

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 ONE HUNDRED SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 5, 2000

The House of Representatives convened at 10:00 a.m. and was called to order by Speaker pro tempore Ron Abrams.

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

A quorum was present.

Haas was excused until 11:10 a.m. Carruthers was excused until 1:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Paulsen 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. 2521 and H. F. No. 2673, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rest moved that the rules be so far suspended that S. F. No. 2521 be substituted for H. F. No. 2673 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2686 and H. F. No. 2713, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rest moved that the rules be so far suspended that S. F. No. 2686 be substituted for H. F. No. 2713 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2956 and H. F. No. 3688, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Molnau moved that S. F. No. 2956 be substituted for H. F. No. 3688 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3016 and H. F. No. 3345, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Entenza moved that the rules be so far suspended that S. F. No. 3016 be substituted for H. F. No. 3345 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3768 and H. F. No. 4102, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McElroy moved that the rules be so far suspended that S. F. No. 3768 be substituted for H. F. No. 4102 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 3, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3209, relating to health care; modifying the major commitment expenditure report requirements.

H. F. No. 2719, relating to insurance; auto; regulating rental vehicle coverages.

H. F. No. 2688, relating to crime prevention; making numerous changes to the predatory offender registration law including lengthening the registration period for certain offenders, requiring additional offenders to register, requiring that additional information be reported, authorizing disclosure of information about offenders, and increasing the criminal penalty for predatory offenders who fail to comply with the law and imposing a mandatory minimum prison sentence on those offenders; requiring the bureau of criminal apprehension to maintain a computerized database for predatory offenders; expanding and clarifying the scope of the community notification law; requiring that certain information regarding level III predatory offenders be posted on the Internet; placing restrictions on persons with felony convictions who are seeking name changes; clarifying that harassment crimes prohibit harassment by electronic means; modifying the expungement law; expanding the solicitation of a child to engage in sexual conduct crime; authorizing the prosecution of certain sex offenses in the jurisdiction where they originate or terminate; eliminating the statute of limitations for certain offenses; making certain data about sex offenders available to law enforcement; changing the membership of the criminal and juvenile justice information policy group; authorizing the purchase and distribution of criminal justice technology infrastructure improvements; increasing the presumptive sentence for first degree criminal sexual conduct; requiring reports; imposing criminal penalties; appropriating money.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
2348		Resolution No. 4	2:02 p.m. April 3	April 3
	3209	307	2:04 p.m. April 3	April 3
3586		308	3:50 p.m. April 3	April 3
	2719	309	2:05 p.m. April 3	April 3
	2688	311	1:55 p.m. April 3	April 3
2896		312	2:08 p.m. April 3	April 3
2748		313	2:10 p.m. April 3	April 3
2734		314	2:12 p.m. April 3	April 3
2868		315	2:14 p.m. April 3	April 3
2634		316	2:15 p.m. April 3	April 3
3549		317	2:17 p.m. April 3	April 3
2701		318	2:20 p.m. April 3	April 3
2941		319	2:22 p.m. April 3	April 3

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

Bishop from the Committee on Ways and Means 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 recommendation that the bill be re-referred to the Committee on State Government Finance without further recommendation.

The report was adopted.

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

H. F. No. 3960, 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.

Reported the same back with the following amendments:

Page 25, after line 30, insert:

"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. 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 supplemental benefits programs of the special compensation fund administered by the department of labor and industry."

Page 25, after line 32, insert:

"Subdivision 1. [EXCESS SURPLUS.] "Excess surplus" means the amount of the policyholders' surplus in accordance with generally accepted accounting principles of the Minnesota workers' compensation assigned risk plan that exceeds the amount that would be due insurers who have paid assessments to this plan, in the event the Minnesota workers' compensation assigned risk plan is dissolved under Minnesota Statutes, section 79.251, subdivision 8."

Page 25, line 33, delete "Subdivision 1." and insert "Subd. 2." and after "On" insert "or before"

Page 25, line 34, delete "1" and insert "10" and after the second comma, insert "the commissioner of commerce shall certify to the commissioner of finance the amount of the Minnesota workers' compensation assigned risk plan excess surplus. On or before July 10, 2000,"

Page 25, line 35, after "\$325,000,000" insert "of assets of the assigned risk plan excess surplus"

Page 26, line 1, after the period, insert "The assets shall be managed by the state board of investment."

Page 26, line 4, delete "earned on" and insert ", gains, and other income of"

Page 26, line 13, delete "2" and insert "3"

Page 26, line 14, delete "3" and insert "2"

Page 26, line 19, delete "3" and insert "4"

Page 26, lines 28 and 35, delete "23" and insert "24"

Page 26, line 31, after the first "and" insert "the provisions of section 24,"

Page 26, line 32, after "10" insert a comma

Page 26, line 36, delete "23, subdivision 2" and insert "24, subdivision 3"

Page 27, lines 2, 14, 18, 24, 26, 28, and 30, delete "23" and insert "24"

Page 27, line 11, delete "23" and insert "24" and delete "declared unconstitutional or otherwise"

Page 27, line 15, delete everything after "and" and insert "the funds are used in a manner or for a purpose inconsistent with the requirements of section 24."

Page 27, line 19, delete everything after the period

Page 27, delete lines 20 to 22

Page 28, line 7, delete "27" and insert "28"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "appropriating money;"

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:

S. F. No. 3730, A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; increasing bonding authority for the financing of metropolitan area transit and paratransit capital expenditures; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 473.39, subdivision 1g; and 475.56; proposing coding for new law in Minnesota Statutes, chapter 373.

Reported the same back with the following amendments to the unofficial engrossment:

Page 5, line 12, after "purposes" insert ", if the council finds that:

(i) the facilities are necessary to make available Internet access or other communications services that are not and will not be available through other providers or the private market in the reasonably foreseeable future; and

(ii) the service to be provided by the facilities will not compete with service provided by private entities"

Pages 16 and 17, delete section 19 and insert:

"Sec. 19. [PUBLIC SAFETY RADIO SYSTEM CONTRACTS.]

Any contracts relating to an 800 megahertz trunked radio network for service shall be let for bid only on a competitive basis.

The trunked backbone network and 800 megahertz radios used on it must include at a minimum features that meet open standards of interoperability. The contracting government authority may not accept any feature enhancement that would interfere with or impede the interoperability of the network as a whole or with any radios regardless of manufacturer.

Sec. 20. [PRIVATE SALE OF TAX-FORFEITED LAND BORDERING PUBLIC WATER; WASHINGTON COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Washington county may sell by private sale the tax-forfeited land bordering public water that is described in paragraph (c), under the remaining provisions of Minnesota Statutes, chapter 282.

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

(c) The land to be sold is located in Washington county and is described as: Lot 1, Block 1, Holiday Beach.

(d) The county has determined that the county's land management interests would best be served if the lands were returned to private ownership."

Page 17, line 17, delete "20" and insert "21"

Page 17, line 20, delete "21" and insert "22"

Page 17, line 21, delete "it fits" and insert "they fit"

Page 17, line 25, delete "22" and insert "23"

Amend the title as follows:

Page 1, line 20, after "requirements;" insert "authorizing private sale of certain tax-forfeited land that borders public water in Washington county;"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 3960 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2521, 2686, 2956, 3016, 3768 and 3730 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jennings introduced:

H. F. No. 4137, A bill for an act relating to state government; reducing the size of the legislature; proposing amendments to the Minnesota Constitution, article IV, sections 4, 7, 12, and 18; providing for biennial legislative sessions only; reducing the number of days the legislature may meet; providing for joint house and senate committees on appropriations and revenue issues; amending Minnesota Statutes 1998, section 2.021.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Marko, Davids and Paulsen introduced:

H. F. No. 4138, A bill for an act relating to liquor; authorizing the city of Cottage Grove to issue an intoxicating liquor license to the Cottage Grove economic development authority for the River Oaks golf course.

The bill was read for the first time and referred to the Committee on Commerce.

McCollum, Luther, Otremba, Tingelstad, Skoglund, Kelliher and Peterson introduced:

H. F. No. 4139, A bill for an act relating to crime prevention; imposing criminal penalties for killing or harming animals trained to assist persons with disabilities; requiring the payment of restitution by these offenders; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Seifert, M., by request, introduced:

H. F. No. 4140, A bill for an act relating to reemployment insurance; changing the definition of taxable wages; amending Minnesota Statutes 1999 Supplement, section 268.035, subdivision 24.

The bill was read for the first time and referred to the Committee on Taxes.

Peterson introduced:

H. F. No. 4141, A bill for an act relating to agriculture; establishing the rural revitalization fund; proposing coding for new law as Minnesota Statutes, chapter 17C.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Seifert, M.; Greiling; Paulsen; Pelowski; Buesgens; Westfall; Erickson; McElroy; Sykora; Kielkucki; Daggett; Gunther; Boudreau; Harder; Abeler; Holberg; Broecker; Westerberg; Haake; Nornes; Vanderveer; Anderson, B.; Tuma; Gerlach and Mulder introduced:

H. F. No. 4142, A bill for an act relating to the fair campaign practices act; prohibiting use of the name, image, or voice of certain candidates in public service messages or advertising by state agencies; proposing coding for new law in Minnesota Statutes, chapter 211B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Seifert, J., and Skoglund introduced:

H. F. No. 4143, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 1998, section 268.059.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2563, A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing criminal penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision.

The Senate has appointed as such committee:

Senators Hottinger, Frederickson and Ring.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

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; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

PATRICK E. FLAHAVEN, Secretary of the Senate

Kuisle moved that the House refuse to concur in the Senate amendments to H. F. No. 3692, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2951, A bill for an act relating to municipalities; clarifying the use of alternative dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Vickerman, Hottinger and Robling.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Larsen, P., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2951. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2796, A bill for an act relating to retirement; pension plan actuarial reporting; various public retirement plans; volunteer firefighter relief associations; Minneapolis firefighters relief association; modifying actuarial cost allocation by the legislative commission on pensions and retirement; changing the actuarial value of assets, actuarial assumptions and funding surplus recognition method; revising re-employed annuitant earnings limitations; adding certain prior correctional positions to correctional plan coverage; clarifying various former police and fire consolidation account merger provisions; authorizing certain optional annuity form elections by former consolidation account members; revising local correctional retirement plan membership eligibility; increasing local correctional

retirement plan member and employer contribution rates; authorizing the purchase of nonprofit community-based corporation teaching service; expanding investment options for employer matching contribution tax sheltered annuities; modifying various volunteer firefighter relief association benefit and administration provisions; modifying judicial pension provision; modifying the marriage duration requirement for certain Minneapolis firefighter relief association survivor benefits; creating additional Minneapolis police and firefighter relief association post retirement adjustment mechanisms; resolving various individual and small group pension problems; amending Minnesota Statutes 1998, sections 16A.055, subdivision 5; 69.773, subdivision 1; 122A.46, subdivision 1, and by adding a subdivision; 136F.45, subdivision 1a; 352.115, subdivision 10; 352.15, subdivision 1a; 352.91, subdivisions 3c, 3d, and by adding a subdivision; 352B.01, subdivision 3, and by adding a subdivision; 352D.02, subdivision 1; 352D.04, subdivision 2; 352D.05, subdivision 3; 352D.06; 352D.09, subdivision 5a; 353.01, subdivisions 2, 6, 11a, 28, 32, and by adding a subdivision; 353.15, subdivision 2; 353.27, subdivisions 4 and 12; 353.33, subdivisions 2 and 6; 353.34, subdivision 1; 353.37, by adding a subdivision; 353.64, subdivisions 2, 3, 4, and by adding a subdivision; 353.656, subdivisions 1 and 3; 353.71, subdivision 2; 353B.11, subdivision 3; 354.05, subdivisions 2 and 35; 354.091; 354.092, subdivision 2; 354.093; 354.094, subdivision 1; 354.10, subdivision 2; 354.35; 354.44, subdivision 5; 354.46, subdivision 2a; 354.47, subdivision 1; 354.48, subdivision 6; 354.49, subdivision 1; 354.52, subdivisions 3, 4, 4a, and 4b; 354.63, subdivision 2; 354A.31, subdivisions 3 and 3a; 354B.23, subdivision 5a; 354C.12, subdivision 1a; 354C.165; 356.215, subdivisions 1, 2, and 4d; 356.24, by adding a subdivision; 356.30, subdivision 1; 356A.01, subdivision 8; 356A.02; 356A.06, subdivision 4, and by adding a subdivision; 423B.01; 424A.001, subdivision 9; 424A.02, subdivisions 3, 7, 9, 13, and by adding a subdivision; 424A.04, subdivision 1; 424A.05, subdivision 3; 490.121, subdivision 4, and by adding a subdivision; 490.123, subdivisions 1a and 1b; and 490.124, subdivision 1; Minnesota Statutes 1999 Supplement, sections 3.85, subdivision 12; 69.021, subdivision 7; 136F.48; 352.1155, subdivisions 1 and 4; 353.01, subdivisions 2b and 10; 353.64, subdivision 1; 353E.02; 353E.03; 353F.02, subdivision 5; 354.445; 354.536, subdivision 1; 354A.101, subdivision 1; 356.215, subdivision 4g; 356.24, subdivisions 1 and 1b; and 423A.02, subdivisions 1b, 4 and 5; Laws 1965, chapter 705, section 1, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 69; 352; 353; 354; 354A; 356; and 423B; proposing coding for new law as Minnesota Statutes, chapters 352G; and 424B; repealing Minnesota Statutes 1998, section 353.024; 354.52, subdivision 2; and 424A.02, subdivision 11; Minnesota Statutes 1999 Supplement, sections 356.24, subdivision 1a; and 356.61.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Pogemiller, Betzold and Terwilliger.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mares moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2796. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3259, A bill for an act relating to the state building code; providing for certain energy code rules to remain in effect.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Limmer, Wiener and Novak.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bradley moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3259. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1326, A bill for an act relating to human services; modifying licensing and reporting requirements; amending Minnesota Statutes 1998, sections 245A.04, subdivision 3a; 245A.08, subdivision 5; 256E.08, by adding a subdivision; and 626.556, subdivisions 10i, and 11c.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Abeler moved that the House concur in the Senate amendments to H. F. No. 1326 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1326, A bill for an act relating to human services; regulating the implementation and administration of community social services plans; providing exemptions from liabilities; amending Minnesota Statutes 1998, section 256E.08, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Daggett	Entenza	Goodno	Hasskamp
Abrams	Broecker	Davids	Erhardt	Greenfield	Hausman
Anderson, I.	Carlson	Dawkins	Erickson	Greiling	Hilty
Bakk	Cassell	Dehler	Finseth	Gunther	Holberg
Biernat	Chaudhary	Dempsey	Folliard	Haake	Holsten
Bishop	Clark, J.	Dorman	Fuller	Hackbarth	Howes
Boudreau	Clark, K.	Dorn	Gleason	Harder	Huntley

Jaros	Larson, D.	Milbert	Paymar	Skoe	Tuma
Jennings	Leighton	Molnau	Pelowski	Skoglund	Tunheim
Johnson	Lenczewski	Mulder	Peterson	Smith	Van Dellen
Juhnke	Leppik	Mullery	Pugh	Solberg	Vandever
Kahn	Lieder	Murphy	Rest	Stanek	Wagenius
Kalis	Lindner	Ness	Rhodes	Stang	Wenzel
Kelliher	Luther	Nornes	Rifenberg	Storm	Westerberg
Kielkucki	Mahoney	Opatz	Rostberg	Swapinski	Westfall
Knoblach	Mares	Osskopp	Rukavina	Swenson	Westrom
Koskinen	Marko	Osthoff	Schumacher	Sykora	Winter
Kubly	McCollum	Otremba	Seagren	Tingelstad	Wolf
Kuisle	McElroy	Ozment	Seifert, J.	Tomassoni	Spk. Sviggum
Larsen, P.	McGuire	Paulsen	Seifert, M.	Trimble	

Those who voted in the negative were:

Anderson, B.	Buesgens	Gerlach	Olson	Reuter	Wilkin
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The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Entenza moved that the House concur in the Senate amendments to H. F. No. 3109 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Cassell	Clark, K.
Abrams	Bakk	Boudreau	Buesgens	Chaudhary	Daggett
Anderson, B.	Biernat	Bradley	Carlson	Clark, J.	Dauids

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3576, A bill for an act relating to the environment; modifying reporting requirements for solid waste and wastewater treatment facilities; extending exemption period for certain toxics in packaging; requiring a report; amending Minnesota Statutes 1998, sections 115.03, subdivision 1; and 115A.965, subdivision 3; repealing Minnesota Statutes 1998, sections 115A.929; 115A.981; and 297H.13, subdivision 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Osskopp moved that the House concur in the Senate amendments to H. F. No. 3576 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3576, A bill for an act relating to the environment; modifying reporting requirements for solid waste and wastewater treatment facilities; extending exemption period for certain toxics in packaging; modifying exemptions from toxics in packaging provisions; requiring a report on a recommendation for changing the name of the pollution control agency; amending Minnesota Statutes 1998, sections 115.03, subdivision 1; 115A.965, subdivision 3; and 115A.9651, subdivision 6; repealing Minnesota Statutes 1998, sections 115A.981; and 297H.13, subdivision 6.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3644 and 3338.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3644, 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.

The bill was read for the first time.

Nornes moved that S. F. No. 3644 and H. F. No. 3960, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3338, A bill for an act relating to crime prevention; defining the terms flee and peace officer for the crime of fleeing a peace officer in a motor vehicle; establishing an annual insurance cap for tribal police departments; amending Minnesota Statutes 1998, sections 609.487, subdivisions 1 and 2; 626.90, subdivision 2; 626.91, subdivision 2; and 626.92, subdivision 2; Minnesota Statutes 1999 Supplement, section 626.93, subdivisions 1 and 2.

The bill was read for the first time.

Smith moved that S. F. No. 3338 and H. F. No. 3825, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2888

A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on certain rivers; amending Minnesota Statutes 1998, section 85.32, subdivision 1, and by adding a subdivision.

April 3, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2888, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment.

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

House Conferees: DOUG PETERSON, JIM ROSTBERG AND MARK HOLSTEN.

Senate Conferees: CHARLES A. BERG, DEAN E. JOHNSON AND CAL LARSON.

Peterson moved that the report of the Conference Committee on H. F. No. 2888 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2888, A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on certain rivers; amending Minnesota Statutes 1998, section 85.32, subdivision 1, and by adding a subdivision.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage 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	Anderson, I.	Bishop	Broecker	Cassell	Clark, K.
Abrams	Bakk	Boudreau	Buesgens	Chaudhary	Daggett
Anderson, B.	Biernat	Bradley	Carlson	Clark, J.	Dauids

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

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3692:

Kuisle, Dorman and Skoe.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2796:

Mares, Stanek and Murphy.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3259:

Bradley, Boudreau and Mahoney.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately following the remaining bills on the Calendar for the Day, for Wednesday, April 5, 2000:

S. F. No. 2795; H. F. No. 2791; S. F. Nos. 3307, 2514, 2783, 2456, 2686, 3154, 2968, 884, 3387, 11 and 3036; H. F. No. 3213; S. F. No. 1495; H. F. Nos. 3642 and 3465; S. F. Nos. 3195 and 1896; H. F. No. 3041; S. F. Nos. 3150, 3626 and 173; H. F. No. 2833; S. F. Nos. 2761, 2848 and 3291; H. F. Nos. 3234 and 3839; S. F. Nos. 619, 1048, 3346, 2484, 2473 and 3108; H. F. Nos. 3516 and 3488; S. F. Nos. 3116 and 2521; S. F. Nos. 3138 and 3410; H. F. Nos. 3825 and 3046; and S. F. Nos. 3160, 2794, 3018, 3082 and 2737.

CALENDAR FOR THE DAY

S. F. No. 2877 was reported to the House.

Rukavina and Hackbarth moved to amend S. F. No. 2877 as follows:

Page 1, after line 20, insert:

"Sec. 3. [EXEMPTIONS FROM HUNTING RESTRICTIONS.]

(a) Hunting is permitted in accordance with state law and local government regulations in:

(1) the off-highway vehicle recreation area established under Laws 1996, chapter 407, section 32, and Laws 1999, chapter 231, section 99; and

(2) the state recreation area established under Laws 1993, chapter 172, section 34.

(b) The commissioner of natural resources shall amend any rules that do not conform with this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2877, A bill for an act relating to natural resources; adding to the Iron Range off-highway vehicle state recreation area; extending the availability of a previous appropriation.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, K.	Gleason	Jennings	Lenczewski	Mullery
Abrams	Daggett	Goodno	Johnson	Leppik	Murphy
Anderson, B.	Davids	Greenfield	Juhnke	Lieder	Ness
Anderson, I.	Dawkins	Greiling	Kahn	Lindner	Nornes
Bakk	Dehler	Gunther	Kalis	Luther	Olson
Biernat	Dempsey	Haake	Kelliher	Mahoney	Opatz
Bishop	Dorman	Hackbarth	Kielkucki	Mares	Osskopp
Boudreau	Dorn	Harder	Knoblach	Mariani	Osthoff
Bradley	Entenza	Hasskamp	Koskinen	Marko	Otremba
Broecker	Erhardt	Hilty	Krinkie	McCollum	Ozment
Buesgens	Erickson	Holberg	Kubly	McElroy	Paulsen
Carlson	Finseth	Holsten	Kuisle	McGuire	Pawlenty
Cassell	Folliard	Howes	Larsen, P.	Milbert	Paymar
Chaudhary	Fuller	Huntley	Larson, D.	Molnau	Pelowski
Clark, J.	Gerlach	Jaros	Leighton	Mulder	Peterson

Pugh	Schumacher	Solberg	Tingelstad	Wagenius	Winter
Rest	Seagren	Stanek	Tomassoni	Wejcman	Wolf
Reuter	Seifert, J.	Stang	Trimble	Wenzel	Workman
Rhodes	Seifert, M.	Storm	Tuma	Westerberg	Spk. Sviggum
Rifenberg	Skoe	Swapinski	Tunheim	Westfall	
Rostberg	Skoglund	Swenson	Van Dellen	Westrom	
Rukavina	Smith	Sykora	Vandever	Wilkin	

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

S. F. No. 2200 was reported to the House.

Ozment moved that S. F. No. 2200 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3491 was reported to the House.

Davids moved that H. F. No. 3491 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2865 was reported to the House.

Tingelstad moved that S. F. No. 2865 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 2655 was reported to the House.

Paulsen moved to amend S. F. No. 2655 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3075, the first engrossment:

"ARTICLE 1

INSURANCE TAX RECODIFICATION

Section 1. [297I.01] [DEFINITIONS.]

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

Subd. 2. [ASSOCIATION OR ASSOCIATIONS.] "Association" or "associations" has the meaning given in section 60A.02, subdivision 1a.

Subd. 3. [COMMISSIONER.] "Commissioner" means the commissioner of revenue of the state of Minnesota.

Subd. 4. [COMMUNITY INTEGRATED SERVICE NETWORK.] "Community integrated service network" has the meaning given in section 62N.02, subdivision 4a.

Subd. 5. [COMPANY OR INSURANCE COMPANY.] "Company" or "insurance company" has the meaning given in section 60A.02, subdivision 4.

Subd. 6. [DEPARTMENT OF REVENUE.] "Department of revenue" means the Minnesota department of revenue or commissioner of revenue.

Subd. 7. [DOMESTIC.] "Domestic" has the meaning given in section 60A.02, subdivision 5.

Subd. 8. [FOREIGN.] "Foreign" has the meaning given in section 60A.02, subdivision 6.

Subd. 9. [GROSS PREMIUMS.] "Gross premiums" means total premiums paid by policyholders and applicants of policies, whether received in the form of money or other valuable consideration, on property, persons, lives, interests and other risks located, resident, or to be performed in this state, but excluding consideration and premiums for reinsurance assumed from other insurance companies. The term "gross premiums" includes the total consideration paid to bail bond agents for bail bonds. For title insurance companies, "gross premiums" means the charge for title insurance made by a title insurance company or its agents according to the company's rate filing approved by the commissioner of commerce without a deduction for commissions paid to or retained by the agent. Gross premiums of a title insurance company does not include any other charge or fee for abstracting, searching, or examining the title, or escrow, closing, or other related services.

Subd. 10. [HEALTH MAINTENANCE ORGANIZATION.] "Health maintenance organization" has the meaning given in section 62D.02, subdivision 4.

Subd. 11. [NONPROFIT HEALTH SERVICE PLAN CORPORATION.] "Nonprofit health service plan corporation" has the meaning given in section 62C.02, subdivision 6.

Subd. 12. [INSURANCE.] "Insurance" means the same as that term is defined in section 60A.02, subdivision 3.

Subd. 13. [INSURANCE AGENT OR INSURANCE AGENCY.] "Insurance agent or insurance agency" has the meaning given in section 60A.02, subdivision 7.

Subd. 14. [RETURN PREMIUMS DEFINED.] "Return premiums" means any dividend or any unused or unabsorbed portion of premium deposit or assessment that is applied toward the payment of any premium, premium deposit, or assessment due from the policyholder or member upon a continuance or renewal of the insurance on account of which the dividend was earned or premium deposit or assessment paid. Return premiums also includes any portion of premium returned by the company upon cancellation or termination of a policy or membership, except surrender values paid upon the cancellation and surrender of policies or certificates of life insurance.

Subd. 15. [STATE.] "State" has the meaning given in section 60A.02, subdivision 18.

Subd. 16. [TAXPAYER.] "Taxpayer" means any insurance company, association, surplus lines licensee, automobile risk self-insurer, or insured or any other person or entity required to pay any amount due under this chapter.

Sec. 2. [297I.05] [TAX IMPOSED.]

Subdivision 1. [DOMESTIC AND FOREIGN COMPANIES.] Except as otherwise provided in this section, a tax is imposed on every domestic and foreign insurance company. The rate of tax is equal to two percent of all gross premiums less return premiums on all direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year.

Subd. 2. [TOWN AND FARMERS' MUTUAL INSURANCE.] A tax is imposed on town and farmers' mutual insurance companies. The rate of tax is equal to one percent of gross premiums less return premiums on all direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year.

Subd. 3. [MUTUAL PROPERTY AND CASUALTY COMPANIES WITH ASSETS OF \$5,000,000 OR LESS AT THE END OF THE CALENDAR YEAR.] A tax is imposed on mutual property and casualty companies with assets of \$5,000,000 or less at the end of the calendar year. The rate of tax is equal to one percent of gross premiums less return premiums on all direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year.

Subd. 4. [MUTUAL PROPERTY AND CASUALTY COMPANIES WITH TOTAL ASSETS LESS THAN \$1,600,000,000 ON DECEMBER 31, 1989.] A tax is imposed on mutual property and casualty companies that had total assets greater than \$5,000,000 at the end of the calendar year but that had total assets less than \$1,600,000,000 on December 31, 1989. The rate of tax is equal to:

(1) two percent of gross premiums less return premiums on all direct business received by the insurer or agents of the insurer in Minnesota for life insurance, in cash or otherwise, during the year; and

(2) 1.26 percent of gross premiums less return premiums on all other direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year.

Subd. 5. [HEALTH MAINTENANCE ORGANIZATIONS, NONPROFIT HEALTH SERVICE PLAN CORPORATIONS, AND COMMUNITY INTEGRATED SERVICE NETWORKS.] (a) The commissioner of finance shall determine the balance of the health care access fund on September 1 of each year.

(b) If the commissioner of finance determines that there will not be a structural deficit for the next state fiscal year, no tax is imposed under this chapter on health maintenance organizations, nonprofit health service plan corporations, and community integrated service networks for the following calendar year.

(c) If the commissioner of finance determines that there will be a structural deficit in the fund for the next state fiscal year, then the commissioner of finance, in consultation with the commissioner of revenue, shall determine the amount needed to eliminate the structural deficit, and a tax is imposed for the next calendar year. The rate of tax is a percentage of gross premiums less return premiums on all direct business received by the insurer or agents of the insurer in Minnesota, in cash or otherwise, during the year. The percentage rate is one-quarter of one percent, one-half of one percent, three-quarters of one percent, or one percent of the premiums, whichever is the lowest rate that will produce sufficient revenue to eliminate the projected structural deficit.

(d) The commissioner of finance shall publish in the State Register by October 1 of each year the rate of tax to be imposed for the following calendar year.

(e) In determining the structural balance of the health care access fund for fiscal year 2001, the commissioner of finance shall disregard the transfer amount from the health care access fund to the general fund for expenditures associated with the services provided to pregnant women and children under the age of two enrolled in the MinnesotaCare program.

(f) In approving the premium rates as required in sections 62L.08, subdivision 8, and 62A.65, subdivision 3, the commissioners of health and commerce shall ensure that to the extent that the tax imposed under this subdivision is less than one percent of gross premiums less return premiums, the premium rate reflects the difference between the amount of tax imposed and the amount that would have been collected if the rate was one percent.

(g) The commissioner shall deposit all revenues, including penalties and interest, collected under this chapter from health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations in the health care access fund. Refunds of overpayments of tax imposed by this subdivision must be paid from the health care access fund. There is annually appropriated from the health care access fund to the commissioner the amount necessary to make any refunds of the tax imposed under this subdivision.

Subd. 6. [FIRE MARSHAL TAX.] A tax is imposed on every licensed company, including reciprocals or interinsurance exchanges, doing business in this state, except farmers' mutual fire insurance companies and township fire insurance companies. The rate of tax is equal to one-half of one percent of the gross fire premiums and assessments, less return premiums, on all direct business received by the company in this state, or by its agents for it, in cash or otherwise, during the year. "Gross fire premiums and assessments" includes premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise.

Subd. 7. [SURPLUS LINES TAX.] (a) A tax is imposed on surplus lines licensees. The rate of tax is equal to three percent of the gross premiums less return premiums received by the licensee minus any licensee association operating assessments paid under section 60A.208.

(b) If surplus lines insurance placed by a surplus lines licensee and taxed under this subdivision covers a subject of insurance residing, located, or to be performed outside this state, a proper pro rata portion of the entire premium payable for all of that insurance must be allocated according to the subjects of insurance residing, located, or to be performed in this state.

Subd. 8. [INSURANCE PREMIUM TAX EQUIVALENT PAYMENT BY AUTOMOBILE RISK SELF-INSURERS.] (a) The following terms, for the purposes of this subdivision, have the meanings given them.

(1) "Automobile risks" means the risk of providing no-fault insurance under sections 65B.41 to 65B.71.

(2) "Motor vehicle" has the meaning given in section 65B.43, subdivision 2.

(3) "Person" means an owner, as defined in section 65B.43, subdivision 4, but does not include the state or a political subdivision as defined in section 65B.43, subdivision 20.

(4) "Self-insurance" means the condition of qualifying as a self-insurer by complying with section 65B.48, subdivisions 3 and 3a.

(5) "Self-insurer" means a person who has arranged self-insurance for the automobile risks associated with the person's motor vehicle.

(b) Every self-insurer who owns, leases, or operates a motor vehicle required to be registered or licensed in this state or principally garaged in this state for at least two months in the calendar year shall pay an annual amount for each vehicle of:

(1) \$15 for a private passenger vehicle as defined in section 65B.001, subdivision 3, or a utility vehicle as defined in section 65B.001, subdivision 4, not including a taxi; or

(2) \$25 for a taxi or any other self-insured vehicle not covered by clause (1).

(c) A self-insurer who is more than six months delinquent in paying the amount due under this subdivision must be referred by the commissioner to the commissioner of commerce for action. That action may include revocation of the self-insured's self-insurer status.

(d) The amount paid under this subdivision must be deposited into the general fund to the credit of the account from which the police state aid provided for in sections 69.011 to 69.051 is payable.

Subd. 9. [TAX ON PERSONS, FIRMS, OR CORPORATIONS LICENSED TO PROCURE INSURANCE FROM UNLICENSED FOREIGN COMPANIES.] (a) A tax is imposed on any person, firm, or corporation licensed under section 60A.19, subdivision 8. The rate of tax is equal to two percent of gross premiums paid in the year less return premiums received in the year.

(b)(1) Money collected under this subdivision must be paid to a municipality or a fire department relief association if:

(i) the money is attributable to fire, lightning, or sprinkler insurance premiums paid by an owner to insure property; and

(ii) the property is in a municipality that has an organized fire department, a partly paid fire department, or a volunteer fire department.

The money must be paid to the municipality where the insured property is located, or to the municipality's fire department relief association. The money to be paid includes penalties and interest collected because a property owner failed to pay on time the taxes due under this subdivision.

(2) This paragraph does not apply to taxes paid under this subdivision that are attributable to premiums paid on property if:

(i) the property is owned and occupied exclusively as a homestead, and the owner carries insurance on the property; or

(ii) the property is exempt under section 550.37 and the owner carries insurance on the property.

Subd. 10. [TAX ON PERSONS, FIRMS, OR CORPORATIONS PROCURING INSURANCE FROM AN INELIGIBLE COMPANY.] (a) A tax is imposed on each insured in this state who procures, causes to be procured, or continues or renews insurance with an ineligible surplus lines insurer or any self-insurer in this state who procures or continues excess of loss, catastrophe, or other insurance upon a subject of insurance resident, located, or to be performed within this state, other than insurance procured pursuant to section 60A.201 or 60A.209, subdivision 1, equal to two percent of gross premiums less return premiums paid for such insurance.

(b) If the insurance described in paragraph (a) also covers a subject of insurance residing, located, or to be performed outside this state, for the purposes of this subdivision, a proper pro rata portion of the entire premium payable for all of that insurance must be allocated according to the subjects of insurance residing, located, or to be performed in this state.

(c) For the purposes of this subdivision, insurance placed with an ineligible surplus lines insurer is considered to be procured, continued, or renewed in this state if:

(1) it was procured through negotiations occurring in whole or in part within or from outside this state;

(2) it was procured by an application made in whole or in part within or from outside this state; or

(3) premiums for it are paid from within this state directly or indirectly, in whole or in part.

Subd. 11. [RETALIATORY PROVISIONS.] (a) If any other state or country imposes any taxes, fines, deposits, penalties, licenses, or fees upon any insurance companies of this state and their agents doing business in another state or country that are in addition to or in excess of those imposed by the laws of this state upon foreign insurance companies and their agents doing business in this state, the same taxes, fines, deposits, penalties, licenses, and fees are imposed upon every similar insurance company of that state or country and their agents doing or applying to do business in this state.

(b) If any conditions precedent to the right to do business in any other state or country are imposed by the laws of that state or country, beyond those imposed upon foreign companies by the laws of this state, the same conditions precedent are imposed upon every similar insurance company of that state or country and their agents doing or applying to do business in that state.

(c) For purposes of this subdivision, "taxes, fines, deposits, penalties, licenses, or fees" means an amount of money that is deposited in the general revenue fund of the state or other similar fund in another state or country and is not dedicated to a special purpose or use or money deposited in the general revenue fund of the state or other similar fund in another state or country and appropriated to the commissioner of commerce or insurance for the operation of the department of commerce or other similar agency with jurisdiction over insurance. Taxes, fines, deposits, penalties, licenses, or fees do not include:

(1) special purpose obligations or assessments imposed in connection with particular kinds of insurance, including but not limited to assessments imposed in connection with residual market mechanisms; or

(2) assessments made by the insurance guaranty association, life and health guarantee association, or similar association.

(d) This subdivision applies to taxes imposed under subdivisions 1, 3, 4, 6, and 12, paragraph (a), clauses (1) and (3).

(e) This subdivision does not apply to insurance companies organized or domiciled in a state or country, the laws of which do not impose retaliatory taxes, fines, deposits, penalties, licenses, or fees or which grant, on a reciprocal basis, exemptions from retaliatory taxes, fines, deposits, penalties, licenses, or fees to insurance companies domiciled in this state.

Subd. 12. [OTHER ENTITIES.] (a) A tax is imposed equal to two percent of:

(1) gross premiums less return premiums written for risks resident or located in Minnesota by a risk retention group;

(2) gross premiums less return premiums received by an attorney in fact acting in accordance with chapter 71A;

(3) gross premiums less return premiums received pursuant to assigned risk policies and contracts of coverage under chapter 79;

(4) the direct funded premium received by the reinsurance association under section 79.34 from self-insurers approved under section 176.181 and political subdivisions that self-insure;

(5) gross premiums less return premiums received by a nonprofit health service plan corporation authorized under chapter 62C; and

(6) gross premiums less return premiums paid to an insurer other than a licensed insurance company or a surplus lines licensee for coverage of risks resident or located in Minnesota by a purchasing group or any members of the purchasing group to a broker or agent for the purchasing group.

(b) A tax is imposed on the state fund mutual insurance company established under chapter 176A. The tax must be computed in the same manner as mutual insurance companies under subdivisions 1, 3, and 4.

(c) A tax is imposed on a joint self-insurance plan operating under chapter 60F. The rate of tax is equal to two percent of the total amount of claims paid during the fund year, with no deduction for claims wholly or partially reimbursed through stop-loss insurance.

(d) A tax is imposed on a joint self-insurance plan operating under chapter 62H. The rate of tax is equal to two percent of the total amount of claims paid during the fund's fiscal year, with no deduction for claims wholly or partially reimbursed through stop-loss insurance.

(e) A tax is imposed equal to the tax imposed under section 297I.05, subdivision 5, on the gross premiums less return premiums on all coverages received by an accountable provider network or agents of an accountable provider network in Minnesota, in cash or otherwise, during the year.

Subd. 13. [FUNDS DEPOSITED INTO GENERAL FUND.] Unless otherwise specified in this chapter, all amounts collected by the commissioner under this chapter must be deposited in the general fund.

Sec. 3. [297I.10] [SURCHARGE ON PREMIUMS TO RESTORE DEFICIENCY IN SPECIAL FUND.]

Subdivision 1. [CITIES OF THE FIRST CLASS.] (a) The commissioner shall order and direct a surcharge to be collected of two percent of the fire, lightning, and sprinkler leakage gross premiums, less return premiums, on all direct business received by any licensed foreign or domestic fire insurance company on property in a city of the first class, or by its agents for it, in cash or otherwise.

(b) By July 31 and December 31 of each year the commissioner of finance shall pay to the relief association in each city a warrant for an amount equal to the total amount of the surcharge on the premiums collected within the city since the previous payment.

(c) The treasurer of the relief association shall place the money received under this subdivision in the special fund of the relief association.

Subd. 2. [CITY OF THE SECOND CLASS.] (a) Upon receiving certification from a city of the second class pursuant to section 424.165, the commissioner shall direct a surcharge to be collected of two percent of the fire, lightning, and sprinkler leakage gross premiums, less return premiums, on all direct business received by any foreign or domestic fire insurance company on property in such city of the second class, or by its agents for it, in cash or otherwise.

