issued under section 97B.301, subdivision 4. A deer license issued under section 97A.475, subdivision 2, clause (6), means the dollar amount in paragraphs (b) and (c) are doubled for deer management.

(b) At least \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer habitat improvement or deer management programs.

(c) At least \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be used for deer and bear management programs, including a computerized licensing system. Fifty cents from each deer license is appropriated for emergency deer feeding. Money appropriated for emergency deer feeding is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding at the end of a fiscal year exceeds \$1,500,000 for the first time, \$750,000, is canceled to the unappropriated balance of the game and fish fund.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding exceeds \$1,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$1,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Sec. 7. Minnesota Statutes 1998, section 97A.411, subdivision 1, is amended to read:

Subdivision 1. [LICENSE PERIOD.] (a) Except as provided in paragraphs (b) ~~and~~ (c), and (d), a license is valid during the lawful time within the license year that the licensed activity may be performed. A license year begins on the first day of March and ends on the last day of February.

(b) A license issued under section 97A.475, subdivision 6, clause (5), 97A.475, subdivision 7, clause (2), (3), (5), or (6), or 97A.475, subdivision 12, clause (2), is valid for the full license period even if this period extends into the next license year, provided that the license period selected by the licensee begins at the time of issuance.

(c) When the last day of February falls on a Saturday, an annual resident or nonresident fish house or dark house license, including a rental fish house or dark house license, obtained for the license year covering the last day of February, is valid through Sunday, March 1 and the angling license of the fish house licensee is extended through March 1.

(d) A lifetime license issued under section 97A.473 or 97A.474 is valid during the lawful time within the license year that the licensed activity may be performed for the lifetime of the licensee.

Sec. 8. Minnesota Statutes 1998, section 97A.421, is amended to read:

97A.421 [VALIDITY AND ISSUANCE OF LICENSES AFTER CONVICTION.]

Subdivision 1. [GENERAL.] (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license; or

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3).

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Subd. 2. [ISSUANCE OF LICENSE AFTER CONVICTION FOR BUYING AND SELLING WILD ANIMALS.] A person may not obtain a license to take any wild animal or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, for a period of three years after being convicted of buying or selling game fish, big game, or small game, and the total amount of the sale is \$300 or more.

Subd. 3. [ISSUANCE OF A BIG GAME LICENSE AFTER CONVICTION.] A person may not obtain any big game license or take big game under a lifetime license, issued under section 97A.473, for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

- (2) doing an act without a required big game license; or
- (3) the second violation within three years under the game and fish laws relating to big game.

Subd. 4. [ISSUANCE AFTER INTOXICATION OR NARCOTICS CONVICTION.] A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery or hunt with a firearm under a lifetime license, issued under section 97A.473 or 97A.474, for five years after conviction.

Subd. 5. [COMMISSIONER MAY REINSTATE CERTAIN LICENSES AFTER CONVICTION.] If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate licenses voided under subdivision 1 and issue licenses to persons ineligible under subdivision 2. The commissioner's authority applies only to licenses to:

- (1) maintain and operate fur or game farms or private fish hatcheries;
- (2) take fish commercially in Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior;
- (3) buy fish from Lake of the Woods, Rainy Lake, Namakan Lake, or Lake Superior commercial fishing licensees; and
- (4) sell live minnows.

Subd. 6. [APPLICABILITY TO MOOSE OR ELK LICENSES.] In this section the term "license" includes an application for a license to take either moose or elk.

Sec. 9. Minnesota Statutes 1998, section 97A.441, subdivision 7, is amended to read:

Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The commissioner ~~may~~ shall issue, without an ~~additional~~ a fee, a license to take ~~additional~~ a deer ~~with firearms under section 97B.301, subdivision 4, of either sex~~ to a person who is an owner or tenant and ~~lives is living and actively farming~~ lives is living and actively farming on at least ~~ten~~ 80 acres of agricultural land, as defined in section 97B.001, in an ~~area where the commissioner has made these licenses available.~~ area where the commissioner has made these licenses available. ~~Landowners and tenants applying for a license under this subdivision must receive preference over other applicants for the licenses~~ deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with coowners or cotenants, only one coowner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to the land owned or leased by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) ~~Persons~~ A person who ~~obtain~~ obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clause (4).

Sec. 10. [97A.473] [RESIDENT LIFETIME LICENSES.]

Subdivision 1. [RESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license, a lifetime small game hunting license, a lifetime firearms deer license, or a lifetime sporting license to a person who is a resident of the state for at least one year or who is under age 21 and the child of a person who is a resident of the state for at least one year. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

- (1) telephone or Internet notification, as specified by the commissioner;
- (2) the purchase of stamps for the license; or
- (3) registration and tag issuance, in the case of the resident lifetime deer license.

Subd. 2. [LIFETIME ANGLING LICENSE; FEE.] (a) A resident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual resident angling license. The license does not include a trout and salmon stamp or other stamps required by law.

(b) The fees for a resident lifetime angling license are:

- (1) age 3 and under, \$227;
- (2) age 4 to age 15, \$300;
- (3) age 16 to age 50, \$383; and
- (4) age 51 and over, \$203.

Subd. 3. [LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A resident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual resident small game hunting license. The license does not include any of the hunting stamps required by law.

(b) The fees for a resident lifetime small game hunting license are:

- (1) age 3 and under, \$217;
- (2) age 4 to age 15, \$290;
- (3) age 16 to age 50, \$363; and
- (4) age 51 and over, \$213.

Subd. 4. [LIFETIME FIREARM DEER HUNTING LICENSE; FEE.] (a) A resident lifetime firearm deer hunting license authorizes a person to take deer with firearms in the state. The license authorizes those activities authorized by the annual resident firearm deer hunting license. The licensee must register and receive tags each year that the license is used. The tags shall be issued at no charge to the licensee.

(b) The fees for a resident lifetime firearm deer hunting license are:

- (1) age 3 and under, \$337;
- (2) age 4 to age 15, \$450;
- (3) age 16 to age 50, \$573; and
- (4) age 51 and over, \$383.

Subd. 5. [LIFETIME SPORTING LICENSE; FEE.] (a) A resident lifetime sporting license authorizes a person to take fish by angling and hunt small game in the state. The license authorizes those activities authorized by the annual resident angling and resident small game hunting licenses. The license does not include a trout and salmon stamp or any of the hunting stamps required by law.

(b) The fees for a resident lifetime sporting license are:

(1) age 3 and under, \$357;

(2) age 4 to age 15, \$480;

(3) age 16 to age 50, \$613; and

(4) age 51 and over, \$413.

Sec. 11. [97A.474] [NONRESIDENT LIFETIME LICENSES.]

Subdivision 1. [NONRESIDENT LIFETIME LICENSES AUTHORIZED.] (a) The commissioner may issue a lifetime angling license or a lifetime small game hunting license to a nonresident. The license fees paid for a lifetime license are nonrefundable.

(b) The commissioner may require the holder of a lifetime license issued under this section to notify the department each year that the license is used, by:

(1) telephone or Internet notification, as specified by the commissioner; or

(2) the purchase of stamps for the license.

Subd. 2. [NONRESIDENT LIFETIME ANGLING LICENSE; FEE.] (a) A nonresident lifetime angling license authorizes a person to take fish by angling in the state. The license authorizes those activities authorized by the annual nonresident angling license. The license does not include a trout and salmon stamp or other stamps required by law.

(b) The fees for a nonresident lifetime angling license are:

(1) age 3 and under, \$447;

(2) age 4 to age 15, \$600;

(3) age 16 to age 50, \$773; and

(4) age 51 and over, \$513.

Subd. 3. [NONRESIDENT LIFETIME SMALL GAME HUNTING LICENSE; FEE.] (a) A nonresident lifetime small game hunting license authorizes a person to hunt small game in the state. The license authorizes those hunting activities authorized by the annual nonresident small game hunting license. The license does not include any of the hunting stamps required by law.

(b) The fees for a nonresident lifetime small game hunting license are:

(1) age 3 and under, \$947;

(2) age 4 to age 15, \$1,280;

(3) age 16 to age 50, \$1,633; and

(4) age 51 and over, \$1,083.

Sec. 12. [97A.4742] [LIFETIME FISH AND WILDLIFE TRUST FUND.]

Subdivision 1. [ESTABLISHMENT; PURPOSE.] The lifetime fish and wildlife trust fund is established as a fund in the state treasury. All money received from the issuance of resident lifetime angling, small game hunting, firearm deer hunting, and sporting licenses and earnings on the fund shall be credited to the lifetime fish and wildlife trust fund.

Subd. 2. [INVESTMENT OF FUND; USE OF INCOME FROM FUND.] Money in the lifetime fish and wildlife trust fund shall be invested by the state investment board to secure the maximum return consistent with the maintenance of the perpetuity of the fund. The income received and accruing from investments of the fund shall be deposited in the lifetime fish and wildlife trust fund. Each year the commissioner of finance shall transfer from the lifetime fish and wildlife trust fund to the game and fish fund an amount equal to the amount that would otherwise have been collected from annual license fees for each lifetime license. Surcharge amounts shall be transferred based on sections 97A.071, subdivision 2, and 97A.075, subdivision 1.

Subd. 3. [LIFETIME LICENSE FEES.] By October 15 of each even-numbered year, the commissioner shall report on the adequacy of lifetime license fees and make specific requests for fee adjustments for the lifetime licenses to the legislative committees with jurisdiction over environment and natural resources finance and the commissioner of finance. The commissioner of finance shall review the fee report and make recommendations to the governor and legislature for each fee category under sections 97A.473 and 97A.474, as part of the biennial budget, under sections 16A.10 and 16A.11.

Subd. 4. [ANNUAL REPORT.] By November 15 each year, the commissioner shall submit a report to the legislative committees having jurisdiction over environment and natural resources appropriations and environment and natural resources policy. The report shall state the amount of revenue received in and expenditures made from revenue transferred from the lifetime fish and wildlife trust fund to the game and fish fund and shall describe projects funded, locations of the projects, and results and benefits from the projects. The report may be included in the game and fish fund report required by section 97A.055, subdivision 4. The commissioner shall make the annual report available to the public.

Sec. 13. Minnesota Statutes 1998, section 97A.475, subdivision 2, is amended to read:

Subd. 2. [RESIDENT HUNTING.] Fees for the following licenses, to be issued to residents only, are:

- (1) for persons under age 65 to take small game, \$10;
- (2) for persons age 65 or over, \$5;
- (3) to take turkey, \$16;
- (4) to take deer with firearms, \$22;
- (5) to take deer by archery, \$22;
- (6) to take moose, for a party of not more than six persons, \$275;
- (7) to take bear, \$33;
- (8) to take elk, for a party of not more than two persons, \$220;

(9) to take antlered deer in more than one zone, \$44; ~~and~~

(10) to take Canada geese during a special season, \$3; and

(11) to take an antlered buck throughout the state in any open deer season, except as restricted under section 97B.305, \$66.

Sec. 14. Minnesota Statutes 1998, section 97A.475, subdivision 4, is amended to read:

Subd. 4. [SMALL GAME SURCHARGE.] Fees for annual licenses to take small game must be increased by a surcharge of \$4. An additional commission may not be assessed on the surcharge and this must be stated on the back of the license with the following statement: "This \$4 surcharge is being paid by hunters for the acquisition and development of wildlife lands."

Sec. 15. Minnesota Statutes 1998, section 97A.535, subdivision 1, is amended to read:

Subdivision 1. [TAGS REQUIRED.] A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner. The tag must be attached to the deer, bear, elk, or moose ~~at the site of the kill before the animal is removed from the site of the kill, and must remain attached to the animal until the animal is processed for storage when:~~

(1) the animal is in a camp, in a place occupied overnight, or in the yard surrounding such a place; or

(2) the animal is on a motor vehicle.