(b) The board of trustees of a firefighter's relief association of the city of the second class that has sent certification to the commissioner under paragraph (a) must notify the commissioner as soon as the balance in their special fund equals \$50,000. Upon receiving notice from the association, the commissioner shall notify the insurers subject to the surcharge that the surcharge is discontinued effective 15 days after the balance reached \$50,000.

(c) By September 1 and March 1 of each year, the commissioner of finance shall pay to the firefighter's relief association of each city of the second class a warrant for an amount equal to the total amount of the surcharge on the premiums collected within the city since the previous payment.

(d) The treasurer of the firefighter's relief association shall place the money received under this subdivision in the special fund of the relief association.

Subd. 3. [APPROPRIATION.] The amount necessary to make the payments required under this section is appropriated to the commissioner of finance from the general fund.

Sec. 4. [297I.15] [EXEMPTIONS FROM TAX]

Subdivision 1. [GOVERNMENT PAYMENTS.] Premiums under medical assistance, general assistance medical care, the MinnesotaCare program, and the Minnesota comprehensive health insurance plan and all payments, revenues, and reimbursements received from the federal government for medicare-related coverage as defined in section 62A.31, subdivision 3, are not subject to tax under this chapter.

Subd. 2. [MINNESOTA EMPLOYEES INSURANCE PROGRAM.] To the extent that the Minnesota employees insurance program under section 43A.317 operates as a self-insured group, the premiums paid to the program are exempt from the taxes imposed under this chapter, but are subject to a Minnesota comprehensive health association assessment under section 62E.11.

Subd. 3. [PUBLIC EMPLOYEES INSURANCE PROGRAM.] Premiums paid to the public employees insurance program under section 43A.316 are exempt from the taxes imposed under this chapter.

Subd. 4. [PREMIUMS PAID TO HEALTH CARRIERS BY STATE.] A health carrier as defined in section 62A.011 is exempt from the taxes imposed under this chapter on premiums paid to it by the state.

Subd. 5. [MINNESOTA INSURANCE GUARANTY ASSOCIATION.] The Minnesota insurance guaranty association under chapter 60C is exempt from the taxes imposed under this chapter.

Subd. 6. [MINNESOTA LIFE AND HEALTH GUARANTY ASSOCIATION.] The Minnesota life and health guaranty association under chapter 61B is exempt from the taxes imposed under this chapter.

Subd. 7. [MINNESOTA COMPREHENSIVE HEALTH ASSOCIATION.] The Minnesota comprehensive health association under chapter 62E is exempt from the taxes imposed under this chapter.

Subd. 8. [WRITING CARRIER FOR THE COMPREHENSIVE HEALTH INSURANCE PLAN.] Premiums received by the writing carrier for the comprehensive health insurance plan established under section 62E.10 in connection with that plan are exempt from the taxes imposed under this chapter.

Subd. 9. [HEALTH COVERAGE REINSURANCE ASSOCIATION.] The health coverage reinsurance association under chapter 62L is exempt from the taxes imposed under this chapter.

Subd. 10. [PREMIUMS PAID TO FRATERNAL BENEFIT SOCIETIES.] Premiums paid to fraternal benefit societies pursuant to chapter 64B are exempt from the taxes imposed under this chapter.

Sec. 5. [297I.20] [GUARANTY ASSOCIATION ASSESSMENT OFFSET.]

(a) An insurance company may offset against its premium tax liability to this state any amount paid for assessments made for insolvencies which occur after July 31, 1994, under sections 60C.01 to 60C.22; and any amount paid for assessments made after July 31, 1994, under Minnesota Statutes 1992, sections 61B.01 to 61B.16, or under sections 61B.18 to 61B.32 as follows:

(1) Each such assessment shall give rise to an amount of offset equal to 20 percent of the amount of the assessment for each of the five calendar years following the year in which the assessment was paid.

(2) The amount of offset initially determined for each taxable year is the sum of the amounts determined under clause (1) for that taxable year.

(b)(1) Each year the commissioner shall compare total guaranty association assessments levied over the preceding five calendar years to the sum of all premium tax and corporate franchise tax revenues collected from insurance companies, without reduction for any guaranty association assessment offset in the preceding calendar year, referred to in this subdivision as "preceding year insurance tax revenues."

(2) If total guaranty association assessments levied over the preceding five years exceed the preceding year insurance tax revenues, insurance companies must be allowed only a proportionate part of the premium tax offset calculated under paragraph (a) for the current calendar year.

(3) The proportionate part of the premium tax offset allowed in the current calendar year is determined by multiplying the amount calculated under paragraph (a) by a fraction. The numerator of the fraction equals the preceding year insurance tax revenues, and its denominator equals total guaranty association assessments levied over the preceding five-year period.

(4) The proportionate part of the premium tax offset that is not allowed must be carried forward to subsequent tax years and added to the amount of premium tax offset calculated under paragraph (a) prior to application of the limitation imposed by this paragraph.

(5) Any amount carried forward from prior years must be allowed before allowance of the offset for the current year calculated under paragraph (a).

(6) The premium tax offset limitation must be calculated separately for (i) insurance companies subject to assessment under sections 60C.01 to 60C.22, and (ii) insurance companies subject to assessment under Minnesota Statutes 1992, sections 61B.01 to 61B.16, or 61B.18 to 61B.32.

(7) When the premium tax offset is limited by this provision, the commissioner shall notify affected insurance companies on a timely basis for purposes of completing premium and corporate franchise tax returns.

(8) The guaranty associations created under sections 60C.01 to 60C.22, Minnesota Statutes 1992, sections 61B.01 to 61B.16, and 61B.18 to 61B.32, shall provide the commissioner with the necessary information on guaranty association assessments.

(c)(1) If the offset determined by the application of paragraphs (a) and (b) exceeds the greater of the insurance company's premium tax liability under this section or its corporate franchise tax liability under chapter 290 prior to allowance of the credit for premium taxes, then the insurance company may carry forward the excess, referred to in this subdivision as the "carryforward credit" to subsequent taxable years.

(2) The carryforward credit is allowed as an offset against premium tax liability for the first succeeding year to the extent that the premium tax liability for that year exceeds the amount of the allowable offset for the year determined under paragraphs (a) and (b).

(3) The carryforward credit must be reduced, but not below zero, by the greater of the amount of the carryforward credit allowed as an offset against the premium tax under this paragraph or the amount of the carryforward credit allowed as an offset against the insurance company's corporate franchise tax liability under section 290.35, subdivision 6, paragraph (d). The remainder, if any, of the carryforward credit must be carried forward to succeeding taxable years until the entire carryforward credit has been credited against the insurance company's liability for premium tax under this chapter and corporate franchise tax under chapter 290 if applicable for that taxable year.

(d) When an insurer has offset against taxes its payment of an assessment of the Minnesota life and health guaranty association, and the association pays the insurer a refund with respect to the assessment under Minnesota Statutes 1992, section 61B.07, subdivision 6, or 61B.24, subdivision 6, then the refund reduces the insurer's carryforward credit under paragraph (c). If the refund exceeds the amount of the carryforward credit, the excess amount must be repaid to the state by the insurers to the extent of the offset in the manner the commissioner requires.

Sec. 6. [297I.25] [INFORMATION RETURNS.]

Subdivision 1. [LICENSED BROKERS OR AGENTS OF RISK RETENTION GROUPS.] To the extent licensed agents or brokers are utilized in accordance with section 60E.12, they shall report to the commissioner the premiums received for direct business for risks resident or located within this state which the licensees have placed with or on behalf of a risk retention group not chartered in this state.

Subd. 2. [FIRETOWN AND POLICE PREMIUM REPORTS.] To the extent required by section 69.021, each insurer shall file with the commissioner a Minnesota firetown premium report and Minnesota aid to police premium report.

Sec. 7. [297I.30] [DUE DATES FOR FILING RETURNS.]

Subdivision 1. [GENERAL RULE.] On or before March 1, every insurer subject to taxation under section 297I.05, subdivisions 1 to 6, and 12, paragraphs (a), clauses (1) to (5), (b), and (e), shall file an annual return for the preceding calendar year setting forth such information as the commissioner may reasonably require on forms prescribed by the commissioner.

Subd. 2. [SURPLUS LINES LICENSEES AND PURCHASING GROUPS.] On or before February 15 and August 15 of each year, every surplus lines licensee subject to taxation under section 297I.05, subdivision 7, and every purchasing group or member of a purchasing group subject to tax under section 297I.05, subdivision 12, paragraph (a), clause (6), shall file a return with the commissioner for the preceding six-month period ending December 31, or June 30, setting forth any information the commissioner reasonably prescribes on forms prescribed by the commissioner.

Subd. 3. [AUTOMOBILE RISK SELF-INSURERS.] On or before July 1 of each year, every self-insurer subject to taxation under section 297I.05, subdivision 8, shall file a return with the commissioner for the preceding calendar year setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

Subd. 4. [PERSONS, FIRMS, OR CORPORATIONS LICENSED TO PROCURE INSURANCE FROM UNLICENSED FOREIGN COMPANIES.] On or before 30 days following the expiration date of a license issued under section 297I.05, subdivision 9, a person, firm, or corporation licensed to obtain insurance from a company not authorized to do business in Minnesota shall file a return with the commissioner for the preceding 12-month period setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

Subd. 5. [JOINT SELF-INSURANCE PLANS.] On or before 60 days following the conclusion of their fiscal year, a plan subject to tax under 297I.05, subdivision 12, paragraph (c) or (d), shall file a return with the commissioner for the preceding fiscal year setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

Subd. 6. [PERSONS, FIRMS, OR CORPORATIONS PROCURING INSURANCE FROM AN UNLICENSED FOREIGN COMPANY.] Within 30 days after the date the insurance was procured, continued, or renewed, a taxpayer required to pay the tax under section 297I.05, subdivision 10, shall file a return setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

Subd. 7. [SURCHARGE.] (a)(1) By April 30 of each year, every company required to pay the surcharge under section 297I.10, subdivision 1, shall file a return for the five-month period ending March 31 setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

(2) By June 30 of each year, every company required to pay the surcharge under section 297I.10, subdivision 1, shall file a return for the two-month period ending May 31 setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

(3) By November 30 of each year, every company required to pay the surcharge under section 297I.10, subdivision 1, shall file a return for the five-month period ending October 31 setting forth any information the commissioner reasonably requires on forms prescribed by the commissioner.

(b) By February 15 and August 15 of each year, every company required to pay a surcharge under section 297I.10, subdivision 2, must file a return for the preceding six-month period ending December 31 and June 30.

Sec. 8. [297I.35] [PAYMENT OF TAX.]

Subdivision 1. [GENERAL RULE.] All taxes and surcharges imposed under this chapter must be paid to the commissioner by the date that the return must be filed under section 297I.30.

Subd. 2. [ELECTRONIC FUNDS TRANSFER.] If the aggregate amount of tax and surcharges due under this chapter during a calendar year is equal to or exceeds \$120,000, or if the taxpayer is required to make payment of any other tax to the commissioner by means of electronic funds transfer as defined in section 336.4A-104, paragraph (a), then all tax and surcharge payments in the subsequent calendar year must be paid by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-104, must be on or before the date the payment is due. If the date the payment is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the payment is due.

Sec. 9. [297I.40] [ESTIMATED TAX.]

Subdivision 1. [REQUIREMENT TO PAY.] On or before April 1, June 1, and December 1 of each year, every taxpayer subject to tax under section 297I.05, subdivisions 1 to 6, and 12, paragraphs (a), clauses (1) to (5), (b), and (e), must pay to the commissioner an installment equal to one-third of the insurer's total estimated tax for the current year.

Subd. 2. [AMOUNT OF REQUIRED INSTALLMENT.] The amount of any required installment is one-third of the lesser of

- (1) 80 percent of the tax imposed for the current year, or
- (2) 100 percent of the tax paid for the previous year.

Subd. 3. [NO ADDITION TO TAX WHERE THE TAX IS SMALL.] No addition to tax is imposed if the total tax for the current tax year is \$500 or less.

Subd. 4. [ADDITION TO TAX.] (a) In case of any underpayment of installments by an insurer, there is added to, and collected as part of, the tax for the taxable year an amount determined at the rate specified in section 270.75 upon the amount of underpayment.

(b) The amount of the underpayment is the excess of: (1) the amount of the installment; over (2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

(c) The period of the underpayment runs from the date the installment was required to be paid to the earlier of:

- (1) March 1 of the year following the close of the taxable year; or
- (2) with respect to any portion of the underpayment, the date on which that portion is paid. For purposes of this clause, a payment of estimated tax on any installment date is considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment required to be made on that date.

Subd. 5. [DEFINITION OF TAX.] The term "tax" as used in this section means the tax imposed by section 297I.05, subdivisions 1 to 6, and 12, paragraphs (a), clauses (1) to (5), (b), and (e), without regard to the retaliatory provisions of section 297I.05, subdivision 11, and the offset in section 297I.20.

Subd. 6. [FAILURE TO PAY ESTIMATED TAX.] When an insurer does not make any payments, the period of the underpayment runs from the three installment dates set forth in subdivision 1 to whichever of the periods in subdivision 4, paragraph (c), is the earlier.

Subd. 7. [APRIL ESTIMATED PAYMENT.] A taxpayer who claims a refund of an overpayment on an original return may elect to have all or any portion of the overpayment applied as a credit to the April 1 estimated tax payment for the year following the year of the return. The credit is considered applied on April 1. Notwithstanding section 297I.80, the amount credited does not bear interest.

Sec. 10. [297I.45] [ASSESSMENTS.]

The commissioner shall make determinations, corrections, and assessments with respect to taxes and surcharges, including interest, additions to tax, and penalties. To determine the accuracy of a return, or in fixing liability for a tax or surcharge, the commissioner may make reasonable examinations or investigations of the taxpayer's records and accounts. If a taxpayer fails to file a required return, the commissioner, from information in the commissioner's possession or obtainable by the commissioner, may make a return for the taxpayer.

Sec. 11. [297I.50] [ORDER OF ASSESSMENT.]

Subdivision 1. [ORDER OF ASSESSMENT; NOTICE AND DEMAND TO TAXPAYER.] (a) When a return has been filed and the commissioner determines that the tax or surcharge disclosed by the return is different than the tax or surcharge determined by the examination, the commissioner shall send an order of assessment to the taxpayer. When no return has been filed, the commissioner may make a return for the taxpayer under section 297I.45 or may send an order of assessment under this subdivision. The order must explain the basis for the assessment and must explain the taxpayer's appeal rights. An order of assessment is final when made but may be reconsidered by the commissioner under section 297I.95.

(b) If a tax payment meets the requirements of this paragraph, the penalty under section 297I.85, subdivision 2, is not imposed, and the commissioner may not take any collection action, including the filing of liens under section 270.69.

To meet the requirements, the taxpayer must first file a return for the tax or surcharge type on which the order is based and then pay the amount shown on the order within the following time limits:

(1) If the taxpayer files an administrative appeal under section 297I.95 or a tax court appeal under chapter 271, and if the appeal is based on a constitutional challenge to the tax, the payment must be made within 60 days after final determination of the appeal.

(2) If the appeal is not based on a constitutional challenge, the payment must be made when the decision of the tax court is made.

(3) If the taxpayer does not file an appeal, the payment must be made within 60 days after the date the order is mailed to the taxpayer by the commissioner.

Subd. 2. [ERRONEOUS REFUNDS.] An erroneous refund is considered an underpayment of tax or surcharge on the date made. An assessment of a deficiency arising out of an erroneous refund may be made at any time within two years from the making of the refund. If part of the refund was induced by fraud or misrepresentation of a material fact, the assessment may be made at any time.

Subd. 3. [ASSESSMENT PRESUMED VALID.] A return or assessment of tax or surcharge made by the commissioner is prima facie correct and valid. The taxpayer has the burden of establishing its incorrectness or invalidity in any related action or proceeding.

Subd. 4. [AGGREGATE REFUND OR ASSESSMENT.] The commissioner, on examining returns of a taxpayer for more than one year or period, may issue one order covering the period under examination that reflects the aggregate refund or additional tax or surcharge due.

Subd. 5. [SUFFICIENCY OF NOTICE.] An order of assessment, sent postage prepaid by United States mail to the taxpayer at the taxpayer's last known address, is sufficient even if a corporation has terminated its existence, unless the department has been provided with a new address by a party authorized to receive notices of assessment.

Sec. 12. [2971.55] [EXAMINATIONS; AUDITS AND COLLECTIONS.]

Subdivision 1. [EXAMINATION OF TAXPAYER.] To determine the accuracy of a return or report, or in fixing liability under this chapter, or for the purpose of collection, the commissioner may make reasonable examinations or investigations of a taxpayer's place of business; tangible personal property; equipment, computer systems and facilities; and pertinent books, records, papers, vouchers, computer printouts, accounts, and documents.

Subd. 2. [ACCESS TO RECORDS OF OTHER PERSONS IN CONNECTION WITH EXAMINATION OF TAXPAYER.] When conducting an investigation or an audit of a taxpayer, or for the purpose of collection, the commissioner may, except where privileged by law, examine the relevant records and files of any state agency as well as any person, business, institution, financial institution, agency of the United States government, or agency of any other state where permitted by statute, agreement, or reciprocity. The commissioner may compel production of these records by subpoena. A subpoena may be served directly by the commissioner.

Subd. 3. [POWER TO COMPEL TESTIMONY.] In the administration of this chapter, the commissioner may:

(1) administer oaths or affirmations and compel by subpoena the attendance of witnesses, testimony, and the production of a person's pertinent books, records, papers, or other data for inspection and copying; and

(2) examine under oath or affirmation any person regarding the business of any taxpayer concerning any relevant matter incident to the administration of this chapter. The fees of witnesses required by the commissioner to attend a hearing are equal to those allowed to witnesses appearing before courts of this state. The fees must be paid in the manner provided for the payment of other expenses incident to the administration of state tax law.

Subd. 4. [THIRD-PARTY SUBPOENA WHERE TAXPAYER'S IDENTITY IS KNOWN.] An investigation may extend to a person that the commissioner determines has access to information that may be relevant to the examination or investigation. When a subpoena requiring the production of records as described in subdivision 2 is served on a third-party recordkeeper, written notice of the subpoena must be mailed to the taxpayer and to any other person who is identified in the subpoena. The notices must be given within three days of the day on which the subpoena is served. Notice to the taxpayer required by this section is sufficient if it is mailed to the last address on record with the commissioner.

The provisions of this subdivision relating to notice to the taxpayer or other parties identified in the subpoena do not apply if there is reasonable cause to believe that the giving of notice may lead to attempts to conceal, destroy, or alter records or assets relevant to the examination, to prevent the communication of information from other persons through intimidation, bribery, or collusion, or to flee to avoid prosecution, testifying, or production of records.

Subd. 5. [THIRD-PARTY SUBPOENA WHERE TAXPAYER'S IDENTITY IS NOT KNOWN.] A subpoena that does not identify the person or persons whose tax or surcharge liability is being investigated may be served only if:

(1) the subpoena relates to the investigation of a particular person or ascertainable group or class of persons;

(2) there is a reasonable basis for believing that the person or group or class of persons may fail or may have failed to comply with laws administered by the commissioner;

(3) the information sought to be obtained from the examination of the records, and the identity of the person or persons with respect to whose liability the subpoena is issued, is not readily available from other sources;

(4) the subpoena is clear and specific concerning the information sought to be obtained; and

(5) the information sought to be obtained is limited solely to the scope of the investigation.

When a subpoena does not identify the person or persons with respect to whose tax or surcharge liability the subpoena is issued, the party served with the subpoena may petition for a determination concerning whether the commissioner has complied with clauses (1) to (5) and thus whether the subpoena is enforceable. The petitions must be to the district court in which the party is located. The petition must be filed within 20 days after service of the subpoena. If the party served does not petition within the time prescribed, the subpoena has the effect of a court order.

Subd. 6. [REQUEST BY TAXPAYER FOR SUBPOENA.] When the commissioner has the power to issue a subpoena for investigative or auditing purposes, the commissioner shall honor a reasonable request by the taxpayer to issue a subpoena on the taxpayer's behalf, if in connection with the investigation or audit.

Subd. 7. [APPLICATION TO COURT FOR ENFORCEMENT OF SUBPOENA.] Disobedience of subpoenas issued under this section is punishable by the district court of the district in which the party served with the subpoena is located, in the same manner as contempt of the district court.

Subd. 8. [COST OF PRODUCTION OF RECORDS.] The cost of producing records of a third party required by a subpoena must be paid by the taxpayer, if the taxpayer requests the subpoena to be issued, or if the taxpayer has the records available but has refused to provide them to the commissioner. In other cases where the taxpayer cannot produce records and the commissioner then initiates a subpoena for third-party records, the commissioner shall pay the reasonable cost of producing the records. The commissioner may later assess the reasonable costs against the taxpayer if the records contribute to the determination of an assessment of tax or surcharge against the taxpayer.

Sec. 13. [297I.60] [CLAIMS FOR REFUND.]

Subdivision 1. [GENERAL RIGHT TO REFUND.] (a) Subject to the requirements of this section and section 297I.70, if a taxpayer has paid a tax or surcharge in excess of the amount due and files a written claim for refund, the commissioner shall refund or credit the overpayment determined by the commissioner to be erroneously paid.

(b) The claim must specify the name of the taxpayer, the date when and the period for which the tax or surcharge was paid, the kind of tax or surcharge paid, the amount that the taxpayer claims was erroneously paid, the grounds on which a refund is claimed, and other information relative to the payment. The claim must be in the form required by the commissioner. A return or amended return claiming an overpayment constitutes a claim for refund.

(c) The commissioner shall determine the amount of refund, if any, that is due, and notify the taxpayer of the determination as soon as practicable after a claim has been filed. Notice must be mailed to the taxpayer at the address stated upon the return or claim for refund.

(d) If the amount of tax or surcharge paid by the taxpayer exceeds the amount of tax or surcharge imposed on the taxpayer, the amount of excess is considered an overpayment even if in fact there was no liability with respect to which the amount was paid.

(e) When in the course of an examination and within the time for requesting a refund, the commissioner determines that there has been an overpayment of tax or surcharge, the commissioner shall refund or credit the amount of the overpayment to the taxpayer and no return is necessary.

(f) Notwithstanding any law to the contrary, the commissioner is not required to refund or credit any overpayment of less than one dollar.

(g) There is appropriated to the commissioner the amounts necessary to make refunds required by this section. The funds are appropriated from the same fund to which the tax or surcharge being refunded was originally deposited.

Subd. 2. [REMEDIES.] (a) If the taxpayer is notified that the refund claim is denied in whole or in part, the taxpayer may contest the denial by:

- (1) filing an administrative appeal with the commissioner under section 297I.95;
- (2) filing an appeal in tax court within 60 days of the date of the notice of denial; or
- (3) filing an action in the district court to recover the refund.

(b) An action in the district court must be brought with 18 months following the date of the notice of denial. An action for refund of tax or surcharge must be brought in the district court of the district in which lies the taxpayer's principal place of business or in the district court for Ramsey county. If a taxpayer files a claim for refund and the commissioner has not issued a denial of the claim, the taxpayer may bring an action in the district court or the tax court at any time after the expiration of six months of the time the claim was filed.

Sec. 14. [297I.65] [LIMITATIONS OF TIME FOR ASSESSMENT OF TAX.]

Subdivision 1. [GENERAL RULE.] Except as otherwise provided, the amount of taxes or surcharges assessable must be assessed within three and one-half years after the date the return is filed.

Subd. 2. [FILING DATE.] For purposes of this section, a return filed before the last day prescribed by law for filing the return is considered to be filed on the last day.

Subd. 3. [FALSE OR FRAUDULENT RETURN.] Notwithstanding the limitation under subdivision 1, the tax or surcharge may be assessed at any time if a false or fraudulent return is filed or when a taxpayer fails to file a return.

Sec. 15. [297I.70] [LIMITATION ON CLAIMS FOR REFUND.]

Except as provided in section 297I.75, a claim for refund of an overpayment must be filed within 3-1/2 years from the date prescribed for filing the return, or one year from the date of an order assessing tax or surcharge, or one year from the date of a return filed by the commissioner, upon payment in full of the tax, surcharge, penalties, and interest shown on the order or return made by the commissioner, whichever period expires later. Claims for refund filed after the 3-1/2-year period but within the one-year period are limited to the amount of tax, surcharge, penalties, and interest on the order or return made by the commissioner and to issues determined by the order or return made by the commissioner.

Sec. 16. [297I.75] [CONSENT TO EXTEND TIME.]

If before the expiration of the time prescribed in sections 297I.65 and 297I.70 for the assessment of tax or surcharge or the filing of a claim for refund, the commissioner and the taxpayer have consented in writing to the assessment or filing of a claim for refund after that time, the tax or surcharge may be assessed at any time before the expiration of the agreed-upon period and a claim for refund may be paid at any time before the expiration of the agreed-upon period plus six months. The period may be extended by later agreements in writing before the expiration of the period previously agreed upon.

Sec. 17. [297I.80] [INTEREST.]

Subdivision 1. [PAYABLE TO THE COMMISSIONER.] (a) When interest is required under this section, interest is computed at the rate specified in section 270.75.

(b) If a tax or surcharge is not paid within the time named by law for payment, the unpaid tax or surcharge bears interest from the date the tax or surcharge should have been paid until the date the tax or surcharge is paid.

(c) Whenever a taxpayer is liable for additional tax or surcharge because of a redetermination by the commissioner or other reason, the additional tax or surcharge bears interest from the time the tax or surcharge should have been paid until the date the tax or surcharge is paid.

(d) A penalty bears interest from the date the return or payment was required to be filed or paid to the date of payment of the penalty.

Subd. 2. [ON OVERPAYMENTS.] (a) When interest is required under this section, interest is computed at the rate specified in section 270.76.

(b) Interest on an overpayment is computed from the date of the payment of the tax or surcharge until the date the refund is made. For purposes of this subdivision, any payment made before the last day prescribed by law to make the payment, including any estimated tax payments, is considered paid on the last day prescribed by law for the payment. A return filed before the due date is considered as filed on the due date.

Sec. 18. [297I.85] [CIVIL PENALTIES.]

Subdivision 1. [LATE FILING PENALTY.] If a taxpayer fails to file a return within the time prescribed, a penalty of five percent of the amount of tax or surcharge not timely paid is added to the tax or surcharge.

Subd. 2. [LATE PAYMENT PENALTY.] If a taxpayer fails to pay a tax or surcharge within the time specified for payment a penalty must be added to the amount required to be shown as tax or surcharge. The penalty is five percent of the tax or surcharge not paid on or before the date specified for payment of the tax or surcharge if the failure is for not more than 30 days, with an additional penalty of five percent of the amount of tax or surcharge remaining unpaid during each additional 30 days or fraction of 30 days during which the failure continues, not exceeding 15 percent in the aggregate.

Subd. 3. [INTENT TO EVADE.] If a taxpayer, with intent to evade the tax or surcharge imposed by this chapter fails to file any return required by this chapter, or with such intent files a false or fraudulent return, a penalty is imposed on the taxpayer. The penalty is equal to 50 percent of the tax or surcharge, less amounts paid by the taxpayer on the basis of the false or fraudulent return and is due for the period to which the return related.

Subd. 4. [NEGLIGENCE OR INTENTIONAL DISREGARD; PENALTY.] If any part of an additional assessment is due to negligence or intentional disregard of the statute or a rule but without intent to defraud, there is added to the tax or surcharge a penalty equal to ten percent of the additional assessment.

Subd. 5. [PAYMENT OF PENALTIES.] The penalties imposed by this section must be collected and paid in the same manner as taxes.

Subd. 6. [PENALTIES ARE ADDITIONAL.] The civil penalties imposed by this section are in addition to the criminal penalties imposed by this chapter.

Subd. 7. [PENALTY FOR FAILURE TO MAKE PAYMENT BY ELECTRONIC FUNDS TRANSFER.] In addition to other applicable penalties imposed by this section, if the commissioner notifies the taxpayer that payments are required to be made by means of electronic funds transfer, and the payments are made by some other means, a penalty is imposed. The amount of the penalty is equal to five percent of each payment that should have been paid electronically. The penalty may be abated under the abatement procedures prescribed in section 270.07, subdivision 6, if the failure to pay electronically is due to reasonable cause.

Sec. 19. [297I.90] [CRIMINAL PENALTIES.]

Subdivision 1. [PENALTIES FOR KNOWING FAILURE TO FILE OR PAY; WILLFUL EVASION.] (a) If a person is required to file with the commissioner a return, report, or other document, and that person fails to file it when required and does so knowingly, rather than accidentally, inadvertently, or negligently, that person is guilty of a gross misdemeanor.

(b) If a person is required to file with the commissioner a return, report, or other document, and that person willfully attempts in any manner to evade or defeat a tax or surcharge by failing to file it when required, that person is guilty of a felony.

(c) If a person is required to pay or to collect and remit a tax or surcharge, and that person knowingly, rather than accidentally, inadvertently, or negligently fails to do so when required, that person is guilty of a gross misdemeanor.

(d) If a person is required to pay or to collect and remit a tax or surcharge, and that person willfully attempts to evade or defeat a tax or surcharge by failing to do so when required, that person is guilty of a felony.

Subd. 2. [FALSE OR FRAUDULENT RETURNS; PENALTIES.] (a) A person who files with the commissioner a return, report, or other document known by the person to be fraudulent or false concerning a material matter is guilty of a felony.

(b) A person who knowingly aids or assists in, or advises in the preparation or presentation of a return, report, or other document that is fraudulent or false concerning a material matter, whether or not the falsity or fraud committed is with the knowledge or consent of the person authorized or required to present the return, report, or other document, is guilty of a felony.

Sec. 20. [2971.95] [ADMINISTRATIVE APPEALS.]

Subdivision 1. [TAXPAYER RIGHT TO RECONSIDERATION.] A taxpayer may obtain the commissioner's reconsideration of an order assessing tax or surcharge, a denial of a request for abatement of penalty or interest, or a denial of a claim for refund by filing an administrative appeal under subdivision 4. No reconsideration is allowed under this section if the action taken by the commissioner is the outcome of an administrative appeal.

Subd. 2. [APPEAL BY TAXPAYER.] A taxpayer who wishes to seek administrative review must follow the procedures in subdivision 4.

Subd. 3. [NOTICE DATE.] For purposes of this section, the term "notice date" means the date of the order adjusting the tax or surcharge or order denying a request for abatement, or, in the case of a denied refund, the date of the notice of denial.

Subd. 4. [TIME AND CONTENT FOR ADMINISTRATIVE APPEAL.] Within 60 days after the notice date, the taxpayer must file a written appeal with the commissioner. The appeal need not be in any particular form but must contain the following information:

- (1) name and address of the taxpayer;
- (2) if a corporation, the state of incorporation of the taxpayer, and the principal place of business of the corporation;
- (3) the Minnesota identification number or social security number of the taxpayer;
- (4) the type of tax or surcharge involved;
- (5) the date;
- (6) the tax years or periods involved and the amount of tax or surcharge involved for each year or period;
- (7) the findings in the notice that the taxpayer disputes;
- (8) a summary statement that the taxpayer relies on for each exception; and
- (9) the taxpayer's signature or signature of the taxpayer's duly authorized agent.

Subd. 5. [EXTENSIONS.] When requested in writing and within the time allowed for filing an administrative appeal, the commissioner may extend the time for filing an appeal for a period not more than 30 days after the expiration of the 60 days after the notice date.

Subd. 6. [DETERMINATION OF APPEAL.] Based on applicable law and available information, the commissioner shall determine whether the appeal is valid. The commissioner shall find the appeal valid in whole, valid in part, or invalid, and shall notify the taxpayer of the decision. This notice must be in writing and must state the reasons for the determination.

Subd. 7. [AGREEMENT DETERMINING TAX LIABILITY.] When it appears to be in the best interests of the state, the commissioner may settle any taxes, surcharges, penalties, or interest that the commissioner has under consideration by virtue of an appeal filed under this section. An agreement must be in writing and signed by the commissioner and the taxpayer, or by the taxpayer's representative authorized by the taxpayer to enter into an agreement. The agreement is final and, except upon a showing of fraud, malfeasance, or misrepresentation of a material fact, the case must not be reopened as to the matters agreed upon.

Subd. 8. [APPEAL OF AN ADMINISTRATIVE DETERMINATION.] After deciding an appeal, the commissioner shall issue an order reflecting that decision. The order must be issued notwithstanding any statute of limitations for making assessments or other determinations. If the statute of limitations for making assessments or other determinations would have expired before the issuance of this order, except for this section, the order is limited to issues or matters contained in the appealed determination. The order is appealable to the Minnesota tax court under section 271.06.

Subd. 9. [APPEAL WHERE NO DETERMINATION.] If the commissioner does not make a determination within six months after the filing of an administrative appeal, the taxpayer may appeal to tax court.

Subd. 10. [EXEMPTION FROM ADMINISTRATIVE PROCEDURE ACT.] This section is not subject to the contested case procedures of chapter 14.

Sec. 21. [PURPOSE.]

It is the intent of the legislature to simplify Minnesota's insurance tax laws by consolidating and recodifying tax administration and compliance provisions now contained throughout Minnesota Statutes, chapter 60A, and elsewhere. Due to the complexity of the recodification, prior provisions are repealed on the effective date of the new provisions. The repealed provisions, however, remain in effect until superseded by the analogous provision in the new law.

Sec. 22. [EFFECTIVE DATES.]

Sections 1 and 16 are effective January 1, 2001.

Sections 2 to 9 and 18 are effective for returns, taxes, surcharges, and estimated payments required to be filed or paid for tax years beginning on or after January 1, 2001.

Sections 10 to 12 are effective for assessments made and examinations and audits commenced on or after January 1, 2001.

Section 13 is effective for claims for refunds filed on or after January 1, 2001.

Section 14 is effective for assessments that have not been made as of the day following final enactment. The time period for making such assessments is the time period prescribed in the enacted section or one year after the day following final enactment, whichever is greater.

Section 15 is effective for claims for refund which have not been filed as of the day following final enactment and in which the time period for filing the claim has not expired under the provisions in effect prior to the day following final enactment. The time period for filing such claims is the time period prescribed in the enacted sections, or one year after the day following final enactment, whichever is greater.

Section 17 is effective for all amounts due on or after January 1, 2001.

Section 19 is effective for crimes committed on or after January 1, 2001.

Section 20 is effective for assessments made or refund claims or abatements denied on or after January 1, 2001.

ARTICLE 2

TECHNICAL CHANGES

Section 1. Minnesota Statutes 1999 Supplement, section 43A.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the judgment of the commissioner are best qualified to underwrite and service the benefit plans. Contracts entered into with carriers are not subject to the requirements of sections 16C.16 to 16C.19. The commissioner may negotiate premium rates and coverage provisions with all carriers licensed under chapters 62A, 62C, and 62D. The commissioner may also negotiate reasonable restrictions to be applied to all carriers under chapters 62A, 62C, and 62D. Contracts to underwrite the benefit plans must be bid or negotiated separately from contracts to service the benefit plans, which may be awarded only on the basis of competitive bids. The commissioner shall consider the cost of the plans, conversion options relating to the contracts, service capabilities, character, financial position, and reputation of the carriers, and any other factors which the commissioner deems appropriate. Each benefit contract must be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. The commissioner shall, to the extent feasible, make hospital and medical benefits available from at least one carrier licensed to do business pursuant to each of chapters 62A, 62C, and 62D. The commissioner need not provide health maintenance organization services to an employee who resides in an area which is not served by a licensed health maintenance organization. The commissioner may refuse to allow a health maintenance organization to continue as a carrier. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in substantial additional administrative costs. A carrier licensed under chapter 62A is exempt from the ~~tax~~ taxes imposed by ~~section 60A.15~~ chapter 297I on premiums paid to it by the state.

All self-insured hospital and medical service products must comply with coverage mandates, data reporting, and consumer protection requirements applicable to the licensed carrier administering the product, had the product been insured, including chapters 62J, 62M, and 62Q. Any self-insured products that limit coverage to a network of providers or provide different levels of coverage between network and nonnetwork providers shall comply with section 62D.123 and geographic access standards for health maintenance organizations adopted by the commissioner of health in rule under chapter 62D.

Sec. 2. Minnesota Statutes 1998, section 43A.316, subdivision 9, is amended to read:

Subd. 9. [INSURANCE TRUST FUND.] The insurance trust fund in the state treasury consists of deposits of the premiums received from employers participating in the program and transfers before July 1, 1994, from the excess contributions holding account established by section 353.65, subdivision 7. All money in the fund is appropriated to the commissioner to pay insurance premiums, approved claims, refunds, administrative costs, and other related service costs. Premiums paid by employers to the fund are exempt from the ~~tax~~ taxes imposed by ~~sections 60A.15 and 60A.198~~ chapter 297I. The commissioner shall reserve an amount of money to cover the estimated costs of claims incurred but unpaid. The state board of investment shall invest the money according to section 11A.24. Investment income and losses attributable to the fund must be credited to the fund.

Sec. 3. Minnesota Statutes 1998, section 43A.317, subdivision 8, is amended to read:

Subd. 8. [PREMIUMS.] (a) [PAYMENTS.] Employers enrolled in the program shall pay premiums according to terms established by the commissioner. If an employer fails to make the required payments, the commissioner may cancel coverage and pursue other civil remedies.

(b) [RATING METHOD.] The commissioner shall determine the premium rates and rating method for the program. The rating method for eligible small employers must meet or exceed the requirements of chapter 62L. The rating methods must recover in premiums all of the ongoing costs for state administration and for maintenance of a premium stability and claim fluctuation reserve. On June 30, 1999, after paying all necessary and reasonable expenses, the commissioner must apply up to \$2,075,000 of any remaining balance in the Minnesota employees' insurance trust fund to repayment of any amounts drawn or expended for this program from the health care access fund.

(c) [TAXES AND ASSESSMENTS.] To the extent that the program operates as a self-insured group, the premiums paid to the program are not subject to the premium taxes imposed by sections 60A.15 and 60A.198 chapter 297I, but the program is subject to a Minnesota comprehensive health association assessment under section 62E.11.

Sec. 4. Minnesota Statutes 1999 Supplement, section 60A.19, subdivision 6, is amended to read:

Subd. 6. [RETALIATORY PROVISIONS.] (1) ~~When by the laws of any other state or country any taxes, fines, deposits, penalties, licenses, or fees, in addition to or in excess of those imposed by the laws of this state upon foreign insurance companies and their agents doing business in this state, are imposed on insurance companies of this state and their agents doing business in that state or country, or when any conditions precedent to the right to do business in that state are imposed by the laws thereof, beyond those imposed upon these foreign companies by the laws of this state, the same taxes, fines, deposits, penalties, licenses, fees, and conditions precedent shall be imposed upon every similar insurance company of that state or country and their agents doing or applying to do business in this state so long as these foreign laws remain in force. Special purpose obligations or assessments, including assessments by an insurance guaranty association, joint underwriting association or similar organization, or assessments imposed in connection with particular kinds of insurance, are not taxes, licenses, or fees as these terms are used in this section.~~

(2) In the event that a domestic insurance company, after complying with all reasonable laws and rulings of any other state or country, is refused permission by that state or country to transact business therein after the commissioner of commerce of Minnesota has determined that that company is solvent and properly managed and after the commissioner has so certified to the proper authority of that other state or country, then, and in every such case, the commissioner may forthwith suspend or cancel the certificate of authority of every insurance company organized under the laws of that other state or country to the extent that it insures, or seeks to insure, in this state against any of the risks or hazards which that domestic company seeks to insure against in that other state or country. Without limiting the application of the foregoing provision, it is hereby determined that any law or ruling of any other state or country which prescribes to a Minnesota domestic insurance company the premium rate or rates for life insurance issued or to be issued outside that other state or country shall not be reasonable.

(3) (2) This section does not apply to insurance companies organized or domiciled in a state or country, the laws of which do not impose retaliatory taxes, fines, deposits, penalties, licenses, or fees or which grant, on a reciprocal basis, exemptions from retaliatory taxes, fines, deposits, penalties, licenses, or fees to insurance companies domiciled in this state.

Sec. 5. Minnesota Statutes 1998, section 60A.19, subdivision 8, is amended to read:

Subd. 8. [INSURANCE FROM UNLICENSED FOREIGN COMPANIES.] Any person, firm, or corporation desiring to obtain insurance upon any property, interests, or risks of any nature other than life insurance in this state in companies not authorized to do business therein shall give bond to the commissioner of commerce in such sum as the commissioner shall deem reasonable, with satisfactory resident sureties, conditioned that the obligors, on the

~~expiration of a license to obtain such insurance, shall pay to the commissioner of revenue, for the use of the state, a tax of two percent upon the gross premiums paid by the licensee in the state must agree to file with the commissioner of revenue all returns required under chapter 297I and pay to the commissioner of revenue any amounts required to be paid under chapter 297I. Thereupon Upon that agreement, the commissioner of commerce shall issue such a license, good for one year, and all. Insurance procured thereunder shall be lawful and under the license is valid and the provisions of all the policies thereof shall be deemed are considered to be in accordance, and construed as if identical in effect, with the standard policy prescribed by the laws of this state and. The insurers may enter the state to perform any act necessary or proper in the conduct of the business. This bond may be enforced by the commissioner of commerce in the commissioner's name in any district court. The licensee shall file with the commissioner of commerce on June 30 and December 31 annually a verified statement of the aggregate premiums paid and returned premiums received on account of such insurance.~~

~~The commissioner of revenue, or duly authorized agents, may conduct investigations, inquiries, and hearings to enforce the tax imposed by this subdivision and, in connection with those investigations, inquiries, and hearings, the commissioner and duly authorized agents have all the powers conferred by section 270.06.~~

Sec. 6. Minnesota Statutes 1998, section 60A.198, subdivision 3, is amended to read:

Subd. 3. [PROCEDURE FOR OBTAINING LICENSE.] A person licensed as an agent in this state pursuant to other law may obtain a surplus lines license by doing the following:

(a) filing an application in the form and with the information the commissioner may reasonably require to determine the ability of the applicant to act in accordance with sections 60A.195 to 60A.209;

(b) maintaining an agent's license in this state;

(c) delivering to the commissioner a financial guarantee bond from a surety acceptable to the commissioner for the greater of the following:

(1) \$5,000; or

(2) the largest semiannual surplus lines premium tax liability incurred by the applicant in the immediately preceding five years;

(d) agreeing to file with the commissioner of revenue no later than February 15 and August 15 annually, a sworn statement of the charges for insurance procured or placed and the amounts returned on the insurance canceled under the license for the preceding six-month period ending December 31 and June 30 respectively, and at the time of the filing of this statement, paying the commissioner a tax on premiums equal to three percent of the total written premiums less cancellations; all returns required by chapter 297I and paying to the commissioner of revenue all amounts required under chapter 297I; and

(e) ~~(d)~~ paying a fee as prescribed by section 60K.06, subdivision 2, paragraph (a), clause (4); ~~and.~~

(f) ~~paying penalties imposed under section 289A.60, subdivision 1, as it relates to withholding and sales or use taxes, if the tax due under clause (d) is not timely paid.~~

Sec. 7. Minnesota Statutes 1998, section 60A.208, subdivision 8, is amended to read:

Subd. 8. [OPERATING ASSESSMENT.] (a) Upon request from the association, the commissioner may approve the levy of an assessment of not more than one-half of one percent of premiums charged pursuant to sections 60A.195 to 60A.209 for operation of the association to the extent that the operation relieves the commissioner of duties otherwise required of the commissioner pursuant to sections 60A.195 to 60A.209. Any assessment so approved may be subtracted from the premium tax owed by the licensee under chapter 297I.

(b) The association may revoke the membership and the commissioner may revoke the license in this state, of any licensee who fails to pay an assessment when due, if the assessment has been approved by the commissioner.

Sec. 8. Minnesota Statutes 1998, section 60A.209, subdivision 3, is amended to read:

Subd. 3. [DUTY TO REPORT.] Each insured in this state who procures, causes to be procured, or continues or renews insurance with an ineligible surplus lines insurer or any self-insurer in this state who procures or continues excess of loss, catastrophe, or other insurance upon a subject of insurance resident, located, or to be performed within this state, other than insurance procured pursuant to section 60A.201 or subdivision 1 ~~shall file a written report regarding the insurance with the commissioner of revenue on forms prescribed by the commissioner of revenue and furnished to the insured upon request. The report shall be filed within 30 days after the date the insurance was procured, continued, or renewed and shall be accompanied by the tax on the premiums of two percent. The report shall show all of the following:~~

~~(a) The name and address of the insured;~~

~~(b) The name and address of the insurer;~~

~~(c) The subject of the insurance;~~

~~(d) A general description of the coverage;~~

~~(e) The amount of premium currently charged for the insurance; and~~

~~(f) Any additional pertinent information reasonably requested by the commissioner of revenue must file with the commissioner of revenue all returns and pay to the commissioner of revenue all amounts required under chapter 297I.~~

Sec. 9. Minnesota Statutes 1998, section 60C.17, is amended to read:

60C.17 [TAX EXEMPTION.]

The association is exempt from payment of all taxes imposed under chapter 297I and all fees and all other taxes levied by this state or any of its subdivisions except taxes levied on real or personal property.

Sec. 10. Minnesota Statutes 1998, section 60E.04, subdivision 4, is amended to read:

Subd. 4. [TAXATION.] (a) Each risk retention group is ~~liable for the payment of premium taxes and taxes on premiums of direct business for risks resident or located within this state, and shall report to the commissioner of revenue the net premiums written for risks resident or located within this state. The risk retention group shall be subject to taxation, and any applicable taxation-related fines and penalties, on the same basis as a foreign admitted insurer must file with the commissioner of revenue all returns and pay to the commissioner of revenue all amounts required under chapter 297I.~~

(b) To the extent licensed agents or brokers are utilized pursuant to in accordance with section 60E.12, they shall report to the commissioner of revenue the premiums for direct business for risks resident or located within this state which the licensees have placed with or on behalf of a risk retention group not chartered in this state.

(c) To the extent that insurance agents or brokers are utilized pursuant to in accordance with section 60E.12, each agent or broker shall keep a complete and separate record of all policies procured from each risk retention group, which ~~shall~~ must be open to examination by the commissioner, as provided in section 60A.031 and by the commissioner of revenue. These records ~~shall~~ must, for each policy and each kind of insurance provided, include the following:

(1) the limit of liability;

- (2) the time period covered;
- (3) the effective date;
- (4) the name of the risk retention group which issued the policy;
- (5) the gross premium charged; and
- (6) the amount of return premiums, if any.

Sec. 11. Minnesota Statutes 1998, section 60E.095, is amended to read:

60E.095 [PURCHASING GROUP TAXATION.]

Premium taxes ~~and taxes on premiums~~ paid for coverage of risks resident or located in this state by a purchasing group or any members of the purchasing ~~groups shall be:~~

- ~~(1) imposed at the same rate and subject to the same interest, fines, and penalties as that applicable to premium taxes and taxes on premiums paid for similar coverage from a similar insurance source by other insureds; and~~
- ~~(2) paid first by the insurance source, and if not by the source by the agent or broker for the purchasing group, and if not by the agent or broker then by the purchasing group, and if not by the purchasing group then by each of its members group must be paid to the commissioner of revenue as provided in chapter 297I.~~

Sec. 12. Minnesota Statutes 1998, section 61B.30, subdivision 1, is amended to read:

Subdivision 1. [STATE FEES AND TAXES.] The association is exempt from payment of all taxes imposed under chapter 297I and all fees and all other taxes levied by this state or its subdivisions, except taxes levied on real property.

Sec. 13. Minnesota Statutes 1998, section 62C.01, subdivision 3, is amended to read:

Subd. 3. [SCOPE.] Every foreign or domestic nonprofit corporation organized for the purpose of establishing or operating a health service plan in Minnesota whereby health services are provided to subscribers to the plan under a contract with the corporation shall be subject to and governed by Laws 1971, chapter 568, and shall not be subject to the laws of this state relating to insurance, except ~~section 60A.15~~ the gross premiums tax provisions contained in chapter 297I and as otherwise specifically provided. Laws 1971, chapter 568 shall apply to all health service plan corporations incorporated after August 1, 1971, and to all existing health service plan corporations, except as otherwise provided. Nothing in sections 62C.01 to 62C.23 shall apply to prepaid group practice plans. A prepaid group practice plan is any plan or arrangement other than a service plan, whereby health services are rendered to certain patients by providers who devote their professional effort primarily to members or patients of the plan, and whereby the recipients of health services pay for the services on a regular, periodic basis, not on a fee for service basis.

Sec. 14. Minnesota Statutes 1998, section 62E.10, subdivision 1, is amended to read:

Subdivision 1. [CREATION; TAX EXEMPTION.] There is established a comprehensive health association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers; self-insurers; fraternal; joint self-insurance plans regulated under chapter 62H; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; health maintenance organizations; and community integrated service networks licensed or authorized to do business in this state. The comprehensive health association ~~shall be~~ is exempt from taxation the taxes imposed under the chapter 297I and any other laws of this state and all property owned by the association ~~shall be~~ is exempt from taxation.

Sec. 15. Minnesota Statutes 1998, section 62E.13, subdivision 10, is amended to read:

Subd. 10. [PREMIUMS NOT SUBJECT TO TAX.] Premiums received by the writing carrier for the comprehensive health insurance plan are exempt from the ~~provisions of section 60A.15~~ taxes imposed under chapter 297I.

Sec. 16. Minnesota Statutes 1998, section 62L.13, subdivision 3, is amended to read:

Subd. 3. [EXEMPTIONS.] The association, its transactions, and all property owned by it are exempt from taxation under the laws of this state or any of its subdivisions, including, but not limited to, premiums taxes imposed under chapter 297I, income tax, sales tax, use tax, and property tax. The association may seek exemption from payment of all fees and taxes levied by the federal government. Except as otherwise provided in this chapter, the association is not subject to the provisions of chapters 13, 60A, 62A to 62H, and section 471.705. The association is not a public employer and is not subject to the provisions of chapters 179A and 353. The board of directors and health carriers who are members of the association are exempt from sections 325D.49 to 325D.66 in the performance of their duties as directors and members of the association.

Sec. 17. Minnesota Statutes 1998, section 62T.10, is amended to read:

62T.10 [MINNESOTACARE TAX.]

An accountable provider network ~~is subject to the premium tax established in section 60A.15 and must pay installments as described in section 60A.15, subdivision 1, paragraph (d)~~ shall file with the commissioner of revenue all returns and pay to the commissioner of revenue all amounts required under chapter 297I.

Sec. 18. Minnesota Statutes 1998, section 64B.24, is amended to read:

64B.24 [TAXATION.]

Fraternal benefit societies are declared to be charitable institutions, and the property held and used for lodge purposes, and the funds of these societies shall be exempt from taxation under the general tax or revenue laws of this state, except that the real estate of the society shall be taxable. Insurance premiums paid to a fraternal benefit society are exempt from the taxes imposed under chapter 297I.

Sec. 19. Minnesota Statutes 1998, section 71A.04, subdivision 1, is amended to read:

Subdivision 1. [PREMIUM TAX.] The attorney-in-fact, in lieu of all taxes, state, county, and municipal, ~~shall pay to the state with the filing of each annual report on or before March 1 as an annual license fee two percent of the gross premiums or deposits for the preceding calendar year, deducting all amounts returned to subscribers or credited to their accounts; and the attorney shall pay a filing fee of \$2~~ shall file with the commissioner of revenue all returns and pay to the commissioner of revenue all amounts required under chapter 297I.

Sec. 20. Minnesota Statutes 1998, section 79.252, subdivision 4, is amended to read:

Subd. 4. [RESPONSIBILITIES.] Assigned risk policies and contracts of coverage ~~shall be~~ are subject to premium tax pursuant to section 60A.15 ~~taxation under chapter 297I~~, and special compensation fund assessments ~~pursuant to~~ under Minnesota Statutes 1990, section 176.131, subdivision 10. The assigned risk plan shall be a member of the reinsurance association for the purposes of sections 79.34 to 79.40 and may select either retention limit provided in section 79.34, subdivision 2.

Sec. 21. Minnesota Statutes 1998, section 79.34, subdivision 1a, is amended to read:

Subd. 1a. [GROSS PREMIUMS TAX.] The direct funded ~~premium~~ premiums received by the reinsurance association ~~is from self-insurers approved under section 176.181 and political subdivisions that self-insure~~ are subject to the gross premium tax imposed by ~~section 60A.15~~ taxation under chapter 297I. ~~Only direct funded premium payments made to the reinsurance association by self-insurers approved pursuant to section 176.181 and each political subdivision that self-insures shall be subject to the gross premiums tax.~~

Sec. 22. Minnesota Statutes 1998, section 176A.08, is amended to read:

176A.08 [EXEMPTION FROM AND APPLICABILITY OF CERTAIN LAWS.]

The fund shall not be considered a state agency for any purpose including, but not limited to, chapters 13, 15, 15A, and 43A. However, the fund shall be subject to sections 179A.01 to 179A.25. The insurance operations of the fund are subject to all of the provisions of chapters 60A and 60B. The commissioner of commerce has the same powers with respect to the board as the commissioner has with respect to a private workers' compensation insurer under chapters 60A and 60B. The fund is considered an insurer for the purposes of chapters 60C, 72A, 79, and 176. The fund is subject to the same tax liability as a mutual insurance company in this state ~~pursuant to section 60A.15 under chapter 297I~~. As a condition of its authority to transact business in this state the fund shall be a member of the workers' compensation reinsurance association and is bound by its plan of operation.

Sec. 23. Minnesota Statutes 1998, section 290.35, subdivision 2, is amended to read:

Subd. 2. [APPORTIONMENT OF TAXABLE NET INCOME.] The commissioner shall compute therefrom the taxable net income of such companies by assigning to this state that proportion thereof which the gross premiums collected by them during the taxable year from old and new business within this state bears to the total gross premiums collected by them during that year from their entire old and new business, including reinsurance premiums; provided, the commissioner shall add to the taxable net income so apportioned to this state the amount of any taxes on premiums paid by the company by virtue of any law of this state (other than the surcharge on premiums imposed by ~~sections 69.54 to 69.56~~ section 297I.10 and the surcharge imposed by section 168A.40, subdivision 3) which shall have been deducted from gross income by the company in arriving at its total net income ~~under the provisions of such act of Congress.~~

(a) For purposes of determining the Minnesota apportionment percentage, premiums from reinsurance contracts in connection with property in or liability arising out of activity in, or in connection with the lives or health of Minnesota residents shall be assigned to Minnesota and premiums from reinsurance contracts in connection with property in or liability arising out of activity in, or in connection with the lives or health of non-Minnesota residents shall be assigned outside of Minnesota. Reinsurance premiums are presumed to be received for a Minnesota risk and are assigned to Minnesota, if:

(1) the reinsurance contract is assumed for a company domiciled in Minnesota; and

(2) the taxpayer, upon request of the commissioner, fails to provide reliable records indicating the reinsured contract covered non-Minnesota risks.

For purposes of this paragraph, "Minnesota risk" means coverage in connection with property in or liability arising out of activity in Minnesota, or in connection with the lives or health of Minnesota residents.

(b) The apportionment method prescribed by paragraph (a) shall be presumed to fairly and correctly determine the taxpayer's taxable net income. If the method prescribed in paragraph (a) does not fairly reflect all or any part of taxable net income, the taxpayer may petition for or the commissioner may require the determination of taxable net income by use of another method if that method fairly reflects taxable net income. A petition within the meaning of this section must be filed by the taxpayer on such form as the commissioner shall require.

Sec. 24. Minnesota Statutes 1998, section 290.35, subdivision 3, is amended to read:

Subd. 3. [CREDIT.] An insurance company shall receive a credit against the tax computed under sections 290.06, subdivision 1, and 290.0921, equal to any taxes based on premiums paid by it that are attributable to the period for which the tax under this chapter is imposed by virtue of any law of this state, other than the surcharge on premiums imposed by ~~sections 69.54 to 69.56~~ section 297I.10.

Sec. 25. Minnesota Statutes 1998, section 290.35, subdivision 6, is amended to read:

Subd. 6. [GUARANTY ASSOCIATION ASSESSMENT OFFSET.] (a) An insurance company may offset against its corporate franchise tax liability under this chapter any amount paid pursuant to assessments made for insolvencies which occur after July 31, 1994, under sections 60C.01 to 60C.22, and any amount paid pursuant to assessments made after July 31, 1994, under Minnesota Statutes 1992, sections 61B.01 to 61B.16, or sections 61B.18 to 61B.32, as follows:

(~~a~~) (1) Each such assessment shall give rise to an amount of offset equal to 20 percent of the amount of the assessment for each of the five calendar years following the year in which the assessment was paid.

(~~b~~) (2) The amount of offset initially determined for each taxable year is the sum of the amounts determined under ~~paragraph (a)~~ clause (1) for that taxable year.

(~~c~~) (~~b~~)(1) Each year the commissioner of revenue shall compare total guaranty association assessments levied over the preceding five calendar years to the sum of all premium tax and corporate franchise tax revenues collected from insurance companies without reduction for any guaranty association assessment offset, in the preceding calendar year, referred to in this subdivision as "preceding year insurance tax revenues."

(2) If total guaranty association assessments levied over the preceding five years exceed the preceding year insurance tax revenues, insurance companies ~~shall be~~ are allowed only a proportionate part of the corporate franchise tax offset calculated under paragraph (~~b~~) (a) for the current calendar year.

(3) The proportionate part of the corporate franchise tax offset allowed in the current calendar year is determined by multiplying the amount calculated under paragraph (~~b~~) (a) by a fraction, the numerator of which equals the preceding year insurance tax revenues and the denominator of which equals total guaranty association assessments levied over the preceding five-year period.

(4) The proportionate part of the premium tax offset that is not allowed ~~shall~~ must be carried forward to subsequent tax years and added to the amount of corporate franchise tax offset calculated under paragraph (~~b~~) (a) before application of the limitation imposed by this paragraph.

(5) Any amount carried forward from prior years must be allowed before allowance of the offset for the current year calculated under paragraph (~~b~~) (a).

(6) The corporate franchise tax offset limitation must be calculated separately for (1) insurance companies subject to assessment under sections 60C.01 to 60C.22, and (2) insurance companies subject to assessment under Minnesota Statutes 1992, sections 61B.01 to 61B.16, or sections 61B.18 to 61B.32.

(7) When the corporate franchise tax offset is limited by this provision, the commissioner of revenue will notify affected insurance companies on a timely basis for purposes of completing premium and corporate franchise tax returns.

(8) The guaranty associations created under sections 60C.01 to 60C.22, Minnesota Statutes 1992, sections 61B.01 to 61B.16, and sections 61B.18 to 61B.32, shall provide the commissioner of revenue with the necessary information on guaranty association assessments. ~~The limitation in this paragraph is effective for offsets allowable in 1999 and thereafter.~~

~~(d)~~ (c)(1) If the offset determined by the application of paragraphs (a) ~~to (c)~~ and (b) exceeds the greater of the insurance company's corporate franchise tax liability under this chapter prior to allowance of the credit provided by subdivision 3 or its premium tax liability under chapter ~~60A 297I~~, then the insurance company may carry forward the excess, referred to in this subdivision as the "carryforward credit," to subsequent taxable years.

(2) The carryforward credit must be allowed as an offset against corporate franchise tax liability for the first succeeding year to the extent that the corporate franchise tax liability for that year exceeds the amount of the allowable offset for the year determined under paragraphs (a) ~~to (c)~~ and (b).

(3) The carryforward credit ~~shall~~ must be reduced, but not below zero, by the greater of the amount of the carryforward credit allowed as an offset against the corporate franchise tax pursuant to this paragraph or the amount of the carryforward credit allowed as an offset against the insurance company's premium tax liability under chapter ~~60A 297I~~ pursuant to section ~~60A.15, subdivision 15, paragraph (d) 297I.20, paragraph (c)~~. The remainder, if any, of the carryforward credit must be carried forward to succeeding taxable years until the entire carryforward credit has been credited against the insurance company's liability for corporate franchise tax under this chapter and premium tax under chapter ~~60A 297I~~.

~~(e) (d)~~ A refund paid by the Minnesota Life and Health Insurance Guaranty Association to member insurers under Minnesota Statutes 1992, section 61B.07, subdivision 6, or section 61B.24, subdivision 6, with respect to an assessment payment which has been offset against taxes shall reduce the carryforward credit determined under paragraph (d) and, if the refund exceeds the amount of the carryforward credit, shall be repaid by the insurers to the extent of the offset to the state in the manner the commissioner of revenue requires. When an insurer has offset against taxes its payment of an assessment of the Minnesota life and health guaranty association, and the association pays the insurer a refund with respect to the assessment under Minnesota Statutes 1992, section 61B.07, subdivision 6, or 61B.24, subdivision 6, then the refund reduces the insurer's carryforward credit under paragraph (c). If the refund exceeds the amount of the carryforward credit, the excess amount must be repaid to the state by the insurers to the extent of the offset in the manner the commissioner requires.

Sec. 26. Minnesota Statutes 1998, section 295.58, is amended to read:

295.58 [DEPOSIT OF REVENUES AND PAYMENT OF REFUNDS.]

The commissioner shall deposit all revenues, including penalties and interest, derived from the taxes imposed by sections 295.50 to 295.57 and from the insurance premiums tax imposed by section 297I.05, subdivision 5, on health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations in the health care access fund ~~in the state treasury~~. Refunds of overpayments must be paid from the health care access fund ~~in the state treasury~~. There is annually appropriated from the health care access fund to the commissioner of revenue the amount necessary to make ~~any~~ refunds required under section 295.54.

Sec. 27. Minnesota Statutes 1998, section 424.165, is amended to read:

424.165 [SPECIAL FUND, MAINTENANCE.]

~~Subdivision 1. [SURCHARGE.]~~ When the balance in the special fund of any firefighter's relief association in any city of the second class is less than \$50,000 as determined by any such association's board of trustees, which fact shall be duly certified to by the state auditor, such board of trustees may thereupon file its duly verified petition for relief, accompanied by such certificate, with the commissioner of revenue. The commissioner of revenue shall thereupon order and direct a surcharge to be collected of two percent of the fire, lightning and sprinkler leakage gross premiums, less return premiums, on all direct business received by any foreign or domestic fire insurance company on property in such city of the second class, or by its agents for it, in cash or otherwise, until the balance in the special funds of such relief association amounts to \$50,000 and for a period of 15 days thereafter. As soon as the balance in said special fund amounts to \$50,000 the board of trustees of such relief association shall certify that fact to the commissioner of revenue and the commissioner of revenue shall forthwith issue an order ordering and directing that the collection of such surcharge shall be discontinued after the expiration of said 15-day period and

shall forthwith mail a copy of the order last mentioned to each insurance company affected thereby. Said surcharge shall be due and payable from such companies to the state treasurer in semiannual installments on June 30 and December 31 of each calendar year to be kept by the state treasurer in a separate fund and if not paid within 30 days after such dates a penalty of three percent shall accrue thereon and thereafter such sum and penalty shall draw interest at the rate of one percent per month until paid.

~~Subd. 2. [ISSUANCE OF WARRANT.] The commissioner of finance on July 31, 1938, and semiannually thereafter, shall issue and deliver to the treasurer of such relief association in such city a warrant upon the state treasurer for an amount equal to the total amount of said surcharge on said premiums within such city theretofore so collected and transmitted to the state treasurer by such insurance companies. Said warrants shall be paid out of said separate fund hereinbefore provided for, and the payment in each case shall be made to the treasurer of the relief association presenting the warrant.~~

There is hereby appropriated to such firefighter's relief association, from such fund or account in the state treasury to which the money was credited, such sums as may, from time to time, be necessary to pay these warrants:

~~Subd. 3. [FUNDS TO BE KEPT IN SPECIAL FUND.] The treasurer of such relief association shall place the money received in payment of any such warrant in the special fund of such relief association.~~

~~Subd. 4. [EMERGENCY DECLARED TO EXIST.] An emergency exists and this section shall be construed as a relief measure for firefighter's relief associations in any city of the second class:~~

When the balance in the special fund of any firefighter's relief association in any city of the second class is less than \$50,000 as determined by the board of trustees of the association, and as certified by the state auditor, the board of trustees may file with the commissioner a request to impose the surcharge on fire, lightning, and sprinkler leakage insurance premiums authorized under section 297I.10, subdivision 2.

Sec. 28. [REPEALER.]

Minnesota Statutes 1998, sections 60A.15; 60A.152; 60A.198, subdivision 6; 60A.199, subdivisions 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, and 11; 60A.209, subdivisions 4 and 5; 69.54; 69.55; 69.56; 69.57; 69.58; 69.59; 69.60; 69.61; 71A.04, subdivision 2; 299F.21; 299F.22; 299F.23; 299F.24; 299F.25; and 299F.26; and Minnesota Rules, part 2765.1500, subpart 6, are repealed.

Sec. 29. [EFFECTIVE DATE.]

This article is effective January 1, 2001."

The motion prevailed and the amendment was adopted.

S. F. No. 2655, A bill for an act relating to taxation; recodifying insurance tax laws; providing for civil and criminal penalties; appropriating money; amending Minnesota Statutes 1998, sections 43A.316, subdivision 9; 43A.317, subdivision 8; 60A.19, subdivision 8; 60A.198, subdivision 3; 60A.208, subdivision 8; 60A.209, subdivision 3; 60C.17; 60E.04, subdivision 4; 60E.095; 61B.30, subdivision 1; 62C.01, subdivision 3; 62E.10, subdivision 1; 62E.13, subdivision 10; 62L.13, subdivision 3; 62T.10; 64B.24; 71A.04, subdivision 1; 79.252, subdivision 4; 79.34, subdivision 1a; 176A.08; 290.35, subdivisions 2, 3, and 6; 295.58; and 424.165; Minnesota Statutes 1999 Supplement, sections 43A.23, subdivision 1; and 60A.19, subdivision 6; proposing coding for new law as Minnesota Statutes, chapter 297I; repealing Minnesota Statutes 1998, sections 60A.15; 60A.152; 60A.198, subdivision 6; 60A.199, subdivisions 2, 3, 4, 5, 6, 6a, 7, 8, 9, 10, and 11; 60A.209, subdivisions 4 and 5; 69.54; 69.55; 69.56; 69.57; 69.58; 69.59; 69.60; 69.61; 71A.04, subdivision 2; 299F.21; 299F.22; 299F.23; 299F.24; 299F.25; and 299F.26; Minnesota Rules, part 2765.1500, subpart 6.

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 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 3178 was reported to the House.

Hilty moved that S. F. No. 3178 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 1870 was reported to the House.

Paulsen moved that S. F. No. 1870 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2795 was reported to the House.

McElroy moved to amend S. F. No. 2795 as follows:

Page 4, after line 22, insert:

"Sec. 5. [136F.77] [EQUITY INVESTMENTS.]

The board may acquire an interest in a product or a private business entity for the purpose of developing and providing educational materials and related programs or services to further the mission of the Minnesota state colleges and universities and foster the economic growth of the state. The board may enter into joint venture agreements with private corporations to develop educational materials and related programs or services. Any

proceeds from the investments or ventures are appropriated to the board. The state is not liable for any obligations or liabilities that arise from investments under this section. The board must report annually by September 1 to the legislature regarding its earnings from partnerships and the disposition of those earnings."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2795, 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.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2791 was reported to the House.

Molnau moved that H. F. No. 2791 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 3307, A bill for an act relating to transportation; providing for claims by person incurring injury to person or property while operating recreational vehicle on trunk highway right-of-way; amending Minnesota Statutes 1998, section 3.736, 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 79 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	McElroy	Rostberg	Van Dellen
Abrams	Erhardt	Howes	Molnau	Schumacher	Vandever
Anderson, B.	Erickson	Juhnke	Mulder	Seagren	Westerberg
Biernat	Fuller	Kielkucki	Ness	Seifert, J.	Westfall
Bishop	Gerlach	Knoblach	Nornes	Seifert, M.	Westrom
Boudreau	Goodno	Krinkie	Olson	Smith	Wilkin
Bradley	Gunther	Kubly	Osskopp	Stanek	Wolf
Broecker	Haake	Kuisle	Osthoff	Stang	Workman
Buesgens	Haas	Larsen, P.	Ozment	Storm	Spk. Sviggum
Cassell	Hackbarth	Leppik	Paulsen	Swenson	
Daggett	Harder	Lieder	Pawlenty	Sykora	
Davids	Hasskamp	Lindner	Paymar	Tingelstad	
Dehler	Hilty	Mahoney	Rhodes	Tuma	
Dempsey	Holberg	Mares	Rifenberg	Tunheim	

Those who voted in the negative were:

Anderson, I.	Finseth	Johnson	Mariani	Otremba	Solberg
Bakk	Folliard	Kahn	Marko	Pelowski	Swapinski
Carlson	Gleason	Kalis	McCollum	Peterson	Tomassoni
Chaudhary	Gray	Kelliher	McGuire	Pugh	Trimble
Clark, J.	Greenfield	Koskinen	Milbert	Rest	Wagenius
Clark, K.	Greiling	Larson, D.	Mullery	Reuter	Wejman
Dawkins	Huntley	Leighton	Murphy	Rukavina	Wenzel
Dorn	Jaros	Lenczewski	Opatz	Skoe	Winter
Entenza	Jennings	Luther	Orfield	Skoglund	

The bill was passed and its title agreed to.

S. F. No. 2514, A bill for an act relating to game and fish; establishing temporary daily and possession limits for yellow perch on inland waters.

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 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bishop	Broecker	Cassell	Daggett
Abrams	Bakk	Boudreau	Buesgens	Chaudhary	Davids
Anderson, B.	Biernat	Bradley	Carlson	Clark, J.	Dawkins

Dehler	Harder	Kuisle	Mulder	Rest	Sykora
Dempsey	Hasskamp	Larsen, P.	Mullery	Reuter	Tingelstad
Dorman	Hilty	Larson, D.	Murphy	Rhodes	Tomassoni
Dorn	Holberg	Leighton	Ness	Rifenberg	Trimble
Entenza	Holsten	Lenczewski	Nornes	Rostberg	Tuma
Erhardt	Howes	Leppik	Olson	Rukavina	Tunheim
Erickson	Huntley	Lieder	Opatz	Schumacher	Van Dellen
Finseth	Jaros	Lindner	Orfield	Seifert, J.	Vanderveer
Fuller	Jennings	Luther	Osskopp	Seifert, M.	Wejcman
Gerlach	Johnson	Mahoney	Osthoff	Skoe	Wenzel
Gleason	Juhnke	Mares	Otremba	Skoglund	Westerberg
Goodno	Kahn	Mariani	Ozment	Smith	Westfall
Gray	Kalis	Marko	Paulsen	Solberg	Wilkin
Greenfield	Kielkucki	McCollum	Pawlenty	Stanek	Winter
Gunther	Knoblach	McElroy	Paymar	Stang	Wolf
Haake	Koskinen	McGuire	Pelowski	Storm	Workman
Haas	Krinkie	Milbert	Peterson	Swapinski	Spk. Sviggum
Hackbarth	Kubly	Molnau	Pugh	Swenson	

Those who voted in the negative were:

Clark, K.	Folliard	Greiling	Wagenius
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The bill was passed and its title agreed to.

S. F. No. 2783, A bill for an act relating to the secretary of state; regulating fees; regulating the filing of annual registrations by corporations and other business entities with the secretary of state; providing for technical amendments to provisions regarding digital signatures; allowing the extension of duration of certain nonprofit corporations; amending Minnesota Statutes 1998, sections 5.12, subdivision 1; 5.14; 302A.821; 303.14, subdivision 1; 303.21, subdivision 3; 317A.801, subdivision 1; 317A.823; 317A.827; 318.02, by adding a subdivision; 322B.960; 323A.10-03; 325K.07, subdivision 3; 325K.10, subdivisions 1 and 2; 325K.18, subdivision 3; 325K.19; and 325K.23; Minnesota Statutes 1999 Supplement, sections 325K.05, subdivision 1; and 336.9-411; proposing coding for new law in Minnesota Statutes, chapters 5; and 308A; repealing Minnesota Statutes 1998, sections 303.07, subdivision 2; 303.14, subdivisions 3, 4, and 5; and 322B.960, 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 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dempsey	Goodno	Hausman	Kahn
Abrams	Carlson	Dorman	Gray	Hilty	Kalis
Anderson, B.	Cassell	Dorn	Greenfield	Holberg	Kelliher
Anderson, I.	Chaudhary	Entenza	Greiling	Holsten	Kielkucki
Bakk	Clark, J.	Erhardt	Gunther	Howes	Knoblach
Biernat	Clark, K.	Erickson	Haake	Huntley	Koskinen
Bishop	Daggett	Finseth	Haas	Jaros	Krinkie
Boudreau	Davids	Folliard	Hackbarth	Jennings	Kubly
Bradley	Dawkins	Fuller	Harder	Johnson	Kuisle
Broecker	Dehler	Gerlach	Hasskamp	Juhnke	Larsen, P.

Larson, D.	McElroy	Osskopp	Rhodes	Stanek	Vandever
Leighton	McGuire	Osthoff	Rifenberg	Stang	Wagenius
Lenczewski	Milbert	Otremba	Rostberg	Storm	Wejzman
Leppik	Molnau	Ozment	Rukavina	Swapinski	Wenzel
Lieder	Mulder	Paulsen	Schumacher	Swenson	Westerberg
Lindner	Mullery	Pawlenty	Seagren	Sykora	Westfall
Luther	Murphy	Paymar	Seifert, J.	Tingelstad	Westrom
Mahoney	Ness	Pelowski	Seifert, M.	Tomassoni	Wilkin
Mares	Nornes	Peterson	Skoe	Trimble	Winter
Mariani	Olson	Pugh	Skoglund	Tuma	Wolf
Marko	Opatz	Rest	Smith	Tunheim	Workman
McCollum	Orfield	Reuter	Solberg	Van Dellen	Spk. Sviggum

Those who voted in the negative were:

Gleason

The bill was passed and its title agreed to.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2951:

Larsen, P.; Vandever and Rukavina.

CALENDAR FOR THE DAY, Continued

S. F. No. 2456 was reported to the House.

Anderson, B., moved to amend S. F. No. 2456 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3786, the first engrossment:

"Section 1. [WRIGHT COUNTY; CONVEYANCE OF CERTAIN COUNTY DITCHES TO THE CITIES OF ST. MICHAEL AND ALBERTVILLE.]

The county of Wright may, by one or more resolutions of its board of commissioners, convey to the cities of St. Michael and Albertville all of its rights, title, and interests in all or any portion of county ditches numbered 9 and 21.

Sec. 2. [PROCEDURES AND CONDITIONS OF CONVEYANCE.]

The conveyance or conveyances will be effective as of the date of such a county board resolution, if the cities of St. Michael and Albertville, by resolution of their city councils:

(1) have agreed to accept the conveyance to the city of a specific ditch or portion thereof;

(2) have agreed to assume as of the effective date, all of the rights, title, and interests of the county; and

(3) have agreed to assume responsibility, under the city's municipal authority, for management of surface water within the area served by the ditch or portion of a ditch so conveyed.

Sec. 3. [EFFECT OF CONVEYANCE.]

(a) Upon the effective date of a conveyance authorized under this act, with respect to any ditch or portion of a ditch so conveyed:

(1) the cities of St. Michael and Albertville shall hold all of the county of Wright's property rights, title, and interests in any ditch or portion of a ditch so conveyed;

(2) Wright county shall have no further responsibility for the ditch or portion of a ditch so conveyed; and

(3) the cities of St. Michael and Albertville shall manage surface water within the area served by the ditch or portion of a ditch so conveyed pursuant to Minnesota Statutes, chapters 412 and 444, or other applicable law governing management of surface water by cities.

(b) The county and the cities may enter into any agreement or issue any document necessary to carry out the purposes of this act.

Sec. 4. [EFFECT ON REMAINING DITCHES.]

This act has no effect upon any ditch or portion of a ditch that is not the subject of an agreement as described in section 2.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day after the last of the county board of Wright county, the city councils of St. Michael and Albertville, and the chief clerical officer of each timely completes compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

The motion prevailed and the amendment was adopted.

S. F. No. 2456, A bill for an act relating to local government; authorizing Wright county to convey certain county ditches to the cities of St. Michael and Albertville.

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	Boudreau	Clark, J.	Dorman	Fuller	Gunther
Abrams	Bradley	Clark, K.	Dorn	Gerlach	Haake
Anderson, B.	Broecker	Daggett	Entenza	Gleason	Haas
Anderson, I.	Buesgens	Davids	Erhardt	Goodno	Hackbarth
Bakk	Carlson	Dawkins	Erickson	Gray	Harder
Biernat	Cassell	Dehler	Finseth	Greenfield	Hasskamp
Bishop	Chaudhary	Dempsey	Folliard	Greiling	Hausman

Hilty	Kubly	McGuire	Pawlenty	Skoglund	Wagenius
Holberg	Kuisle	Milbert	Paymar	Smith	Wejcman
Holsten	Larsen, P.	Molnau	Pelowski	Solberg	Wenzel
Howes	Larson, 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, as amended, and its title agreed to.

S. F. No. 3154, 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; Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611.

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

Tingelstad	Tuma	Vandev eer	Wenzel	Westrom	Wolf
Tomassoni	Tunheim	Wagenius	Westerberg	Wilkin	Workman
Trimble	Van Dellen	Wejcman	Westfall	Winter	Spk. Sviggum

The bill was passed and its title agreed to.