Sec. 16. Minnesota Statutes 1998, section 97B.015, is amended by adding a subdivision to read:

Subd. 6. [PROVISIONAL CERTIFICATE FOR PERSONS WITH MENTAL RETARDATION OR A RELATED CONDITION.] Upon the recommendation of a course instructor, the commissioner may issue a provisional firearms safety certificate to a person who satisfactorily completes the classroom portion of the firearms safety course but is unable to pass the written or an alternate format exam portion of the course because of mental retardation or a related condition as defined in section 97B.1055, subdivision 1. The certificate is valid only when used according to section 97B.1055.

Sec. 17. Minnesota Statutes 1999 Supplement, section 97B.020, is amended to read:

97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

Except as provided in this section, a person born after December 31, 1979, may not obtain a an annual license to take wild animals by firearms unless the person has a firearms safety certificate or equivalent certificate, driver's license or identification card with a valid firearms safety qualification indicator issued under section 171.07, subdivision 13, previous hunting license, or other evidence indicating that the person has completed in this state or in another state a hunter safety course recognized by the department under a reciprocity agreement. A person who is on active duty and has successfully completed basic training in the United States armed forces, reserve component, or national guard may obtain a hunting license or approval authorizing hunting regardless of whether the person is issued a firearms safety certificate.

Sec. 18. Minnesota Statutes 1998, section 97B.031, subdivision 1, is amended to read:

Subdivision 1. [FIREARMS AND AMMUNITION THAT MAY BE USED TO TAKE BIG GAME.] (a) A person may take big game with a firearm only if:

(1) the rifle, shotgun, and handgun used is a caliber of at least .23 inches;

- (2) the firearm is loaded only with single projectile ammunition;
- (3) a projectile used is a caliber of at least .23 inches and has a soft point or is an expanding bullet type;
- (4) the ammunition has a case length of at least 1.285 inches;
- (5) the muzzle-loader used is incapable of being loaded at the breech;
- (6) the smooth-bore muzzle-loader used is a caliber of at least .45 inches; and
- (7) the rifled muzzle-loader used is a caliber of at least .40 inches.

(b) A person may not take big game with a .30 caliber M-1 carbine cartridge.

(c) Notwithstanding paragraph (a), clause (4), a person may take big game with a ten millimeter cartridge that is at least 0.95 inches in length and may take big game with a .45 Winchester Magnum cartridge.

Sec. 19. Minnesota Statutes 1998, section 97B.051, is amended to read:

97B.051 [TRANSPORTATION OF ARCHERY BOWS.]

Except as specified under section 97C.376, a person may not transport an archery bow in a motor vehicle unless the bow is:

- (1) unstrung;
- (2) completely contained in a case; or
- (3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.

Sec. 20. Minnesota Statutes 1998, section 97B.071, is amended to read:

97B.071 [BLAZE ORANGE REQUIREMENTS.]

(a) Except as provided in rules adopted under paragraph (c), a person may not hunt or trap during the open season where deer may be taken by firearms under applicable laws and ordinances, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location or to trappers on waters of this state.

(b) Except as provided in rules adopted under paragraph (c), and in addition to the requirement in paragraph (a), a person may not take small game other than turkey, migratory birds, raccoons, and predators, except when hunting with nontoxic shot or while trapping, unless a visible portion of at least one article of the person's clothing above the waist is blaze orange. This paragraph does not apply to a person hunting by falconry.

(c) The commissioner may, by rule, prescribe an alternative color in cases where paragraph (a) or (b) would violate the Religious Freedom Restoration Act of 1993, Public Law Number 103-141.

(d) A violation of paragraph (b) shall not result in a penalty, but is punishable only by a safety warning.

Sec. 21. [97B.1055] [HUNTING BY PERSONS WITH MENTAL RETARDATION OR A RELATED CONDITION.]

Subdivision 1. [DEFINITIONS.] For purposes of this section and section 97B.015, subdivision 6, "person with mental retardation or a related condition" means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly subaverage intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior, and who manifests these conditions before the person's 22nd birthday. A person with a related condition means a person who meets the diagnostic definition under section 252.27, subdivision 1a.

Subd. 2. [OBTAINING A LICENSE.] (a) Notwithstanding section 97B.020, a person with mental retardation or a related condition may obtain a firearms hunting license with a provisional firearms safety certificate issued under section 97B.015, subdivision 6.

(b) Any person accompanying or assisting a person with mental retardation or a related condition under this section must possess a valid firearms safety certificate issued by the commissioner.

Subd. 3. [ASSISTANCE REQUIRED.] A person who obtains a firearms hunting license under subdivision 2 must be accompanied and assisted by a parent, guardian, or other adult person designated by a parent or guardian when hunting. A person who is not hunting but is solely accompanying and assisting a person with mental retardation or a related condition need not obtain a hunting license.

Subd. 4. [PROHIBITED ACTIVITIES.] (a) This section does not entitle a person to possess a firearm if the person is otherwise prohibited from possessing a firearm under state or federal law or a court order.

(b) No person shall knowingly authorize or permit a person, who by reason of mental retardation or a related condition is incapable of safely possessing a firearm, to possess a firearm to hunt in the state or on any boundary water of the state.

Sec. 22. Minnesota Statutes 1998, section 97B.106, is amended to read:

97B.106 [CROSSBOW PERMITS FOR HUNTING AND BOWFISHING.]

(a) The commissioner may issue a special permit, without a fee, to take big game or turkey or to take rough fish with a crossbow to a person that is unable to hunt by archery because of a permanent or temporary physical disability.

(b) To qualify a person for a special permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability, established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be verified in writing by a licensed physician. ~~The~~

(c) A person with a permanent physical disability verified in writing by a licensed physician may apply for a special permit under this section that is valid for the life of the permit holder.

(d) A person holding a special permit under this section must obtain the appropriate hunting license. The crossbow used must:

- (1) be fired from the shoulder;
- (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;
- (3) have a stock at least 30 inches long;
- (4) have a working safety; and

(5) be used with arrows or bolts at least ten inches long with a broadhead, except a tethered arrow with a barbed-fish point must be used in taking rough fish.

Sec. 23. Minnesota Statutes 1998, section 97B.301, subdivision 1, is amended to read:

Subdivision 1. [LICENSES REQUIRED.] A person may not take deer without a license. A person must have a firearms deer license or a combined firearms and archery antlered deer license to take deer with firearms and an archery deer license or a combined firearms and archery antlered deer license to take deer by archery except as provided in this section.

Sec. 24. Minnesota Statutes 1998, section 97B.301, subdivision 2, is amended to read:

Subd. 2. [LIMIT OF ONE DEER.] Except as provided in subdivisions ~~3 and 4~~, and 7, a person may obtain one firearms deer license and one archery deer license in the same license year, but may take only one deer.

Sec. 25. Minnesota Statutes 1998, section 97B.301, is amended by adding a subdivision to read:

Subd. 7. [EFFECT OF COMBINED LICENSE.] A license to take antlered deer by firearms and by archery authorizes the taking of one antlered deer by each method. A licensee must comply with all laws and rules of the commissioner governing the method used to take each deer.

Sec. 26. Minnesota Statutes 1998, section 97B.301, is amended by adding a subdivision to read:

Subd. 8. [ALL SEASON BUCK LICENSE.] A resident may obtain an all season buck license to take one buck by firearm or archery during any season statewide. A person obtaining an all season buck license does not qualify for hunting under subdivision 3 or 4.

Sec. 27. Minnesota Statutes 1998, section 97C.001, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION; DESIGNATION.] (a) Experimental waters are lakes and streams where special regulations are used and evaluated to meet a specific fisheries objective.

(b) The commissioner may designate any waters of the state having free access to the public as experimental waters. The designated experimental waters may not exceed ~~100 200~~ lakes and ~~25 50~~ streams at one time. For all experimental waters, the commissioner shall develop an evaluation plan and specify a termination date. On the termination date, the commissioner shall vacate or extend the experimental waters designation, or designate the experimental waters as special management waters under section 97C.005. The commissioner shall by rule establish methods and criteria for public initiation of experimental waters designation and for public participation in the evaluation of the waters designated.

(c) Designation of experimental waters under this section is not subject to chapter 14.

Sec. 28. Minnesota Statutes 1998, section 97C.081, subdivision 2, is amended to read:

Subd. 2. [CONTESTS WITHOUT A PERMIT.] A person may conduct a fishing contest ~~with entry fees of \$10, or less, per person and total prizes valued at \$2,000, or less,~~ without a permit from the commissioner: provided:

(1) the following criteria are met:

(i) there are 30 participants or less for open water contests and 150 participants or less for ice fishing contests;

(ii) the entry fee is \$25 per person or less;

(iii) the total prize value is \$25,000 or less; and

(iv) the contest is not limited to trout species only; or

(2) the following criteria are met:

(i) the contest is not limited to specifically named waters; and

(ii) the contest is not limited to trout species only.

Sec. 29. Minnesota Statutes 1998, section 97C.081, subdivision 3, is amended to read:

Subd. 3. [~~CONTESTS AUTHORIZED BY COMMISSIONER REQUIRING A PERMIT.~~] ~~The commissioner may, by rule or permit, allow fishing contests with entry fees over \$10 per person or total prizes valued at more than \$2,000.~~ (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. Permits shall be issued without a fee.

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

(1) not previously conducted a fishing contest requiring a permit under this subdivision; or

(2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000. Permits must be issued without a fee and if the commissioner does not deny the permit within 14 days, excluding holidays, after receipt of an application, the permit is granted.

Sec. 30. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 6. [PERMIT APPLICATION PROCESS.] (a) Beginning September 1 each year, the commissioner shall accept permit applications for fishing contests to be held in the following year.

(b) If the number of permit applications received by the commissioner from September 1 through the last Friday in October exceeds the limits specified in subdivisions 7 and 8, the commissioner shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the commissioner shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications, provided that the change is not to a location or time period for which applications are already at or above the limits specified in subdivisions 7 and 8.

(c) After the applicants have been given at least seven days to change their applications, the commissioner shall conduct a drawing for all locations and time periods for which applications exceed limits. First preference in the drawings shall be given to applicants for established or traditional fishing contests, and the second preference to applicants for contests that are not established as traditional fishing contests, based on the number of times they have been unsuccessful in previous drawings. An applicant who is successful in a drawing loses all accumulated preference.

(d) The commissioner has until December 7 to approve or deny permit applications that are submitted by 4:30 p.m. on the last Friday in October. The commissioner may approve a permit application within 28 days that is received after 4:30 p.m. on the last Friday in October if approving the application would not result in exceeding the limits in subdivisions 7 and 8.

Sec. 31. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 7. [WEEKEND LIMITATIONS.] (a) On all waters 55,000 acres or less, the commissioner may ensure that each of the state's waters has at least two weekends per month with no permitted fishing contests.

(b) Unless otherwise authorized by the commissioner, permitted fishing contests that are conducted for more than one day may not include more than one weekend day from Memorial Day weekend through Labor Day weekend.

(c) The commissioner may not approve permits for fishing contests on a weekend with a fishing season opener if the contest targets a species for which the season is opening.

Sec. 32. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 8. [LIMITS ON NUMBER OF FISHING CONTESTS.] (a) The number of permitted fishing contests allowed each month on a water body shall not exceed the following limits:

<u>Size/acres</u>	<u>Maximum number of permitted fishing contests</u>	<u>Maximum number of large permitted fishing contests</u>	<u>Maximum number of permitted fishing contest days</u>
<u>less than</u>			
<u>2,000</u>	<u>2</u>	<u>0</u>	<u>4</u>
<u>2,000-4,999</u>	<u>3</u>	<u>1</u>	<u>6</u>
<u>5,000-14,999</u>	<u>4</u>	<u>2</u>	<u>8</u>
<u>15,000-55,000</u>	<u>5</u>	<u>3</u>	<u>10</u>
<u>more than</u>			
<u>55,000</u>	<u>no limit</u>	<u>no limit</u>	<u>no limit</u>

(b) For boundary waters, the limits on the number of permitted fishing contests shall be determined based on the Minnesota acreage.

Sec. 33. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 9. [PERMIT RESTRICTIONS.] (a) The commissioner may require fishing contest permittees to limit pre-fishing to week days only as a condition of a fishing contest permit. The commissioner may require proof from permittees that pre-fishing restrictions on the permit are communicated to fishing contest participants and enforced.

(b) The commissioner may require permit restrictions on the hours that a permitted fishing contest is conducted, including, but not limited to, starting and ending times.

(c) The commissioner may require permit restrictions on the number of parking spaces that may be used on a state-owned public water access site. The commissioner may require proof from permittees that parking restrictions on the permit are communicated to fishing contest participants and enforced.

(d) To prevent undue loss of fish, the commissioner may require restrictions for off-site weigh-ins on a fishing contest permit or may deny permits requesting an off-site weigh-in.

(e) A person may not transfer a fishing contest permit to another person.

(f) Failure to comply with fishing contest permit restrictions may be considered grounds for denial of future permit applications.

Sec. 34. Minnesota Statutes 1998, section 97C.081, is amended by adding a subdivision to read:

Subd. 10. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given:

(a) "Permitted fishing contest" means an open water fishing contest or ice fishing contest that requires a permit from the commissioner under subdivision 3.

(b) "Large permitted fishing contest" means an open water fishing contest with more than 50 boats or more than 100 participants that requires a permit from the commissioner under subdivision 3.

(c) "Permitted fishing contest day" means a day on a water body where a permitted fishing contest is held. Two permitted fishing contests that are held on the same water body on the same day count as two permitted fishing contest days.

(d) "Off-site weigh-in" means a weigh-in of fish from a fishing contest at a location that is not adjacent to the waters listed on the fishing contest permit.

(e) "Prefishing" means fishing by participants of a permitted fishing contest prior to the scheduled dates of the contest on waters listed on the fishing contest permit.

Sec. 35. [97C.376] [BOWFISHING EXEMPTION.]

A person using an archery bow used exclusively to harvest rough fish and having an attached bowfishing reel and tethered arrow with a barbed-fish point is exempt from section 97B.051 when the bow is being used in a motorboat for the pursuit of legal rough fish species.

Sec. 36. Laws 1993, chapter 273, section 1, as amended by Laws 1994, chapter 623, article 1, section 41, Laws 1995, chapter 186, section 110, and Laws 1997, chapter 226, section 45, is amended to read:

Section 1. [AUTHORIZATION TO TAKE TWO DEER IN CERTAIN COUNTIES.]

Notwithstanding Minnesota Statutes, section 97B.301, subdivision 2, during the ~~1997~~ 2000 and ~~1998~~ 2001 hunting seasons in Kittson, Lake of the Woods, Marshall, Pennington, Polk, and Roseau counties a person may obtain one firearms deer license and one archery deer license in the same license year and may take one deer under each license.

Sec. 37. [APPROPRIATION.]

\$25,000 is appropriated in fiscal year 2001 from the game and fish fund to the commissioner of natural resources to administer and market lifetime licenses.

Sec. 38. [EFFECTIVE DATE.]

Sections 5 to 8, 10 to 12, 14, and 17 are effective the day following final enactment. The resident licenses under section 10 shall be made available by March 1, 2001, and apply to taking game and fish for the 2001 license year. The nonresident licenses under section 11 shall be made available by March 1, 2002, and apply to taking game and fish for the 2002 license year. Section 9 is effective March 1, 2001."

Delete the title and insert:

"A bill for an act relating to game and fish; providing for certain lifetime game and fish licenses; establishing the lifetime fish and wildlife trust fund; imposing fees; requiring an annual report; providing for cervidae shooting preserves; modifying provisions for designating experimental waters; modifying provisions for fishing contest; exempting archery bows used for bowfishing from casing requirements; modifying crossbow permit provisions; modifying certain licenses issued without a fee; modifying tag requirements; providing for hunting licenses for persons with mental retardation; modifying big game ammunition requirements; modifying blaze orange requirements; modifying certain provisions for deer hunting licenses; appropriating money; amending Minnesota Statutes 1998, sections 17.451, subdivision 2; 17.452, subdivisions 5 and 8; 97A.071, subdivision 2; 97A.411, subdivision 1; 97A.421; 97A.441, subdivision 7; 97A.475, subdivisions 2 and 4; 97A.535, subdivision 1; 97B.015, by adding a subdivision; 97B.031, subdivision 1; 97B.051; 97B.071; 97B.106; 97B.301, subdivisions 1, 2, and by

adding subdivisions; 97C.001, subdivision 1; and 97C.081, subdivisions 2, 3, and by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 97A.075, subdivision 1; and 97B.020; Laws 1993, chapter 273, section 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 17; 97A; 97B; and 97C."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

S. F. No. 1699, A bill for an act relating to state government; authorizing payment by electronic means; proposing coding for new law in Minnesota Statutes, chapter 16A.

Reported the same back with the following amendments:

Page 2, line 11, delete "not exceed the highest" and insert "be equal to the"

Page 2, line 13, after the period, insert "An agency imposing a convenience fee must notify the person using the credit services of the fee before the transaction is processed. Fees collected under this section are appropriated to the agency collecting the fee for purposes of paying the processing contractor."

Page 2, line 19, after "data" insert "not"

With the recommendation that when so amended the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

S. F. No. 2397, A bill for an act relating to occupational health and safety; establishing standards for employer activities to reduce occupational exposure to bloodborne pathogens through sharps injuries; proposing coding for new law in Minnesota Statutes, chapter 182.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [182.6555] [REDUCING OCCUPATIONAL EXPOSURES TO BLOODBORNE PATHOGENS THROUGH SHARPS INJURIES.]

(a) Employers must comply with Code of Federal Regulations, title 29, section 1910.1030, to eliminate or minimize employee exposure to bloodborne pathogens through sharps injuries.

(b) Written exposure control plans prepared by employers must be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposures and to reflect new or revised employee positions with occupational exposure. The requirement to review and update the plan means that the plan must reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens. The exposure control plan must document consideration and implementation of appropriate commercially available and effective engineering controls, for example, needleless systems and sharps with engineered sharps injury protection, designed to eliminate or minimize exposure.

(c) A safety committee established under section 182.676 must make recommendations for the use of effective engineering controls. The employer may establish a subcommittee of the safety committee to meet the requirements of this paragraph. Employers not required to establish a safety committee under section 182.676 must involve their employees in the evaluation of effective engineering controls.

(d) This section does not prohibit the delivery of medication delivered exclusively through the use of a prefilled syringe. This paragraph expires January 1, 2003, or when safer technology is available, whichever is earlier.

(e) Employers must establish internal procedures to document the route of exposure and the circumstances under which an exposure incident occurred. This information should include:

- (1) engineering controls in use at the time;
- (2) work practices followed;
- (3) a description and brand name of the device in use;
- (4) protective equipment or clothing that was used at the time of the exposure incident;
- (5) location;
- (6) procedure being performed when the incident occurred; and
- (7) the employee's training.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective 60 days following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

S. F. No. 3195, A bill for an act relating to agriculture; changing certain penalties for adulteration of dairy products; amending Minnesota Statutes 1999 Supplement, section 32.21, subdivision 4.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Rhodes from the Committee on Governmental Operations and Veterans Affairs Policy to which was referred:

S. F. No. 3355, A bill for an act relating to state government; authorizing electronic disbursement of port authority funds; amending Minnesota Statutes 1998, section 469.051, subdivision 4.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 178, 672, 988, 1172, 1267, 1333, 2629, 2643, 2688, 2713, 2880, 2910, 2935, 2973, 2981, 3103, 3250, 3319, 3331, 3347, 3424, 3475, 3477, 3537, 3564, 3618, 3626, 3629, 3688, 3868, 3950, 3997, 4060 and 4076 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 2776, 3097, 11, 1699, 2397, 3195 and 3355 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Abrams, Rest, Sviggum, Bishop, Opatz, Lenczewski, Dorman and Daggett introduced:

H. F. No. 4089, A bill for an act relating to property taxation; reducing class rates; modifying the education homestead credit and the education agricultural credit; changing limited market value; changing the calculation of levy limits to eliminate the deduction for certain mining tax distributions; extending levy limits; amending Minnesota Statutes 1998, section 275.72, subdivision 1; Minnesota Statutes 1999 Supplement, sections 273.11, subdivision 1a; 273.13, subdivisions 22, 23, 24, 25, and 31; 273.1382, subdivisions 1, 1a, and 1b; and 275.71, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1999 Supplement, section 273.13, subdivision 24a.

The bill was read for the first time and referred to the Committee on Taxes.

Abrams and Rest introduced:

H. F. No. 4090, A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; authorizing cities to issue bonds under a capital improvement plan; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; and 475.56; proposing coding for new law in Minnesota Statutes, chapters 373; and 426.

The bill was read for the first time and referred to the Committee on Taxes.

Lenczewski and Sykora introduced:

H. F. No. 4091, A bill for an act relating to local government; allowing statutory cities to provide for election of council members from wards; amending Minnesota Statutes 1998, section 412.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Lenczewski introduced:

H. F. No. 4092, A bill for an act relating to criminal justice information systems technology; changing the membership of the criminal and juvenile justice information policy group; creating a data group to assist the policy group; authorizing the purchase and distribution of criminal justice technology infrastructure improvements; appropriating money; amending Minnesota Statutes 1998, section 299C.65, subdivision 1, and by adding subdivisions; Minnesota Statutes 1999 Supplement, section 299C.65, subdivision 2.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Lenczewski introduced:

H. F. No. 4093, A bill for an act relating to taxation; property; increasing the market value of homesteads of disabled persons subject to the reduced class rate; amending Minnesota Statutes 1999 Supplement, section 273.13, subdivision 22.

The bill was read for the first time and referred to the Committee on Taxes.

Johnson introduced:

H. F. No. 4094, A bill for an act relating to drivers' licenses; requiring state to purchase and maintain photo identification equipment for existing driver's license agents; appropriating money; amending Minnesota Statutes 1999 Supplement, section 171.061, subdivision 4; repealing Minnesota Rules, part 7404.0400, subpart 4, item c.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Lenczewski introduced:

H. F. No. 4095, A bill for an act relating to taxation; individual income; providing for calculation of the add-back for state income taxes; amending Minnesota Statutes 1999 Supplement, section 290.01, subdivision 19a.

The bill was read for the first time and referred to the Committee on Taxes.