S. F. No. 2968, 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.

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 70 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Mares	Rhodes	Tuma
Abrams	Dorman	Hasskamp	McElroy	Rifenberg	Van Dellen
Anderson, B.	Erhardt	Holberg	Milbert	Seagren	Vandev eer
Bishop	Erickson	Holsten	Molnau	Seifert, J.	Westerberg
Boudreau	Finseth	Howes	Mulder	Seifert, M.	Westfall
Bradley	Fuller	Kielkucki	Nornes	Smith	Westrom
Broecker	Gerlach	Knoblach	Olson	Stanek	Wilkin
Buesgens	Goodno	Krinkie	Osskopp	Stang	Wolf
Clark, J.	Gunther	Kuisle	Ozment	Storm	Workman
Daggett	Haake	Larsen, P.	Paulsen	Swenson	Spk. Sviggum
Davids	Haas	Leppik	Pawlenty	Sykora	
Dehler	Hackbarth	Lindner	Reuter	Tingelstad	

Those who voted in the negative were:

Bakk	Gray	Kahn	Mahoney	Osthoff	Skoglund
Biernat	Greenfield	Kalis	Mariani	Otremba	Solberg
Carlson	Greiling	Kelliher	Marko	Paymar	Swapinski
Chaudhary	Hausman	Koskinen	McCollum	Pelowski	Tomassoni
Clark, K.	Hilty	Kubly	McGuire	Peterson	Trimble
Dawkins	Huntley	Larson, D.	Mullery	Pugh	Tunheim
Dorn	Jaros	Leighton	Murphy	Rest	Wagenius
Entenza	Jennings	Lenczewski	Ness	Rukavina	Wejcman
Folliard	Johnson	Lieder	Opatz	Schumacher	Wenzel
Gleason	Juhnke	Luther	Orfield	Skoe	Winter

The bill was passed and its title agreed to.

S. F. No. 884 was reported to the House.

Harder moved to amend S. F. No. 884, the unofficial engrossment, as follows:

Page 1, line 25, delete "\$95" and insert "\$75"

Page 2, line 12, delete "\$45" and insert "\$25"

Page 3, line 10, delete "\$80" and insert "\$60"

Page 3, line 12, delete "\$75" and insert "\$55"

Page 3, line 19, delete "\$45" and insert "\$25"

Page 3, line 21, delete "\$30" and insert "\$10"

Page 3, line 22, delete "\$25" and insert "\$5"

The motion prevailed and the amendment was adopted.

Carlson moved to amend S. F. No. 884, the unofficial engrossment, as amended, as follows:

Page 2, line 12, delete "at least 12 hours of"

Page 2, line 29, delete "at least 12 hours of"

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

The Speaker assumed the Chair.

S. F. No. 884, A bill for an act relating to marriage; providing for a reduced marriage license fee for couples who obtain premarital education; increasing filing fee for marriage dissolution proceedings; amending Minnesota Statutes 1998, sections 357.021, subdivision 2; and 517.08, subdivisions 1b and 1c.

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 97 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hasskamp	Kuisle	Olson	Rostberg
Anderson, B.	Dorn	Hilty	Larsen, P.	Opatz	Schumacher
Biernat	Erhardt	Holberg	Leppik	Osskopp	Seagren
Boudreau	Erickson	Holsten	Lieder	Otremba	Seifert, J.
Bradley	Finseth	Howes	Lindner	Ozment	Seifert, M.
Broecker	Folliard	Jaros	Mares	Paulsen	Skoe
Buesgens	Fuller	Juhnke	McElroy	Pawlenty	Skoglund
Carlson	Gerlach	Kalis	Milbert	Paymar	Smith
Cassell	Goodno	Kelliher	Molnau	Pelowski	Stanek
Chaudhary	Gunther	Kielkucki	Mulder	Peterson	Stang
Clark, J.	Haake	Knoblach	Mullery	Rest	Storm
Daggett	Haas	Koskinen	Murphy	Reuter	Swenson
Davids	Hackbarth	Krinkie	Ness	Rhodes	Sykora
Dehler	Harder	Kubly	Nornes	Rifenberg	Tingelstad

Tuma	Vandev eer	Westfall	Winter	Spk. Sviggum
Tunheim	Wenzel	Westrom	Wolf	
Van Dellen	Westerberg	Wilkin	Workman	

Those who voted in the negative were:

Abrams	Entenza	Huntley	Lenczewski	McGuire	Swapinski
Anderson, I.	Gleason	Jennings	Luther	Orfield	Tomassoni
Bakk	Gray	Johnson	Mahoney	Osthoff	Trimble
Clark, K.	Greenfield	Kahn	Mariani	Pugh	Wagenius
Dawkins	Greiling	Larson, D.	Marko	Rukavina	Wejcman
Dorman	Hausman	Leighton	McCollum	Solberg	

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

Van Dellen was excused between the hours of 1:05 p.m. and 4:10 p.m.

S. F. No. 1870, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Haas moved to amend S. F. No. 1870 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1748, the second engrossment:

"Section 1. Minnesota Statutes 1998, section 80C.01, subdivision 4, is amended to read:

Subd. 4. (a) "Franchise" means ~~(a)~~ (1) a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

~~(1)~~ (i) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

~~(2)~~ (ii) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

~~(3)~~ (iii) for which the franchisee pays, directly or indirectly, a franchise fee; or

~~(b)~~ (2) a contract, lease, or other agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons, whereby the franchisee is authorized, permitted, or granted the right to market motor vehicle fuel using at retail under the franchisor's trade name, trademark, service mark, logotype, ~~advertising,~~ or other commercial symbol or related characteristics ~~for which the franchisee pays a franchise fee owned or controlled by the franchisor;~~ or

~~(c)~~ (3) the sale or lease of any products, equipment, chattels, supplies, or services to the purchaser, other than the sale of sales demonstration equipment, materials or samples for a total price of \$500 or less to any one person, for the purpose of enabling the purchaser to start a business and in which the seller:

(1) (i) represents that the seller, lessor, or an affiliate thereof will provide locations or assist the purchaser in finding locations for the use or operation of vending machines, racks, display cases, or similar devices, or currency operated amusement machines or devices, on premises neither owned or leased by the purchaser or seller; or

(2) (ii) represents that the seller will purchase any or all products made, produced, fabricated, grown, bred, or modified by the purchaser using, in whole or in part, the supplies, services, or chattels sold to the purchaser; or

(3) (iii) guarantees that the purchaser will derive income from the business which exceeds the price paid to the seller; or

(4) (4) an oral or written contract or agreement, either expressed or implied, for a definite or indefinite period, between two or more persons, under which a manufacturer, selling security systems through dealers or distributors in this state, requires regular payments from the distributor or dealer as royalties or residuals for products purchased and paid for by the dealer or distributor.

(b) "Franchise" does not include any business which is operated under a lease or license on the premises of the lessor or licensor as long as such business is incidental to the business conducted by the lessor or licensor on such premises, including, without limitation, leased departments, licensed departments, and concessions.

(c) "Franchise" does not include any contract, lease or other agreement whereby the franchisee is required to pay less than \$100 on an annual basis, except those franchises identified in ~~paragraph (b)~~ clause (2).

(d) "Franchise" does not include a contract, lease or other agreement between a new motor vehicle manufacturer, distributor, or factory branch and a franchisee whereby the franchisee is granted the right to market automobiles, motorcycles, trucks, truck tractors, or self-propelled motor homes or campers if the foregoing are designed primarily for the transportation of persons or property on public highways.

(e) "Franchise" does not include a contract, lease, or other agreement or arrangement between two or more air carriers, or between one or more air carriers and one or more foreign air carriers. The terms "air carrier" and "foreign air carrier" shall have the meanings assigned to them by the Federal Aviation Act, United States Code Appendix, title 49, sections 1301(3) and 1301(22), respectively.

(f) For purposes of this chapter, a person who sells motor vehicle fuel at wholesale who does not, or is not an affiliate of a person who, owns or controls the trademark, trade name, service mark, logotype, or other commercial symbol or related characteristics under which the motor vehicle fuel is sold at retail, is not a franchisor or a franchisee, and is not considered to be part of a franchise relationship.

Sec. 2. Minnesota Statutes 1998, section 80C.01, is amended by adding a subdivision to read:

Subd. 20. [AFFILIATE.] "Affiliate" means any person who controls, is controlled by, or is under common control with, any other person. The term includes, without limitation, partners, business entities with common ownership, principals of any business entity, and subsidiaries, parent companies, or holding companies of any person.

Sec. 3. Minnesota Statutes 1998, section 80C.01, is amended by adding a subdivision to read:

Subd. 21. [MOTOR FUEL.] "Motor fuel" means gasoline of a type distributed for use as a fuel in a self-propelled vehicle designed primarily for use on public streets, roads and highways, but does not include diesel fuel or specialty fuel.

Sec. 4. Minnesota Statutes 1998, section 80C.01, is amended by adding a subdivision to read:

Subd. 22. [SPECIALTY FUEL.] "Specialty fuel" means a motor fuel sold (1) by a refiner who directly or through an affiliate does not own, lease, or have any leasehold or other possessory rights to the marketing premises; and (2) under a trademark or trade name that is different from the trademark, trade name, service mark, logotype or other commercial symbol used to identify the marketing premises generally.

Sec. 5. [80C.147] [CHANGE IN OWNERSHIP.]

A motor vehicle fuel franchisor, or an affiliate of such franchisor, who determines to (1) sell or transfer its interests in marketing premises occupied by a franchisee, and (2) in connection with such sale or transfer assigns its interest as a franchisor in a franchise agreement applicable to such premises, shall offer to the franchisee occupying the premises those rights contained in United States Code, title 15, section 2802(b)(3)(D)(iii)(I) or (II).

Sec. 6. [80F.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of this chapter, the following terms have the meanings given to them in this section.

Subd. 2. [AFFILIATE.] "Affiliate" means a person who controls, is controlled by, or is under common control with, any other person. Affiliate includes, without limitation, partners, business entities with common ownership, principals of any business entity, and subsidiaries, parent companies, or holding companies of any person.

Subd. 3. [DEALER.] "Dealer" means a person permitted to market motor vehicle fuel pursuant to a marketing agreement.

Subd. 4. [FACILITY.] "Facility" means the premises which, under a marketing agreement, are to be used by a dealer in connection with the sale, consignment and distribution of motor vehicle fuel to the public for ultimate consumption.

Subd. 5. [INCENTIVE.] "Incentive" or "incentives" means any rebates, volume credits, volume discounts, funds for construction, funds for reimagining, funds for equipment, funds for fixtures, funds for equipment or fixture upgrades, equipment, fixtures or any other money or things of value provided by or passed through the supplier to a dealer and which are required by the terms of the agreement between the supplier and the dealer to be repaid by the dealer if the terms of the supply contract, whether oral or written, are not met.

Subd. 6. [MARKETING AGREEMENT.] "Motor fuel marketing agreement" or "marketing agreement" means any contract, lease, or other agreement, whether that agreement is oral or written and whether it is express or implied, between two or more persons whereby a person is supplied motor vehicle fuel by the other person for marketing from a facility under a brand name, trade name, service mark, logotype, or other commercial symbol or related characteristics owned or controlled by the other person, or where the other person authorizes or permits such use. The term includes any agreement between the supplier and its affiliate and the dealer to occupy or lease a facility, but does not include any agreement that meets the definition of a franchise under chapter 80C.

Subd. 7. [PERSON.] "Person" means a natural person, corporation, partnership, trust, or other legal entity.

Subd. 8. [SUPPLIER.] "Supplier" means a person other than a refiner who supplies motor vehicle fuel to a dealer pursuant to a marketing agreement.

Sec. 7. [80F.02] [REQUIRED DISCLOSURES.]

Subdivision 1. [FORM OF DISCLOSURES.] The disclosures required by this section must be made in writing by the supplier or its affiliate to the dealer, and must be made either prior to the execution of any marketing agreement or as part of the marketing agreement itself.

Subd. 2. [CONTENT OF DISCLOSURES.] The supplier or its affiliate must disclose the following information to the extent it is known to the supplier or affiliate:

(1) the prior three year motor vehicle fuel gallonage history of the premises, unless previously operated by the same dealer;

(2) the interest, by ownership, lease, or other means of control, of the supplier, an affiliate of the supplier, or any other person, in the facility;

(3) any plans for condemnation, roadway alteration, or other government action that would materially impact the dealer's occupation of the facility or the marketing of motor vehicle fuel from the facility;

(4) any agreements the supplier or affiliate may have to alter, sell, or otherwise dispose of the facility; and

(5) the name, current address, and current telephone number of all dealers who have occupied the facility in the three-year period before the disclosure is made.

Sec. 8. [80F.03] [SURVIVORSHIP.]

Subdivision 1. [DESIGNATED FAMILY MEMBER.] For purposes of this section, "designated family member" means the spouse, child, grandchild, parent, brother or sister of the operator.

Subd. 2. [RIGHT TO SUCCEED TO AGREEMENT.] Any designated family member of a deceased or incapacitated dealer may succeed to the marketing agreement if (1) the designated family member gives the supplier written notice of the intention to succeed to the agreement within 60 days of the dealer's death; (2) the designated family member agrees to be bound by the terms and conditions of a written existing marketing agreement; and (3) the designated family member is a person who meets the supplier's reasonable standards. At the request of the supplier, the designated family member must provide any personal and financial data that is reasonably necessary to determine whether the designated family member meets the reasonable standards of the supplier.

Subd. 3. [STANDARDS.] Reasonable standards used by a supplier may include, but are not limited to, consideration of the designated family member's ability and potential to operate the facility at the same level as the former operator, and of the designated family member's gasoline marketing experience, education, creditworthiness, and management experience.

Subd. 4. [WRITTEN AGREEMENT TO BE OFFERED.] If the marketing agreement under which the deceased or incapacitated dealer operated the facility was oral, the supplier shall offer a reasonable written agreement to the designated family member within 30 days of the designated family member's notification to the supplier of intent to succeed to the agreement. If the designated family member does not, within 30 days after receiving the written agreement from the supplier, either accept the terms of the offered agreement or object to the terms as unreasonable, the designated family member shall be deemed to have waived the right of succession.

Subd. 5. [REFUSAL TO ALLOW SUCCESSION.] If a supplier believes in good faith that the designated family member does not meet the supplier's reasonable standards, the supplier shall notify the designated family member of the refusal to allow succession and intent to terminate the marketing agreement. This notice must be provided no more than 90 days after the supplier receives all personal and financial data requested from the designated family member. The agreement must not be terminated less than 90 days after notice is served on the designated family member.

Subd. 6. [DISPUTE REGARDING RIGHT OF SUCCESSION; BURDEN OF PROOF.] In determining whether a designated family member failed to meet a supplier's reasonable standards, the supplier has the burden of proving that the standards used are reasonable, and the designated family member has the burden of proving that those standards that are reasonable have been met.

Subd. 7. [PERMISSIBLE CONDITION ON SUCCESSION.] As a condition of succession, the supplier may require that reasonable arrangements be entered into for the payment of rent or product payment during the interim period from the date of the dealer's death or incapacity until succession is completed or the right to succession is terminated.

Sec. 9. [80F.04] [ELIMINATION OF SERVICE BAYS PROHIBITED.]

Subdivision 1. [SERVICE BAYS.] For the purposes of this section, "service bay" means an enclosed area where automobile repairs are performed, including, but not limited to, lubrication, oil change, tire repair, battery charge, replacement of fan belts, hoses, and wiper blades.

Subd. 2. [PROVISION FOR ELIMINATION OF SERVICE BAYS.] A marketing agreement that includes a lease of the facility to the dealer must provide that if the supplier eliminates one or more service bays during the term of the marketing agreement, the supplier must first pay to the dealer in cash an amount that fairly and adequately compensates the dealer for the loss of the service and repair business.

Subd. 3. [WAIVER.] The provision required by subdivision 2 may not be waived or modified except in a writing signed by the dealer executed at least 30 days after the execution of the marketing agreement. The writing must be separate and independent from the marketing agreement, and shall eliminate the payment provisions of subdivision 2.

Subd. 4. [LIMITATIONS.] Nothing in this subdivision prohibits a supplier from altering, modifying, or remodeling a full-service station, without payment to the dealer, following the expiration of the franchise relationship based upon termination or nonrenewal of the franchise relationship in accordance with United States Code, title 15, section 2802(b)(3)(D).

Sec. 10. [80F.05] [HOURS OF OPERATION.]

A supplier may set forth in a marketing agreement the required number of hours per day and days per week that the dealer must maintain the retail outlet open for business. However, the supplier shall not unreasonably withhold consent to a modification of such requirements where the dealer can demonstrate that the modification is reasonable based on a change of circumstances, including economic conditions.

Sec. 11. [80F.06] [OTHER BUSINESSES ON THE PREMISES.]

The supplier may set forth in the marketing agreement any prohibitions and limitation on the conduct of any other businesses at the facility, including a charge for additional rent where another business is permitted and conducted. However, the supplier shall not unreasonably withhold consent to the performance of another business, impose unreasonable limitations on the dealer's ability to perform any other business, or charge an unreasonable rent for the conduct of another business, considering the fair rental value of the site and any imposition upon the supplier's business.

Sec. 12. [80F.07] [PRICE CONTROLS.]

The price at which the dealer sells products shall not be fixed, established, or regulated by the supplier or the marketing agreement.

Sec. 13. [80F.08] [PROMOTIONAL REQUIREMENTS.]

No dealer or supplier shall be required to use any promotion, premium, coupon, giveaway, or rebate. Except as otherwise provided by law, nothing herein shall be construed to prohibit voluntary participation in a promotion, premium, coupon, giveaway, or rebate.

Sec. 14. [80F.09] [DISPOSITION OF PRODUCT.]

In the event of termination or nonrenewal of the marketing agreement, whether by mutual agreement or otherwise, the supplier shall purchase from the dealer products that were available for sale to the public at the facility and were purchased from the supplier, provided that the products are tendered by the dealer no later than 30 days from the date of the termination or nonrenewal of the marketing agreement. The payment for the products shall be the then

current wholesale price of the products, minus a reasonable restocking fee for products moved by the supplier. The payment shall be reduced by any amount of indebtedness owed by the dealer to the supplier. If the dealer has in its possession on the date of termination any products which were supplied by the supplier which have not been paid for in full, the dealer at its expense shall, within 30 days of the termination or nonrenewal of the marketing agreement, transfer to the supplier all of such products in a merchantable condition. The provisions of this section are subject to valid liens against the products by or on behalf of other creditors of the dealer.

Sec. 15. [80F.10] [FREE ASSOCIATION.]

No supplier shall restrict or prohibit, directly or indirectly, the right of free association among dealers for any lawful purpose. No dealer shall restrict or prohibit, directly or indirectly, the right of free association among suppliers for any lawful purpose.

Sec. 16. [80F.11] [RELEASE AND WAIVER.]

No party to a marketing agreement shall require as a condition of entering into the marketing agreement that the other party assent to a release or waiver of any rights provided by this chapter, or include in a marketing agreement a release of claims. Any such waiver or release is void. The right of either party to the interposition of counterclaims or crossclaims shall not be waived by the marketing agreement, and any such provision is void.

Sec. 17. [80F.12] [SECURITY DEPOSIT.]

A security deposit shall not be required except for the purpose of securing against loss of or damage to real or personal property or payment of money due supplier or credit extended to the dealer. Any security deposit required of the dealer may be satisfied by a letter of credit or the deposit of cash or a pledge of a savings account or its equivalent in a banking institution located in Minnesota. In the event that the security deposit is made by the dealer by depositing cash with the supplier, the deposit shall earn interest at the rate of six percent per year which shall accrue to the benefit of the dealer and be payable to the dealer upon termination of the security deposit, less any charges to which the supplier is entitled to collect from the security deposit or interest earned on it. In the event that the security deposit is made by the pledge of a savings account, a savings account shall be opened in the joint name of the supplier and the dealer and neither party shall be entitled to withdraw the funds without the consent of the other party; upon termination of the security deposit arrangement, the principal deposit together with accrued interest at the rate paid for the account shall be payable to the dealer after deduction of any charges to which the supplier may be entitled.

Sec. 18. [80F.13] [VIOLATION OF LAW.]

No party to a marketing agreement shall require or encourage any other party to the marketing agreement to violate or conspire to violate any state, federal, or local laws.

Sec. 19. [80F.14] [ASSIGNMENT.]

Subdivision 1. [LEASE ARRANGEMENTS.] If a dealer leases a facility under a marketing agreement with the supplier or its affiliate, the provisions of this subdivision apply. A supplier shall not unreasonably withhold or delay its consent to any assignment or transfer of a marketing agreement. The dealer may assign the marketing agreement to another person that meets the reasonable standards of the supplier. A dealer who intends to assign the marketing agreement shall give the other party notice of the proposed assignment and shall identify the proposed assignee. At the time of serving notice of assignment, a dealer shall promptly provide, at the request of the other party, personal and financial data that is reasonably necessary to determine whether the assignment should be honored. If the supplier who is requested to approve the assignment believes in good faith that reasonable cause exists for refusing to honor the assignment, that person shall inform the dealer of the denial and the reasons for denial within 60 days of receiving the notice of assignment. A supplier may condition assignment upon the agreement of the dealer who intends to assign and the other assignee to be bound by all terms and conditions of the existing marketing agreement.

Subd. 2. [NONLEASE ARRANGEMENTS.] If a marketing agreement does not involve the lease of the facility by the dealer from the supplier, the agreement shall be freely assignable by the dealer or the supplier, provided that such assignment does not increase the burdens or obligations of the other party. A supplier may require an assignee to make reasonable and adequate credit arrangements for the payment of product delivered. If the assigning dealer has an incentive obligation to the supplier, the assigning dealer either shall obtain the consent of the supplier to the proposed assignment, which consent shall not be unreasonably withheld, or shall provide reasonable and adequate security for the benefit of the supplier to assure that the assignor's incentive obligation to the supplier is met by the assignee dealer.

Sec. 20. [80F.15] [ASSIGNMENT OF FACILITY LEASE OPTION.]

A supplier or an affiliate of a supplier who has an option to purchase, or an option to lease or extend the lease of a facility occupied by a dealer, who determines not to exercise the option, shall offer to assign or otherwise transfer the option to the dealer. The supplier may charge the dealer a reasonable legal and administrative cost for transfer of the option. Options to purchase, or lease or extend the lease of a facility created after the effective date of this section are assignable to the dealer who occupies the facility. If the dealer exercises the option, the supplier or affiliate is not liable for the performance of the dealer pursuant to the option or the underlying lease after the option is exercised.

Sec. 21. [80F.16] [DEALER NOTICE OF TERMINATION.]

A dealer may only terminate a marketing agreement if the dealer provides 90 days written notice of termination to the supplier. On or before the termination date, the dealer shall repay to the supplier any incentive money that is required to be repaid to the supplier upon termination pursuant to the terms of the marketing agreement. The giving of notice of termination shall not eliminate a claim by the supplier for damages for breach of contract.

Sec. 22. [80F.17] [ENFORCEMENT.]

Any person aggrieved by a violation of this chapter may obtain injunctive relief, damages, rescission, or other relief. It is not a defense to an action for injunctive relief that an aggrieved person may have adequate remedies at law. A party shall submit the dispute to binding arbitration in accordance with the commercial rules of the Minnesota American Arbitration Association. Injunctive relief shall remain available in a court of competent jurisdiction where arbitration cannot provide complete relief to vindicate the rights of either party or where appropriate to secure rights after arbitration. The court or arbitrator shall have the discretion to award to the prevailing party its costs and disbursements. No action may be commenced under this chapter more than three years after the cause of action accrued. If the marketing agreement provides for the right of the supplier to recover attorney fees as the prevailing party in a suit between the parties, then the dealer shall have the right to recover attorney fees as the prevailing party in an action under this marketing agreement or under this chapter.

Sec. 23. [80F.18] [CHOICE OF LAW AND JURISDICTION.]

The laws of the state of Minnesota shall govern any marketing agreement whereby the dealer is or will be marketing motor vehicle fuel in Minnesota and venue for all actions shall be the state of Minnesota. Any condition, stipulation or provision, including any choice of law provision or any choice of venue provision, purporting to bind any person who is acquiring a marketing agreement to be operated in this state to waive compliance with any provisions of this chapter is void.

Sec. 24. [80F.19] [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to franchises entered into, amended, or renewed on or after that date. Any franchise in existence on the effective date of this act that has no expiration date is considered to be renewed August 1, 2000, for purposes of the application of sections 1 and 2.

Sections 4 to 24 are effective on the day following final enactment for existing written marketing agreements to the extent allowable by law. Sections 4 to 24 are effective one year after final enactment for existing oral marketing agreements, except that sections 8, 12, and 21 are effective the day following final enactment for existing oral marketing agreements.

Sections 4 to 24 are effective the day following final enactment for agreements entered into, modified, renewed, or extended on or after that date. A marketing agreement with an indefinite term or no expiration date shall be deemed to be extended for the purposes of this section if continued after August 1, 2000."

Delete the title and insert:

"A bill for an act relating to motor vehicles; regulating motor vehicle fuel franchises and marketing agreements; amending Minnesota Statutes 1998, section 80C.01, subdivision 4, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 80C; proposing coding for new law as Minnesota Statutes, chapter 80F."

The motion prevailed and the amendment was adopted.

Haas moved to amend S. F. No. 1870, as amended, as follows:

Page 4, line 1, after "MOTOR" insert "VEHICLE" and after "motor" insert "vehicle"

Page 4, line 7, delete "motor"

Page 4, line 8, delete "fuel" and insert "gasoline"

Page 5, line 12, after "Motor" insert "vehicle"

Page 5, line 15, delete "two or more"

Page 5, line 16, delete "persons" and insert "a supplier or its affiliate and a dealer"

Page 5, line 16, delete "person" and insert "dealer"

Page 5, line 16, delete "the"

Page 5, line 17, delete "other person" and insert "a supplier or its affiliate"

Page 5, line 19, delete "other"

Page 5, line 20, delete the first "person" and insert "supplier or its affiliate"

Page 5, line 20, delete "other person" and insert "supplier or its affiliate"

The motion prevailed and the amendment was adopted.

Haas and Entenza moved to amend S. F. No. 1870, as amended, as follows:

Page 4, line 22, after the period, insert "This section expires 12 months after the day of final enactment."

The motion prevailed and the amendment was adopted.

S. F. No. 1870, A bill for an act relating to motor vehicles; regulating motor vehicle fuel franchises and marketing agreements; amending Minnesota Statutes 1998, section 80C.01, subdivision 4, and by adding subdivisions; proposing coding for new law as Minnesota Statutes, chapter 80F.

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 122 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Gerlach	Krinkie	Reuter	Wilkin
Buesgens	Kielkucki	Mulder	Westerberg	

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

S. F. No. 3387 was reported to the House.

Goodno moved that S. F. No. 3387 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 11 was reported to the House.

Broecker, Bishop, Mares, Paymar, Entenza, Krinkie and Murphy moved to amend S. F. No. 11, the unofficial engrossment, as follows:

Page 3, after line 26, insert:

"Sec. 3. [JOINT DOMESTIC ABUSE PROSECUTION UNIT.]

Subdivision 1. [ESTABLISHMENT.] A pilot project is established to develop a joint domestic abuse prosecution unit administered by the Ramsey county attorney's office and the St. Paul city attorney's office. The unit would have authority to prosecute misdemeanors, gross misdemeanors, and felonies. The unit would also coordinate efforts with child protection attorneys. The unit would include four cross-deputized assistant city attorneys and assistant county attorneys. A victim/witness advocate, a law clerk, and a legal secretary would provide support.

Subd. 2. [GOALS.] The goals of this pilot project are to:

- (1) recognize children as both victims and witnesses in domestic abuse situations;
- (2) recognize and respect the interests of children in the prosecution of domestic abuse; and
- (3) reduce the exposure to domestic violence for both adult and child victims.

Subd. 3. [REPORT.] The Ramsey county attorney's office and the St. Paul city attorney's office must report to the legislature on the pilot project. The report may include the number and types of cases referred, the number of cases charged, the outcome of cases, and other relevant outcome measures. A progress report is due January 15, 2001, and a final report is due January 15, 2002.

Subd. 4. [SHARING OF PILOT PROJECT RESULTS.] The Ramsey county attorney's office and the St. Paul city attorney's office must share the results of the pilot project with the state and other counties and cities."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Chaudhary	Finseth	Harder	Kalis	Lieder
Abrams	Clark, J.	Folliard	Hasskamp	Kelliher	Lindner
Anderson, B.	Clark, K.	Fuller	Hausman	Kielkucki	Luther
Anderson, I.	Daggett	Gerlach	Hilty	Knobloch	Mahoney
Bakk	Davids	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
Cassell	Erickson	Hackbarth	Kahn	Leppik	Mulder

Mullery	Otremba	Reuter	Skoe	Sykora	Wenzel
Murphy	Ozment	Rhodes	Skoglund	Tingelstad	Westerberg
Ness	Paulsen	Rifenberg	Smith	Tomassoni	Westfall
Nornes	Pawlenty	Rostberg	Solberg	Trimble	Westrom
Olson	Paymar	Rukavina	Stanek	Tuma	Wilkin
Opatz	Pelowski	Schumacher	Stang	Tunheim	Winter
Orfield	Peterson	Seagren	Storm	Vandevveer	Wolf
Osskopp	Pugh	Seifert, J.	Swapinski	Wagenius	Workman
Osthoff	Rest	Seifert, M.	Swenson	Wejcman	Spk. Sviggum

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

S. F. No. 3036, A bill for an act relating to natural resources; providing for seizure and administrative forfeiture of certain firearms and abandoned property; modifying authority to issue trespass citations; modifying provisions for forfeited vehicles; modifying definition of peace officer; providing civil penalties; appropriating money; amending Minnesota Statutes 1998, sections 97B.002, subdivision 1; and 609.5312, subdivision 4; Minnesota Statutes 1999 Supplement, sections 169.1217, subdivision 9; and 169.123, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97A.

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 104 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Jaros	Mares	Pawlenty	Tingelstad
Abrams	Folliard	Jennings	Mariani	Paymar	Tomassoni
Anderson, I.	Fuller	Johnson	Marko	Pelowski	Trimble
Biernat	Gleason	Juhnke	McCollum	Peterson	Tuma
Bishop	Goodno	Kahn	McElroy	Pugh	Tunheim
Boudreau	Greenfield	Kalis	McGuire	Rest	Wagenius
Bradley	Greiling	Kelliher	Milbert	Rhodes	Wejcman
Broecker	Gunther	Koskinen	Molnau	Rostberg	Wenzel
Carlson	Haake	Kubly	Mullery	Schumacher	Westerberg
Cassell	Haas	Kuisle	Murphy	Seagren	Westfall
Chaudhary	Hackbarth	Larsen, P.	Ness	Seifert, J.	Wilkin
Clark, K.	Harder	Larson, D.	Nornes	Skoglund	Winter
Daggett	Hasskamp	Leighton	Opatz	Solberg	Wolf
Davids	Hausman	Lenczewski	Orfield	Stanek	Spk. Sviggum
Dawkins	Hilty	Leppik	Osthoff	Storm	
Dorman	Holberg	Lieder	Otremba	Swapinski	
Dorn	Howes	Luther	Ozment	Swenson	
Entenza	Huntley	Mahoney	Paulsen	Sykora	

Those who voted in the negative were:

Anderson, B.	Dempsey	Kielkucki	Olson	Seifert, M.	Westrom
Bakk	Erickson	Knoblach	Osskopp	Skoe	Workman
Buesgens	Finseth	Krinkie	Reuter	Smith	
Clark, J.	Gerlach	Lindner	Rifenberg	Stang	
Dehler	Holsten	Mulder	Rukavina	Vandevveer	

The bill was passed and its title agreed to.

H. F. No. 3213, A bill for an act relating to natural resources; modifying timber provisions; requiring certain rule changes for public use of recreational areas; amending Minnesota Statutes 1998, sections 90.121; 90.14; 90.151, subdivisions 1 and 4; 90.161, subdivisions 1 and 2; 90.162; 90.173; 90.181; 90.201, subdivision 2, and by adding a subdivision; 90.252; and 90.281; proposing coding for new law in Minnesota Statutes, chapter 90.

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 108 yeas and 22 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Howes	Lindner	Paulsen	Storm
Abrams	Erhardt	Huntley	Luther	Pawlenty	Swapinski
Bakk	Erickson	Jaros	Mahoney	Pelowski	Swenson
Bishop	Finseth	Jennings	Mares	Peterson	Sykora
Boudreau	Fuller	Johnson	Marko	Pugh	Tingelstad
Bradley	Gerlach	Juhnke	McCollum	Rest	Tomassoni
Broecker	Gleason	Kalis	McElroy	Rhodes	Trimble
Buesgens	Goodno	Kielkucki	Milbert	Rifenberg	Tuma
Carlson	Gray	Knoblach	Molnau	Rostberg	Vandever
Cassell	Gunther	Krinkie	Mulder	Rukavina	Wejcman
Chaudhary	Haake	Kubly	Mullery	Schumacher	Westerberg
Clark, J.	Haas	Kuisle	Ness	Seagren	Westfall
Daggett	Hackbarth	Larsen, P.	Nornes	Seifert, J.	Westrom
Davids	Harder	Larson, D.	Opatz	Seifert, M.	Wilkin
Dehler	Hasskamp	Leighton	Orfield	Skoglund	Winter
Dempsey	Hilty	Lenczewski	Osskopp	Smith	Wolf
Dorman	Holberg	Leppik	Osthoff	Stanek	Workman
Dorn	Holsten	Lieder	Ozment	Stang	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.	Folliard	Kelliher	Murphy	Reuter	Wagenius
Anderson, I.	Greiling	Koskinen	Olson	Skoe	Wenzel
Biernat	Hausman	Mariani	Otremba	Solberg	
Clark, K.	Kahn	McGuire	Paymar	Tunheim	

The bill was passed and its title agreed to.

Krinkie was excused between the hours of 1:30 p.m. and 3:05 p.m.

McGuire was excused between the hours of 1:40 p.m. and 3:30 p.m.

Leighton was excused between the hours of 1:55 p.m. and 5:40 p.m.

S. F. No. 1495 was reported to the House.

Peterson moved that S. F. No. 1495 be re-referred to the Committee on Agriculture Policy.

A roll call was requested and properly seconded.

The question was taken on the Peterson motion and the roll was called. There were 60 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gleason	Johnson	Luther	Osthoff	Skoglund
Bakk	Gray	Juhnke	Mahoney	Otremba	Solberg
Biernat	Greenfield	Kahn	Mariani	Paymar	Swapinski
Carlson	Greiling	Kalis	Marko	Pelowski	Tomassoni
Chaudhary	Hasskamp	Kelliher	McCollum	Peterson	Trimble
Clark, K.	Hausman	Koskinen	Milbert	Pugh	Tunheim
Dawkins	Hilty	Kubly	Mullery	Rest	Wagenius
Dorn	Huntley	Larson, D.	Murphy	Rukavina	Wejzman
Entenza	Jaros	Lenczewski	Opatz	Schumacher	Wenzel
Folliard	Jennings	Lieder	Orfield	Skoe	Winter

Those who voted in the negative were:

Abeler	Davids	Haas	Mares	Rhodes	Tingelstad
Abrams	Dehler	Hackbarth	McElroy	Rifenberg	Tuma
Anderson, B.	Dempsey	Harder	Molnau	Rostberg	Vandever
Bishop	Dorman	Holberg	Mulder	Seagren	Westberg
Boudreau	Erhardt	Holsten	Ness	Seifert, J.	Westfall
Bradley	Erickson	Howes	Nornes	Seifert, M.	Westrom
Broecker	Finseth	Kielkucki	Olson	Smith	Wilkin
Buesgens	Fuller	Knoblach	Osskopp	Stanek	Wolf
Carruthers	Gerlach	Kuise	Ozment	Stang	Workman
Cassell	Goodno	Larsen, P.	Paulsen	Storm	Spk. Sviggum
Clark, J.	Gunther	Leppik	Pawlenty	Swenson	
Daggett	Haake	Lindner	Reuter	Sykora	

The motion did not prevail.

S. F. No. 1495, 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; 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; and Minnesota Statutes 1999 Supplement, sections 336.9-203; 336.9-401; 336.9-402; and 336.9-411.

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 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gray	Kahn	Mariani	Rukavina	Trimble	Westrom
Huntley	Kubly	Otremba	Swapinski	Wejzman	Winter
Jaros	Mahoney	Peterson	Tomassoni	Wenzel	

The bill was passed and its title agreed to.

S. F. No. 3178, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Holberg, Broecker, Paymar, Stanek, Hilty and Murphy moved to amend S. F. No. 3178 as follows:

Page 1, after line 11, insert:

"ARTICLE 1"

Page 3, after line 13, insert:

"ARTICLE 2"

BATTERED WOMEN AND DOMESTIC ABUSE

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~~ advisory council on battered women and domestic abuse.

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 and victims of domestic abuse maintained by grantees and recipients of per diem payments for emergency shelter for battered women 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~~ Advisory council on battered women and domestic abuse, 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 and 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 programs, battered women's shelters, 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 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. 8. 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 and 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. 9. Minnesota Statutes 1998, section 609.378, subdivision 1, is amended to read:

Subdivision 1. [PERSONS GUILTY OF NEGLECT OR ENDANGERMENT.] (a) [NEGLECT.] (1) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation harms or is likely to substantially harm the child's physical, mental, or emotional health is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the deprivation results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause.

(2) A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) [ENDANGERMENT.] A parent, legal guardian, or caretaker who endangers the child's person or health by:

(1) intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child's physical, mental, or emotional health or cause the child's death; or

(2) knowingly causing or permitting the child to be present where any person is selling or possessing a controlled substance, as defined in section 152.01, subdivision 4, in violation of section 152.021, 152.022, 152.023, or 152.024; is guilty of child endangerment and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

If the endangerment results in substantial harm to the child's physical, mental, or emotional health, the person may be sentenced to imprisonment for not more than ~~five ten~~ years or to payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).

(c) [ENDANGERMENT BY FIREARM ACCESS.] A person who intentionally or recklessly causes a child under 14 years of age to be placed in a situation likely to substantially harm the child's physical health or cause the child's death as a result of the child's access to a loaded firearm is guilty of child endangerment and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

If the endangerment results in substantial harm to the child's physical health, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE: This section is effective August 1, 2000, and applies to crimes committed on or after that date.

Sec. 10. 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~~ advisory council on battered women and domestic abuse and in collaboration with the commissioner of public safety, shall adopt standards governing electronic monitoring 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

Sec. 11. Minnesota Statutes 1998, section 611A.32, subdivision 1, is amended to read:

Subdivision
emergency shelter services __ battered women 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 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 support services programs must be established in every judicial assignment district.

Sec. 12. Minnesota Statutes 1998, section 611A.32, subdivision 2, is amended to read:

2. [APPLICATIONS.] Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services to battered women, to _____ abuse victims, battered women 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 for battered _____, support services __ domestic _____

_____ 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. 13. 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 to battered women and support services to battered women and domestic abuse victims shall comply with all rules of the commissioner related to the administration of the pilot programs.

Sec. 14. 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. 15. 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. 16. 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. 17. 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 and 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~~ advisory council on battered women and domestic abuse may be representatives of community or governmental organizations that provide services to battered

women and _____ abuse victims.

composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the _____ shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Sec. 18. 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 and 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 that funded programs are consistent with section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants _____ 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. 19. 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 and domestic abuse victims funded under section 611A.32. Before taking action on matters related to programs and services for battered women and 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

Sec. 20. Minnesota Statutes 1998, section 611A.35, is amended to read:

611A.35 [~~BATTERED WOMEN'S~~ ADVISORY COUNCIL ON BATTERED WOMEN AND _____ ESTIC 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, 3, clause (3). The program director shall administer the funds appropriated for sections 611A.31 to

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. 21. 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 the advisory council, prescribe a uniform form and method for the collection of ~~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. 22. 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

Sec. 23. [611A.37] [DEFINITIONS.]

Subdivision 1. [SCOPE.] _____ purposes of _____ 23 to _____ the terms _____ have the _____ given them unless otherwise _____ or indicated _____ the context.

_____ 2. [DIRECTOR.] "Director" means the _____ of the _____ center for crime victim services or _____ designee.

_____ 3. "Center" means the Minnesota center for _____ victim services.

_____ 4. "Shelter facility" means a secure _____ shelter, housing _____ safe home, or other facility operated by a nonprofit _____ and designated _____ the center _____ the purpose _____ providing food, lodging, safety, _____ 24-hour coverage _____ battered women _____ their minor _____

Subd. 5. [DESIGNATED SHELTER FACILITY.] _____ shelter facility" _____ a facility _____ has applied to, and _____ approved by, _____ center to _____ shelter and _____ to battered women and their minor _____

_____ _____ per person for providing food, lodging, safety, and 24-hour coverage _____ _____ _____ _____

_____ _____ the amount the center has _____ _____ _____

_____ _____ the meaning given in section 611A.31, subdivision 2.

Sec. 24. [611A.371] [PROGRAM OPERATION.]

_____ 1. The _____ _____ _____ _____ a timely, efficient manner to _____ _____ _____ _____ battered women and their minor children _____ food, lodging, _____ safety. Per diem funding may not be _____ for other _____

Subd. 2. [NONDISCRIMINATION.] Designated shelter facilities _____ prohibited from _____ against a battered woman or her _____ children on _____ basis of race, color, creed, religion, national _____ marital status, status with regard to public _____ disability, or _____ orientation.

Subd. _____ [DATA.] Personal history information collected, used, or maintained by a designated shelter facility from which the identity _____ location of any battered woman may be determined _____ private data _____ individuals, as defined in _____ 13.02, subdivision _____ and the _____ shall maintain _____ data in _____ with the _____ of _____ 13.

Sec. 25. [611A.372] [DUTIES OF THE DIRECTOR.]

In addition to any other duties imposed by law, the director, with the approval of the commissi _____ of public safety, shall:

(1) supervise the administration of per diem _____ to designated _____ 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. 26. [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 women 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. 27. [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. 28. 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 and domestic abuse programs and services.

Sec. 29. 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.

) The bureau of criminal apprehension, the board of peace officer standards and training, and the ~~battered~~ _____ advisory council on battered _____ and domestic _____ appointed by the commissioner of corrections under association, and the Minnesota police and peace officers association, shall develop a written model policy regarding 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).

Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic and consider the written model policy developed under paragraph (b).

Sec. 30. Minnesota Statutes 1998, section 629.72, subdivision 6, is amended to read:

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 and domestic abuse

(1) the conditions of release, if any;

(2) the time of release;

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) women's shelter as designated by the department of corrections.

(b) arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and

The motion prevailed and the amendment was adopted.

S. public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; subdivision 6; and 326.3361, subdivision 1.

The bill was read for the third time, as amended, and placed upon its final passage.

question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Abeler	Anderson, I.	Bishop			Clark, J.
Abrams	Bakk	Boudreau	Buesgens	Cassell	Clark, K.
		Bradley	Carlson	Chaudhary	Daggett

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

H. F. No. 3642 was reported to the House.

Huntley moved to amend H. F. No. 3642 as follows:

Page 1, lines 15 to 19, delete the new language and insert "or another _____ body who _____ the accrediting organizations for multiple disciplines and whose standards for recognizing accrediting organizations are reviewed and approved by the _____ of health _____ consultation with the medical education and research advisory committee

The motion prevailed and the amendment was adopted.

H. F. No. 3642, A bill
medical education funds; amending Minnesota Statutes 1999 Supplement, section 62J.692, subdivisions 1, 3, and 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The
follows:

Those who voted in the affirmative were:

Abeler	Boudreau	Clark, J.	Dorman	Fuller	Gunther
Abrams	Bradley	Clark, K.			Haake
Anderson, B.	Broecker		Entenza	Gleason	Haas
Anderson, I.		Davids	Erhardt	Goodno	Hackbarth
Bakk	Carlson	Dawkins			Harder
Biernat	Cassell			Greenfield	Hasskamp
Bishop		Dempsey	Folliard	Greiling	Hausman

Hilty	Kubly	Milbert	Pawlenty	Skoe	Vandever
Holberg	Kuisle	Molnau	Paymar	Skoglund	Wagenius
Holsten	Larsen, P.	Mulder	Pelowski	Smith	Wejzman
Howes	Larson, D.	Mullery	Peterson	Solberg	Wenzel
Huntley	Lenczewski	Murphy	Pugh	Stanek	Westerberg
Jaros	Leppik	Ness	Rest	Stang	Westfall
Jennings	Lieder	Nornes	Reuter	Storm	Westrom
Johnson	Lindner	Olson	Rhodes	Swapinski	Wilkin
Juhnke	Luther	Opatz	Rifenberg	Swenson	Winter
Kahn	Mahoney	Orfield	Rostberg	Sykora	Wolf
Kalis	Mares	Osskopp	Rukavina	Tingelstad	Workman
Kelliher	Mariani	Osthoff	Schumacher	Tomassoni	Spk. Sviggum
Kielkucki	Marko	Otremba	Seagren	Trimble	
Knoblach	McCollum	Ozment	Seifert, J.	Tuma	
Koskinen	McElroy	Paulsen	Seifert, M.	Tunheim	

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

H. F. No. 3465 was reported to the House.

Larsen, P.; Leighton; Skoglund; Stanek; Broecker; Murphy and Holberg moved to amend H. F. No. 3465, the second engrossment, as follows:

Page 1, line 10, delete "threatens, directly or indirectly," and insert "directly threatens"

The motion prevailed and the amendment was adopted.

Larsen, P.; Leighton; Skoglund; Broecker; Murphy; Stanek and Holberg moved to amend H. F. No. 3465, the second engrossment, as amended, as follows:

Page 1, line 11, delete "knowing that" and insert "because"

The motion prevailed and the amendment was adopted.

H. F. No. 3465, A bill for an act relating to crime prevention; providing criminal penalties for persons who threaten to harm a school official; amending Minnesota Statutes 1998, section 609.713, by adding a subdivision.

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 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Bradley	Cassell	Daggett	Dorman
Abrams	Biernat	Broecker	Chaudhary	Dauids	Dorn
Anderson, B.	Bishop	Carlson	Clark, J.	Dawkins	Entenza
Anderson, I.	Boudreau	Carruthers	Clark, K.	Dempsey	Erhardt

Erickson	Holberg	Lenczewski	Olson	Schumacher	Tunheim
Finseth	Holsten	Leppik	Opatz	Seagren	Vandever
Folliard	Howes	Lieder	Orfield	Seifert, J.	Wagenius
Fuller	Huntley	Lindner	Osskopp	Seifert, M.	Wejzman
Gerlach	Jaros	Luther	Osthoff	Skoe	Wenzel
Gleason	Jennings	Mahoney	Otremba	Skoglund	Westerberg
Goodno	Johnson	Mares	Ozment	Smith	Westfall
Gray	Juhnke	Mariani	Paulsen	Solberg	Westrom
Greenfield	Kahn	Marko	Pawlenty	Stanek	Wilkin
Greiling	Kalis	McCollum	Paymar	Stang	Winter
Gunther	Kelliher	McElroy	Pelowski	Storm	Wolf
Haake	Kielkucki	Milbert	Peterson	Swapinski	Workman
Haas	Knoblach	Molnau	Pugh	Swenson	Spk. Sviggum
Hackbarth	Koskinen	Mulder	Rest	Sykora	
Harder	Kubly	Mullery	Rhodes	Tingelstad	
Hasskamp	Kuisle	Murphy	Rifenberg	Tomassoni	
Hausman	Larsen, P.	Ness	Rostberg	Trimble	
Hilty	Larson, D.	Nornes	Rukavina	Tuma	

Those who voted in the negative were:

Buesgens	Dehler	Reuter
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The bill was passed, as amended, and its title agreed to.

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.

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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Storm	Tingelstad	Tunheim	Westerberg	Winter
Swapinski	Tomassoni	Vandever	Westfall	Wolf
Swenson	Trimble	Wejcman	Westrom	Workman
Sykora	Tuma	Wenzel	Wilkin	Spk. Sviggum

Those who voted in the negative were:

Greiling	Wagenius
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The bill was passed and its title agreed to.

S. F. No. 1896 was reported to the House.

Kielkucki moved that S. F. No. 1896 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 3041 was reported to the House.

Leppik moved that H. F. No. 3041 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3150, A bill for an act relating to higher education; increasing the higher education facilities authority bonding authority; amending Minnesota Statutes 1998, section 136A.29, subdivision 9.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Trimble	Vandev eer	Wenzel	Westrom	Wolf
Tuma	Wagenius	Westerberg	Wilkin	Workman
Tunheim	Wej cman	Westfall	Winter	Spk. Sviggum

Those who voted in the negative were:

Reuter

The bill was passed and its title agreed to.

S. F. No. 3626 was reported to the House.

Wilkin and Davids moved to amend S. F. No. 3626 as follows:

Pages 8 and 9, delete section 7

Page 10, delete line 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Paulsen to the Chair.

S. F. No. 3626, A bill for an act relating to insurance; adjusting aspects of eligibility and coverage in the comprehensive health association; requiring a study of premium rates; amending Minnesota Statutes 1998, sections 62E.05, subdivision 2; 62E.08; 62E.10, by adding a subdivision; 62E.101; 62E.13, subdivision 2; 62E.14, subdivision 1; 62E.15, by adding a subdivision; and 62E.18; Minnesota Statutes 1999 Supplement, section 62E.12.

Gunther
Haake
Haas
Hackbarth
Harder
Hasskamp
Hausman
Hilty
Holberg

Kelliher	Mahoney		Rest	Solberg	
Kielkucki		Opatz	Reuter		Wejcman
	Mariani	Orfield		Stang	Wenzel
Koskinen	Marko		Rifenberg	Storm	
Kubly		Osthoff	Rostberg		Westfall
	McElroy	Otremba		Swenson	Westrom
Larsen, P.	Milbert		Schumacher	Sykora	
Larsen, D.		Paulsen	Seagren		Winter
	Mulder	Pawlenty		Tomassoni	Wolf
Leppik	Mullery		Seifert, M.	Trimble	
Lieder		Pelowski	Skoe		Spk. Sviggum
	Ness	Peterson		Tunheim	
Luther	Nornes		Smith	Vandever	

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

Erickson moved to amend S. F. No. 173 as follows:

Page 1, line 11, delete "__ recognition of __ unique

Page 1, delete lines 12 to 14

Page 1, line 15, delete "acknowledges that"

The motion prevailed and the amendment was adopted.

S. F. No. 173, A bill for an act relating to natural resources; allowing the possession of wild animals taken under Red Lake Band's conservation code on Red Lake Reservation lands north of the 49th parallel; amending Minnesota Statutes 1998, section 97A.505, by adding a subdivision.

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 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler		Dorn	Greenfield	Holsten	Knoblach
Abrams	Cassell	Entenza	Greiling	Howes	Koskinen
	Chaudhary		Gunther	Huntley	Kubly
Anderson, I.	Clark, J.	Erickson	Haake	Jaros	Kuisle
Bakk	Clark, K.	Finseth	Haas	Jennings	Larsen, P.
	Daggett		Hackbarth	Johnson	Larsen, D.
Bishop	Davids	Fuller	Harder	Juhnke	Lenczewski
Boudreau	Dawkins	Gerlach	Hasskamp	Kahn	Leppik
	Dehler	Gleason	Hausman	Kalis	Lieder
Broecker	Dempsey	Goodno	Hilty	Kelliher	Lindner
Carlson		Gray	Holberg	Kielkucki	

Mahoney	Ness	Pelowski	Seifert, J.	Sykora	Westfall
Mares	Nornes	Peterson	Seifert, M.	Tingelstad	Westrom
Mariani	Olson	Pugh	Skoe	Tomassoni	Wilkin
Marko	Opatz	Rest	Skoglund	Trimble	Winter
McCollum	Orfield	Reuter	Smith	Tuma	Wolf
McElroy	Osskopp	Rhodes	Solberg	Tunheim	Workman
Milbert	Otremba	Rifenberg	Stanek	Vandever	Spk. Sviggum
Molnau	Ozment	Rostberg	Stang	Wagenius	
Mulder	Paulsen	Rukavina	Storm	Wejcmán	
Mullery	Pawlenty	Schumacher	Swapinski	Wenzel	
Murphy	Paymar	Seagren	Swenson	Westerberg	

Those who voted in the negative were:

Buesgens Osthoff

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

H. F. No. 2833 was reported to the House.

Hasskamp moved that H. F. No. 2833 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2761 was reported to the House.

Holberg moved that S. F. No. 2761 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2848, 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.

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 121 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Carruthers	Entenza	Haake	Jennings	Larsen, P.
Abrams	Cassell	Erickson	Haas	Johnson	Larson, D.
Anderson, B.	Chaudhary	Finseth	Hackbarth	Juhnke	Lenczewski
Anderson, I.	Clark, J.	Folliard	Harder	Kahn	Leppik
Bakk	Clark, K.	Fuller	Hasskamp	Kalis	Lieder
Biernat	Daggett	Gleason	Hilty	Kelliher	Lindner
Bishop	Davids	Goodno	Holberg	Kielkucki	Luther
Boudreau	Dawkins	Gray	Holsten	Knoblach	Mahoney
Bradley	Dehler	Greenfield	Howes	Koskinen	Mares
Broecker	Dempsey	Greiling	Huntley	Kubly	Mariani
Carlson	Dorman	Gunther	Jaros	Kuisle	Marko

McCollum	Opatz	Peterson	Seifert, M.	Sykora	Westfall
McElroy	Orfield	Pugh	Skoe	Tingelstad	Westrom
Milbert	Osskopp	Rest	Skoglund	Tomassoni	Winter
Molnau	Osthoff	Rhodes	Smith	Trimble	Wolf
Mulder	Otremba	Rifenberg	Solberg	Tuma	Spk. Sviggum
Mullery	Ozment	Rostberg	Stanek	Vandever	
Murphy	Paulsen	Rukavina	Stang	Wagenius	
Ness	Pawlenty	Schumacher	Storm	Wejcman	
Nornes	Paymar	Seagren	Swapinski	Wenzel	
Olson	Pelowski	Seifert, J.	Swenson	Westerberg	

Those who voted in the negative were:

Buesgens	Gerlach	Reuter	Tunheim	Wilkin	Workman
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The bill was passed and its title agreed to.

S. F. No. 3291, A bill for an act relating to liens; motor vehicles towed at the request of law enforcement; clarifying the extent of the lien; providing for notice to the owner of towing, sale, and right to reclaim; proposing coding for new law in Minnesota Statutes, chapter 514; repealing Minnesota Statutes 1998, section 514.18, subdivision 1a.

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 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Buesgens

Cassell

Reuter

The bill was passed and its title agreed to.

Pawlenty moved that H. F. No. 3234 be continued on the Calendar for the Day. The motion prevailed.

The Speaker resumed the Chair.

Goodno moved to amend H. F. No. 3839, the first engrossment, as follows:

Page 36, after line 6, insert:

"Sec. 39. [EMPLOYEE HEALTH INSURANCE.]

 commissioner of shall examine related to health insurance and shall recommendations providing affordable insurance to of programs facilities that serve the elderly and disabled. In developing these recommendations, the commissioner shall consult with representatives of affected consumers and providers. The commissioner shall provide recommendations January 15, to the chairs of the house health and human services policy and finance committees and the senate health and family security and health family security budget division."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Goodno moved to amend H. F. No. 3839, the first engrossment, as amended, as follows:

Page 28, after line 4, insert:

"Sec. 27. Minnesota Statutes 1998, section 148C.10, is amended by adding a subdivision to read:

Subd. 1a. [PRACTICE ALLOWED; CERTAIN INDIVIDUALS.] (a) Notwithstanding subdivision 1, individuals may engage alcohol and drug counseling practice only until the issues a or denies the license application, whichever occurs sooner, provided the individual satisfies clauses (1) to (4) or clauses (1) to (3) and (5):

(1) employed as an alcohol and drug counselor before January 28, 2000;

(2) under supervision of an alcohol and drug counselor who is licensed under this chapter or employed in a program licensed by the of human services;

(3) not applied and been rejected or denied a license by the commissioner on any grounds under this chapter, other failure to satisfy examination requirements, or on basis of investigation under chapter 148B;

(4) made application to the commissioner for a license as an alcohol and drug counselor before January 28, 2000; and

(5) made application to the administrator of the exam or exams required by the commissioner before January 28, 2000, passes the examinations before January 28, 2001, and within 60 calendar days of passing the examinations makes application to the commissioner for a license under this chapter.

(b) As used in this subdivision, supervision means monitoring activities of and accepting legal liability for the individual practicing without a license.

(c) Practice allowed under this subdivision creates no rights or expectations of approval from the commissioner for licensing as an alcohol and drug counselor. The commissioner may suspend or restrict practice under this subdivision as authorized under section 148C.09."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Gunther moved to amend H. F. No. 3839, the first engrossment, as amended, as follows:

Page 36, after line 6, insert:

"Sec. 39. Laws 1999, chapter 223, article 2, section 81, as amended by Laws 1999, chapter 249, section 12, is amended to read:

Sec. 81. [EFFECTIVE DATES.]

Section 48 is effective March 1, 2000.

Sections 59, 61, 62, 64, 65, and 79 are effective the day following final enactment.

Section 67 is effective June 30, 1999.

Section 80, paragraph (a), is effective July 1, 1999.

Section 80, ~~paragraphs~~ paragraph (b) and (c), are effective July 1, 2000.

Section 80, paragraph (c), is effective July 1, 2001."

Page 36, line 11, delete "39" and insert "40"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3839, A bill for an act relating to health; modifying provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; a study; extending a board; amending Minnesota Statutes 1998, sections 148.512, subdivision 5; 148.515, subdivision 3; 148.517, by adding a subdivision; 148.518, subdivision 2; 148.5193, subdivisions 1, 2, 4, 6, and by a subdivision; 148.5196, subdivision 3; 148B.60, subdivision 3; 148B.68, subdivision 1; 148B.69, by adding a subdivision 1; 148C.04, by adding subdivisions; 148C.06, subdivisions 1 and 2; 148C.09, subdivisions 1 and 1a; by adding a subdivision; 148C.11, subdivision 1; 153A.13, subdivision 9, and by adding subdivisions; 153A.14, subdivisions 1, 2a, 2h, 4, 4a, and by adding subdivisions; and 153A.15, subdivision 1; Laws 99, chapter 223, article 2, section 81, as amended; repealing Minnesota Statutes 1998, sections 148.5193, subdivisions 3 and 5; and 148C.04, subdivision 5.

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 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Orfield

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

S. F. No. 619, A bill for an act relating to commerce; regulating collection agencies; exempting out-of-state agencies from licensure under certain conditions; amending Minnesota Statutes 1998, section 332.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 332.

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 108 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey		Lieder	Paulsen	Stang
Abrams	Dorman	Holberg	Lindner	Pawlenty	Storm
Anderson, B.	Dorn	Holsten	Luther	Paymar	Swapinski
Anderson, I.	Entenza		Mares		Swenson
Biernat	Erhardt	Huntley	McCollum	Peterson	Sykora
Bishop	Erickson	Jennings	McElroy	Pugh	Tingelstad
Boudreau	Finseth		Milbert		Tuma
Bradley	Fuller	Kalis	Molnau	Reuter	Tunheim
Broecker	Gerlach	Kelliher	Mulder	Rhodes	Vandever
Buesgens	Gleason		Murphy		Wagenius
Carlson	Goodno	Knoblach	Ness	Rostberg	Wenzel
Carruthers	Gray	Krinkie	Nornes	Schumacher	Westerberg
Cassell			Olson		Westfall
Clark, J.	Greiling	Kuisle	Opatz	Seifert, J.	Westrom
Daggett	Haake	Larsen, P.	Orfield	Seifert, M.	Wilkin
Davids		Larson, D.	Osskopp	Skoe	Wolf
Dawkins	Harder	Lenczewski	Osthoff	Smith	Workman
Dehler	Hasskamp	Leppik	Ozment	Stanek	Spk. Sviggum

Those who voted in the negative were:

Bakk	Hausman	Koskinen		Solberg	Winter
Chaudhary	Jaros	Mahoney	Otremba	Tomassoni	
Clark, K.	Johnson	Mariani	Rukavina		
Folliard	Kahn	Marko		Wejcman	

S. F. No. 1048 was reported to the House.

Jennings moved to amend S. F. No. 1048 as follows:

everything after the enacting clause and insert the following language of H. F. No. 988, the first engrossment:

216A.037 [~~RULES~~; _____.]

Subdivision _____ PROHIBITIONS; _____.] The commission shall adopt rules prohibit only ex parte communications ~~—commission members with a party, directly or indirectly, between~~ commissioner a party a participant the commission's of practice procedure

(1) a material issue during a pending contested case proceeding;

- (2) a material issue in a rulemaking proceeding after the beginning of commission deliberations;
- (3) a material issue in a disputed formal petition; and
- (4) any other communication impermissible by law.

(b) The commission may apply ex parte prohibitions, prospectively and after notice to affected parties, to other commission proceedings as the commission deems necessary.

(c) A contested case is pending from the time the commission refers the matter to the office of administrative hearings until the commission has issued its final order, and the time to petition for reconsideration has expired or the commission has issued an order finally disposing an application for reconsideration, whichever is later.

Subd. 2. [CONFLICT-OF-INTEREST COMMUNICATIONS PROHIBITED.] A commissioner shall not communicate, directly or indirectly, with a person or entity who is a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that person or entity. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subdivision.

Subd. 3. [CODE OF CONDUCT RULES.] Except as limited by subdivision 1, the commission shall adopt rules prescribing a code of conduct for commissioners and employees of the commission. The code of conduct must include standards to preserve the quasi-judicial function of the commission.

Subd. 4. [COMPLAINT PROCEDURE; HEARING; SANCTIONS.] (a) Any person seeking sanctions for alleged violations of the rules adopted under this section shall file a complaint with the commission.

(b) A complaint seeking sanctions must include the following information: the name and address of the complainant; the name and address of complainant's counsel, if any; the name and address of each person alleged to have violated the ex parte prohibition (respondents); the name and address of each respondent's counsel, if known; the facts constituting the alleged violation; and the sanctions sought by the complainant.

(c) A complaint filed under this section must be filed with the commission and mailed to each respondent, the department, the office of the attorney general, and all persons on the commission's service list for the proceeding.

(d) Within seven days of service of the complaint, a respondent shall file an answer with the commission and serve it on the complainant, the department, the office of the attorney general, and all persons on the commission's service list for the proceeding.

(e) The commission shall refer the complaint and any reply to the office of administrative hearings.

(f) The administrative law judge assigned to the ex parte complaint proceeding by the office of administrative hearings shall conduct a hearing investigation and shall issue a report within 30 days after the matter is referred. If the administrative law judge determines that the report cannot be properly completed within that time period, the judge shall report that fact to the commission within the 30-day period and shall file a final report within a reasonable time thereafter, no later than 60 days after the referral to the office of administrative hearings.

(g) The report of the administrative law judge shall describe the relevant facts of the case and shall set forth the judge's findings as to whether ex parte violations occurred. The findings and decisions of the judge as to whether ex parte violations have occurred are binding on the commission. The judge shall also discuss and make recommendations regarding the imposition of sanctions in accordance with paragraph (h). The judge shall include in the report a discussion of the recusal of any commissioner or the removal of decision-making personnel from this case.

(h) In the report under paragraph (g), the administrative law judge may only recommend that the commission impose one of the following sanctions if the judge finds that the condition specified for the sanction is met:

(1) dismiss the proceeding if the prohibited ex parte communication has so prejudiced the proceeding that the commission cannot consider it impartially;

(2) issue an adverse ruling on a pending issue that is the subject of the prohibited ex parte communication if other parties are prejudiced by the prohibited ex parte communication;

(3) strike evidence or pleadings if the evidence or pleadings are tainted by the prohibited ex parte communication; or

(4) issue a public statement of censure, if the prohibited ex parte communication is determined to be part of a continuing pattern of improper ex parte communication or if the prohibited ex parte violation consists of a single prohibited communication and mitigating circumstances exist that:

(i) negate the need for a more severe sanction;

(ii) do not prejudice the proceeding to the extent that the commission is unable to consider it impartially;

(iii) do not prejudice other parties; or

(iv) do not taint the evidence or pleadings.

If the administrative law judge finds the complainant's allegation of an ex parte violation to be frivolous, the judge may recommend that the commission issue a ruling adverse to the complainant on a pending issue that is the subject of the prohibited ex parte communication."

Delete the title and insert:

"A bill for an act relating to utilities; regulating ex parte communications with public utilities commissioners and providing complaint procedures; amending Minnesota Statutes 1998, section 216A.037."

The motion prevailed and the amendment was adopted.

Entenza moved to amend S. F. No. 1048, as amended, as follows:

Page 1, line 9, strike ";" and insert "AND" and delete ";

Page 1, line 10, after "RULES" insert "; CONFIDENTIALITY RULES"

Page 4, after line 18, insert:

"Subd. 5. [PUC DUTY TO ADOPT CONFIDENTIALITY RULES.] (a) Within 120 days of the effective date of this subdivision, the public utilities commission shall issue an order prohibiting a telecommunications carrier from disclosing or permitting access to private customer information except:

(1) as required by law; or

(2) with the express, prior consent of the customer.

(b) The commission may not prohibit a telecommunications carrier from disclosing or permitting access to customer information:

(1) if necessary to initiate, render, bill and collect for telecommunications services;

(2) if necessary to protect the rights or property of the telecommunications carrier, or to protect other users of the telecommunications carrier's services and other providers, from fraudulent, abusive or unlawful use of, or subscription to, telecommunications services;

(3) if requested by a government authority pursuant to any subpoena or court order; or

(4) to an affiliate of the telecommunications carrier for the purpose of providing telecommunications services to the customer, if the affiliate receiving the information complies with the provisions of the commission's order under this subdivision.

(c) The commission may modify the order periodically as necessary to conform to requirements in law or to address issues not addressed in the order required by this subdivision.

(d) For purpose of this subdivision:

(1) "customer information" means any individually identifiable information about a customer that is available to a telecommunications provider by virtue of the relationship between the customer and the provider, including any information regarding identities of persons called or from whom calls were received, length and dates of calls, account balances, bank account information for automatic withdrawal and other purposes, payment records, transaction histories or credit information; and

(2) "telecommunications carrier" has the meaning given it in the federal Telecommunications Act of 1996, public law 104-104.

(e) Nothing in this subdivision is intended to limit the existing authority of the public utilities commission under state or federal law with respect to the disclosure of information. A telecommunications provider that obtains information pursuant to the commission's existing authority may only disclose or permit access to that information as provided in this subdivision."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Entenza amendment and the roll was called. There were 129 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dempsey	Gleason	Hasskamp	Kahn
Abrams	Carruthers	Dorman	Goodno	Hausman	Kalis
Anderson, I.	Cassell	Dorn	Gray	Hilty	Kelliher
Bakk	Chaudhary	Entenza	Greenfield	Holsten	Kielkucki
Biernat	Clark, J.	Erhardt	Greiling	Howes	Knoblach
Bishop	Clark, K.	Erickson	Gunther	Huntley	Koskinen
Boudreau	Daggett	Finseth	Haake	Jaros	Krinkie
Bradley	Davids	Folliard	Haas	Jennings	Kubly
Broecker	Dawkins	Fuller	Hackbarth	Johnson	Kuisle
Buesgens	Dehler	Gerlach	Harder	Juhnke	Larsen, P.

Larson, D.	McGuire	Osthoff	Rostberg	Storm	Wenzel
Lenczewski	Milbert	Otremba	Rukavina	Swapinski	Westerberg
Leppik	Molnau	Ozment	Schumacher	Swenson	Westfall
Lieder	Mulder	Paulsen	Seagren	Sykora	Westrom
Lindner	Mullery	Pawlenty	Seifert, J.	Tingelstad	Wilkin
Luther	Murphy	Paymar	Seifert, M.	Tomassoni	Winter
Mahoney	Ness	Pelowski	Skoe	Trimble	Wolf
Mares	Nornes	Peterson	Skoglund	Tuma	Workman
Mariani	Olson	Pugh	Smith	Tunheim	Spk. Sviggum
Marko	Opatz	Rest	Solberg	Vandevveer	
McCollum	Orfield	Rhodes	Stanek	Wagenius	
McElroy	Osskopp	Rifenberg	Stang	Wejeman	

Those who voted in the negative were:

Anderson, B.	Holberg	Reuter
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The motion prevailed and the amendment was adopted.

Dauids moved that S. F. No. 1048, as amended, be re-referred to the Committee on Commerce.

A roll call was requested and properly seconded.

The question was taken on the Davids motion and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Hackbarth	Mares	Rhodes	Tuma
Abrams	Dempsey	Harder	McElroy	Rifenberg	Vandevveer
Anderson, B.	Dorman	Holberg	Molnau	Seagren	Westerberg
Bishop	Erhardt	Holsten	Mulder	Seifert, J.	Westfall
Boudreau	Erickson	Howes	Ness	Seifert, M.	Westrom
Bradley	Finseth	Kielkucki	Nornes	Smith	Wilkin
Broecker	Fuller	Knoblach	Olson	Stanek	Wolf
Buesgens	Gerlach	Krinkie	Osskopp	Stang	Workman
Cassell	Goodno	Kuisle	Ozment	Storm	Spk. Sviggum
Clark, J.	Gunther	Larsen, P.	Paulsen	Swenson	
Daggett	Haake	Leppik	Pawlenty	Sykora	
Davids	Haas	Lindner	Reuter	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Dawkins	Greiling	Johnson	Larson, D.	McCollum
Bakk	Dorn	Hasskamp	Juhnke	Lenczewski	McGuire
Biernat	Entenza	Hausman	Kahn	Lieder	Milbert
Carlson	Folliard	Hilty	Kalis	Luther	Mullery
Carruthers	Gleason	Huntley	Kelliher	Mahoney	Murphy
Chaudhary	Gray	Jaros	Koskinen	Mariani	Opatz
Clark, K.	Greenfield	Jennings	Kubly	Marko	Orfield

Osthoff	Peterson	Rukavina	Solberg	Tunheim	Winter
Otremba	Pugh	Schumacher	Swapinski	Wagenius	
Paymar	Rest	Skoe	Tomassoni	Wejcmán	
Pelowski	Rostberg	Skoglund	Trimble	Wenzel	

The motion prevailed and S. F. No. 1048, as amended, was re-referred to the Committee on Commerce.

S. F. No. 1896, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

The Speaker called Paulsen to the Chair.

McElroy moved to amend S. F. No. 1896 as follows:

Page 20, after line 9, insert:

"Sec. 9. [DAY SERVICES PROGRAMS.]

The commissioners of human services, revenue, and finance, in consultation with representatives of interested groups, including family members, advocacy organizations, counties, service providers, and others, shall develop specific legislative recommendations on the transfer from county funds to the state general fund for the responsibility for funding day training and habilitation services under Minnesota Statutes, section 252.41, including a proposal for a home and community-based waiver for day services programs. The recommendation shall include estimated cost of the nonfederal share of medical assistance day services. The recommendations, including cost estimates, shall be provided to the chairs of the house health and human services policy and finance committees and the senate health and family security committee and budget division by January 1, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1896, A bill for an act relating to human services; changing provisions for erroneous payment of medical assistance money; changing probate provisions for estates subject to medical assistance claims and medical assistance liens; amending Minnesota Statutes 1998, sections 256B.064; 256B.15, subdivisions 1a and 4; 514.981, subdivision 6; 524.3-801; and 525.312; proposing coding for new law in Minnesota Statutes, chapters 524; and 525.

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 98 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeler	Bishop	Broecker	Chaudhary	Davids	Dorman
Abrams	Boudreau	Buesgens	Clark, J.	Dehler	Dorn
Anderson, B.	Bradley	Cassell	Daggett	Dempsey	Entenza

Erhardt	Holsten	Leppik	Nornes	Rifenberg	Tuma
Erickson	Howes	Lieder	Olson	Rostberg	Vanderveer
Finseth	Jennings	Lindner	Opatz	Schumacher	Wejcman
Fuller	Johnson	Luther	Orfield	Seagren	Westerberg
Gerlach	Juhnke	Mahoney	Osskopp	Seifert, J.	Westfall
Goodno	Kalis	Mares	Ozment	Seifert, M.	Westrom
Greenfield	Kielkucki	Marko	Paulsen	Skoe	Wilkin
Gunther	Knoblach	McCollum	Pawlenty	Smith	Wolf
Haake	Krinkie	McElroy	Pelowski	Stanek	Workman
Haas	Kubly	Milbert	Peterson	Stang	Spk. Sviggum
Hackbarth	Kuisle	Molnau	Pugh	Storm	
Harder	Larsen, P.	Mulder	Rest	Swenson	
Hasskamp	Larson, D.	Murphy	Reuter	Sykora	
Holberg	Lenczewski	Ness	Rhodes	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Dawkins	Huntley	McGuire	Skoglund	Wagenius
Bakk	Gleason	Jaros	Mullery	Solberg	Wenzel
Biernat	Gray	Kahn	Osthoff	Swapinski	Winter
Carlson	Greiling	Kelliher	Otremba	Tomassoni	
Carruthers	Hausman	Koskinen	Paymar	Trimble	
Clark, K.	Hilty	Mariani	Rukavina	Tunheim	

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

S. F. No. 3346 was reported to the House.

Molnau moved that S. F. No. 3346 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2484 was reported to the House.

Tomassoni moved to amend S. F. No. 2484 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3091, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 169.18, subdivision 10, is amended to read:

Subd. 10. ~~[SLOW-MOVING VEHICLE VEHICLES DRIVEN IN RIGHT-HAND LANE.]~~ (a) Upon all roadways ~~any, including freeways and expressways as defined in section 160.02, a vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall~~ must be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except;

(1) when overtaking and passing another vehicle proceeding in the same direction, ~~or;~~

(2) when preparing for a left turn at an intersection or into a private road or driveway, ~~or;~~

(3) when a specific lane is designated and posted for a specific type of traffic;

(4) when necessary to enter or exit an expressway, freeway, interstate highway, or other controlled-access highway;

(5) when otherwise directed in a highway work zone, as defined in section 169.14, subdivision 5d;

(6) when necessary in response to emergency conditions or to avoid collision;

(7) when otherwise directed by a law enforcement officer or an official traffic control device; or

(8) to avoid actual or potential traffic moving into the rightmost lane from an acceleration or merging lane on a freeway or expressway, but only if the vehicle's speed cannot safely be reduced to correspond with the speed of the merging traffic.

(b) The commissioner of transportation shall erect appropriate signs at approximately every 50 miles on interstate highways to instruct motorists concerning paragraph (a). The signs must read "MOVE TO THE RIGHT AFTER PASSING."

Delete the title and insert:

"A bill for an act relating to traffic regulations; clarifying provision requiring vehicles to be driven in right-hand lane except under certain circumstances; amending Minnesota Statutes 1998, section 169.18, subdivision 10."

The motion prevailed and the amendment was adopted.

Hausman was excused between the hours of 4:35 p.m. and 7:40 p.m.

Knoblach moved to amend S. F. No. 2484, as amended, as follows:

Page 1, lines 12 and 13, restore the stricken language

Page 1, line 13, delete "must"

A roll call was requested and properly seconded.

The question was taken on the Knoblach amendment and the roll was called. There were 47 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Haas	Mariani	Orfield	Skoglund
Abrams	Dawkins	Harder	Marko	Osthoff	Stanek
Anderson, B.	Dehler	Hasskamp	McElroy	Ozment	Storm
Boudreau	Dempsey	Johnson	McGuire	Pelowski	Sykora
Bradley	Dorn	Knoblach	Murphy	Rifenberg	Wagenius
Cassell	Erickson	Larsen, P.	Ness	Seagren	Westerberg
Chaudhary	Fuller	Leppik	Nornes	Seifert, J.	Westfall
Clark, K.	Greenfield	Mares	Olson	Seifert, M.	