Trimble introduced:

H. F. No. 4096, A bill for an act relating to the St. Paul port authority; clarifying the use of certain powers; amending Minnesota Statutes 1998, section 469.084, subdivision 8.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Leppik, Pelowski, Dehler, McElroy and Dorn introduced:

H. F. No. 4097, A bill for an act relating to higher education; creating a technical college printing and publishing program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136F.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Johnson introduced:

H. F. No. 4098, A bill for an act relating to education finance; creating an alternative method for allocating bonded indebtedness in the case of detachment and annexation of land; amending Minnesota Statutes 1998, section 123A.45, subdivisions 2 and 6.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Rest, Abrams, McElroy, Lenczewski and Erhardt introduced:

H. F. No. 4099, A bill for an act relating to tax increment financing; making minor and technical changes in powers and procedures; changing the duration limits for and calculation of increment for economic development districts; repealing mined underground space authority and districts; changing dates; amending Minnesota Statutes 1998, sections 469.115; 469.174, subdivisions 9, 11, 12, 14, and 22; 469.175, subdivisions 1a, 2, 2a, and 3; 469.176, subdivisions 1b and 4d; 469.1761, subdivision 4; 469.1763, subdivision 2; and 469.177, subdivision 1; Minnesota Statutes 1999 Supplement, section 469.1771, subdivision 1; repealing Minnesota Statutes 1998, sections 469.055, subdivision 5; 469.101, subdivision 21; 469.135; 469.136; 469.137; 469.138; 469.139; 469.140; 469.174, subdivision 13; and 469.176, subdivision 4a.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Swenson and Storm introduced:

H. F. No. 4100, A bill for an act relating to health; establishing a rural hospital capital improvement grant and loan program; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Osskopp introduced:

H. F. No. 4101, A bill for an act relating to capital improvements; appropriating money for the Great River Ridge trail; authorizing state bonds.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

McElroy introduced:

H. F. No. 4102, A bill for an act relating to taxation; authorizing the commissioner of revenue to enter into agreements with other states to develop a multistate system for sales and use tax collection.

The bill was read for the first time and referred to the Committee on Taxes.

Otremba introduced:

H. F. No. 4103, A bill for an act relating to education; amending residential academies grants; amending Laws 1999, chapter 241, article 4, section 26.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Entenza introduced:

H. F. No. 4104, A bill for an act relating to children; appropriating money to support the Kids Capacity Initiative; requiring a report.

The bill was read for the first time and referred to the Committee on Family and Early Childhood Education Finance.

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3060.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 2734.

PATRICE DWORAK, First Assistant Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2748, 2652, 2385, 2193, 2737, 3300, 2500, 2511 and 2896.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 3060, A bill for an act relating to human services; requiring the commissioner to develop proposals to provide respite care for family adult foster care providers.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

S. F. No. 2734, A bill for an act relating to human services; directing the Minnesota home care association to study reimbursing home care and personal care providers for transportation expenses.

The bill was read for the first time.

Tingelstad moved that S. F. No. 2734 and H. F. No. 3212, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2748, A bill for an act relating to health; modifying ambulance service and EMT requirements; amending Minnesota Statutes 1999 Supplement, sections 144E.101, subdivision 9; 144E.28, subdivisions 5 and 7; 144E.285, subdivisions 1 and 4; 144E.29; 144E.305, subdivisions 1 and 2; and 144E.50, subdivision 6; repealing Minnesota Rules, parts 4690.0100, subpart 28; 4690.3500; 4690.7900, subpart 2; and 4735.5100.

The bill was read for the first time.

Fuller moved that S. F. No. 2748 and H. F. No. 2994, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2652, A bill for an act relating to utilities; modifying electric power generating plant exemption from the Minnesota Power Plant Siting Act; amending Minnesota Statutes 1998, section 116C.57, subdivision 5a.

The bill was read for the first time.

Wolf moved that S. F. No. 2652 and H. F. No. 2687, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2385, A bill for an act relating to public employment; exempting certain public hospital employees from the compensation limit; amending Minnesota Statutes 1998, section 43A.17, subdivision 9.

The bill was read for the first time.

Olson moved that S. F. No. 2385 and H. F. No. 3629, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2193, A bill for an act relating to commerce; regulating contracts for the sale of wood; defining a term; amending Minnesota Statutes 1998, section 239.33.

The bill was read for the first time.

Daggett moved that S. F. No. 2193 and H. F. No. 1333, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2737, A bill for an act relating to drivers' licenses; allowing applicant for driver's license to donate \$1 for public information and education about anatomical gifts; requiring report; amending Minnesota Statutes 1998, section 171.06, subdivision 2.

The bill was read for the first time.

Luther moved that S. F. No. 2737 and H. F. No. 2635, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3300, A bill for an act relating to courts; extending the streamlined dissolution procedure project; modifying the duties and powers of a referee for the duration of a family court block calendar pilot program; amending Laws 1996, chapter 365, section 3, as amended.

The bill was read for the first time.

McGuire moved that S. F. No. 3300 and H. F. No. 3997, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2500, A bill for an act relating to charitable organizations; changing definitions; amending Minnesota Statutes 1998, section 309.501, subdivision 1.

The bill was read for the first time.

Luther moved that S. F. No. 2500 and H. F. No. 2910, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2511, A bill for an act relating to transportation; allowing entry on property for examination and survey; allowing towns to recover certain costs incurred in establishing cartways; amending Minnesota Statutes 1998, sections 164.07, by adding a subdivision; and 164.08, subdivision 2.

The bill was read for the first time.

Workman moved that S. F. No. 2511 and H. F. No. 2936, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2896, A bill for an act relating to health; requiring the commissioner to develop procedures for the nursing home survey process; allowing nursing homes to train and employ resident assistants to assist residents with eating and drinking; requiring various studies and reports; amending Laws 1999, chapter 245, article 3, section 45; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, section 144A.103; Minnesota Rules, part 4658.0515.

The bill was read for the first time.

Nornes moved that S. F. No. 2896 and H. F. No. 3226, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

### **CONSENT CALENDAR**

S. F. No. 2485, A bill for an act relating to controlled substances; delaying the effective date for classifying Carisoprodol as a schedule IV controlled substance; amending Laws 1997, chapter 239, article 4, section 15, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lindner	Paulsen	Swapinski
Abrams	Dorn	Howes	Luther	Pawlenty	Swenson
Anderson, B.	Entenza	Huntley	Mahoney	Paymar	Sykora
Anderson, I.	Erhardt	Jaros	Mares	Pelowski	Tingelstad
Bakk	Erickson	Jennings	Marko	Peterson	Tomassoni
Biernat	Finseth	Johnson	McCollum	Pugh	Trimble
Bishop	Folliard	Juhnke	McElroy	Rest	Tuma
Boudreau	Fuller	Kahn	McGuire	Reuter	Tunheim
Bradley	Gerlach	Kalis	Milbert	Rhodes	Vandev eer
Broecker	Gleason	Kelliher	Molnau	Rifenberg	Wagenius
Buesgens	Goodno	Kielkucki	Mulder	Rostberg	Wejzman
Carlson	Greenfield	Knoblach	Mullery	Rukavina	Wenzel
Carruthers	Greiling	Koskinen	Murphy	Schumacher	Westerberg
Cassell	Gunther	Krinkie	Ness	Seagren	Westfall
Chaudhary	Haake	Kubly	Nornes	Seifert, M.	Westrom
Clark, J.	Haas	Kuisle	Olson	Skoe	Wilkin
Clark, K.	Hackbarth	Larsen, P.	Opatz	Skoglund	Winter
Daggett	Harder	Larsen, D.	Orfield	Smith	Wolf
Davids	Hasskamp	Leighton	Osskopp	Solberg	Workman
Dawkins	Hausman	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dehler	Hilty	Leppik	Otremba	Stang	
Dempsey	Holberg	Lieder	Ozment	Storm	

The bill was passed and its title agreed to.

H. F. No. 3109, A bill for an act relating to commerce; enacting the Uniform Electronic Transactions Act adopted by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law as Minnesota Statutes, chapter 325L.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carruthers	Entenza	Haake	Jennings	Larsen, P.
Abrams	Cassell	Erhardt	Haas	Johnson	Larsen, D.
Anderson, B.	Chaudhary	Erickson	Hackbarth	Juhnke	Leighton
Anderson, I.	Clark, J.	Finseth	Harder	Kahn	Lenczewski
Bakk	Clark, K.	Folliard	Hasskamp	Kalis	Leppik
Biernat	Daggett	Fuller	Hausman	Kelliher	Lieder
Bishop	Davids	Gerlach	Hilty	Kielkucki	Lindner
Boudreau	Dawkins	Gleason	Holberg	Knoblach	Luther
Bradley	Dehler	Goodno	Holsten	Koskinen	Mahoney
Broecker	Dempsey	Greenfield	Howes	Krinkie	Mares
Buesgens	Dorman	Greiling	Huntley	Kubly	Mariani
Carlson	Dorn	Gunther	Jaros	Kuisle	Marko

McCollum	Opatz	Pugh	Skoe	Tomassoni	Westrom
McElroy	Orfield	Rest	Skoglund	Trimble	Wilkin
McGuire	Osskopp	Reuter	Smith	Tuma	Winter
Milbert	Osthoff	Rhodes	Solberg	Tunheim	Wolf
Molnau	Otremba	Rifenberg	Stanek	Van Dellen	Workman
Mulder	Ozment	Rostberg	Stang	Vandever	Spk. Sviggum
Mullery	Paulsen	Rukavina	Storm	Wagenius	
Murphy	Pawlenty	Schumacher	Swapinski	Wejcman	
Ness	Paymar	Seagren	Swenson	Wenzel	
Nornes	Pelowski	Seifert, J.	Sykora	Westerberg	
Olson	Peterson	Seifert, M.	Tingelstad	Westfall	

The bill was passed and its title agreed to.

The Speaker called Boudreau to the Chair.

H. F. No. 3332, A bill for an act relating to agriculture; allowing the commissioner of agriculture to establish alternative term expiration dates for members of the dairy research and promotion council; amending Minnesota Statutes 1998, section 17.54, subdivisions 6 and 13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mahoney	Paymar	Sykora
Abrams	Entenza	Huntley	Mares	Pelowski	Tingelstad
Anderson, B.	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Marko	Pugh	Trimble
Bakk	Finseth	Johnson	McCollum	Rest	Tuma
Biernat	Folliard	Juhnke	McElroy	Reuter	Tunheim
Bishop	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Boudreau	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Bradley	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kielkucki	Mulder	Rukavina	Wejcman
Buesgens	Gray	Knoblach	Mullery	Schumacher	Wenzel
Carlson	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carruthers	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Cassell	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Chaudhary	Haake	Kuisle	Olson	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, K.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Daggett	Harder	Leighton	Osskopp	Solberg	Workman
Davids	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	

The bill was passed and its title agreed to.

H. F. No. 3053, A bill for an act relating to motor vehicles; allowing collector vehicles to display a blue light as part of brake light; amending Minnesota Statutes 1999 Supplement, section 169.64, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mahoney	Paymar	Sykora
Abrams	Entenza	Huntley	Mares	Pelowski	Tingelstad
Anderson, B.	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Marko	Pugh	Trimble
Bakk	Finseth	Johnson	McCollum	Rest	Tuma
Biernat	Folliard	Juhnke	McElroy	Reuter	Tunheim
Bishop	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Boudreau	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Bradley	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Buesgens	Gray	Knoblach	Mullery	Schumacher	Wenzel
Carlson	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carruthers	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Cassell	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Chaudhary	Haake	Kuisle	Olson	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, K.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Daggett	Harder	Leighton	Osskopp	Solberg	Workman
Davids	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	

The bill was passed and its title agreed to.

H. F. No. 3196, A bill for an act relating to human services; allowing a nursing facility's employee pension benefit costs to be treated as PERA contributions; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 28.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Carlson	Clark, K.	Dempsey	Erickson
Abrams	Boudreau	Carruthers	Daggett	Dorman	Finseth
Anderson, B.	Bradley	Cassell	Davids	Dorn	Folliard
Anderson, I.	Broecker	Chaudhary	Dawkins	Entenza	Fuller
Bakk	Buesgens	Clark, J.	Dehler	Erhardt	Gerlach

Gleason	Jaros	Leppik	Olson	Rostberg	Tomassoni
Goodno	Jennings	Lieder	Opatz	Rukavina	Trimble
Gray	Johnson	Lindner	Orfield	Schumacher	Tuma
Greenfield	Juhnke	Luther	Osskopp	Seagren	Tunheim
Greiling	Kahn	Mahoney	Osthoff	Seifert, J.	Van Dellen
Gunther	Kalis	Mares	Otremba	Seifert, M.	Vandever
Haake	Kelliher	Mariani	Ozment	Skoe	Wagenius
Haas	Kielkucki	Marko	Paulsen	Skoglund	Wejcman
Hackbarth	Knoblach	McCollum	Pawlenty	Smith	Wenzel
Harder	Koskinen	McGuire	Paymar	Solberg	Westerberg
Hasskamp	Krinkie	Milbert	Pelowski	Stanek	Westfall
Hausman	Kubly	Molnau	Peterson	Stang	Westrom
Hilty	Kuisle	Mulder	Pugh	Storm	Wilkin
Holberg	Larsen, P.	Mullery	Rest	Swapinski	Winter
Holsten	Larson, D.	Murphy	Reuter	Swenson	Wolf
Howes	Leighton	Ness	Rhodes	Sykora	Workman
Huntley	Lenczewski	Nornes	Rifenberg	Tingelstad	Spk. Sviggum

The bill was passed and its title agreed to.

H. F. No. 2505, A bill for an act relating to natural resources; modifying effective period of state park permits; amending Minnesota Statutes 1998, section 85.053, subdivisions 1 and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mahoney	Paymar	Sykora
Abrams	Entenza	Huntley	Mares	Pelowski	Tingelstad
Anderson, B.	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Marko	Pugh	Trimble
Bakk	Finseth	Johnson	McCollum	Rest	Tuma
Biernat	Folliard	Juhnke	McElroy	Reuter	Tunheim
Bishop	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Boudreau	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Bradley	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kielkucki	Mulder	Rukavina	Wejcman
Buesgens	Gray	Knoblach	Mullery	Schumacher	Wenzel
Carlson	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carruthers	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Cassell	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Chaudhary	Haake	Kuisle	Olson	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, K.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Daggett	Harder	Leighton	Osskopp	Solberg	Workman
Davids	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	

The bill was passed and its title agreed to.

H. F. No. 3433, A bill for an act relating to the St. Paul port authority; changing the powers and jurisdiction with respect to recreation facilities and recreation purposes; amending Minnesota Statutes 1998, section 469.084, subdivisions 1 and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mahoney	Paymar	Sykora
Abrams	Entenza	Huntley	Mares	Pelowski	Tingelstad
Anderson, B.	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Marko	Pugh	Trimble
Bakk	Finseth	Johnson	McCollum	Rest	Tuma
Biernat	Folliard	Juhnke	McElroy	Reuter	Tunheim
Bishop	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Boudreau	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Bradley	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Buesgens	Gray	Knoblach	Mullery	Schumacher	Wenzel
Carlson	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carruthers	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Cassell	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Chaudhary	Haake	Kuisele	Olson	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, K.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Daggett	Harder	Leighton	Osskopp	Solberg	Workman
Davids	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	

The bill was passed and its title agreed to.

H. F. No. 3557, A bill for an act relating to appropriations; modifying certain state government provisions; amending Minnesota Statutes 1999 Supplement, section 16A.129, subdivision 3; Laws 1999, chapter 250, article 1, sections 11 and 14, subdivision 3; repealing Laws 1999, chapter 250, article 1, section 15, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Carruthers	Clark, K.	Dehler
Abrams	Biernat	Broecker	Cassell	Daggett	Dempsey
Anderson, B.	Bishop	Buesgens	Chaudhary	Davids	Dorman
Anderson, I.	Boudreau	Carlson	Clark, J.	Dawkins	Dorn

Entenza	Hilty	Larson, D.	Ness	Rostberg	Tuma
Erhardt	Holberg	Leighton	Nornes	Rukavina	Tunheim
Erickson	Holsten	Lenczewski	Olson	Schumacher	Van Dellen
Finseth	Howes	Leppik	Opatz	Seagren	Vandever
Folliard	Huntley	Lieder	Orfield	Seifert, J.	Wagenius
Fuller	Jaros	Lindner	Osskopp	Seifert, M.	Wejzman
Gerlach	Jennings	Luther	Osthoff	Skoe	Wenzel
Gleason	Johnson	Mahoney	Otremba	Skoglund	Westerberg
Goodno	Juhnke	Mares	Ozment	Smith	Westfall
Gray	Kahn	Mariani	Paulsen	Solberg	Westrom
Greenfield	Kalis	Marko	Pawlenty	Stanek	Wilkin
Greiling	Kelliher	McCollum	Paymar	Stang	Winter
Gunther	Kielkucki	McElroy	Pelowski	Storm	Wolf
Haake	Knoblach	McGuire	Peterson	Swapinski	Workman
Haas	Koskinen	Milbert	Pugh	Swenson	Spk. Sviggum
Hackbarth	Krinkie	Molnau	Rest	Sykora	
Harder	Kubly	Mulder	Reuter	Tingelstad	
Hasskamp	Kuisle	Mullery	Rhodes	Tomassoni	
Hausman	Larsen, P.	Murphy	Rifenberg	Trimble	

The bill was passed and its title agreed to.

H. F. No. 2598, A bill for an act relating to education; allowing school districts to dispose of surplus school computers; amending Minnesota Statutes 1998, section 123B.52, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Mahoney	Paymar	Sykora
Abrams	Entenza	Huntley	Mares	Pelowski	Tingelstad
Anderson, B.	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, I.	Erickson	Jennings	Marko	Pugh	Trimble
Bakk	Finseth	Johnson	McCollum	Rest	Tuma
Biernat	Folliard	Juhnke	McElroy	Reuter	Tunheim
Bishop	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Boudreau	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Bradley	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Broecker	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Buesgens	Gray	Knoblach	Mullery	Schumacher	Wenzel
Carlson	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carruthers	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Cassell	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Chaudhary	Haake	Kuisle	Olson	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, K.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Daggett	Harder	Leighton	Osskopp	Solberg	Workman
Dauids	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	

The bill was passed and its title agreed to.

H. F. No. 3222 was reported to the House.

McCollum moved to amend H. F. No. 3222, the first engrossment, as follows:

Page 9, after line 5, insert:

"Sec. 7. [214.28] [ALTERNATIVE DIVERSION PROGRAM.]

A health-related licensing board may establish performance criteria and contract for a diversion program for related professionals who are unable to practice with reasonable skill and safety by reason of illness; use of alcohol, drugs, chemicals, or any other materials; or as a result of any mental, physical, or psychological condition.

Sec. 8. [214.29] [PARTICIPATION IN DIVERSION PROGRAM OR HEALTH PROFESSIONALS SERVICES PROGRAM REQUIRED.]

Each health-related licensing board shall either conduct a health professionals services program under sections 214.31 to 214.37 or contract for a diversion program under section 214.28. For purposes of this section and section 214.28, the emergency medical services regulatory board established under chapter 144E shall be included in the definition of health-related licensing board."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3222, A bill for an act relating to state government; modifying reporting requirements for health-related boards; changing membership requirements for the health professionals services program committee; authorizing a diversion program for health professionals; amending Minnesota Statutes 1998, sections 147.01, subdivision 4; 148B.04, subdivision 4; 148B.285, subdivision 3; 214.07; 214.10, subdivision 8; 214.31; and 214.32, subdivision 1; Minnesota Statutes 1999 Supplement, section 148.691, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 214.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Carruthers	Entenza	Gunther	Jaros	Kuisle
Abrams	Cassell	Erhardt	Haake	Jennings	Larsen, P.
Anderson, B.	Chaudhary	Erickson	Haas	Johnson	Larson, D.
Anderson, I.	Clark, J.	Finseth	Hackbarth	Juhnke	Leighton
Bakk	Clark, K.	Folliard	Harder	Kahn	Lenczewski
Biernat	Daggett	Fuller	Hasskamp	Kalis	Leppik
Bishop	Davids	Gerlach	Hausman	Kelliher	Lieder
Boudreau	Dawkins	Gleason	Hilty	Kielkucki	Lindner
Bradley	Dehler	Goodno	Holberg	Knoblach	Luther
Broecker	Dempsey	Gray	Holsten	Koskinen	Mahoney
Buesgens	Dorman	Greenfield	Howes	Krinkie	Mares
Carlson	Dorn	Greiling	Huntley	Kubly	Mariani

Marko	Opatz	Pugh	Skoe	Tomassoni	Westrom
McCollum	Orfield	Rest	Skoglund	Trimble	Wilkin
McElroy	Osskopp	Reuter	Smith	Tuma	Winter
McGuire	Osthoff	Rhodes	Solberg	Tunheim	Wolf
Milbert	Otremba	Rifenberg	Stanek	Van Dellen	Workman
Molnau	Ozment	Rostberg	Stang	Vandever	Spk. Sviggum
Mulder	Paulsen	Rukavina	Storm	Wagenius	
Mullery	Pawlenty	Schumacher	Swapinski	Wejcman	
Murphy	Paymar	Seagren	Swenson	Wenzel	
Ness	Pelowski	Seifert, J.	Sykora	Westerberg	
Nornes	Peterson	Seifert, M.	Tingelstad	Westfall	

Those who voted in the negative were:

Olson

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

Davids was excused for the remainder of today's session.

H. F. No. 3325 was reported to the House.

Westrom moved that H. F. No. 3325 be placed on the General Register. The motion prevailed.

H. F. No. 3421, A bill for an act relating to utilities; regulating an electric cooperative's election to be regulated; amending Minnesota Statutes 1998, section 216B.026, subdivisions 1 and 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Haas	Krinkie	McCollum	Pawlenty
Abrams	Dorn	Hackbarth	Kubly	McGuire	Paymar
Anderson, I.	Entenza	Hasskamp	Kuisle	Milbert	Pelowski
Bakk	Erhardt	Hausman	Larsen, P.	Molnau	Peterson
Biernat	Erickson	Hilty	Larson, D.	Mullery	Pugh
Boudreau	Finseth	Holsten	Leighton	Murphy	Rest
Bradley	Folliard	Howes	Lenczewski	Ness	Reuter
Broecker	Fuller	Huntley	Leppik	Olson	Rhodes
Carlson	Gleason	Jaros	Lieder	Opatz	Rostberg
Carruthers	Goodno	Jennings	Lindner	Orfield	Rukavina
Chaudhary	Gray	Johnson	Luther	Osskopp	Schumacher
Clark, K.	Greenfield	Kahn	Mahoney	Osthoff	Seagren
Daggett	Greiling	Kelliher	Mares	Otremba	Seifert, J.
Dawkins	Gunther	Knoblach	Mariani	Ozment	Skoglund
Dempsey	Haake	Koskinen	Marko	Paulsen	Smith

Solberg	Tomassoni	Van Dellen	Wenzel	Winter
Stanek	Trimble	Vanderveer	Westerberg	Wolf
Swapinski	Tuma	Wagenius	Westfall	Workman
Tingelstad	Tunheim	Wejcman	Wilkin	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Clark, J.	Holberg	McElroy	Seifert, M.	Swenson
Bishop	Dehler	Juhnke	Mulder	Skoe	Sykora
Buesgens	Gerlach	Kalis	Nornes	Stang	Westrom
Cassell	Harder	Kielkucki	Rifenberg	Storm	

The bill was passed and its title agreed to.