Those who voted in the negative were:

Anderson, I.	Gerlach	Juhnke	Mahoney	Rest	Tunheim
Bakk	Gleason	Kahn	McCollum	Reuter	Van Dellen
Biernat	Goodno	Kalis	Milbert	Rhodes	Vandever
Bishop	Greiling	Kelliher	Molnau	Rukavina	Wejcmán
Broecker	Gunther	Kielkucki	Mulder	Schumacher	Wenzel
Buesgens	Haake	Koskinen	Mullery	Skoe	Westrom
Carlson	Hackbarth	Krinkie	Opatz	Solberg	Wilkin
Carruthers	Hilty	Kubly	Osskopp	Stang	Winter
Clark, J.	Holberg	Kuisle	Otremba	Swapinski	Wolf
Daggett	Holsten	Larson, D.	Paulsen	Swenson	Workman
Dorman	Howes	Lenczewski	Pawlenty	Tingelstad	Spk. Sviggum
Erhardt	Huntley	Lieder	Paymar	Tomassoni	
Finseth	Jaros	Lindner	Peterson	Trimble	
Folliard	Jennings	Luther	Pugh	Tuma	

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

S. F. No. 2484, A bill for an act relating to traffic regulations; requiring vehicles to be driven in the right-hand lane unless overtaking slower vehicles; modifying school zone speed limit provisions; amending Minnesota Statutes 1998, sections 169.14, subdivisions 4 and 5a; and 169.18, 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 80 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abrams	Folliard		Molnau	Rhodes	Vandever
Anderson, I.	Gleason	Kelliher			
Bakk	Goodno	Kielkucki	Ness	Schumacher	Wejcmán
Biernat	Gray		Opatz	Seifert, J.	Wenzel
Bishop	Gunther	Krinkie			
Bradley		Kubly	Osskopp	Solberg	Wilkin
Broecker	Hackbarth			Stang	Winter
Carlson	Hilty	Leppik	Paulsen	Storm	Wolf
Carruthers		Lieder	Pawlenty	Swapinski	Workman
Clark, J.	Howes				Spk. Sviggum
Clark, K.	Huntley	Mares	Peterson	Tomassoni	
Daggett		McCollum	Pugh	Trimble	
Erhardt	Jennings				
Finseth	Juhnke	Milbert	Reuter	Van Dellen	

Those who voted in the negative were:

Abeler	Chaudhary	Dorman	Gerlach		Kuisle
Anderson, B.	Davids		Greenfield	Holberg	Larsen, P.
Boudreau	Dawkins	Entenza		Johnson	Larson, D.
Buesgens	Dehler	Erickson	Haas	Kalis	Lindner
Cassell	Dempsey		Harder	Knoblach	Luther

Mariani	Mullery	Ozment	Seagren	Tingelstad
Marko	Nornes	Pelowski	Seifert, M.	Tunheim
McGuire	Olson	Rifenberg	Skoglund	Westerberg
Mulder	Osthoff	Rostberg	Stanek	Westfall

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

H. F. No. 2833, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

McGuire moved to amend H. F. No. 2833, the first engrossment, as follows:

Page 2, line 2, delete "or"

Page 2, line 10, after "superintendent" insert "of a school district"

Page 2, line 24, after "(a)" insert "For purposes of this section "principal" means a principal or other person having general administrative control and supervision of a school.

(b)"

Page 2, line 25, after "superintendent" insert "of the student's school district"

Page 2, line 27, delete "or other"

Page 2, lines 26 and 30, delete "juvenile's" and insert "student's"

Page 2, delete line 28

Page 2, line 29, delete "or person in"

Page 2, lines 29, 33, and 36, delete "juvenile" and insert "student"

Page 2, line 30, delete "control"

Page 2, lines 31 and 34, delete "person in control"

Page 2, line 34, delete "or"

Page 3, lines 1, 4, 25, and 32, delete "or person in control"

Page 3, lines 2, 6, 7, 13, 16, 18, and 22, delete "juvenile" and insert "student"

Page 3, line 5, after "employees" insert ", substitutes, and volunteers who are"

Page 3, line 6, delete "a substitute, or a volunteer."

Page 3, line 9, after the period, insert "When provided in the disposition order, the notice given under this paragraph by the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information."

(b)" and insert "___"

Page 3, delete line 14, and insert "_____ disseminated by ___ teacher, counselor, ___ member,

Page 3, delete line 15, and insert "administrator, substitute, ___ volunteer; except ___ necessary to"
juvenile's" and insert "_____ "

Page 3, line 22, delete "___" and insert "(d)"

Page 3, line 23, after "superintendent _____ of ___ student's school _____ "

Page 3, line 24, after "_____ " insert "of the student's school"

Page 3, line 25, delete "or person in control"

Page 3, delete line 26, and insert "student is returned to school. If the student is returned to"

Page 3, line 31, delete "(d)" and insert "(e)"

Page 3, delete the sentence beginning on line 31

Page 3, line 35, delete everything after "order"

Page 3, line 36, delete "and"

Page 4, lines 2, 6, 7, and 10, delete "juvenile" and insert "student"

Page 4, line 4, delete "(e)" and insert "(f)"

Page 4, line 7, delete "academic" and insert "school"

Page 4, line 16, after "superintendent" insert "of the juvenile's school district"

Page 4, line 16, after "or" insert "the"

Page 5, line 17, delete "principal" and insert "superintendent of the juvenile's school district"

Page 5, line 17, after "or" insert "the"

Page 5, line 20, delete "principal" and insert "superintendent"

Page 6, line 10, strike everything before the period and insert "school as defined in section 120A.22, subdivision 4, except a home school"

The motion prevailed and the amendment was adopted.

McGuire and Seagren moved to amend H. F. No. 2833, the first engrossment, as amended, as follows:

Page 1, line 27, delete the second "to the"

Page 1, delete line 28

Page 1, line 29, delete "staff"

Page 2, after line 9, insert:

"Any request for access to data under this clause must contain an explanation of why access to the data is necessary to serve the student or to protect students or staff."

Page 2, delete lines 15 to 17 and insert:

"(d) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order."

Stanek moved to amend the McGuire and Seagren amendment to H. F. No. 2833, the first engrossment, as amended, as follows:

Page 1, delete lines 6 to 9

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 12 yeas and 120 nays as follows:

Those who voted in the affirmative were:

Carruthers	Goodno	Lindner	Mullery	Rhodes	Stanek
Erickson	Krinkie	Mulder	Reuter	Skoglund	Workman

Those who voted in the negative were:

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

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

The question recurred on the McGuire and Seagren amendment to H. F. No. 2833, the first engrossment, as amended. The motion prevailed and the amendment was adopted.

H. F. No. 2833, as amended, was read for the third time.

McGuire moved that H. F. No. 2833, as amended, be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2473 was reported to the House.

Biernat moved to amend S. F. No. 2473 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2527, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 518.175, subdivision 3, is amended to read:

Subd. 3. The custodial parent shall not move the residence of the child to another state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights by the decree. In issuing an order under this subdivision, a court shall apply any standard agreed upon by the parties in a writing that was approved by a court, except that if the purpose of the move is to interfere with visitation rights given to the noncustodial parent by the decree, the court shall not permit the child's residence to be moved to another state.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective retroactive to September 1, 1999, and applies to motions to move the residence of a child to another state and to written agreements approved by a court before, on, or after that date."

Delete the title and insert:

"A bill for an act relating to family law; child custody; altering the standards for modifying sole physical custody of a child; amending Minnesota Statutes 1998, section 518.175, subdivision 3."

The motion prevailed and the amendment was adopted.

S. F. No. 2473, A bill for an act relating to family law; child custody; altering the standards for modifying sole physical custody of a child; amending Minnesota Statutes 1998, sections 518.175, subdivision 3; and 518.18.

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 131 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

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

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

Haake was excused for the remainder of today's session.

S. F. No. 3108 was reported to the House.

Dawkins moved to amend S. F. No. 3108 as follows:

Page 2, lines 28 and 29, delete "(a) Except as provided in paragraph (b)."

Page 2, line 29, delete "subdivision 1 or 2" and insert "this section"

Page 2, delete lines 32 to 35

A roll call was requested and properly seconded.

The question was taken on the Dawkins amendment and the roll was called. There were 51 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Jennings	Lieder	Pelowski	Tuma
Bakk	Folliard	Johnson	Mariani	Peterson	Tunheim
Biernat	Gleason	Juhnke	McCollum	Pugh	Wagenius
Carlson	Gray	Kahn	McGuire	Rukavina	Wejcman
Carruthers	Greenfield	Kalis	Milbert	Schumacher	Westrom
Chaudhary	Greiling	Kelliher	Orfield	Skoe	Winter
Clark, K.	Hilty	Koskinen	Osthoff	Solberg	
Dawkins	Huntley	Larson, D.	Otremba	Swapinski	
Dorn	Jaros	Leighton	Paymar	Tomassoni	

Those who voted in the negative were:

Abeler	Dorman	Howes	McElroy	Reuter	Tingelstad
Abrams	Erhardt	Kielkucki	Molnau	Rhodes	Trimble
Anderson, B.	Erickson	Knoblach	Mulder	Rifenberg	Van Dellen
Bishop	Finseth	Krinkie	Mullery	Rostberg	Vandever
Boudreau	Fuller	Kubly	Murphy	Seagren	Wenzel
Bradley	Gerlach	Kuisle	Ness	Seifert, J.	Westerberg
Broecker	Goodno	Larsen, P.	Nornes	Seifert, M.	Westfall
Buesgens	Gunther	Lenczewski	Olson	Skoglund	Wilkin
Cassell	Haas	Leppik	Opatz	Smith	Wolf
Clark, J.	Hackbarth	Lindner	Osskopp	Stanek	Workman
Daggett	Harder	Luther	Ozment	Stang	Spk. Sviggum
Davids	Hasskamp	Mahoney	Paulsen	Storm	
Dehler	Holberg	Mares	Pawlenty	Swenson	
Dempsey	Holsten	Marko	Rest	Sykora	

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

S. F. No. 3108, A bill for an act relating to corrections; regulating telephone access of persons restrained in local and state correctional facilities; limiting penalties; amending Minnesota Statutes 1998, section 481.10.

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 117 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk	Gray	Kahn	Milbert	Rukavina	Westrom
Dawkins	Jaros	Leighton	Paymar	Tomassoni	

The bill was passed and its title agreed to.

H. F. No. 3516 was reported to the House.

Trimble moved to amend H. F. No. 3516, the second engrossment, as follows:

Page 30, after line 31, insert:

"Sec. 43. [BIRD LIMING PRESERVES.]

The commissioner of natural resources may license up to five bird liming preserves in rural areas of Minnesota. The fee for a bird liming preserve shall be \$900 annually. The fee must be deposited in the game and fish fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

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; providing for replacement licenses; 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; authorizing the commissioner of natural resources to use snowmobile grant-in-aid funds to reimburse eligible recipients for certain snowmobile trail grooming equipment expenses; 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, by adding a subdivision; 97A.475, subdivision 30, and by adding a subdivision; 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.

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 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bradley	Clark, K.	Erhardt	Gray	Hilty
Abrams	Broecker	Daggett	Erickson	Greenfield	Holberg
Anderson, B.	Buesgens	Davids	Finseth	Greiling	Holsten
Anderson, I.	Carlson	Dehler	Folliard	Gunther	Howes
Bakk	Carruthers	Dempsey	Fuller	Haas	Huntley
Biernat	Cassell	Dorman	Gerlach	Hackbarth	Jaros
Bishop	Chaudhary	Dorn	Gleason	Harder	Jennings
Boudreau	Clark, J.	Entenza	Goodno	Hasskamp	Johnson

Juhnke	Leppik	Mullery	Pelowski	Skoglund	Van Dellen
Kahn	Lieder	Murphy	Peterson	Smith	Vandever
Kalis	Lindner	Ness	Pugh	Solberg	Wagenius
Kelliher	Luther	Nornes	Rest	Stanek	Wejcmán
Kielkucki	Mahoney	Olson	Reuter	Stang	Wenzel
Knoblach	Mares	Opatz	Rhodes	Storm	Westerberg
Koskinen	Mariani	Orfield	Rifenberg	Swapinski	Westfall
Krinkie	Marko	Osskopp	Rostberg	Swenson	Westrom
Kubly	McCollum	Osthoff	Rukavina	Sykora	Wilkin
Kuisle	McElroy	Otremba	Schumacher	Tingelstad	Winter
Larsen, P.	McGuire	Ozment	Seagren	Tomassoni	Wolf
Larson, D.	Milbert	Paulsen	Seifert, J.	Trimble	Workman
Leighton	Molnau	Pawlenty	Seifert, M.	Tuma	Spk. Sviggum
Lenczewski	Mulder	Paymar	Skoe	Tunheim	

The bill was passed and its title agreed to.

H. F. No. 3488, A bill for an act relating to state government; authorizing hiring private counsel for state agencies; amending Minnesota Statutes 1998, section 8.06; proposing coding for new law in Minnesota Statutes, chapter 8.

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 72 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Hackbarth	Mares	Rhodes	Tingelstad
Abrams	Dehler	Harder	McElroy	Rifenberg	Tuma
Anderson, B.	Dempsey	Holberg	Molnau	Rostberg	Tunheim
Bishop	Dorman	Holsten	Mulder	Seagren	Van Dellen
Boudreau	Erhardt	Howes	Ness	Seifert, J.	Vandever
Bradley	Erickson	Kielkucki	Nornes	Seifert, M.	Westerberg
Broecker	Finseth	Knoblach	Olson	Smith	Westfall
Buesgens	Fuller	Krinkie	Osskopp	Stanek	Westrom
Carlson	Gerlach	Kuisle	Ozment	Stang	Wilkin
Cassell	Goodno	Larsen, P.	Paulsen	Storm	Wolf
Clark, J.	Gunther	Leppik	Pawlenty	Swenson	Workman
Daggett	Haas	Lindner	Reuter	Sykora	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Gleason	Juhnke	Luther	Orfield	Skoe
Bakk	Gray	Kahn	Mahoney	Osthoff	Skoglund
Biernat	Greenfield	Kalis	Mariani	Otremba	Solberg
Carruthers	Greiling	Kelliher	Marko	Paymar	Swapinski
Chaudhary	Hasskamp	Koskinen	McCollum	Pelowski	Tomassoni
Clark, K.	Hilty	Kubly	McGuire	Peterson	Trimble
Dawkins	Huntley	Larson, D.	Milbert	Pugh	Wagenius
Dorn	Jaros	Leighton	Mullery	Rest	Wejcmán
Entenza	Jennings	Lenczewski	Murphy	Rukavina	Wenzel
Folliard	Johnson	Lieder	Opatz	Schumacher	Winter

The bill was passed and its title agreed to.

S. F. No. 3116 was reported to the House.

Holberg moved to amend S. F. No. 3116 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3577, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 550.051, subdivision 1, is amended to read:

Subdivision 1. [TIME PERIODS.] The writ of execution expires 180 days after its issuance by the court administrator. A levy that is served with a writ of execution that has expired is void. If the officer or creditor's attorney having the writ levies upon property or earnings before the expiration of 180 days, the officer or creditor's attorney may retain the writ until the officer sells the property or completes the levy upon earnings in the manner prescribed by law. Any levy properly served in accordance with this chapter or chapter 551 prior to the expiration of the writ shall be processed in accordance with the appropriate statutory section until completion, without regard for the date of expiration of the writ. Upon a demand of the judgment creditor or the creditor's attorney within 180 days, the officer shall pay to the judgment creditor or the judgment creditor's attorney all money collected upon execution after deducting the officer's fees. Upon expiration of the writ or full satisfaction of the judgment, if earlier, the officer shall make a full inventory of the property levied on and return it with the execution.

Sec. 2. Minnesota Statutes 1998, section 550.136, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them:

(a) "earnings" means:

(1) compensation paid or payable to an employee for personal service whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program;

(2) compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2; or

(3) maintenance as defined in section 518.54, subdivision 3.

(b) "disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations;

(c) "employee" means an individual who performs services subject to the right of the employer to control both what is done and how it is done; and

(d) "employer" means a person for whom an individual performs services as an employee.

Sec. 3. Minnesota Statutes 1999 Supplement, section 550.136, subdivision 6, is amended to read:

Subd. 6. [EARNINGS EXEMPTION NOTICE.] Before the first levy on earnings under this chapter, the judgment creditor shall serve upon the judgment debtor no less than ten days before the service of the writ of execution, a notice that the writ of execution may be served on the judgment debtor's employer. The notice must: (1) be substantially in the form set forth below; (2) be served personally, in the manner of a summons and complaint, or by first class mail to the last known address of the judgment debtor; (3) inform the judgment debtor that an execution levy may be served on the judgment debtor's employer in ten days, and that the judgment debtor may, within that

time, cause to be served on the judgment creditor a signed statement under penalties of perjury asserting an entitlement to an exemption from execution; (4) inform the judgment debtor of the earnings exemptions contained in section 550.37, subdivision 14; and (5) advise the judgment debtor of the relief set forth in this chapter to which the debtor may be entitled if a judgment creditor in bad faith disregards a valid claim and the fee, costs, and penalty that may be assessed against a judgment debtor who in bad faith falsely claims an exemption or in bad faith takes action to frustrate the execution process. The notice requirement of this subdivision does not apply to a levy on earnings being retained by an employer pursuant to a garnishment previously served in compliance with chapter 571.

The ten-day notice informing a judgment debtor that a writ of execution may be used to levy the earnings of an individual must be substantially in the following form:

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

. JUDICIAL DISTRICT

.(Judgment Creditor)

against

EXECUTION EXEMPTION

NOTICE AND NOTICE OF

INTENT TO LEVY ON EARNINGS

.(Judgment Debtor)

and

~~WITHIN TEN DAYS~~

.(Third Party)

PLEASE TAKE NOTICE that a levy may be served upon your employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Your earnings are completely exempt from execution levy if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months.

Relief based on need includes Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the judgment creditor's attorney.

You may wish to contact the attorney for the judgment creditor in order to arrange for a settlement of the debt or contact an attorney to advise you about exemptions or other rights.

PENALTIES

(1) Be advised that even if you claim an exemption, an execution levy may still be served on your employer. If your earnings are levied on after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the judgment creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

. JUDICIAL DISTRICT

FILE NO. . . .

. (Judgment Creditor)
against
. (Judgment Debtor)
and
. (Third Party)

EARNINGS
EXECUTION
DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

Yes

No

(2) Does the judgment debtor earn more than \$. . per week? (this amount is the federal minimum wage per week)

Yes

No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation below and return this disclosure to the sheriff within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column I on the Earnings Disclosure Worksheet. You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

(3) COLUMN A. Enter the date of judgment debtor's payday.

(4) COLUMN B. Enter judgment debtor's gross earnings for each payday.

(5) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

(6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply column C by .25.)

(7) COLUMN E. Enter here 40 times the hourly federal minimum wage (\$. . .) times the number of work weeks included in each payday. (Note: if a payday includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)

(8) COLUMN F. Subtract the amount in column E from the amount in column C, and enter here.

(9) COLUMN G. Enter here the lesser of the amount in column D and the amount in column F.

(10) COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.

(11) COLUMN I. Subtract the amount in column H from the amount in column G and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.
Signature

.
Title

.
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....
Debtor's Name

A
Payday
Date

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

B
Gross
Earnings

1. \$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.

C
Disposable
Earnings

1. \$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.

D
25% of
Column C

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

E
40 X Min.
Wage

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

F
Column C
minus
Column E

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

G
Lesser of
Column D
and Interest, or
Column F

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

H
Setoff, Lien,
Adverse
Column H
Other Claims

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

I
Column G
minus

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

TOTAL OF COLUMN I .

\$.....

*If you entered any amount in column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....
.....
.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....
Signature

Dated:
Title

(.)
Phone Number

Sec. 5. Minnesota Statutes 1999 Supplement, section 550.136, subdivision 10, is amended to read:

Subd. 10. [EXECUTION EARNINGS DISCLOSURE FORM AND WORKSHEET FOR CHILD SUPPORT JUDGMENTS.] The judgment creditor shall provide to the sheriff for service upon a child support judgment debtor's employer an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA
COUNTY OF

DISTRICT COURT
..... JUDICIAL DISTRICT
FILE NO. ...

..... (Judgment Creditor)
against
..... (Judgment Debtor)
and
..... (Third Party)

EARNINGS
EXECUTION
DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers' compensation, or reemployment compensation.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

....
Yes

....
No

INSTRUCTIONS FOR COMPLETING THE
EARNINGS DISCLOSURE

A. If your answer to question 1 is "No," then you must sign the affirmation below and return this disclosure to the sheriff within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE. Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet. You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of judgment debtor's payday.

(3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

(4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column E if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(7) COLUMN F. Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....
Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.

D Either 50, 55, 60, or 65% of Column C	E Setoff, Lien, Adverse Interest, or Other Claims	F Column D minus Column E
1.	\$.....	\$.....
2.
3.
4.
5.
6.
7.
8.
9.
10.
TOTAL OF COLUMN F		\$.....

*If you entered any amount in column E for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....
Signature

Dated:
Title

(..).
Phone Number

Sec. 6. Minnesota Statutes 1999 Supplement, section 550.143, subdivision 3, is amended to read:

Subd. 3. [EXEMPTION NOTICE.] If the levy is on funds of a judgment debtor who is a natural person and if the funds to be levied are held on deposit at any financial institution, the judgment creditor or its attorney shall provide the sheriff with two copies of an exemption notice, which must be substantially in the form set forth below. The sheriff shall serve both copies of the exemption notice on the financial institution, along with the writ of execution. Failure of the sheriff to serve the exemption notices renders the levy void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds that have previously been garnished in compliance with section 571.71, the judgment creditor is not required to serve additional exemption notices. In that event, the execution levy shall only be effective as to the funds that were subject to the prior garnishment. Upon receipt of the writ of execution and exemption notices, the financial institution shall retain as much of the amount due under section 550.04 as the financial institution has on deposit owing to the judgment debtor, but not more than 110 percent of the amount remaining due on the judgment.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF

. JUDICIAL DISTRICT

.(Judgment Creditor)

.(Judgment Debtor)

TO: Debtor

EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (Bank or other financial institution where you have an account.)

Your account balance is \$. . . .

The amount being held is \$. . . .

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance;

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance);

(3) reemployment compensation, workers' compensation, or veterans' benefits;

(4) an accident, disability, or retirement pension or annuity;

(5) life insurance proceeds;

(6) the earnings of your minor child and any child support paid to you; or

(7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every debtor's after tax earnings; and

(11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. In the event that there is no attorney for the judgment creditor, then the notice shall be sent directly to the judgment creditor. The address for the judgment creditor's attorney or the judgment creditor is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If the financial institution does not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

- (1) nonexempt money can be turned over to the judgment creditor or sheriff;
- (2) the financial institution will keep holding the money claimed to be exempt; and
- (3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

the institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....

 Name and address of (Attorney
 for) Judgment Creditor

EXEMPTION:

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$.

(b) Basis for exemption.

Of the 11 categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number:;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named creditor or its attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the judgment creditor or judgment creditor's attorney if represented at the address indicated above.

.....
DEBTOR

DATED:

.....
.....
.....
DEBTOR ADDRESS

.....
DEBTOR TELEPHONE NUMBER

Sec. 7. Minnesota Statutes 1998, section 550.143, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF OBJECTION.] (a) The written objection to the judgment debtor's claim of exemption must be in substantially the following form:

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF JUDICIAL DISTRICT
.(Judgment Creditor)	OBJECTION TO
.(Judgment Debtor)	EXEMPTION CLAIM
.(Garnishee) (Third Party)	

The judgment creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you should need to do so within ten days of your receipt of this objection from the date the objection was personally served on you, or within 13 days of the date the objection was mailed to you.

- 1. The court administrator's office shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel.
2. Upon the filing of a Request for Hearing, the court administrator shall schedule the matter for a hearing no later than five business days from the date of filing.
3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.
4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.

If you do not file a Request for Hearing within ten days of the date you receive this objection the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your creditor.

If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court.

Judgment Creditor or Attorney

Sec. 8. Minnesota Statutes 1998, section 550.143, subdivision 8, is amended to read:

Subd. 8. [REQUEST FOR HEARING AND NOTICE FOR HEARING.] The request for hearing accompanying the objection notice must be in substantially the following form:

STATE OF MINNESOTA DISTRICT COURT
COUNTY OF JUDICIAL DISTRICT
. (Judgment Creditor) REQUEST FOR HEARING
. (Judgment Debtor) AND
. (Third Party) NOTICE FOR HEARING

I hereby request a hearing to resolve the exemption claim which has been made in this case regarding funds in the account of (Judgment Debtor) at the (Financial Institution).

I believe the property being held is exempt because

Dated:

(JUDGMENT DEBTOR)

.....

(ADDRESS)

.....

(DEBTOR PHONE NUMBER)

.....

HEARING DATE:

TIME:

HEARING PLACE:

(Note to both parties: Bring with you to the hearing all documents and materials relevant to the exemption claim and objection. Failure to do so could delay the court's decision.)

Sec. 9. Minnesota Statutes 1998, section 551.01, is amended to read:

551.01 [ATTORNEY'S SUMMARY EXECUTION OF JUDGMENT DEBTS; WHEN AUTHORIZED.]

An attorney for a judgment creditor may execute on a money judgment by levying on indebtedness owed to the judgment debtor by a third party, pursuant to this chapter. The attorney for the judgment creditor must obtain a writ of execution issued under section 550.04 before the attorney can execute pursuant to this chapter. No more than ~~\$5,000~~ \$10,000 may be recovered by a single notice of execution levy pursuant to this section. No more than one execution may be served on a single third party by a judgment creditor each calendar day under this chapter.

Sec. 10. Minnesota Statutes 1998, section 551.04, subdivision 4, is amended to read:

Subd. 4. [SERVICE OF THIRD PARTY LEVY; NOTICE AND DISCLOSURE FORMS.] When levying upon money or earnings owed to the judgment debtor by a third party, the attorney for the judgment creditor shall serve a copy of the writ of execution upon the third party either by registered or certified mail, or by personal service. A third party levy served by registered or certified mail is effective if served at the third party's regular place of business. Along with a copy of the writ of execution, the attorney shall serve upon the third party a notice of third party levy and disclosure form that must be substantially in the form set forth below. If the levy is upon earnings, the attorney shall serve upon the third party the notice of third party levy and disclosure form as set forth in section 551.06, subdivision 9.

STATE OF MINNESOTA
County of

DISTRICT COURT
..... JUDICIAL DISTRICT
File No.

..... (Judgment Creditor)
against
..... (Judgment Debtor)
and
..... (Third Party)

NOTICE OF THIRD PARTY
LEVY AND DISCLOSURE
(OTHER THAN EARNINGS)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapter 551, the undersigned, as attorney for the judgment creditor, hereby makes demand and levies execution upon all money due and owing by you (up to ~~\$5,000~~ \$10,000) to the judgment debtor for the amount of the judgment specified below. A copy of the writ of execution issued by the court is enclosed. The unpaid judgment balance is \$. . .

In responding to this levy, you are to complete the attached disclosure form and mail it to the undersigned attorney for the judgment creditor, together with your check payable to the above-named judgment creditor, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits set forth in chapter 551.

If you are a financial institution and the judgment debtor is a natural person, two exemption notices are also enclosed pursuant to Minnesota Statutes, section 551.02. Only natural persons are entitled to exemptions under this statute.

Attorney for the Judgment Creditor
Address

(.)
Phone number

DISCLOSURE

On the . . . day of,, the time of service of the execution levy herein, there was due and owing the judgment debtor from the third party the following:

(1) Money. Enter on the line below any amounts due and owing the judgment debtor, except earnings, from the third party.

.....

(2) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the third party claims against the amount set forth on line (1). State the facts by which such setoff, defense, lien, or claim is claimed. (Any indebtedness to you incurred by the judgment debtor within ten days prior to the receipt of the first execution levy on a debt may not be claimed as a setoff, defense, lien, or claim against the amount set forth on line (1).)

.....

(3) Exemption. Enter on the line below any amounts or property claimed by the judgment debtor to be exempt from execution.

.....

(4) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the judgment debtor's property.

.....

(5) Enter on the line below the total of lines (2), (3), and (4).

.....

(6) Enter on the line below the difference obtained (never less than zero when line (5) is subtracted from the amount on line (1)).

.....

(7) Enter on the line below 100 percent of the amount of the judgment creditor's claim which remains unpaid.

.....

(8) Enter on the line below the lesser of line (6) and line (7). You are hereby instructed to remit this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this nonearnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

Sec. 11. Minnesota Statutes 1998, section 551.04, subdivision 6, is amended to read:

Subd. 6. [THIRD PARTY DISCLOSURE AND REMITTANCE.] Within 15 days after receipt of the writ of execution, unless governed by section 551.05 or 551.06, the third party shall disclose and remit to the judgment creditor's attorney as much of the amount due under section 550.04, but not more than ~~\$5,000~~ \$10,000, as the third party's own debt equals to the judgment debtor. The attorney for the judgment creditor shall proceed in all other respects like the sheriff making a similar execution levy. No more than ~~\$5,000~~ \$10,000 may be recovered by a single execution levy pursuant to this section.

Sec. 12. Minnesota Statutes 1998, section 551.04, subdivision 9, is amended to read:

Subd. 9. [JUDGMENT AGAINST THIRD PARTY UPON FAILURE TO DISCLOSE OR REMIT.] Judgment may be entered against a third party who has been served with a writ of execution and fails to disclose or remit the levied funds as required in this chapter. Upon order to show cause served on the third party and notice of motion supported by affidavit of facts and affidavit of service upon both the judgment debtor and third party, the court may render judgment against the third party for an amount not exceeding 100 percent of the amount claimed in the execution or ~~\$5,000~~ \$10,000, whichever is less. Judgment against the third party pursuant to this section shall not bar the judgment creditor from further remedies under this chapter as a result of any subsequent defaults by the third party. The court upon good cause shown may remove the default and permit the third party to disclose or remit on just terms.

Sec. 13. [551.041] [ATTORNEY'S SUMMARY EXECUTION OF FUNDS BEING HELD PURSUANT TO GARNISHMENT SUMMONS.]

Pursuant to this section, an attorney for a judgment creditor may execute on funds retained by a garnishee under a garnishment summons served pursuant to chapter 571. No more than \$10,000 may be recovered by a single execution levy pursuant to this section. When levying upon money or earnings being retained by a garnishee pursuant to a garnishment summons, the attorney shall serve a copy of the writ of execution upon the garnishee by registered or certified mail, or by personal service. Along with a copy of the writ of execution, the attorney shall serve upon the garnishee a notice of levy on garnishee that must be substantially in the form set forth below. If the judgment creditor paid the garnishee the fee required by chapter 571, no additional fee must be paid to the garnishee for the levy. The notice of levy on garnishee may not be served until the judgment debtor's right to claim an exemption has expired under chapter 571.

STATE OF MINNESOTA
County of

DISTRICT COURT
..... JUDICIAL DISTRICT
File No.

..... (Judgment Creditor)
against
..... (Judgment Debtor)
and
..... (Garnishee)

NOTICE OF LEVY
ON GARNISHEE

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, chapter 551, the undersigned as attorney for the judgment creditor, hereby makes demand and levies execution upon all money or earnings being retained by you (up to \$10,000) pursuant to the judgment creditor's garnishment summons dated A copy of the writ of execution issued by the court is enclosed. Upon receipt of this levy, you shall remit to the judgment creditor's attorney all funds being held by you pursuant to the garnishment summons. The funds shall be remitted within 15 days after receipt of this levy.

Date:

Attorney for the Judgment Creditor
Address:
.....
Phone Number:
Attorney I.D. No.:

Sec. 14. [551.042] [MONEY DUE FROM STATE DEPARTMENTS.]

Money due or owing to any entity or person by the state on account of any employment, work, contract with, or services provided to any state department or agency is subject to attachment. The notice of third party levy and disclosure may be served upon the head of the department or agency in the same manner as other summons in that court of record, except that service may not be made by publication. Service of the notice may also be made by certified mail, return receipt requested. The disclosure shall be made by the head of the department or agency, or by some person designated by the head of the department or agency having knowledge of the facts. If payment is made pursuant to judgment against the state as a third party, a certificate of satisfaction to the extent of the payment endorsed on it shall be delivered to the head of the department or agency as a voucher for the payment.

Sec. 15. [551.043] [SALARY OF PUBLIC SERVANTS.]

The salary or wages of an official or employee of a county, town, city, or school district, or any department of these bodies, is subject to attachment. The notice of third party levy and disclosure shall be served upon the auditor, treasurer, or clerk of the body, or head of the department of the body of which that person is an official or employee. The disclosure shall be made by the officer or person so served, or by some person designated by that person having knowledge of the facts. If payment is made by the county, town, city, or school district, or any department of these bodies pursuant to a judgment against it as a third party, a certified copy of the judgment with a certificate of satisfaction to the extent of the payment endorsed on it shall be delivered to the treasurer as a voucher for the payment.

Sec. 16. Minnesota Statutes 1999 Supplement, section 551.05, subdivision 1a, is amended to read:

Subd. 1a. [EXEMPTION NOTICE.] If the writ of execution is being used by the attorney to levy funds of a judgment debtor who is a natural person and if the funds to be levied are held on deposit at any financial institution, the attorney for the judgment creditor shall serve with the writ of execution two copies of an exemption notice. The notice must be substantially in the form set forth below. Failure of the attorney for the judgment creditor to send the exemption notice renders the execution levy void, and the financial institution shall take no action. However, if this subdivision is being used to execute on funds that have previously been garnished in compliance with section 571.71, the attorney for judgment creditor is not required to serve an additional exemption notice. In that event, the execution levy shall only be effective as to the funds that were subject to the prior garnishment. Upon receipt of the

writ of execution and exemption notices, the financial institution shall retain as much of the amount due under section 550.04 as the financial institution has on deposit owing to the judgment debtor, but not more than 100 percent of the amount remaining due on the judgment, or ~~\$5,000~~ \$10,000, whichever is less.

The notice informing a judgment debtor that an execution levy has been used to attach funds of the judgment debtor to satisfy a claim must be substantially in the following form:

STATE OF MINNESOTA	DISTRICT COURT
County of JUDICIAL DISTRICT
. (Judgment Creditor)	
. (Judgment Debtor)	
TO: Judgment Debtor	EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (bank or other financial institution where you have an account).

Your account balance is \$. . . .

The amount being held is \$. . . .

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

(1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance;

(2) Social Security benefits (Old Age, Survivors, or Disability Insurance);

(3) reemployment compensation, workers' compensation, or veterans' benefits;

(4) an accident, disability, or retirement pension or annuity;

(5) life insurance proceeds;

(6) the earnings of your minor child and any child support paid to you; or

(7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every judgment debtor's after tax earnings; or

(11) all of a judgment debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the judgment creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the judgment creditor's attorney. The address for the judgment creditor's attorney is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If they do not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the attorney for the judgment creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

- (1) nonexempt money can be turned over to the judgment creditor or sheriff;
- (2) the financial institution will keep holding the money claimed to be exempt; and
- (3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE JUDGMENT CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

the institution will hold the money until a court decides if your exemption claim is valid, BUT ONLY IF the institution gets a copy of your court motion papers asserting the exemption WITHIN TEN DAYS after the objection is personally served on you, or within 13 days from the date the objection is mailed or given to you. You may wish to consult an attorney at once if the judgment creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the judgment creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....

 Name and address of (Attorney
 for) Judgment Creditor

EXEMPTION:

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$.

(b) Basis for exemption.

Of the 11 categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number:;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named judgment creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the judgment creditor's attorney at the address indicated above.

.....
DEBTOR

DATED:

.....
.....
DEBTOR ADDRESS

DEBTOR TELEPHONE NUMBER

Sec. 17. Minnesota Statutes 1998, section 551.05, subdivision 5, is amended to read:

Subd. 5. [NOTICE OF OBJECTION.] (a) The written objection to the judgment debtor's claim of exemption must be in substantially the following form:

STATE OF MINNESOTA
County of
.....(Judgment Creditor)
.....(Judgment Debtor)
.....(Garnishee) (Third Party)

DISTRICT COURT
..... JUDICIAL DISTRICT
OBJECTION TO
EXEMPTION CLAIM

The judgment creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

.....
.....
.....

Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you ~~should need to~~ do so within ten days ~~of your receipt of this objection from the date the objection was personally served on you, or within 13 days from the date the objection was mailed to you.~~ You may request a hearing by completing the attached form and filing it with the court administrator.

1. The court administrator's office shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.

2. Upon the filing of a Request for Hearing, the court administrator shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.

3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.

4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.

If you do not file a Request for Hearing within ten days of the date ~~you receive this~~ the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your judgment creditor.

If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court.

.....
Attorney for Judgment Creditor

Sec. 18. Minnesota Statutes 1998, section 551.06, subdivision 9, is amended to read:

Subd. 9. [NOTICE OF LEVY ON EARNINGS, DISCLOSURE, AND WORKSHEET.] The attorney for the judgment creditor shall serve upon the judgment debtor's employer a notice of levy on earnings and an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA
COUNTY OF

DISTRICT COURT
..... JUDICIAL DISTRICT
FILE NO. . . .

..... (Judgment Creditor)
against

NOTICE OF LEVY ON
EARNINGS AND DISCLOSURE

..... (Judgment Debtor)
and
..... (Third Party)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and levies execution upon all earnings due and owing by you (up to ~~\$5,000~~ \$10,000) to the judgment debtor for the amount of the judgment specified below. A copy of the writ of execution issued by the court is enclosed. The unpaid judgment balance is \$. . .

This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by you and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the 70 days after the service of this levy.

In responding to this levy, you are to complete the attached disclosure form and worksheet and mail it to the undersigned attorney for the judgment creditor, together with your check payable to the above-named judgment creditor, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits set forth in the aforementioned statutes.

.....
Attorney for the Judgment Creditor
.....
.....
.....
Address
(. . .).....
Phone Number

DISCLOSURE
DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the judgment debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTIONS:

1. Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

Yes No

2. Does the judgment debtor earn more than \$. . per week? (This amount is the federal minimum wage per week.)

Yes No

INSTRUCTIONS FOR COMPLETING
THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation on page 2 and return this disclosure to the judgment creditor's attorney within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column I on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this Earnings Disclosure Form and the Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy to the judgment debtor within ten days after the last payday that falls within the 70-day period.

If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

- | | | |
|-----|-----------|--|
| 3. | COLUMN A. | Enter the date of judgment debtor's payday. |
| 4. | COLUMN B. | Enter judgment debtor's gross earnings for each payday. |
| 5. | COLUMN C. | Enter judgment debtor's disposable earnings for each payday. |
| 6. | COLUMN D. | Enter 25 percent of disposable earnings.
(Multiply Column C by .25.) |
| 7. | COLUMN E. | Enter here 40 times the hourly federal minimum wage (\$. .) times the number of work weeks included in each payday.
(Note: If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.) |
| 8. | COLUMN F. | Subtract the amount in Column E from the amount in Column C, and enter here. |
| 9. | COLUMN G. | Enter here the lesser of the amount in Column D and the amount in Column F. |
| 10. | COLUMN H. | Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt |

may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in Column H if there are no claims by you or others which would reduce the amount of earnings owing to the judgment debtor.

11. COLUMN I.

Subtract the amount in Column H from the amount in Column G and enter here. This is the amount of earnings that you must retain for the payday for which the calculations were made. The total of all amounts entered in Column I is the amount to be remitted to the attorney for the judgment creditor.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.
Signature
.
Title
.
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.
Judgment Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.

D 25% of Column C	E 40 X Min. Wage	F Column C minus Column E
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

G Lesser of Column D and Column F	H Setoff, Lien, Adverse Interest, or Other Claims	I Column G minus Column H
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

TOTAL OF COLUMN I	\$.
-------------------	----------

*If you entered any amount in Column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of these persons, and the nature of their claim, if known.

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

 Title	
Dated: Signature	(..). Phone Number

Sec. 19. Minnesota Statutes 1999 Supplement, section 551.06, subdivision 10, is amended to read:

Subd. 10. [NOTICE OF LEVY ON EARNINGS, DISCLOSURE, AND WORKSHEET FOR CHILD SUPPORT JUDGMENT.] The attorney for the judgment creditor shall serve upon the judgment debtor's employer a notice of levy on earnings and an execution earnings disclosure form and an earnings disclosure worksheet with the writ of execution, that must be substantially in the form set forth below.