H. F. No. 3766, A bill for an act relating to pawnbrokers; requiring pawnbrokers who provide law enforcement agencies with electronic records of transactions to use a specified interchange file specification format; amending Minnesota Statutes 1998, section 325J.05.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Holsten	Luther	Paulsen	Swenson
Abrams	Entenza	Howes	Mahoney	Pawlenty	Sykora
Anderson, B.	Erhardt	Huntley	Mares	Paymar	Tingelstad
Anderson, I.	Erickson	Jaros	Mariani	Pelowski	Tomassoni
Bakk	Finseth	Jennings	Marko	Peterson	Trimble
Biernat	Folliard	Johnson	McCollum	Pugh	Tuma
Bishop	Fuller	Juhnke	McElroy	Rest	Tunheim
Boudreau	Gerlach	Kahn	McGuire	Reuter	Van Dellen
Bradley	Gleason	Kalis	Milbert	Rhodes	Vanderveer
Broecker	Goodno	Kelliher	Molnau	Rifenberg	Wagenius
Buesgens	Gray	Kielkucki	Mulder	Rostberg	Wejcman
Carlson	Greenfield	Koskinen	Mullery	Rukavina	Wenzel
Carruthers	Greiling	Krinkie	Murphy	Schumacher	Westerberg
Cassell	Gunther	Kubly	Ness	Seagren	Westfall
Chaudhary	Haake	Kuisle	Nornes	Seifert, J.	Westrom
Clark, J.	Haas	Larsen, P.	Olson	Skoe	Wilkin
Clark, K.	Hackbarth	Larson, D.	Opatz	Skoglund	Winter
Daggett	Harder	Leighton	Orfield	Smith	Wolf
Dawkins	Hasskamp	Lenczewski	Osskopp	Solberg	Workman
Dehler	Hausman	Leppik	Osthoff	Stanek	Spk. Sviggum
Dempsey	Hilty	Lieder	Otremba	Stang	
Dorman	Holberg	Lindner	Ozment	Swapinski	

Those who voted in the negative were:

Seifert, M.	Storm
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The bill was passed and its title agreed to.

H. F. No. 3825 was reported to the House.

Smith moved that H. F. No. 3825 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 2737 was reported to the House.

Solberg moved that H. F. No. 2737 be placed on the General Register. The motion prevailed.

S. F. No. 2465, A bill for an act relating to elections; allowing party treasurers to sign certain political contribution refund receipt forms; amending Minnesota Statutes 1999 Supplement, section 290.06, subdivision 23.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

The bill was passed and its title agreed to.

### CALENDAR FOR THE DAY

S. F. No. 2569 was reported to the House.

Haas moved to amend S. F. No. 2569 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2675, the first engrossment:

"Section 1. Minnesota Statutes 1999 Supplement, section 60A.06, subdivision 1, is amended to read:

Subdivision 1. [STATUTORY LINES.] Insurance corporations may be authorized to transact in any state or territory in the United States, in the Dominion of Canada, and in foreign countries, when specified in their charters or certificates of incorporation, either as originally granted or as thereafter amended, any of the following kinds of business, upon the stock plan, or upon the mutual plan when the formation of such mutual companies is otherwise authorized by law; and business trusts as authorized by law of this state shall only be authorized to transact in this state the following kind of business hereinafter specified in clause (7) hereof when specified in their "declaration of trust":

(1) To insure against loss or damage to property on land and against loss of rents and rental values, leaseholds of buildings, use and occupancy and direct or consequential loss or damage caused by fire, smoke or smudge, water or other fluid or substance, lightning, windstorm, tornado, cyclone, earthquake, collapse and slippage, rain, hail, frost, snow, freeze, change of temperature, weather or climatic conditions, excess or deficiency of moisture, floods, the rising of waters, oceans, lakes, rivers or their tributaries, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, electrical power interruption or electrical breakdown from any cause, railroad equipment, motor vehicles or aircraft, accidental injury to sprinklers, pumps, conduits or containers or other apparatus erected for extinguishing fires, explosion, whether fire ensues or not, except explosions on risks specified in clause (3); provided, however, that there may be insured hereunder the following: (a) explosion of any kind originating outside the insured building or outside of the building containing the property insured, (b) explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets; and (c) risks under home owners multiple peril policies;

(2)(a) To insure vessels, freight, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interest, and every insurance appertaining to or connected with risks of transportation and navigation on and under water, on land or in the air;

(b) To insure all personal property floater risks;

(3) To insure against any loss from either direct or indirect damage to any property or interest of the assured or of another, resulting from the explosion of or injury to (a) any boiler, heater or other fired pressure vessel; (b) any unfired pressure vessel; (c) pipes or containers connected with any of said boilers or vessels; (d) any engine, turbine, compressor, pump or wheel; (e) any apparatus generating, transmitting or using electricity; (f) any other machinery or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus, and machinery, whether insured or otherwise;

(4) To make contracts of life and endowment insurance, to grant, purchase, or dispose of annuities or endowments of any kind; and, in such contracts, or in contracts supplemental thereto to provide for additional benefits in event of death of the insured by accidental means, total permanent disability of the insured, or specific dismemberment or disablement suffered by the insured, or acceleration of life or endowment or annuity benefits in advance of the time they would otherwise be payable;

(5)(a) To insure against loss or damage by the sickness, bodily injury or death by accident of the assured or dependents, or those for whom the assured has assumed a portion of the liability for the loss or damage, including liability for payment of medical care costs or for provision of medical care;

(b) To insure against the legal liability, whether imposed by common law or by statute or assumed by contract, of employers for the death or disablement of, or injury to, employees;

(6) To guarantee the fidelity of persons in fiduciary positions, public or private, or to act as surety on official and other bonds, and for the performance of official or other obligations;

(7) To insure owners and others interested in real estate against loss or damage, by reason of defective titles, encumbrances, or otherwise;

(8) To insure against loss or damage by breakage of glass, located or in transit;

(9)(a) To insure against loss by burglary, theft, or forgery;

(b) To insure against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptance or any other valuable paper or document, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail;

(c) To insure individuals by means of an all risk type of policy commonly known as the "personal property floater" against any kind and all kinds of loss of or damage to, or loss of use of, any personal property other than merchandise;

(d) To insure against loss or damage by water or other fluid or substance;

(10) To insure against loss from death of domestic animals and to furnish veterinary service;

(11) To guarantee merchants and those engaged in business, and giving credit, from loss by reason of giving credit to those dealing with them; this shall be known as credit insurance;

(12) To insure against loss or damage to automobiles or other vehicles or aircraft and their contents, by collision, fire, burglary, or theft, and other perils of operation, and against liability for damage to persons, or property of others, by collision with such vehicles or aircraft, and to insure against any loss or hazard incident to the ownership, operation, or use of motor or other vehicles or aircraft;

(13) To insure against liability for loss or damage to the property or person of another caused by the insured or by those for whom the insured is responsible, including insurance of medical, hospital, surgical, funeral or other related expense of the insured or other person injured, irrespective of legal liability of the insured, when issued with or supplemental to policies of liability insurance;

(14) To insure against loss of or damage to any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire;

(15) To insure against attorneys fees, court costs, witness fees and incidental expenses incurred in connection with the use of the professional services of attorneys at law;

(16) To insure against vicarious liability for punitive or exemplary damages.

Sec. 2. Minnesota Statutes 1998, section 64B.03, is amended to read:

64B.03 [REPRESENTATIVE FORM OF GOVERNMENT.]

(a) A society has a representative form of government when it has a supreme governing body constituted in one of the following ways:

(1) The supreme governing body is an assembly composed of delegates elected directly by the members or at intermediate assemblies or conventions of members or their representatives, together with other delegates as may be prescribed in the society's laws. A society may provide for election of delegates by mail. The elected delegates

shall constitute a majority in number and shall not have less than two-thirds of the votes and not less than the number of votes required to amend the society's laws. The assembly shall be elected and shall meet at least once every four years and shall elect a board of directors to conduct the business of the society between meetings of the assembly. Vacancies on the board of directors between elections may be filled in the manner prescribed by the society's laws.

(2) The supreme governing body is a board composed of persons elected by the members, either directly or by their representatives in intermediate assemblies, and any other persons prescribed in the society's laws. A society may provide for election of the board by mail. Each term of a board member may not exceed four years, except that the commissioner has the discretion to approve completion of a term of office exceeding four years where the board member completing the term was elected pursuant to clause (1). Vacancies on the board between elections may be filled in the manner prescribed by the society's laws. Those persons elected to the board shall constitute a majority in number and not less than the number of votes required to amend the society's laws. A person filling the unexpired term of an elected board member shall be considered to be an elected member. The board shall meet at least quarterly to conduct the business of the society.

(b) A society has a representative form of government when the officers of the society are elected either by the supreme governing body or by the board of directors.

(c) A society has a representative form of government when only benefit members are eligible for election to the supreme governing body and the board of directors.

(d) A society has a representative form of government when each voting member shall have one vote and no vote may be cast by proxy.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to insurance; authorizing insurance coverage for vicarious liability for punitive and exemplary damages; regulating the terms of certain fraternal benefit society board members; amending Minnesota Statutes 1998, section 64B.03; Minnesota Statutes 1999 Supplement, section 60A.06, subdivision 1."

The motion prevailed and the amendment was adopted.

S. F. No. 2569, A bill for an act relating to insurance; authorizing insurance coverage for vicarious liability for punitive and exemplary damages; regulating the terms of certain fraternal benefit society board members; amending Minnesota Statutes 1998, sections 60A.06, by adding a subdivision; and 64B.03.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
Anderson, B.	Biernat	Bradley	Carlson	Chaudhary	Daggett

Dawkins	Hackbarth	Kubly	Mullery	Rifenberg	Tuma
Dehler	Harder	Kuisle	Murphy	Rostberg	Tunheim
Dempsey	Hasskamp	Larsen, P.	Ness	Rukavina	Van Dellen
Dorman	Hausman	Larson, D.	Nornes	Schumacher	Vandever
Dorn	Hilty	Leighton	Olson	Seagren	Wagenius
Entenza	Holberg	Lenczewski	Opatz	Seifert, J.	Wejcman
Erhardt	Holsten	Leppik	Orfield	Seifert, M.	Wenzel
Erickson	Howes	Lieder	Osskopp	Skoe	Westerberg
Finseth	Huntley	Lindner	Osthoff	Skoglund	Westfall
Folliard	Jaros	Luther	Otremba	Smith	Westrom
Fuller	Jennings	Mahoney	Ozment	Solberg	Wilkin
Gerlach	Johnson	Mares	Paulsen	Stanek	Winter
Gleason	Juhnke	Mariani	Pawlenty	Stang	Wolf
Goodno	Kahn	Marko	Paymar	Storm	Workman
Gray	Kalis	McCollum	Pelowski	Swapinski	Spk. Sviggum
Greenfield	Kelliher	McElroy	Peterson	Swenson	
Greiling	Kielkucki	McGuire	Pugh	Sykora	
Gunther	Knoblach	Milbert	Rest	Tingelstad	
Haake	Koskinen	Molnau	Reuter	Tomassoni	
Haas	Krinkie	Mulder	Rhodes	Trimble	

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

H. F. No. 3020 was reported to the House.

Bradley moved to amend H. F. No. 3020, the first engrossment, as follows:

Page 37, line 12, delete "Sections 1" and insert "The amendment in section 1 to Minnesota Statutes, section 256B.0913, subdivision 5, paragraph (g), is effective July 1, 2000, or upon federal approval of amendments to Minnesota's home and community-based waiver for elderly persons at risk of nursing home level of care, health care financing administration control number 0025.91.R3, whichever occurs later. The remainder of section 1, and sections 2"

The motion prevailed and the amendment was adopted.