STATE OF MINNESOTA
COUNTY OF

DISTRICT COURT
. JUDICIAL DISTRICT
FILE NO. . . .

. (Judgment Creditor)
against

NOTICE OF LEVY ON
EARNINGS AND DISCLOSURE

. (Judgment Debtor)
and

. (Third Party)

PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and levies execution upon all earnings due and owing by you (up to ~~\$5,000~~ \$10,000) to the judgment debtor for the amount of the judgment specified below. A copy of the writ of execution issued by the court is enclosed. The unpaid judgment balance is \$. . .

This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by you and earned or to be earned by the judgment debtor before and within the pay period in which the writ of execution is served and within all subsequent pay periods whose paydays occur within the 70 days after the service of this levy.

In responding to this levy, you are to complete the attached disclosure form and worksheet and mail it to the undersigned attorney for the judgment creditor, together with your check payable to the above-named judgment creditor, for the nonexempt amount owed by you to the judgment debtor or for which you are obligated to the judgment debtor, within the time limits set forth in the aforementioned statutes.

.
Attorney for the Judgment Creditor
.
.
.
Address
(.).
Phone Number

DISCLOSURE
DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers' compensation, or reemployment compensation.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the judgment debtor for earnings?

.....
Yes

.....
No

INSTRUCTIONS FOR COMPLETING THE EARNINGS DISCLOSURE

A. If your answer to question 1 is "No," then you must sign the affirmation below and return this disclosure to the judgment creditor's attorney within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the execution levy was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy of the disclosure and worksheet to the judgment debtor within ten days after the last payday that falls within the 70-day period. If the judgment is wholly satisfied or if the judgment debtor's employment ends before the expiration of the 70-day period, your disclosure and remittance should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of judgment debtor's payday.

(3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

(4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness to you incurred within ten days prior to your receipt of the first execution levy on a debt may not be set off against the earnings otherwise subject to this levy. Any wage assignment made by the judgment debtor within ten days prior to your receipt of the first execution levy on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column E if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(7) COLUMN F. Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the third party/employer or I am authorized by the third party/employer to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature
.....
Title
.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....
Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.	\$.	\$.
2.
3.
4.
5.
6.
7.
8.
9.
10.

D Either 50, 55, 60, or 65% of Column C	E Setoff, Lien, Adverse Interest, or Other Claims	F Column D minus Column E
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
TOTAL OF COLUMN F		\$.

*If you entered any amount in column E for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....
 Signature

Dated: Title (..).
 Phone Number

Sec. 20. Minnesota Statutes 1998, section 571.72, subdivision 2, is amended to read:

Subd. 2. [SERVICE OF A GARNISHMENT SUMMONS.] To enforce a claim asserted in a civil action venued in a court of record, a garnishment summons may be issued by a creditor and served upon the garnishee in the same manner as other summons in that court of record, except that service may not be made by publication. Service of a garnishment summons on the garnishee may also be made by certified mail, return receipt requested. A garnishment summons served by certified mail is effective if served at the garnishee's regular place of business. The effective date of service by certified mail is the time of receipt by the garnishee. A single garnishment summons may be addressed to two or more garnishees but must state whether each is summoned separately or jointly.

The garnishment summons must state:

(1) the full name of the debtor, the debtor's last known mailing address, and the amount of the claim that remains unpaid;

(2) the date of the entry of judgment against the debtor or that the debtor is in default pursuant to Rule 55.01 of the Minnesota Rules of Civil Procedure for the District Courts. Where there is a prejudgment garnishment pursuant to section 571.93, the garnishment summons must include a copy of the court order;

(3) if the garnishment is on any indebtedness, money, or property other than earnings, the garnishee shall serve upon the creditor and upon the debtor within 20 days after service of the garnishment summons, a written disclosure, of the garnishee's indebtedness, money, or other property owing to the debtor and answers to all written interrogatories that are served with the garnishment summons. The garnishment summons shall also state that if the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall serve the disclosure within ten days of the last payday to occur within the 70 days after the date of service of the garnishment summons;

(4) that the creditor shall not require disclosure of the disposable earnings, indebtedness, money, or property of debtor in the garnishee's possession or under the garnishee's control in excess of 110 percent of the amount of the claim that remains unpaid;

(5) that the garnishee shall retain disposable earnings, indebtedness, money, or property of the debtor in the garnishee's possession or under the garnishee's control not in excess of 110 percent of the amount of the claim that remains unpaid, until the creditor causes a writ of execution to be served upon the garnishee, until the debtor authorizes release to the creditor, until the creditor authorizes release to the debtor, upon court order, or by operation of law;

(6) that after the expiration of the period of time specified in section 571.79 from the date of service of the garnishment summons, the garnishee's retention obligation automatically expires;

(7) that an assignment of wages made by the debtor within ten days before the service of the first garnishment summons on a debt is void and that any indebtedness to the garnishee incurred with ten days before the service of the first garnishment summons on a debt may not be set off against amounts otherwise subject to the garnishment.

Sec. 21. Minnesota Statutes 1998, section 571.74, is amended to read:

571.74 [GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.]

The garnishment summons and notice to debtor must be substantially in the following form. The notice to debtor must be in no smaller than 14-point type.

GARNISHMENT SUMMONS

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF JUDICIAL DISTRICT
.....(Creditor)	
.....(Debtor)	UNPAID BALANCE. . .
.....(Debtor's Address)	<u>Date of Entry</u>
.....(Garnishee)	<u>of Judgment (or) Subject</u>
	<u>to Minnesota Statutes,</u>
	<u>section 571.71, subd. 2</u>

GARNISHMENT SUMMONS

The State of Minnesota

To the Garnishee named above:

You are hereby summoned and required to serve upon the creditor's attorney (or the creditor if not represented by an attorney) and on the debtor within 20 days after service of this garnishment summons upon you, a written disclosure, of ~~the indebtedness, money, or other property that you owe to the debtor~~ the nonexempt indebtedness.

money, or other property due or belonging to the debtor and owing by you or in your possession or under your control and answers to all written interrogatories that are served with the garnishment summons. However, if the garnishment is on earnings and the debtor has garnishable earnings, you shall serve the completed disclosure form on the creditor's attorney, or the creditor if not represented by an attorney, within ten days of the last payday to occur within the 70 days after the date of the service of this garnishment summons. "Payday" means the day which you pay earnings in the ordinary course of business. If the debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

Your disclosure need not exceed 110 percent of the amount of the creditor's claim that remains unpaid.

You shall retain garnishable earnings, other indebtedness, money, or other property in your possession in an amount not to exceed 110 percent of the creditor's claim until such time as the creditor causes a writ of execution to be served upon you, until the debtor authorizes you in writing to release the property to the creditor, or until the expiration of . . . days from the date of service of this garnishment summons upon you, at which time you shall return the disposable earnings, other indebtedness, money, or other property to the debtor.

EARNINGS

In the event you are summoned as a garnishee because you owe "earnings" (as defined on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the creditor if not represented by an attorney, a written earnings disclosure form within the time limit set forth above.

In the case of earnings you are further required to retain in your possession all unpaid nonexempt disposable earnings owed or to be owed by you and earned or to be earned to the debtor within the pay period in which this garnishment summons is served and within all subsequent pay periods whose paydays (defined above) occur within the 70 days after the date of service of this garnishment summons.

Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.

You are prohibited by law from discharging or disciplining the debtor because the debtor's earnings have been subject to garnishment.

This Garnishment Summons includes:

(check applicable box)

- . . . Earnings garnishment
(see attached Earnings Disclosure Form)
- . . . Nonearnings garnishment
(see attached Nonearnings Disclosure Form)
- . . . Both Earnings and Nonearnings garnishment
(see both attached Earnings and Nonearnings
Disclosure Form)

NOTICE TO DEBTOR

A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out if not applicable), copies of which are hereby served on you, were served upon the Garnishee by delivering copies to the Garnishee. The Garnishee was paid \$15.

Dated:

.....
Attorney for Creditor
(or creditor)
.....
.....
Address
.....
Telephone
.....
Attorney I.D. No.

Sec. 22. Minnesota Statutes 1999 Supplement, section 571.75, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF DISCLOSURE.] The disclosure must state:

(a) If an earnings garnishment disclosure, the amount of disposable earnings earned by the debtor within the debtor's pay periods as specified in section 571.921.

(b) If a nonearnings garnishment disclosure, a description of any personal property or any instrument or papers relating to this property belonging to the judgment debtor or in which the debtor is interested or other indebtedness of the garnishee to the debtor.

(c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings, other indebtedness, money, or property, the garnishee shall disclose the amount and the facts concerning the same.

(d) Whether the debtor asserts any exemption, or any other objection, known to the garnishee against the right of the creditor to garnish the disposable earnings, other indebtedness, money, or property disclosed.

(e) If other persons assert claims to any disposable earnings, other indebtedness, money, or property disclosed, the garnishee shall disclose the names and addresses of these claimants and, so far as known by the garnishee, the nature of their claims.

(f) The garnishment disclosure forms and earnings disclosure worksheet must be the same or substantially similar to the following forms. If the garnishment affects earnings of the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment affects any indebtedness, money, or property of the debtor, other than earnings, the creditor shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

EARNINGS DISCLOSURE FORM AND WORKSHEET

STATE OF MINNESOTA
COUNTY OF
.....(Creditor)
.....(Debtor)
.....(Garnishee)

DISTRICT COURT
... JUDICIAL DISTRICT

GARNISHMENT
EARNINGS DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of garnishment, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the debtor has no regular payday, payday(s) means the fifteenth and the last day of each month.

THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:

1. Do you now owe, or within 70 days from the date the garnishment summons was served on you, will you or do you expect to owe money to the debtor for earnings?

Yes No

2. Does the debtor earn more than \$. . . per week? (This amount is the federal minimum wage per week.)

Yes No

INSTRUCTIONS FOR COMPLETING
THE EARNINGS DISCLOSURE

A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented by an attorney) within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answers to both questions 1 and 2 are "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the garnishment summons was served on you, YOU MUST calculate the amount of earnings to be retained by completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in Column I on the Earnings Disclosure Worksheet.

You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented by an attorney) and deliver a copy to the debtor within ten days after the last payday that falls within the 70-day period.

If the claim is wholly satisfied or if the debtor's employment ends before the expiration of the 70-day period, your disclosure should be made within ten days after the last payday for which earnings were attached.

For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

- | | | |
|----|-----------|---|
| 3. | COLUMN A. | Enter the date of debtor's payday. |
| 4. | COLUMN B. | Enter debtor's gross earnings for each payday. |
| 5. | COLUMN C. | Enter debtor's disposable earnings for each payday. |
| 6. | COLUMN D. | Enter 25 percent of disposable earnings.
(Multiply Column C by .25.) |

- 7. COLUMN E. Enter here 40 times the hourly federal minimum wage (\$.) times the number of work weeks included in each payday. (Note: If a pay period includes days in excess of whole work weeks, the additional days should be counted as a fraction of a work week equal to the number of work days in excess of a whole work week divided by the number of work days in a normal work week.)
- 8. COLUMN F. Subtract the amount in Column E from the amount in Column C, and enter here.
- 9. COLUMN G. Enter here the lesser of the amount in Column D and the amount in Column F.
- 10. COLUMN H. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest which would reduce the amount of earnings owing to the debtor. (Note: Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment. Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in Column H if there are no claims by you or others which would reduce the amount of earnings owing to the debtor.
- 11. COLUMN I. Subtract the amount in Column H from the amount in Column G and enter here. This is the amount of earnings that you must retain for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature
.....
Title
.....
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.....
Debtor's Name

A Payday Date	B Gross Earnings	C Disposable Earnings
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
.		
D 25% of Column C	E 40 X Min. Wage	F Column C minus Column E
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
.		
G Lesser of Column D and Column F	H Setoff, Lien, Adverse Interest, or Other Claims	I Column G minus Column H
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

TOTAL OF COLUMN I \$.

*If you entered any amount in Column H for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others you must both state the names and addresses of these persons, and the nature of their claim, if known.

.....
.....
.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

Dated:

Signature

Title

Telephone Number (...).

EARNINGS DISCLOSURE FORM AND WORKSHEET FOR CHILD SUPPORT DEBTOR

STATE OF MINNESOTA
COUNTY OF
.....(Creditor)
.....(Debtor)
.....(Garnishee)

DISTRICT COURT
... JUDICIAL DISTRICT

GARNISHMENT
EARNINGS DISCLOSURE

DEFINITIONS

"EARNINGS": For the purpose of execution, "earnings" means compensation paid or payable to an employee for personal services or compensation paid or payable to the producer for the sale of agricultural products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement, workers' compensation, or reemployment compensation.

"DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations. (Amounts required by law to be withheld do not include items such as health insurance, charitable contributions, or other voluntary wage deductions.)

"PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which the employer pays earnings to the debtor in the ordinary course of business. If the judgment debtor has no regular payday, payday(s) means the 15th and the last day of each month.

THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

(1) Do you now owe, or within 70 days from the date the execution levy was served on you, will you or may you owe money to the debtor for earnings?

.....
Yes

.....
No

INSTRUCTIONS FOR COMPLETING
THE EARNINGS DISCLOSURE

A. If your answer to question 1 is "No," then you must sign the affirmation below and return this disclosure to the creditor's attorney (or the creditor if not represented by an attorney) within 20 days after it was served on you, and you do not need to answer the remaining questions.

B. If your answer to question 1 is "Yes," you must complete this form and the Earnings Disclosure Worksheet as follows:

For each payday that falls within 70 days from the date the garnishment summons was served on you, YOU MUST calculate the amount of earnings to be retained by completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS DISCLOSURE WERE MADE.

Each payday, you must retain the amount of earnings listed in column G on the Earnings Disclosure Worksheet.

You must pay the attached earnings and return this earnings disclosure form and the Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented by an attorney) and deliver a copy to the debtor within ten days after the last payday that falls within the 70-day period. If the claim is wholly satisfied or if the debtor's employment ends before the expiration of the 70-day period, your disclosure should be made within ten days after the last payday for which earnings were attached.

For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

(2) COLUMN A. Enter the date of debtor's payday.

(3) COLUMN B. Enter debtor's gross earnings for each payday.

(4) COLUMN C. Enter debtor's disposable earnings for each payday.

(5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based on which of the following descriptions fits the child support judgment debtor:

(a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received);

(c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks to be calculated to the beginning of the work week in which the execution levy is received); or

(d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks to be calculated to the beginning of the work week in which the execution levy is received). (Multiply column C by .50, .55, .60, or .65, as appropriate.)

(6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or claim, or any amount claimed by any other person as an exemption or adverse interest that would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings made by the debtor to any party within ten days before the receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.)

You must also describe your claim(s) and the claims of others, if known, in the space provided below the worksheet and state the name(s) and address(es) of these persons.

Enter zero in column E if there are no claims by you or others that would reduce the amount of earnings owing to the judgment debtor.

(7) COLUMN F. Subtract the amount in column E from the amount in column D and enter here. This is the amount of earnings that you must remit for the payday for which the calculations were made.

AFFIRMATION

I, (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this earnings disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.
Signature
.
Title
.
Telephone Number

EARNINGS DISCLOSURE WORKSHEET

.
Debtor's Name

A	B	C
Payday Date	Gross Earnings	Disposable Earnings
1.	\$	\$
2.
3.
4.
5.
6.
7.
8.
9.
10.

D Either 50, 55, 60, or 65% of Column C	E Setoff, Lien, Adverse Interest, or Other Claims	F Column D minus Column E
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
TOTAL OF COLUMN		F \$.

*If you entered any amount in column E for any payday(s), you must describe below either your claims, or the claims of others. For amounts claimed by others, you must both state the names and addresses of such persons, and the nature of their claim, if known.

.....

AFFIRMATION

I, (person signing Affirmation), am the third party or I am authorized by the third party to complete this earnings disclosure worksheet, and have done so truthfully and to the best of my knowledge.

.....

Signature

Dated: Title

(...).

Phone Number

NONEARNINGS DISCLOSURE FORM

STATE OF MINNESOTA
 COUNTY OF
(Creditor)
 against
(Debtor)
 and
(Garnishee)

DISTRICT COURT
 ... JUDICIAL DISTRICT

NONEARNINGS DISCLOSURE

On the . . . day of,, the time of service of garnishment summons herein, there was due and owing the debtor from the garnishee the following:

(1) Money. Enter on the line below any amounts due and owing the debtor, except earnings, from the garnishee.

.....

(2) Property. Describe on the line below any personal property, instruments, or papers belonging to the debtor and in the possession of the garnishee.

.....

(3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee incurred by the debtor within the ten days before the receipt of the first garnishment on a debt may not be set off against amounts otherwise subject to the garnishment.)

.....

(4) Exemption. Enter on the line below any amounts or property claimed by the debtor to be exempt from execution.

.....

(5) Adverse Interest. Enter on the line below any amounts claimed by other persons by reason of ownership or interest in the debtor's property.

.....

(6) Enter on the line below the total of lines (3), (4), and (5).

.....

(7) Enter on the line below the difference obtained (never less than zero) when line (6) is subtracted from the sum of lines (1) and (2).

.....

(8) Enter on the line below 110 percent of the amount of the creditor's claim which remains unpaid.

.....

(9) Enter on the line below the lesser of line (7) and line (8). Retain this amount only if it is \$10 or more.

.....

AFFIRMATION

I, (person signing Affirmation), am the garnishee or I am authorized by the garnishee to complete this nonearnings garnishment disclosure, and have done so truthfully and to the best of my knowledge.

Dated:

.....
Signature

.....
Title

.....
Telephone Number

Sec. 23. [571.771] [MONEY DUE FROM STATE DEPARTMENTS.]

Money due or owing to any entity or person by the state on account of any employment, work, contract with, or services provided to any state department or agency is subject to garnishment. The garnishment summons may be served upon the head of the department or agency _____ Service the garnishment may also made by certified mail, receipt _____ The disclosure be made the head of the department or agency, or by some person designated the head _____ knowledge of facts. If payment is made pursuant to _____ against state as _____ a certificate satisfaction to extent of payment endorsed it must delivered the head of the department or agency as a voucher for the _____

Sec. 24. Minnesota Statutes 1998, section 571.79, is amended to read:

~~Subject to sections 571.78 and 571.80~~ Except as provided in paragraph (h), the garnishee, after disclosure, shall be discharged of any further retention obligation to the creditor with respect to a specific garnishment summons when one of the following conditions are met:

(a) The garnishee discloses that the garnishee is not indebted to the debtor or does not possess any money or other property belonging to the debtor that is attachable as defined in section 571.73, subdivision 3. The disclosure is conclusive against the creditor and discharges the garnishee from any further obligation to the creditor other than to retain all nonexempt disposable earnings, indebtedness, money, and property of the debtor which was disclosed.

(b) The garnishee discloses that the garnishee is indebted to the debtor as indicated on the garnishment disclosure form. The disclosure is conclusive against the creditor and discharges the garnishee from any further obligation to the creditor other than to retain all nonexempt disposable earnings, indebtedness, money, and property of the debtor that was disclosed.

(c) If the garnishee was served with a garnishment summons before entry of judgment against the debtor by the creditor in the civil action the garnishee has retained any disposable earnings, _____ money, or _____ of debtor 270 days after the garnishment summons is served the garnishee is discharged and the garnishee shall return any disposable earnings, indebtedness, money, and property to the debtor.

If the garnishee was served with a garnishment summons after entry of judgment against the debtor by the creditor and garnishee has _____ any disposable _____ indebtedness, money, or property of the debtor, 180 days after the garnishment summons is served the garnishee is discharged and the garnishee shall return any disposable earnings, other indebtedness, money, and property to the debtor.

(e) If the garnished indebtedness, money, or other property is destroyed without any negligence of the garnishee, the garnishee is discharged of any liability to the creditor for nondelivery of the garnished indebtedness, money, and other property.

(f) The court may, upon motion of an interested person, discharge the garnishee as to any disposable earnings, indebtedness, money, and property in excess of the amount that may be required to satisfy the creditor's claim.

(g) The discharge of the garnishee pursuant to paragraph (a), (b), (c), or (d) is not determinative of the rights of the creditor, debtor, or garnishee with respect to any other garnishment summons, even another garnishment summons involving the same parties, unless and to the extent adjudicated pursuant to the procedures described in paragraph (h).

(h) The garnishee is not discharged if within 20 days of the service of the garnishee's disclosure or the return to the debtor of any disposable earnings, indebtedness money, or other property of the debtor, whichever is later, an interested person (1) serves a motion scheduled to be heard within 30 days of the service of the motion relating to

the garnishment, or (2) serves a motion scheduled to be heard within 30 days of the service of the motion for leave to file a supplemental complaint against the garnishee, as provided under section 571.75, subdivision 4, and the court upon proper showing vacates the discharge of the garnishee.

Sec. 25. Minnesota Statutes 1998, section 571.82, subdivision 1, is amended to read:

Subdivision 1. [JUDGMENT UPON FAILURE TO DISCLOSE.] If a garnishee fails to serve a disclosure as required in this chapter, the court may render judgment against the garnishee, upon motion by the creditor, for an amount not exceeding ~~the creditor's claim against the debtor~~ or 110 percent of the amount claimed in the garnishment summons, ~~whichever is less~~. The motion shall be supported by an affidavit of the facts and shall be served upon both the debtor and the garnishee. The court upon good cause shown may remove the default and permit the garnishee to disclose on just terms.

Sec. 26. Minnesota Statutes 1999 Supplement, section 571.912, is amended to read:

571.912 [FORM OF EXEMPTION NOTICE.]

The notice informing a debtor that an order for attachment, garnishment summons, or levy by execution has been used to attach funds of the debtor to satisfy a claim must be substantially in the following form:

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF JUDICIAL DISTRICT
. (Creditor)	
. (Debtor)	
TO: Debtor	EXEMPTION NOTICE

An order for attachment, garnishment summons, or levy of execution (strike inapplicable language) has been served on (bank or other financial institution) where you have an account.

Your account balance is \$.

The amount being held is \$.

However, all or a portion of the funds in your account will normally be exempt from creditors' claims if they are in one of the following categories:

- (1) relief based on need. This includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance;
- (2) Social Security benefits (Old Age, Survivors, or Disability Insurance);
- (3) reemployment compensation, workers' compensation, or veterans' benefits;
- (4) an accident, disability, or retirement pension or annuity;
- (5) life insurance proceeds;
- (6) the earnings of your minor child and any child support paid to you; or
- (7) money from a claim for damage or destruction of exempt property (such as household goods, farm tools, business equipment, a mobile home, or a car).

The following funds are also exempt:

(8) all earnings of a person in category (1);

(9) all earnings of a person who has received relief based on need, or who has been an inmate of a correctional institution, within the last six months;

(10) 75 percent of every debtor's after tax earnings; and

(11) all of a debtor's after tax earnings below 40 times the federal minimum wage.

TIME LIMIT ON EXEMPTIONS AFTER DEPOSIT IN BANK:

Categories (10) and (11): 20 days

Categories (8) and (9): 60 days

All others: no time limit, as long as funds are traceable to the exempt source. (In tracing funds, the first-in, first-out method is used. This means money deposited first is spent first.) The money being sought by the creditor is being held in your account to give you a chance to claim an exemption.

TO CLAIM AN EXEMPTION:

Fill out, sign, and mail or deliver one copy of the attached exemption claim form to the institution which sent you this notice and mail or deliver one copy to the creditor's attorney. In the event that there is no attorney for the creditor, then such notice shall be sent directly to the creditor. The address for the creditor's attorney or the creditor is set forth below. **Both copies must be mailed or delivered on the same day.**

NOTE: You may help resolve your claim faster if you send to the creditor's attorney written proof or documents that show why your money is exempt. If you have questions regarding the documents to send as proof of an exemption, call the creditor's attorney. If you do not send written proof and the creditor's attorney has questions about your exemption claim, the creditor's attorney may object to your claim which may result in a further delay in releasing your exempt funds.

If they do not get the exemption claim back from you within 14 days of the date they mailed or gave it to you, they will be free to turn the money over to the sheriff or the creditor. If you are going to claim an exemption, do so as soon as possible, because your money may be held until it is decided.

IF YOU CLAIM AN EXEMPTION:

(1) nonexempt money can be turned over to the creditor or sheriff;

(2) the financial institution will keep holding the money claimed to be exempt; and

(3) seven days after receiving your exemption claim, the financial institution will release the money to you unless before then it receives an objection to your exemption claim.

IF THE CREDITOR OBJECTS TO YOUR EXEMPTION CLAIM:

The institution will hold the money until a court decides if your exemption claim is valid, **BUT ONLY IF** the institution gets a copy of your court motion papers asserting the exemption **WITHIN TEN DAYS** after the objection is personally served on you, or within 13 days from the date the objection is mailed or given to you. You may wish to consult an attorney at once if the creditor objects to your exemption claim.

MOTION TO DETERMINE EXEMPTION:

At any time after your funds have been held, you may ask for a court decision on the validity of your exemption claim by filing a request for hearing which may be obtained at the office of the court administrator of the above court.

PENALTIES:

If you claim an exemption in bad faith, or if the creditor wrongly objects to an exemption in bad faith, the court may order the person who acted in bad faith to pay costs, actual damages, attorney fees, and an additional amount of up to \$100.

.....
.....
.....
.....
Name and address of (Attorney
for) Judgment Creditor

EXEMPTION:

(If you claim an exemption complete the following):

(a) Amount of exemption claim.

// I claim ALL the funds being held are exempt.

// I claim SOME of the funds being held are exempt.

The exempt amount is \$

(b) Basis for exemption.

Of the eleven categories listed above, I am in category number (If more than one category applies, you may fill in as many as apply.) The source of the exempt funds is the following:

.....
.....
.....

(If the source is a type of relief based on need, list the case number and county:

case number:;

county:)

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above named creditor or its attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institute within the last six months.

I have mailed or delivered a copy of the exemption notice to the creditor's attorney at the address indicated above.

DATED:

.....
DEBTOR
.....
DEBTOR ADDRESS
.....
DEBTOR TELEPHONE NUMBER

Sec. 27. Minnesota Statutes 1998, section 571.914, subdivision 2, is amended to read:

Subd. 2. [NOTICE OF OBJECTION.] (a) The written objection to the debtor must be in substantially the following form:

STATE OF MINNESOTA
COUNTY OF
..... (Creditor)
..... (Debtor)
..... (Garnishee)

DISTRICT COURT
..... JUDICIAL DISTRICT

CREDITOR'S OBJECTION
TO EXEMPTION CLAIM

The creditor objects to your claim for exemption from garnishment, levy of execution, order for attachment (strike inapplicable language) for the following reason(s):

.....
.....
.....

Because of this objection, your financial institution will retain the funds you claimed to be exempt for an additional ten days. If you wish to request a hearing on your exemption claim, you ~~should need to~~ do so within ten days of your receipt of this from the date the objection was personally served on you, or within 13 days of the date the objection was mailed to you. You may request a hearing by completing the attached form and filing it with the court administrator.

1. The court shall provide clerical assistance to help with the writing and filing of a Request for Hearing by any person not represented by counsel. The court administrator may charge a fee of \$1 for the filing of a Request for Hearing.
2. Upon the filing of a Request for Hearing, the clerk shall schedule the matter for a hearing no later than five business days from the date of filing. The court administrator shall forthwith send a completed copy of the request, including the hearing date, time, and place to the adverse party and to the financial institution by first class mail.
3. If it is possible that the financial institution might not receive the request mailed from the court administrator within ten days, then you may want to personally deliver a copy of the request to the financial institution after you have filed your request with the court.
4. An order stating whether your funds are exempt shall be issued by the court within three days of the date of the hearing.

If you do not file a Request for Hearing within ten days of the date ~~you receive this objection~~ the objection was personally served on you, or within 13 days from the date the objection was mailed to you, your financial institution may turn your funds over to your creditor.

If you file a Request for Hearing and your financial institution receives it within ten days of the date it received this objection, your financial institution will retain your funds claimed to be exempt until otherwise ordered by the court, or until the garnishment lapses pursuant to Minnesota Statutes, section 571.79.

.....
(CREDITOR OR CREDITOR'S ATTORNEY.)

Sec. 28. Minnesota Statutes 1998, section 571.921, is amended to read:

571.921 [DEFINITIONS.]

For purposes of sections 571.921 to 571.926, the following terms have the meanings given them:

(a) "Earnings" means:

- (1) compensation paid or payable to an employee for personal service whether denominated as wages, salary, commissions, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program;

(2) compensation paid or payable to the producer for the sale of agricultural products; livestock or livestock products; milk or milk products; or fruit or other horticultural products produced when the producer is operating a family farm, a family farm corporation, or an authorized farm corporation, as defined in section 500.24, subdivision 2; or

(3) maintenance as defined in section 518.54, subdivision 3;

(b) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld, including amounts required by court order to be withheld for child support obligations.

(c) "Employee" means an individual who performs services subject to the right of the employer to control both what is done and how it is done.

(d) "Employer" means a person for whom an individual performs services as an employee.

Sec. 29. Minnesota Statutes 1999 Supplement, section 571.925, is amended to read:

571.925 [FORM OF NOTICE.]

The ten-day notice informing a debtor that a garnishment summons may be used to garnish the earnings of an individual must be substantially in the following form:

STATE OF MINNESOTA
COUNTY OF
. (Creditor)
against

DISTRICT COURT
. JUDICIAL DISTRICT

. (Debtor)
and

GARNISHMENT EXEMPTION
NOTICE AND NOTICE OF
INTENT TO GARNISH EARNINGS

~~WITHIN TEN DAYS~~

. (Garnishee)

PLEASE TAKE NOTICE that a garnishment summons or levy may be served upon your employer or other third parties, without any further court proceedings or notice to you, ten days or more from the date hereof. Some or all of your earnings are exempt from garnishment. If your earnings are garnished, your employer must show you how the amount that is garnished from your earnings was calculated. You have the right to request a hearing if you claim the garnishment is incorrect.

Your earnings are completely exempt from garnishment if you are now a recipient of relief based on need, if you have been a recipient of relief within the last six months, or if you have been an inmate of a correctional institution in the last six months.

Relief based on need includes the Minnesota Family Investment Program (MFIP), Emergency Assistance (EA), Work First Program, Medical Assistance (MA), General Assistance (GA), General Assistance Medical Care (GAMC), Emergency General Assistance (EGA), Minnesota Supplemental Aid (MSA), MSA Emergency Assistance (MSA-EA), Supplemental Security Income (SSI), and Energy Assistance.

If you wish to claim an exemption, you should fill out the appropriate form below, sign it, and send it to the creditor's attorney and the garnishee.

You may wish to contact the attorney for the creditor in order to arrange for a settlement of the debt or contact an attorney to advise you about exemptions or other rights.

PENALTIES

(1) Be advised that even if you claim an exemption, a garnishment summons may still be served on your employer. If your earnings are garnished after you claim an exemption, you may petition the court for a determination of your exemption. If the court finds that the creditor disregarded your claim of exemption in bad faith, you will be entitled to costs, reasonable attorney fees, actual damages, and an amount not to exceed \$100.

(2) HOWEVER, BE WARNED if you claim an exemption, the creditor can also petition the court for a determination of your exemption, and if the court finds that you claimed an exemption in bad faith, you will be assessed costs and reasonable attorney's fees plus an amount not to exceed \$100.

(3) If after receipt of this notice, you in bad faith take action to frustrate the garnishment, thus requiring the creditor to petition the court to resolve the problem, you will be liable to the creditor for costs and reasonable attorney's fees plus an amount not to exceed \$100.

DATED:

.....
(Attorney for) Creditor
.....
Address
.....
Telephone

DEBTOR'S EXEMPTION CLAIM NOTICE

I hereby claim that my earnings are exempt from garnishment because:

(1) I am presently a recipient of relief based on need. (Specify the program, case number, and the county from which relief is being received.)

.....
Program Case Number (if known) County

(2) I am not now receiving relief based on need, but I have received relief based on need within the last six months. (Specify the program, case number, and the county from which relief has been received.)

.....
Program Case Number (if known) County

(3) I have been an inmate of a correctional institution within the last six months. (Specify the correctional institution and location.)

.....
Correctional Institution Location

I hereby authorize any agency that has distributed relief to me or any correctional institution in which I was an inmate to disclose to the above-named creditor or the creditor's attorney only whether or not I am or have been a recipient of relief based on need or an inmate of a correctional institution within the last six months. I have mailed or delivered a copy of this form to the creditor or creditor's attorney.

.....
Date Debtor
.....
Address
.....
Debtor Telephone Number

Sec. 30. [REPEALER.]

Minnesota Statutes 1998, section 571.80, is repealed."

Delete the title and insert:

"A bill for an act relating to creditors' remedies; regulating garnishments, executions, and levies; revising forms; regulating service; defining terms; providing notification; increasing the dollar amount of attorneys' execution levies; making various housekeeping and technical changes; amending Minnesota Statutes 1998, sections 550.051, subdivision 1; 550.136, subdivisions 2 and 9; 550.143, subdivisions 7 and 8; 551.01; 551.04, subdivisions 4, 6, and 9; 551.05, subdivision 5; 551.06, subdivision 9; 571.72, subdivision 2; 571.74; 571.79; 571.82, subdivision 1; 571.914, subdivision 2; and 571.921; Minnesota Statutes 1999 Supplement, sections 550.136, subdivisions 6 and 10; 550.143, subdivision 3; 551.05, subdivision 1a; 551.06, subdivision 10; 571.75, subdivision 2; 571.912; and 571.925; proposing coding for new law in Minnesota Statutes, chapters 551; and 571; repealing Minnesota Statutes 1998, section 571.80."

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 3116, as amended, as follows:

Page 2, delete section 2

Pages 6 to 16, delete sections 4 and 5

Page 37, lines 8 to 10, delete the new language

Page 43, lines 34 to 36, delete the new language

Pages 52 to 65, delete section 22

Pages 73 and 74, delete section 28

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "550.136, subdivisions 2 and 9;"

Page 1, line 12, after "1;" insert "and"

Page 1, line 13, delete "and 571.921;"

Page 1, line 15, delete "subdivisions 6 and 10" and insert "subdivision 6"

Page 1, line 16, delete "571.75,"

Page 1, line 17, delete "subdivision 2;"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Mahoney was excused between the hours of 6:35 p.m. and 7:40 p.m.

S. F. No. 3116, A bill for an act relating to creditors' remedies; regulating garnishments, executions, and levies; revising forms; regulating service; defining terms; providing notification; increasing the dollar amount of attorneys' execution levies; making various housekeeping and technical changes; amending Minnesota Statutes 1998, sections 550.051, subdivision 1; 550.136, subdivisions 2 and 9; 550.143, subdivisions 7 and 8; 551.01; 551.04, subdivisions 4, 6, and 9; 551.05, subdivision 5; 551.06, subdivision 9; 571.72, subdivision 2; 571.74; 571.79; 571.82, subdivision 1; 571.914, subdivision 2; and 571.921; Minnesota Statutes 1999 Supplement, sections 550.136, subdivisions 6 and 10; 550.143, subdivision 3; 551.05, subdivision 1a; 551.06, subdivision 10; 571.75, subdivision 2; 571.912; and 571.925; proposing coding for new law in Minnesota Statutes, chapters 550; 551; and 571; repealing Minnesota Statutes 1998, section 571.80.

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 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

CALENDAR FOR THE DAY, Continued

S. F. No. 3138 was reported to the House.

Kuisle moved that S. F. No. 3138 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 3410 was reported to the House.

Entenza moved to amend S. F. No. 3410 as follows:

Page 7, line 3, delete "children" and insert "families"

The motion prevailed and the amendment was adopted.

Tingelstad moved to amend S. F. No. 3410, as amended, as follows:

Page 7, after line 5, insert:

"Sec. 4. [PARENTAL AND LAW ENFORCEMENT NOTIFICATION.] An emergency shelter and its agents, employees, and volunteers must comply with court orders, Minnesota Statutes section 626.556, chapter 260C, and all other applicable laws. In any event, unless other legal requirements require earlier or different notification or actions, an emergency shelter must attempt to notify a runaway's parent or legal guardian of the runaway's location and status within 72 hours. The notification must include a description of the runaway's physical and emotional condition and the circumstances surrounding the runaway's admission to the emergency shelter, unless there are compelling reasons not to provide the parent or legal guardian with this information. Compelling reasons may include circumstances in which the runaway is or has been exposed to domestic violence or a victim of abuse, neglect, or abandonment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3410, A bill for an act relating to child protection; modifying provisions relating to child neglect and domestic violence; adding a definition for a child exposed to domestic violence; amending Minnesota Statutes 1998, section 626.556, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 626.556, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 626.

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 132 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

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

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

S. F. No. 3138, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

S. F. No. 3138, A bill for an act relating to veterans; making technical changes regarding duties of the commissioner of veterans affairs; extending the agent orange information and assistance program to include other veterans and other chemicals; authorizing the placement of a plaque in the court of honor on the capitol grounds to honor combat wounded veterans; repealing obsolete language; amending Minnesota Statutes 1998, sections 196.05, subdivision 1; 196.052; 196.19; 196.21, subdivisions 2, 3 and 4; 196.22; 196.23; 196.24, subdivisions 1 and 2; 196.26; 197.04; 197.05; 197.06; repealing Minnesota Statutes 1998, sections 196.20; 197.01; 197.02; and 197.49; Minnesota Statutes 1999 Supplement, section 196.27.

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	Carruthers	Entenza	Gunther	Johnson	Larson, D.
Abrams	Cassell	Erhardt	Haas	Juhnke	Leighton
Anderson, B.	Chaudhary	Erickson	Hackbarth	Kahn	Lenczewski
Anderson, I.	Clark, J.	Finseth	Harder	Kalis	Leppik
Bakk	Clark, K.	Folliard	Hasskamp	Kelliher	Lieder
Biernat	Daggett	Fuller	Hausman	Kielkucki	Lindner
Bishop	Davids	Gerlach	Hilty	Knoblach	Luther
Boudreau	Dawkins	Gleason	Holberg	Koskinen	Mahoney
Bradley	Dehler	Goodno	Holsten	Krinkie	Mares
Broecker	Dempsey	Gray	Howes	Kubly	Mariani
Buesgens	Dorman	Greenfield	Huntley	Kuisle	Marko
Carlson	Dorn	Greiling	Jennings	Larsen, P.	McCollum

McElroy	Opatz	Peterson	Seifert, J.	Swenson	Wejcman
McGuire	Orfield	Pugh	Seifert, M.	Sykora	Wenzel
Milbert	Osskopp	Rest	Skoe	Tingelstad	Westerberg
Molnau	Osthoff	Reuter	Skoglund	Tomassoni	Westfall
Mulder	Otremba	Rhodes	Smith	Trimble	Westrom
Mullery	Ozment	Rifenberg	Solberg	Tuma	Wilkin
Murphy	Paulsen	Rostberg	Stanek	Tunheim	Winter
Ness	Pawlenty	Rukavina	Stang	Van Dellen	Wolf
Nornes	Paymar	Schumacher	Storm	Vandev eer	Workman
Olson	Pelowski	Seagren	Swapinski	Wagenius	Spk. Sviggum

The bill was passed and its title agreed to.