H. F. No. 3020, A bill for an act relating to human services; modifying provisions in long-term care; amending Minnesota Statutes 1998, sections 256B.411, subdivision 2; and 256B.431, subdivisions 1, 3a, 10, 16, 18, 21, 22, and 25; Minnesota Statutes 1999 Supplement, sections 256B.0913, subdivision 5; 256B.431, subdivisions 17 and 26; and 256B.434, subdivisions 3 and 4; repealing Minnesota Statutes 1998, sections 256B.03, subdivision 2; 256B.431, subdivisions 2, 2a, 2f, 2h, 2m, 2p, 2q, 3, 3b, 3d, 3h, 3j, 4, 5, 7, 8, 9, 9a, 12, and 24; 256B.48, subdivision 9; 256B.50, subdivision 3; and 256B.74, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

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

H. F. No. 2719, A bill for an act relating to insurance; auto; regulating rental vehicle coverages; amending Minnesota Statutes 1998, section 65B.49, subdivision 5a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, K.	Gray	Jennings	Leppik	Ness
Abrams	Daggett	Greenfield	Johnson	Lieder	Nornes
Anderson, B.	Dawkins	Greiling	Juhnke	Lindner	Olson
Anderson, I.	Dehler	Gunther	Kahn	Luther	Opatz
Bakk	Dempsey	Haake	Kalis	Mahoney	Orfield
Biernat	Dorman	Haas	Kelliher	Mares	Osskopp
Bishop	Dorn	Hackbarth	Kielkucki	Mariani	Otremba
Boudreau	Entenza	Harder	Knoblach	Marko	Ozment
Bradley	Erhardt	Hasskamp	Koskinen	McCollum	Paulsen
Broecker	Erickson	Hausman	Krinkie	McElroy	Pawlenty
Buesgens	Finseth	Hilty	Kubly	McGuire	Pelowski
Carlson	Folliard	Holberg	Kuisle	Milbert	Peterson
Carruthers	Fuller	Holsten	Larsen, P.	Molnau	Pugh
Cassell	Gerlach	Howes	Larson, D.	Mulder	Rest
Chaudhary	Gleason	Huntley	Leighton	Mullery	Reuter
Clark, J.	Goodno	Jaros	Lenczewski	Murphy	Rhodes

Rifenberg	Seifert, M.	Stang	Tomassoni	Wagenius	Wilkin
Rostberg	Skoe	Storm	Trimble	Wejzman	Winter
Rukavina	Skoglund	Swapinski	Tuma	Wenzel	Wolf
Schumacher	Smith	Swenson	Tunheim	Westerberg	Workman
Seagren	Solberg	Sykora	Van Dellen	Westfall	Spk. Sviggum
Seifert, J.	Stanek	Tingelstad	Vandever	Westrom	

Those who voted in the negative were:

Osthoff                      Paymar

The bill was passed and its title agreed to.

S. F. No. 2692, A bill for an act relating to business organizations; business corporations and limited liability companies; regulating the rights of shareholders and members; clarifying notice of director and governor conflicts of interest; regulating the issuing of and right to purchase shares; regulating contribution allowance agreements; amending Minnesota Statutes 1998, sections 302A.135, subdivision 2; 302A.181, subdivision 3; 302A.255, subdivision 1; 302A.405, subdivision 3; 302A.409, subdivision 3; 302A.471, subdivision 3; 302A.521, subdivision 6; 302A.613, subdivision 2; and 322B.699, subdivision 6; Minnesota Statutes 1999 Supplement, sections 302A.471, subdivision 1; 322B.43, subdivision 1; 322B.666, subdivision 1; and 322B.72, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

The bill was passed and its title agreed to.

H. F. No. 3047 was reported to the House.

Kuisle and Bishop moved to amend H. F. No. 3047, the first engrossment, as follows:

Page 3, delete the new language and strike the old language

Page 3, line 18, strike "in full"

Page 3, line 20, strike "in full"

Pages 3 and 4, delete section 4

Page 5, after line 1, insert:

"Sec. 6. [REPEALER.]

Minnesota Statutes 1998, section 507.401, subdivision 7, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, delete "6," and insert "and 6;"

Page 1, line 6, delete "and 7;" and before the period, insert "; repealing Minnesota Statutes 1998, section 507.401, subdivision 7"

The motion prevailed and the amendment was adopted.

H. F. No. 3047, A bill for an act relating to real property; title insurance; modifying mortgage release certificate language to include assignment of rents and profits; amending Minnesota Statutes 1998, sections 507.401, subdivisions 1, 3, and 6; and 559.17, by adding a subdivision; repealing Minnesota Statutes 1998, section 507.401, subdivision 7.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cassell	Finseth	Harder	Kalis	Lieder
Abrams	Chaudhary	Folliard	Hasskamp	Kelliher	Lindner
Anderson, B.	Clark, J.	Fuller	Hausman	Kielkucki	Luther
Anderson, I.	Clark, K.	Gerlach	Hilty	Knoblach	Mahoney
Bakk	Daggett	Gleason	Holberg	Koskinen	Mares
Biernat	Dawkins	Goodno	Holsten	Krinkie	Mariani
Bishop	Dehler	Gray	Howes	Kubly	Marko
Boudreau	Dempsey	Greenfield	Huntley	Kuisle	McCollum
Bradley	Dorman	Greiling	Jaros	Larsen, P.	McElroy
Broecker	Dorn	Gunther	Jennings	Larson, D.	McGuire
Buesgens	Entenza	Haake	Johnson	Leighton	Milbert
Carlson	Erhardt	Haas	Juhnke	Lenczewski	Molnau
Carruthers	Erickson	Hackbarth	Kahn	Leppik	Mulder

Mullery	Ozment	Rifenberg	Solberg	Tuma	Wilkin
Murphy	Paulsen	Rostberg	Stanek	Tunheim	Winter
Ness	Pawlenty	Rukavina	Stang	Van Dellen	Wolf
Nornes	Paymar	Schumacher	Storm	Vandever	Workman
Olson	Pelowski	Seagren	Swapinski	Wagenius	Spk. Sviggum
Opatz	Peterson	Seifert, J.	Swenson	Wejcman	
Orfield	Pugh	Seifert, M.	Sykora	Wenzel	
Osskopp	Rest	Skoe	Tingelstad	Westerberg	
Osthoff	Reuter	Skoglund	Tomassoni	Westfall	
Otremba	Rhodes	Smith	Trimble	Westrom	

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

S. F. No. 2346, A bill for an act relating to natural resources; authorizing the use of motor vehicles in wildlife management areas by disabled hunters; modifying certain permits for hunters with disabilities; providing criminal penalties; amending Minnesota Statutes 1998, sections 97A.137, by adding a subdivision; and 97B.055, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jaros	Mares	Paymar	Sykora
Abrams	Erhardt	Jennings	Mariani	Pelowski	Tingelstad
Anderson, B.	Finseth	Johnson	Marko	Peterson	Tomassoni
Anderson, I.	Folliard	Juhnke	McCollum	Pugh	Trimble
Bakk	Fuller	Kahn	McElroy	Rest	Tuma
Bishop	Gerlach	Kalis	McGuire	Reuter	Tunheim
Boudreau	Gleason	Kelliher	Milbert	Rhodes	Van Dellen
Bradley	Goodno	Kielkucki	Molnau	Rifenberg	Vandever
Broecker	Greenfield	Knoblach	Mulder	Rostberg	Wagenius
Buesgens	Greiling	Koskinen	Mullery	Rukavina	Wejcman
Carlson	Gunther	Krinkie	Murphy	Schumacher	Wenzel
Carruthers	Haake	Kubly	Ness	Seagren	Westerberg
Cassell	Haas	Kuisle	Nornes	Seifert, J.	Westfall
Chaudhary	Hackbarth	Larsen, P.	Olson	Seifert, M.	Westrom
Clark, J.	Harder	Larson, D.	Opatz	Skoe	Wilkin
Clark, K.	Hasskamp	Leighton	Orfield	Skoglund	Winter
Daggett	Hausman	Lenczewski	Osskopp	Solberg	Wolf
Dawkins	Hilty	Leppik	Osthoff	Stanek	Workman
Dehler	Holberg	Lieder	Otremba	Stang	Spk. Sviggum
Dempsey	Holsten	Lindner	Ozment	Storm	
Dorman	Howes	Luther	Paulsen	Swapinski	
Dorn	Huntley	Mahoney	Pawlenty	Swenson	

Those who voted in the negative were:

Erickson	Smith
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The bill was passed and its title agreed to.

H. F. No. 3169, A bill for an act relating to Dakota county; authorizing the county to appoint an additional member to its personnel board of appeals; amending Minnesota Statutes 1998, sections 383D.30, subdivision 1; and 383D.31.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejcman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

The bill was passed and its title agreed to.

H. F. No. 3510, A bill for an act relating to game and fish; extending authorization to take two deer in certain counties; amending Laws 1993, chapter 273, section 1, as amended.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Carruthers	Clark, K.	Dempsey
Abrams	Biernat	Broecker	Cassell	Daggett	Dorman
Anderson, B.	Bishop	Buesgens	Chaudhary	Dawkins	Dorn
Anderson, I.	Boudreau	Carlson	Clark, J.	Dehler	Entenza

Erhardt	Holberg	Leighton	Nornes	Rukavina	Tunheim
Erickson	Holsten	Lenczewski	Olson	Schumacher	Van Dellen
Finseth	Howes	Leppik	Opatz	Seagren	Vandever
Folliard	Huntley	Lieder	Orfield	Seifert, J.	Wagenius
Fuller	Jaros	Lindner	Osskopp	Seifert, M.	Wejcman
Gerlach	Jennings	Luther	Osthoff	Skoe	Wenzel
Gleason	Johnson	Mahoney	Otremba	Skoglund	Westerberg
Goodno	Juhnke	Mares	Ozment	Smith	Westfall
Gray	Kahn	Mariani	Paulsen	Solberg	Westrom
Greenfield	Kalis	Marko	Pawlenty	Stanek	Wilkin
Greiling	Kelliher	McCollum	Paymar	Stang	Winter
Gunther	Kielkucki	McElroy	Pelowski	Storm	Wolf
Haake	Knoblach	McGuire	Peterson	Swapinski	Workman
Haas	Koskinen	Milbert	Pugh	Swenson	Spk. Sviggum
Hackbarth	Krinkie	Molnau	Rest	Sykora	
Harder	Kubly	Mulder	Reuter	Tingelstad	
Hasskamp	Kuisle	Mullery	Rhodes	Tomassoni	
Hausman	Larsen, P.	Murphy	Rifenberg	Trimble	
Hilty	Larson, D.	Ness	Rostberg	Tuma	

The bill was passed and its title agreed to.

H. F. No. 2803 was reported to the House.

Smith moved to amend H. F. No. 2803, the first engrossment, as follows:

Page 4, line 26, delete "that" and insert "who"

Page 4, line 28, delete "(b)" and insert "(a)"

Page 4, line 30, delete "shall" and insert "may"

Page 4, line 30, after "appoint" insert "and remove"

Page 4, line 31, delete everything before "at"

The motion prevailed and the amendment was adopted.

H. F. No. 2803, A bill for an act relating to courts; authorizing court reporters in certain judicial districts to organize under the Public Employment Labor Relations Act; amending Minnesota Statutes 1999 Supplement, sections 179A.03, subdivision 14; and 179A.101, subdivisions 1 and 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Luther	Paulsen	Swapinski
Abrams	Entenza	Huntley	Mahoney	Pawlenty	Swenson
Anderson, B.	Erhardt	Jaros	Mares	Paymar	Sykora
Anderson, I.	Erickson	Jennings	Mariani	Pelowski	Tingelstad
Bakk	Finseth	Johnson	Marko	Peterson	Tomassoni
Biernat	Folliard	Juhnke	McCollum	Pugh	Trimble
Bishop	Fuller	Kahn	McElroy	Rest	Tuma
Boudreau	Gleason	Kalis	McGuire	Rhodes	Tunheim
Bradley	Goodno	Kelliher	Milbert	Rifenberg	Van Dellen
Broecker	Gray	Kielkucki	Molnau	Rostberg	Vandever
Buesgens	Greenfield	Knoblach	Mulder	Rukavina	Wagenius
Carlson	Greiling	Koskinen	Mullery	Schumacher	Wejman
Carruthers	Gunther	Krinkie	Murphy	Seagren	Wenzel
Cassell	Haake	Kubly	Ness	Seifert, J.	Westerberg
Chaudhary	Haas	Kuisle	Nornes	Seifert, M.	Westfall
Clark, J.	Hackbarth	Larsen, P.	Olson	Skoe	Westrom
Clark, K.	Harder	Larson, D.	Opatz	Skoglund	Wilkin
Daggett	Hasskamp	Leighton	Orfield	Smith	Winter
Dawkins	Hausman	Lenczewski	Osskopp	Solberg	Wolf
Dehler	Hilty	Leppik	Osthoff	Stanek	Spk. Sviggum
Dempsey	Holberg	Lieder	Otremba	Stang	
Dorman	Holsten	Lindner	Ozment	Storm	

Those who voted in the negative were:

Gerlach	Reuter	Workman
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The bill was passed, as amended, and its title agreed to.