H. F. No. 3046 was reported to the House.

Holsten moved that H. F. No. 3046 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3160 was reported to the House.

Jennings moved to amend S. F. No. 3160 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3319, the second engrossment:

"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.

Sec. 2. Minnesota Statutes 1998, section 169.122, subdivision 1, is amended to read:

Subdivision 1. [ACT PROHIBITED.] No person shall drink or consume ~~intoxicating liquors~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt ~~liquors~~ liquor in any motor vehicle when ~~such~~ the vehicle is upon a public highway.

Sec. 3. Minnesota Statutes 1998, section 169.122, subdivision 2, is amended to read:

Subd. 2. [POSSESSION PROHIBITED.] (a) No person shall have in possession while in a private motor vehicle upon a public highway, any bottle or receptacle containing ~~intoxicating liquor~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt liquor ~~which~~ that has been opened, or the seal broken, or the contents of which have been partially removed.

(b) For purposes of this section, "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle. This subdivision does not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk.

Sec. 4. Minnesota Statutes 1998, section 169.122, subdivision 3, is amended to read:

Subd. 3. [LIABILITY OF NONPRESENT OWNER.] (a) It ~~shall be~~ is unlawful for the owner of any private motor vehicle or the driver, if the owner ~~be is~~ not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle when ~~such the~~ vehicle is upon the public highway any bottle or receptacle containing ~~intoxicating liquors~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt liquors which liquor that has been opened, or the seal broken, or the contents of which have been partially removed ~~except when such.~~

(b) This subdivision does not apply to a bottle or receptacle ~~shall be kept that is~~ in the trunk of the motor vehicle when ~~such the~~ vehicle is equipped with a trunk, or ~~kept that is~~ in some other area of the vehicle not normally occupied by the driver or passengers; if the motor vehicle is not equipped with a trunk.

(c) A utility compartment or glove compartment ~~shall be is~~ deemed to be within the area occupied by the driver and passengers.

Sec. 5. Minnesota Statutes 1999 Supplement, section 169.974, subdivision 2, is amended to read:

Subd. 2. [LICENSE ENDORSEMENT AND PERMIT REQUIREMENTS.] (a) No person shall operate a motorcycle on any street or highway without having a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. ~~No such~~ The commissioner of public safety shall issue a two-wheeled vehicle endorsement ~~shall be issued unless the person applying therefor only if the applicant (1)~~ has in possession a valid two-wheeled vehicle instruction permit as provided ~~herein in paragraph (b), (2)~~ has passed a written examination and road test administered by the department of public safety for such the endorsement, and; (3) in the case of applicants under 18 years of age, shall present presents a certificate or other evidence of having successfully completed an approved two-wheeled vehicle driver's safety course in this or another state, in accordance with rules ~~promulgated adopted~~ adopted by the ~~commissioner of children, families, and learning for courses offered through the public schools, or rules promulgated by the~~ commissioner of public safety for courses offered by a public, private, or commercial school or institute. The commissioner of public safety may waive the road test for any applicant on determining that the applicant possesses a valid license to operate a two-wheeled vehicle issued by a jurisdiction that requires a comparable road test for license issuance.

(b) The commissioner of public safety shall issue a two-wheeled vehicle instruction permit ~~shall be issued~~ to any person over 16 years of age; who (1) is in possession of a valid driver's license, ~~who (2)~~ is enrolled in an approved two-wheeled vehicle driver's safety course, and ~~who (3)~~ has passed a written examination for ~~such the~~ permit and ~~has paid such a fee as prescribed by the commissioner of public safety shall prescribe.~~ A two-wheeled vehicle instruction permit ~~shall be is~~ effective for one year; and may be renewed under rules ~~to be~~ prescribed by the commissioner of public safety.

(c) No person who is operating by virtue of a two-wheeled vehicle instruction permit shall:

(a) (1) carry any passengers on the streets and highways of this state on the motorcycle ~~which while~~ the person is operating the motorcycle;

(b) (2) drive the motorcycle at ~~nighttime~~ night-time;

(c) (3) drive the motorcycle on any highway marked ~~by the commissioner~~ as an interstate highway pursuant to title 23 of the United States Code; or

(d) (4) drive the motorcycle without wearing protective headgear that complies with standards established by the commissioner of public safety.

(d) Notwithstanding ~~the provisions of this subdivision paragraph (a), (b), or (c),~~ the commissioner of public safety may, ~~however,~~ issue a special motorcycle permit, restricted or qualified ~~in such manner~~ as the commissioner of public safety ~~shall deem~~ deems proper, to any person demonstrating a need ~~therefor for the permit~~ and unable to qualify for a standard driver's license.

Sec. 6. Minnesota Statutes 1999 Supplement, section 171.05, subdivision 2, is amended to read:

Subd. 2. [PERSON LESS THAN 18 YEARS OF AGE.] (a) Notwithstanding any provision in subdivision 1 to the contrary, the department, ~~upon application therefor,~~ may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and ~~the applicant who:~~

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in ~~one of the following types of driver education programs either:~~

(i) ~~a public, private, or commercial driver education program offered through the public schools that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training and that has been approved by the commissioner of children, families, and learning; or~~

(ii) ~~a course offered by a private, commercial driver education school or institute that includes classroom and behind-the-wheel training and that has been approved by the department of public safety; or~~

~~(iii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a home-school diploma, the student's status as a home-school student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;~~

(2) has completed the classroom phase of instruction in the driver education program;

(3) has passed a test of the applicant's eyesight;

(4) has passed a department-administered test of the applicant's knowledge of traffic laws, ~~which test must be administered by the department;~~

(5) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, then (v) the applicant's employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, or employer; and

(6) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for one year from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

Sec. 7. Minnesota Statutes 1998, section 171.183, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENTS.] For the purposes of sections 171.182 to 171.184, a judgment is satisfied if:

(1) ~~\$25,000~~ \$30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(2) subject to the limit of ~~\$25,000~~ \$30,000 because of bodily injury to or death of one person, the sum of ~~\$50,000~~ \$60,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(3) \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of damage to or destruction of property of others as a result of any one accident.

Sec. 8. Minnesota Statutes 1998, section 171.27, is amended to read:

171.27 [EXPIRATION OF LICENSE.]

(a) The expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver ~~shall~~ must be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within ~~one year~~ five years after expiration upon application, payment of the required fee, and passing the examination required ~~of all drivers for renewal by the commissioner of public safety.~~ The commissioner shall extend or renew driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

(b) The expiration date for each under-21 license ~~shall be~~ is the 21st birthday of the licensee. Upon the licensee attaining the age of 21 and upon ~~the~~ application, payment of the required fee, and passing the examination required of all drivers for renewal, ~~the commissioner shall issue a driver's license shall be issued~~ unless the commissioner determines that the licensee is no longer qualified as a driver.

(c) The expiration date for each provisional license is two years after the date of application for the provisional license.

(d) Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, ~~shall continue~~ continues in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from ~~such service~~ active duty, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

Sec. 9. Minnesota Statutes 1998, section 171.305, as amended by Laws 1999, chapter 238, article 2, section 91, is amended to read:

171.305 [IGNITION INTERLOCK DEVICE; PILOT PROGRAM; LICENSE CONDITION.]

Subdivision 1. [DEFINITION.] "Ignition interlock device" or "device" means breath alcohol ignition equipment designed to prevent a motor vehicle's ignition from being started by a person whose alcohol concentration exceeds the calibrated setting on the device.

Subd. 2. [PILOT PROGRAM.] The commissioner of public safety shall establish a ~~statewide~~ pilot program for the use of an ignition interlock device by a person whose driver's license or driving privilege has been canceled and denied by the commissioner for an alcohol or controlled substance-related incident. The commissioner shall conduct the program from October 1, 2000, until December 31, 1995 2001. The commissioner shall evaluate the program and shall report to the legislature by February 1, ~~1995 2002,~~ on whether changes in the program are necessary and whether the program should be permanent. No limited license shall be issued under this program after ~~August 1, 1995~~ October 1, 2001.

Subd. 3. [PERFORMANCE STANDARDS.] The commissioner shall specify performance standards for ignition interlock devices, including standards relating to accuracy, safe operation of the vehicle, and degree of difficulty rendering the device inoperative. The interlock ignition device must be designed to operate from a 12-volt DC vehicle battery and be capable of locking a motor vehicle's ignition when a minimum alcohol concentration of 0.020 grams of ethyl alcohol per 210 liters of breath is introduced into the device. The device must also require a breath sample to determine alcohol concentration at variable time intervals ranging from five to 30 minutes while the engine is running. The device must also be capable of recording information for later review that includes the date and time of any use of the vehicle or any attempt to use the vehicle, including all times that the vehicle engine was started or stopped and the alcohol concentration of each breath sample provided.

Subd. 4. [CERTIFICATION.] The commissioner shall certify ignition interlock devices that meet the performance standards and may charge the manufacturer of the ignition interlock device a certification fee. A manufacturer who submits a device for certification must provide an application for certification on a form prescribed by the department.

Subd. 5. [ISSUANCE OF LIMITED LICENSE.] The commissioner may issue a limited license to a person whose driver's license has been canceled and denied due to an alcohol or controlled substance-related incident under section 171.04, subdivision 1, clause (10), under the following conditions:

- (1) at least one-half of the person's required abstinence period has expired;
- (2) the person has successfully completed all rehabilitation requirements chemical dependency treatment and is currently participating in a generally recognized support group based on ongoing abstinence; and
- (3) the person agrees to drive only a motor vehicle equipped with a functioning and certified ignition interlock device.

Subd. 6. [MONITORING.] The ignition interlock device must be monitored for proper use and accuracy by an entity approved by the commissioner.

Subd. 7. [PAYMENT.] The commissioner shall require that the person issued a limited license under subdivision 5 pay all costs associated with use of the device.

Subd. 8. [PROOF OF INSTALLATION.] A person approved for a limited license must provide proof of installation prior to issuance of the limited license.

Subd. 9. [MISDEMEANOR.] (a) A person who knowingly lends, rents, or leases a motor vehicle that is not equipped with a functioning ignition interlock device to a person with a limited license issued under subdivision 5 is guilty of a misdemeanor.

(b) A person who tampers with, circumvents, or bypasses the ignition interlock device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a misdemeanor.

(c) The penalties of this subdivision do not apply if the action was taken for emergency purposes or for mechanical repair, and the person limited to the use of an ignition interlock device does not operate the motor vehicle while the device is disengaged.

Subd. 10. [CANCELLATION OF LIMITED LICENSE.] The commissioner shall cancel a limited license issued under this section if the device registers a positive reading for use of alcohol or the person violates any conditions of the limited license.

Sec. 10. [REPEALER.]

Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770, are repealed.

Sec. 11. [EFFECTIVE DATE.]

Section 7 is effective the day following final enactment and applies to judgments rendered on or after that date."

Delete the title and insert:

"A bill for an act relating to transportation; designating the Diana L. Koski Memorial Bridge; 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 161.14, by adding a subdivision; 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."

The motion prevailed and the amendment was adopted.

Kubly moved to amend S. F. No. 3160, as amended, as follows:

Page 9, after line 30, insert:

"Sec. 10. [DRIVERS LICENSE EXAM STATIONS.]

The department of public safety shall keep open the 22 driver examining stations scheduled to close May 1, 2000. This section expires July 1, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kubly amendment and the roll was called. There were 92 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Erickson	Huntley	Luther	Osthoff	Storm
Anderson, I.	Finseth	Jaros	Mahoney	Otremba	Swapinski
Bakk	Folliard	Jennings	Mariani	Paymar	Swenson
Biernat	Fuller	Johnson	McCullum	Pelowski	Tomassoni
Bishop	Gleason	Juhnke	McElroy	Peterson	Trimble
Carlson	Goodno	Kahn	McGuire	Pugh	Tunheim
Carruthers	Gray	Kalis	Milbert	Rest	Wagenius
Cassell	Greenfield	Kelliher	Mulder	Rifenberg	Wejcmán
Chaudhary	Greiling	Kielkucki	Mullery	Rukavina	Wenzel
Clark, J.	Gunther	Koskinen	Murphy	Schumacher	Westfall
Clark, K.	Haas	Kubly	Ness	Seifert, M.	Westrom
Daggett	Harder	Larsen, P.	Nornes	Skoe	Winter
Davids	Hasskamp	Larson, D.	Olson	Skoglund	
Dawkins	Hausman	Leighton	Opatz	Smith	
Dorn	Hilty	Lenczewski	Orfield	Solberg	
Entenza	Howes	Lieder	Osskopp	Stang	

Those who voted in the negative were:

Abeler	Bradley	Dehler	Erhardt	Holberg	Krinkie
Abrams	Broecker	Dempsey	Gerlach	Holsten	Kuistle
Boudreau	Buesgens	Dorman	Hackbarth	Knoblach	Leppik

Lindner	Paulsen	Rostberg	Sykora	Vandev eer	Workman
Mares	Pawlenty	Seagren	Tingelstad	Westerberg	Spk. Sviggum
Molnau	Reuter	Seifert, J.	Tuma	Wilkin	
Ozment	Rhodes	Stanek	Van Dellen	Wolf	

The motion prevailed and the amendment was adopted.

Molnau moved that S. F. No. 3160, as amended, be re-referred to the Committee on Transportation Finance.

A roll call was requested and properly seconded.

The question was taken on the Molnau motion and the roll was called. There were 41 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Holberg	Mares	Seagren	Vandev eer
Abrams	Erickson	Holsten	McElroy	Seifert, J.	Westerberg
Anderson, B.	Fuller	Knoblach	Molnau	Stanek	Wilkin
Boudreau	Gerlach	Krinkie	Ozment	Sykora	Wolf
Bradley	Goodno	Kuise	Paulsen	Tingelstad	Workman
Buesgens	Hackbarth	Larsen, P.	Pawlenty	Tuma	Spk. Sviggum
Dorman	Harder	Lindner	Reuter	Van Dellen	

Those who voted in the negative were:

Anderson, I.	Dorn	Jennings	Mariani	Paymar	Storm
Bakk	Entenza	Johnson	Marko	Pelowski	Swapinski
Biernat	Finseth	Juhnke	McCollum	Peterson	Swenson
Bishop	Folliard	Kahn	McGuire	Pugh	Tomassoni
Broecker	Gleason	Kalis	Milbert	Rest	Trimble
Carlson	Gray	Kelliher	Mulder	Rhodes	Tunheim
Carruthers	Greenfield	Kielkucki	Mullery	Rifenberg	Wagenius
Cassell	Greiling	Koskinen	Murphy	Rostberg	Wejcman
Chaudhary	Gunther	Kubly	Ness	Rukavina	Westfall
Clark, J.	Haas	Larson, D.	Nornes	Schumacher	Westrom
Clark, K.	Hasskamp	Leighton	Olson	Seifert, M.	Winter
Daggett	Hausman	Lenczewski	Opatz	Skoe	
Dauids	Hilty	Leppik	Orfield	Skoglund	
Dawkins	Hoves	Lieder	Osskopp	Smith	
Dehler	Huntley	Luther	Osthoff	Solberg	
Dempsey	Jaros	Mahoney	Otremba	Stang	

The motion did not prevail.

Marko, Paulsen, Dauids and Jennings moved to amend S. F. No. 3160, as amended, as follows:

Page 9, after line 30, insert:

"Sec. 10. [CITY OF COTTAGE GROVE; LIQUOR LICENSE.]

The city of Cottage Grove may issue to the Cottage Grove economic development authority, and the Cottage Grove economic development authority may hold, an on-sale 3.2 percent malt liquor license and an on-sale intoxicating liquor license for the River Oaks golf course grounds, clubhouse, and restaurant located in the city of Cottage Grove. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license issued under this section. The provisions of Minnesota Statutes, sections 340A.603 and 340A.604, apply to the establishment licensed under this section as if the establishment were a municipal liquor store, provided that the commissioner of public safety may not impose any penalty on the establishment under those sections if the city has imposed a comparable or greater penalty on the licensee for the same offense.

Sec. 11. [CITY OF COTTAGE GROVE; LIABILITY.]

The city of Cottage Grove is the licensee under section 10 for purposes of compliance with Minnesota Statutes, section 340A.409. The city of Cottage Grove is deemed the seller of alcoholic beverages under the license authorized by section 10 for purposes of Minnesota Statutes, sections 340A.801 and 340A.802."

Page 10, line 1, after the period, insert "Sections 10 and 11 are effective upon approval by the Cottage Grove city council and compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3160, A bill for an act relating to drivers' licenses; extending ignition interlock pilot program; making clarifying and technical changes; amending Minnesota Statutes 1998, section 171.305, as amended; repealing Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770.

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 116 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Greiling	Juhnke	Luther	Orfield
Anderson, I.	Dawkins	Gunther	Kahn	Mahoney	Osskopp
Bakk	Dehler	Haas	Kalis	Mares	Osthoff
Biernat	Dempsey	Hackbarth	Kelliher	Mariani	Otreмба
Boudreau	Dorn	Harder	Kielkucki	Marko	Ozment
Bradley	Entenza	Hasskamp	Knoblach	McCollum	Paulsen
Broecker	Erhardt	Hausman	Koskinen	McGuire	Pawlenty
Carlson	Finseth	Hilty	Kubly	Milbert	Paymar
Carruthers	Folliard	Holsten	Larsen, P.	Mulder	Pelowski
Cassell	Fuller	Howes	Larson, D.	Mullery	Peterson
Chaudhary	Gleason	Huntley	Leighton	Murphy	Pugh
Clark, J.	Goodno	Jaros	Lenczewski	Ness	Rest
Clark, K.	Gray	Jennings	Leppik	Nornes	Rhodes
Daggett	Greenfield	Johnson	Lieder	Opatz	Rifenberg

Rostberg	Skoe	Storm	Trimble	Wejcman	Wolf
Rukavina	Skoglund	Swapinski	Tuma	Wenzel	Spk. Sviggum
Schumacher	Smith	Swenson	Tunheim	Westerberg	
Seagren	Solberg	Sykora	Van Dellen	Westfall	
Seifert, J.	Stanek	Tingelstad	Vandever	Westrom	
Seifert, M.	Stang	Tomassoni	Wagenius	Winter	

Those who voted in the negative were:

Abrams	Buesgens	Holberg	Lindner	Olson	Workman
Anderson, B.	Erickson	Krinkie	McElroy	Reuter	
Bishop	Gerlach	Kuise	Molnau	Wilkin	

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

S. F. No. 2794 was reported to the House.

Biernat moved to amend S. F. No. 2794 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3519, the first engrossment:

"Section 1. Minnesota Statutes 1999 Supplement, section 518.5513, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] ~~The public authority may use the provisions of~~ This section applies in cases in which support rights are assigned under section 256.741, subdivision 2, or where the public authority is providing services under an application for child support services.

Sec. 2. Minnesota Statutes 1999 Supplement, section 518.5513, subdivision 3, is amended to read:

Subd. 3. [~~PREPARATION OF FINANCIAL WORKSHEET CONTENTS OF PLEADINGS.~~] (a) In cases involving establishment or modification of a child support order, ~~a nonattorney employee of the public authority shall prepare a financial worksheet that contains~~ the initiating party shall include the following information, if known, in the pleadings:

- (1) names ~~and~~ addresses, and dates of birth of the parties;
- (2) Social Security numbers of the parties and the minor children of the parties, which information shall be considered private information and shall be available only to the parties, the court, and the public authority;
- (3) ~~number of members in household of each party and dependents of the parties~~ other support obligations of the obligor;
- (4) names and addresses of the parties' employers;
- (5) net income of the parties as defined in section 518.551, subdivision 5, with the authorized deductions itemized;
- (6) amounts and sources of any other earnings and income of the parties;
- (7) health insurance coverage of parties; ~~and~~

(8) types and amounts of public assistance received by the parties, including Minnesota family investment plan, child care assistance, medical assistance, MinnesotaCare, title IV-E foster care, or other form of assistance as defined in section 256.741, subdivision 1; and

(9) any other information relevant to the determination of child or medical support under section 518.171 or 518.551, subdivision 5.

(b) In preparing the financial worksheet For all matters scheduled in the expedited process, whether or not initiated by the public authority, the nonattorney employee of the public authority shall obtain any income file with the court and serve on the parties the following information:

(1) information pertaining to the income of the parties available to the public authority from the department of economic security and serve this information on;

(2) a statement of the monthly amount of child support, medical support, child care, and arrears currently being charged the obligor on Minnesota IV-D cases;

(3) a statement of the types and amount of any public assistance, as defined in section 256.741, subdivision 1, received by the parties; and

(4) any other information relevant to the determination of support that is known to the public authority and that has not been otherwise provided by the parties.

The information must be filed with the court or child support magistrate at least five days before any hearing involving child support, medical support, or child care reimbursement issues.

Sec. 3. [INSTRUCTION TO THE REVISOR.]

The revisor of statutes shall change the headnote for Minnesota Statutes, section 518.5513, to "Procedures for child and medical support orders and parentage orders in the expedited process."

The motion prevailed and the amendment was adopted.

S. F. No. 2794, A bill for an act relating to family law; modifying provisions under the expedited child support process; amending Minnesota Statutes 1999 Supplement, section 518.5513, subdivisions 1 and 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 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dawkins	Folliard	Haas	Huntley
Abrams	Carlson	Dehler	Fuller	Hackbarth	Jaros
Anderson, I.	Carruthers	Dempsey	Gerlach	Harder	Jennings
Bakk	Cassell	Dorman	Gleason	Hasskamp	Johnson
Biernat	Chaudhary	Dorn	Goodno	Hausman	Juhnke
Bishop	Clark, J.	Entenza	Gray	Hilty	Kahn
Boudreau	Clark, K.	Erhardt	Greenfield	Holberg	Kalis
Bradley	Daggett	Erickson	Greiling	Holsten	Kelliher
Broecker	Davids	Finseth	Gunther	Howes	Kielkucki

Knoblach	Mahoney	Nornes	Pugh	Smith	Van Dellen
Koskinen	Mares	Olson	Rest	Solberg	Vandever
Krinkie	Mariani	Opatz	Reuter	Stanek	Wagenius
Kubly	Marko	Orfield	Rhodes	Stang	Wejcman
Kuisle	McCollum	Osskopp	Rifenberg	Storm	Wenzel
Larsen, P.	McElroy	Osthoff	Rostberg	Swapinski	Westerberg
Larson, D.	McGuire	Otremba	Rukavina	Swenson	Westfall
Leighton	Milbert	Ozment	Schumacher	Sykora	Westrom
Lenczewski	Molnau	Paulsen	Seagren	Tingelstad	Wilkin
Leppik	Mulder	Pawlenty	Seifert, J.	Tomassoni	Winter
Lieder	Mullery	Paymar	Seifert, M.	Trimble	Wolf
Lindner	Murphy	Pelowski	Skoe	Tuma	Workman
Luther	Ness	Peterson	Skoglund	Tunheim	Spk. Sviggum

Those who voted in the negative were:

Anderson, B.

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

S. F. No. 3018 was reported to the House.

Luther moved to amend S. F. No. 3018 as follows:

Page 6, line 33, before the period, insert ", or as provided by section 257B.05, subdivision 6"

Page 13, after line 30, insert:

"Sec. 11. [257B.10] [TRANSITION.]

If a designated caregiver agreement entered under chapter 257A before the effective date of this section would have become operative but for the operation of sections 1 to 13, the parent who executed the agreement, or if the parent is unable to act, the designated caregiver under the agreement may file a petition under section 257B.05 to request that the designated caregiver agreement be approved by the court as a standby custodian."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

S. F. No. 3018, A bill for an act relating to children; providing for designation of standby and alternate custodians of children; amending Minnesota Statutes 1998, sections 171.07, subdivision 11; and 524.5-505; proposing coding for new law as Minnesota Statutes, chapter 257B; repealing Minnesota Statutes 1998, sections 257A.01; 257A.02; 257A.03; 257A.04; 257A.05; 257A.06; 257A.07; 257A.08; 257A.09; and 257A.10.

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 128 yeas and 4 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Boudreau	Buesgens	Holberg	Wilkin
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The bill was passed, as amended, and its title agreed to.

S. F. No. 3082 was reported to the House.

Swapinski, Bishop and Larsen, P., moved to amend S. F. No. 3082 as follows:

Page 1, line 20, delete "enact," and after "impose" delete the comma, and after "and" insert ", through the district court,"

Page 2, line 6, after the period, insert "The time for filing a claim with the human rights commission or as an original civil action in the district court cannot exceed the time for filing a claim under Minnesota Statutes, section 363.06, subdivision 3. A party aggrieved by a final decision or order of the commission may seek judicial review in the district court within the time provided in cases of district court judicial review of local government action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 3082, A bill for an act relating to the city of Duluth; authorizing the city council to establish or grant additional powers to a human rights commission.

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	Dorn	Huntley	Mares	Pelowski	Tingelstad
Abrams	Entenza	Jaros	Mariani	Peterson	Tomassoni
Anderson, B.	Erhardt	Jennings	Marko	Pugh	Trimble
Anderson, I.	Erickson	Johnson	McCollum	Rest	Tuma
Bakk	Finseth	Juhnke	McElroy	Reuter	Tunheim
Biernat	Folliard	Kahn	McGuire	Rhodes	Van Dellen
Bishop	Fuller	Kalis	Milbert	Rifenberg	Vandevveer
Boudreau	Gerlach	Kelliher	Molnau	Rostberg	Wagenius
Bradley	Gleason	Kielkucki	Mulder	Rukavina	Wejzman
Broecker	Goodno	Knoblach	Mullery	Schumacher	Wenzel
Buesgens	Gray	Koskinen	Murphy	Seagren	Westerberg
Carlson	Greenfield	Krinkie	Ness	Seifert, J.	Westfall
Carruthers	Greiling	Kubly	Nornes	Seifert, M.	Westrom
Cassell	Gunther	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
Davids	Hausman	Leppik	Otremba	Stang	
Dawkins	Hilty	Lieder	Ozment	Storm	
Dehler	Holberg	Lindner	Paulsen	Swapinski	
Dempsey	Holsten	Luther	Pawlenty	Swenson	
Dorman	Howes	Mahoney	Paymar	Sykora	

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

S. F. No. 2737 was reported to the House.

Mulder moved to amend S. F. No. 2737 as follows:

Page 2, after line 3, insert:

"(c) It shall be unlawful for any person intentionally to engage or participate in the sale or purchase of or research or treatment, including transplantation, that utilizes human fetal tissue, cells, or organs that are obtained from a living or dead embryo or fetus during or after an induced abortion but does not include human fetal tissue, cells, or organs that are obtained from a spontaneous abortion or an ectopic pregnancy."

Page 2, line 4, delete "(c)" and insert "(d)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Bishop raised a point of order pursuant to rule 3.21 that the Mulder amendment was not in order.

Pursuant to section 245 of "Mason's Manual of Legislative Procedure," Speaker pro tempore Abrams submitted the following question to the House:

"Is it the judgment of the House that the Bishop point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Bishop point of order and the roll was called. There were 53 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorman	Hausman	Koskinen	McCollum	Skoe
Bakk	Dorn	Hilty	Larson, D.	McElroy	Skoglund
Biernat	Entenza	Holsten	Leighton	McGuire	Solberg
Bishop	Erhardt	Huntley	Leppik	Orfield	Swapinski
Carlson	Folliard	Jaros	Lieder	Osthoff	Tomassoni
Carruthers	Gleason	Jennings	Luther	Paymar	Trimble
Chaudhary	Gray	Johnson	Mahoney	Rest	Wagenius
Clark, K.	Greenfield	Kahn	Mariani	Rhodes	Wejcmán
Dawkins	Greiling	Kelliher	Marko	Rukavina	

Those who voted in the negative were:

Abeler	Finseth	Knoblach	Nornes	Schumacher	Vandever
Anderson, B.	Fuller	Krinkie	Olson	Seagren	Wenzel
Anderson, I.	Gerlach	Kubly	Opatz	Seifert, J.	Westerberg
Boudreau	Goodno	Kuisle	Osskopp	Seifert, M.	Westfall
Bradley	Gunther	Larsen, P.	Otremba	Smith	Westrom
Broecker	Haas	Lenczewski	Ozment	Stanek	Wilkin
Buesgens	Hackbarth	Lindner	Paulsen	Stang	Winter
Cassell	Harder	Mares	Pawlenty	Storm	Wolf
Clark, J.	Hasskamp	Milbert	Pelowski	Swenson	Workman
Daggett	Holberg	Molnau	Peterson	Sykora	Spk. Sviggum
Davids	Howes	Mulder	Pugh	Tingelstad	
Dehler	Juhnke	Mullery	Reuter	Tuma	
Dempsey	Kalis	Murphy	Rifenberg	Tunheim	
Erickson	Kielkucki	Ness	Rostberg	Van Dellen	

So it was the judgment of the House that the Bishop point of order relating to rule 3.21 was not well taken and the Mulder amendment was in order.

The Speaker resumed the Chair.

The question recurred on the Mulder amendment and the roll was called. There were 96 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Jennings	Marko	Peterson	Swenson
Abrams	Dorn	Juhnke	McElroy	Pugh	Sykora
Anderson, B.	Erickson	Kalis	Milbert	Rest	Tingelstad
Anderson, I.	Finseth	Kielkucki	Molnau	Reuter	Tuma
Bakk	Fuller	Knoblach	Mulder	Rifenberg	Tunheim
Boudreau	Gerlach	Krinkie	Murphy	Rostberg	Van Dellen
Bradley	Goodno	Kubly	Ness	Schumacher	Vanderveer
Broecker	Gunther	Kuistle	Nornes	Seagren	Wenzel
Buesgens	Haas	Larsen, P.	Olson	Seifert, J.	Westerberg
Carlson	Hackbarth	Larson, D.	Opatz	Seifert, M.	Westfall
Cassell	Harder	Lenczewski	Osskopp	Skoe	Westrom
Clark, J.	Hasskamp	Lieder	Otremba	Smith	Wilkin
Daggett	Hilty	Lindner	Ozment	Solberg	Winter
Davids	Holberg	Luther	Paulsen	Stanek	Wolf
Dehler	Holsten	Mares	Pawlenty	Stang	Workman
Dempsey	Howes	Mariani	Pelowski	Storm	Spk. Sviggum

Those who voted in the negative were:

Bishop	Erhardt	Hausman	Koskinen	Mullery	Swapinski
Carruthers	Folliard	Huntley	Leighton	Orfield	Tomassoni
Chaudhary	Gleason	Jaros	Leppik	Osthoff	Trimble
Clark, K.	Gray	Johnson	Mahoney	Rhodes	Wagenius
Dawkins	Greenfield	Kahn	McCollum	Rukavina	Wejzman
Entenza	Greiling	Kelliher	McGuire	Skoglund	

The motion prevailed and the amendment was adopted.

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 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 121 yeas and 11 nays as follows:

Those who voted in the affirmative were:

Abeler	Broecker	Davids	Finseth	Gunther	Howes
Abrams	Buesgens	Dawkins	Folliard	Haas	Huntley
Anderson, B.	Carlson	Dehler	Fuller	Hackbarth	Jaros
Anderson, I.	Cassell	Dempsey	Gerlach	Harder	Jennings
Bakk	Chaudhary	Dorman	Gleason	Hasskamp	Johnson
Biernat	Clark, J.	Dorn	Goodno	Hilty	Juhnke
Bishop	Clark, K.	Erhardt	Gray	Holberg	Kalis
Boudreau	Daggett	Erickson	Greenfield	Holsten	Kelliher

Kielkucki	Luther	Olson	Rhodes	Stang	Westerberg
Knoblach	Mares	Opatz	Rifenberg	Storm	Westfall
Koskinen	Mariani	Osskopp	Rostberg	Swapinski	Westrom
Krinkie	Marko	Otremba	Rukavina	Swenson	Wilkin
Kubly	McCollum	Ozment	Schumacher	Sykora	Winter
Kuisle	McElroy	Paulsen	Seagren	Tingelstad	Wolf
Larsen, P.	McGuire	Pawlenty	Seifert, J.	Tomassoni	Workman
Larson, D.	Milbert	Paymar	Seifert, M.	Tuma	Spk. Sviggum
Leighton	Mulder	Pelowski	Skoe	Tunheim	
Lenczewski	Mullery	Peterson	Skoglund	Van Dellen	
Leppik	Murphy	Pugh	Smith	Vandever	
Lieder	Ness	Rest	Solberg	Wagenius	
Lindner	Nornes	Reuter	Stanek	Wenzel	

Those who voted in the negative were:

Bradley	Entenza	Hausman	Mahoney	Osthoff	Wejcman
Carruthers	Greiling	Kahn	Orfield	Trimble	

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

H. F. No. 2833, as amended, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

H. F. No. 2833, A bill for an act relating to crime; authorizing certain behavioral data on students to be disclosed to the juvenile justice system; providing that when a juvenile has been adjudicated delinquent for certain violations of criminal law that the disposition order shall be shared with certain school officials, law enforcement, and specified others; providing for data sharing between probation officers and school officials for juveniles on probation; amending Minnesota Statutes 1998, section 13.32, subdivision 8; Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; and 260B.171, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 121A.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Carruthers	Erhardt	Hackbarth	Kahn	Lenczewski
Abrams	Cassell	Erickson	Harder	Kalis	Leppik
Anderson, B.	Chaudhary	Finseth	Hasskamp	Kelliher	Lieder
Anderson, I.	Clark, J.	Folliard	Hausman	Kielkucki	Lindner
Bakk	Clark, K.	Fuller	Hilty	Knoblach	Luther
Biernat	Daggett	Gerlach	Holberg	Koskinen	Mahoney
Bishop	Davids	Gleason	Holsten	Krinkie	Mares
Boudreau	Dehler	Goodno	Howes	Kubly	Marko
Bradley	Dempsey	Greenfield	Huntley	Kuisle	McCollum
Broecker	Dorman	Greiling	Jennings	Larsen, P.	McElroy
Buesgens	Dorn	Gunther	Johnson	Larson, D.	McGuire
Carlson	Entenza	Haas	Juhnke	Leighton	Milbert

Molnau	Osthoff	Reuter	Smith	Trimble	Wilkin
Mulder	Otremba	Rhodes	Solberg	Tuma	Winter
Mullery	Ozment	Rifenberg	Stanek	Tunheim	Wolf
Murphy	Paulsen	Rostberg	Stang	Van Dellen	Workman
Ness	Pawlenty	Schumacher	Storm	Vandevier	Spk. Sviggum
Nornes	Paymar	Seagren	Swapinski	Wagenius	
Olson	Pelowski	Seifert, J.	Swenson	Wenzel	
Opatz	Peterson	Seifert, M.	Sykora	Westerberg	
Orfield	Pugh	Skoe	Tingelstad	Westfall	
Osskopp	Rest	Skoglund	Tomassoni	Westrom	

Those who voted in the negative were:

Dawkins	Gray	Jaros	Mariani	Rukavina	Wejcman
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The bill was passed, as amended, and its title agreed to.

The Speaker called Boudreau to the Chair.

S. F. No. 3346, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

S. F. No. 3346, 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.

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	Davids	Gunther	Kielkucki	McElroy	Pelowski
Abrams	Dawkins	Haas	Knoblach	McGuire	Peterson
Anderson, B.	Dehler	Hackbarth	Koskinen	Milbert	Pugh
Anderson, I.	Dempsey	Harder	Kubly	Molnau	Rest
Bakk	Dorman	Hasskamp	Kuiple	Mulder	Reuter
Biernat	Dorn	Hausman	Larsen, P.	Murphy	Rhodes
Bishop	Entenza	Hilty	Larson, D.	Ness	Rifenberg
Boudreau	Erhardt	Holberg	Leighton	Nornes	Rostberg
Bradley	Erickson	Holsten	Lenczewski	Olson	Rukavina
Broecker	Finseth	Howes	Leppik	Opatz	Schumacher
Buesgens	Folliard	Huntley	Lieder	Orfield	Seagren
Carlson	Fuller	Jaros	Lindner	Osskopp	Seifert, J.
Carruthers	Gerlach	Jennings	Luther	Osthoff	Seifert, M.
Cassell	Gleason	Johnson	Mahoney	Otremba	Skoe
Chaudhary	Goodno	Juhnke	Mares	Ozment	Skoglund
Clark, J.	Gray	Kahn	Mariani	Paulsen	Smith
Clark, K.	Greenfield	Kalis	Marko	Pawlenty	Solberg
Daggett	Greiling	Kelliher	McCollum	Paymar	Stanek

Stang	Sykora	Tuma	Wagenius	Westfall	Wolf
Storm	Tingelstad	Tunheim	Wejcman	Westrom	Workman
Swapinski	Tomassoni	Van Dellen	Wenzel	Wilkin	Spk. Sviggum
Swenson	Trimble	Vandev eer	Westerberg	Winter	

Those who voted in the negative were:

Krinkie Mullery

The bill was passed and its title agreed to.

Westfall was excused between the hours of 10:00 p.m. and 10:55 p.m.

S. F. No. 3387, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Goodno moved to amend S. F. No. 3387 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [145.4241] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] As used in sections 145.4241 to 145.4246, the following terms have the meaning given them.

Subd. 2. [ABORTION.] "Abortion" includes an act, procedure, or use of any instrument, medicine, or drug which is supplied or prescribed for or administered to a woman known to be pregnant with the intention to terminate the pregnancy with an intention other than to increase the probability of live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

Subd. 3. [ATTEMPT TO PERFORM AN ABORTION.] "Attempt to perform an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in Minnesota in violation of sections 145.4241 to 145.4246.

Subd. 4. [MEDICAL EMERGENCY.] "Medical emergency" means any condition that, on the basis of the physician's good faith clinical judgment, complicates the medical condition of a pregnant female to the extent that:

(1) an immediate abortion of her pregnancy is necessary to avert her death; or

(2) a 24-hour delay in performing an abortion creates a serious risk of substantial injury or impairment of a major bodily function.

Subd. 5. [PHYSICIAN.] "Physician" means a person licensed under chapter 147.

Subd. 6. [PROBABLE GESTATIONAL AGE OF THE FETUS.] "Probable gestational age of the fetus" means what will, in the judgment of the physician, with reasonable probability, be the gestational age of the fetus at the time the abortion is planned to be performed.

Sec. 2. [145.4242] [INFORMED CONSENT.]

(a) No abortion shall be performed in this state except with the voluntary and informed