H. F. No. 2838, A bill for an act relating to game and fish; requiring a selection of 20 percent of moose licenses each year to be made from previously unsuccessful applicants; amending Minnesota Statutes 1998, section 97A.431, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Chaudhary	Dorman	Fuller	Gunther
Abrams	Bradley	Clark, J.	Dorn	Gerlach	Haake
Anderson, B.	Broecker	Clark, K.	Entenza	Gleason	Haas
Anderson, I.	Buesgens	Daggett	Erhardt	Goodno	Hackbarth
Bakk	Carlson	Dawkins	Erickson	Gray	Harder
Biernat	Carruthers	Dehler	Finseth	Greenfield	Hasskamp
Bishop	Cassell	Dempsey	Folliard	Greiling	Hausman

Hilty	Kubly	McGuire	Pawlenty	Skoglund	Wagenius
Holberg	Kuisle	Milbert	Paymar	Smith	Wejzman
Holsten	Larsen, P.	Molnau	Pelowski	Solberg	Wenzel
Howes	Larsen, D.	Mulder	Peterson	Stanek	Westerberg
Huntley	Leighton	Mullery	Pugh	Stang	Westfall
Jaros	Lenczewski	Murphy	Rest	Storm	Westrom
Jennings	Leppik	Ness	Reuter	Swapinski	Wilkin
Johnson	Lieder	Nornes	Rhodes	Swenson	Winter
Juhnke	Lindner	Olson	Rifenberg	Sykora	Wolf
Kahn	Luther	Opatz	Rostberg	Tingelstad	Workman
Kalis	Mahoney	Orfield	Rukavina	Tomassoni	Spk. Sviggum
Kelliher	Mares	Osskopp	Schumacher	Trimble	
Kielkucki	Mariani	Osthoff	Seagren	Tuma	
Knoblach	Marko	Otremba	Seifert, J.	Tunheim	
Koskinen	McCollum	Ozment	Seifert, M.	Van Dellen	
Krinkie	McElroy	Paulsen	Skoe	Vandever	

The bill was passed and its title agreed to.

H. F. No. 3229, A bill for an act relating to Hennepin county; providing for payment of county obligations by electronic transfer or credit card; amending Minnesota Statutes 1998, section 383B.116, subdivision 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 383B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejzman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larsen, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 3436, A bill for an act relating to education; ensuring input on board of teaching rules; providing for a report on the skills examination for teacher candidates; amending Minnesota Statutes 1998, section 122A.18, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Mariani	Pugh	Tingelstad
Abrams	Entenza	Jaros	Marko	Rest	Tomassoni
Anderson, I.	Erhardt	Jennings	McCollum	Reuter	Trimble
Bakk	Erickson	Johnson	McElroy	Rhodes	Tuma
Biernat	Finseth	Juhnke	Milbert	Rifenberg	Tunheim
Bishop	Fuller	Kalis	Molnau	Rostberg	Van Dellen
Boudreau	Gerlach	Kelliher	Mullery	Rukavina	Vandever
Bradley	Gleason	Kielkucki	Murphy	Schumacher	Wagenius
Broecker	Goodno	Knoblach	Ness	Seagren	Wenzel
Buesgens	Gray	Koskinen	Nornes	Seifert, J.	Westerberg
Carlson	Greenfield	Kubly	Opatz	Seifert, M.	Westfall
Carruthers	Gunther	Kuisle	Orfield	Skoe	Westrom
Cassell	Haake	Larsen, P.	Osskopp	Skoglund	Wilkin
Chaudhary	Haas	Larson, D.	Osthoff	Smith	Winter
Clark, J.	Hackbarth	Leighton	Otremba	Solberg	Wolf
Clark, K.	Harder	Lenczewski	Ozment	Stanek	Workman
Daggett	Hasskamp	Leppik	Paulsen	Stang	Spk. Sviggum
Dawkins	Hilty	Lieder	Pawlenty	Storm	
Dehler	Holberg	Luther	Paymar	Swapinski	
Dempsey	Holsten	Mahoney	Pelowski	Swenson	
Dorman	Howes	Mares	Peterson	Sykora	

Those who voted in the negative were:

Anderson, B.	Greiling	Krinkie	McGuire	Olson
Folliard	Kahn	Lindner	Mulder	Wejcman

The bill was passed and its title agreed to.

H. F. No. 3113, A bill for an act relating to health occupations; permitting an additional pharmacy technician in a pharmacy if the technician is nationally certified; amending Minnesota Statutes 1999 Supplement, section 151.102, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vandever
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejcman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

The bill was passed and its title agreed to.

H. F. No. 2927 was reported to the House.

Tuma moved to amend H. F. No. 2927 as follows:

Amend the title as follows:

Page 1, line 2, before "authorizing" insert "relating to local government associations;"

The motion prevailed and the amendment was adopted.

H. F. No. 2927, A bill for an act relating to local government associations; authorizing group insurance protection for metropolitan intercounty association; amending Minnesota Statutes 1998, section 471.61, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Mares	Pelowski	Tingelstad
Abrams	Erhardt	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erickson	Jennings	Marko	Pugh	Trimble
Anderson, I.	Finseth	Johnson	McCollum	Rest	Tuma
Bakk	Folliard	Juhnke	McElroy	Reuter	Tunheim
Biernat	Fuller	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Gerlach	Kalis	Milbert	Rifenberg	Vanderveer
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Goodno	Kielkucki	Mulder	Rukavina	Wejcman
Broecker	Gray	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Greenfield	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greiling	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Gunther	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Haake	Kuisle	Olson	Skoe	Wilkin
Chaudhary	Haas	Larsen, P.	Opatz	Skoglund	Winter
Clark, J.	Hackbarth	Larson, D.	Orfield	Smith	Wolf
Clark, K.	Harder	Leighton	Osskopp	Solberg	Workman
Daggett	Hasskamp	Lenczewski	Osthoff	Stanek	Spk. Sviggum
Dawkins	Hausman	Leppik	Otremba	Stang	
Dehler	Hilty	Lieder	Ozment	Storm	
Dempsey	Holberg	Lindner	Paulsen	Swapinski	
Dorman	Holsten	Luther	Pawlenty	Swenson	
Dorn	Howes	Mahoney	Paymar	Sykora	

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

H. F. No. 1590, A bill for an act relating to peace officers; clarifying warrant authority of alcohol and gambling agents; amending Minnesota Statutes 1998, section 626.11.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 69 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Kahn	Mahoney	Ozment	Stanek
Anderson, B.	Folliard	Kalis	Mariani	Pawlenty	Storm
Anderson, I.	Gleason	Kelliher	Marko	Paymar	Swapinski
Bakk	Gray	Koskinen	McCollum	Pelowski	Trimble
Biernat	Greenfield	Kubly	McGuire	Peterson	Wagenius
Carlson	Greiling	Larsen, P.	Milbert	Pugh	Wejcman
Carruthers	Hausman	Larson, D.	Mullery	Rest	Wenzel
Chaudhary	Hilty	Leighton	Murphy	Rhodes	Westerberg
Clark, K.	Huntley	Lenczewski	Opatz	Schumacher	Winter
Dawkins	Jaros	Leppik	Orfield	Seifert, J.	
Dehler	Jennings	Lindner	Osthoff	Skoe	
Dorn	Juhnke	Luther	Otremba	Skoglund	

Those who voted in the negative were:

Abrams	Erhardt	Hasskamp	McElroy	Rukavina	Tunheim
Bishop	Erickson	Holberg	Molnau	Seagren	Van Dellen
Boudreau	Finseth	Holsten	Mulder	Seifert, M.	Vandever
Bradley	Fuller	Howes	Ness	Smith	Westfall
Broecker	Gerlach	Johnson	Nornes	Solberg	Westrom
Buesgens	Goodno	Kielkucki	Olson	Stang	Wilkin
Cassell	Gunther	Knoblach	Osskopp	Swenson	Wolf
Clark, J.	Haake	Krinkie	Paulsen	Sykora	Workman
Daggett	Haas	Kuisle	Reuter	Tingelstad	Spk. Sviggum
Dempsey	Hackbarth	Lieder	Rifenberg	Tomassoni	
Dorman	Harder	Mares	Rostberg	Tuma	

The bill was passed and its title agreed to.

### MOTIONS AND RESOLUTIONS

Haas moved that the name of Rifenberg be added as an author on H. F. No. 35. The motion prevailed.

Rifenberg moved that her name be stricken as an author on H. F. No. 61. The motion prevailed.

Boudreau moved that the name of Abeler be added as an author on H. F. No. 2613. The motion prevailed.

Abeler moved that the name of Seagren be added as an author on H. F. No. 2760. The motion prevailed.

Kielkucki moved that the name of Rifenberg be added as an author on H. F. No. 3313. The motion prevailed.

Abeler moved that the name of Nornes be added as an author on H. F. No. 3386. The motion prevailed.

Pugh moved that the name of Dorn be added as an author on H. F. No. 3440. The motion prevailed.

Goodno moved that the name of Luther be added as an author on H. F. No. 3610. The motion prevailed.

Otremba moved that her name be stricken as an author on H. F. No. 3692. The motion prevailed.

Dawkins moved that the name of Holberg be added as chief author on H. F. No. 3694. The motion prevailed.

Seagren moved that the name of Abeler be added as an author on H. F. No. 3800. The motion prevailed.

Seagren moved that the name of Abeler be added as an author on H. F. No. 3893. The motion prevailed.

Vandever moved that the name of Westerberg be added as an author on H. F. No. 3967. The motion prevailed.

Vandever moved that the name of Westerberg be added as an author on H. F. No. 3989. The motion prevailed.

Pawlenty moved that the name of Westerberg be added as an author on H. F. No. 4000. The motion prevailed.

Erhardt moved that the name of Daggett be added as an author on H. F. No. 4030. The motion prevailed.

McCollum moved that the names of Rhodes; Gerlach; Westfall; Erickson; Kielkucki; Krinkie; Reuter; Anderson, B.; Folliard; Rostberg; Hilty; Greiling; Kahn; Rest and Carlson be added as authors on H. F. No. 4060. The motion prevailed.

Howes moved that the name of Solberg be added as an author on H. F. No. 4077. The motion prevailed.

Solberg moved that the name of Skoe be added as an author on H. F. No. 4079. The motion prevailed.

Kuisle moved that the name of Erickson be added as an author on H. F. No. 4084. The motion prevailed.

Krinkie moved that the names of Erickson and Wilkin be added as authors on H. F. No. 4085. The motion prevailed.

Abrams moved that H. F. No. 2688, now on the General Register, be re-referred to the Committee on Taxes. The motion prevailed.

Rest moved that H. F. No. 4099 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

McCollum moved that S. F. No. 2348 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and together with H. F. No. 4060, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Workman, Finseth, Pelowski and Huntley introduced:

House Concurrent Resolution No. 1, A house concurrent resolution in support of the inland transportation system.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 2:00 p.m., Wednesday, March 15, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Wednesday, March 15, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives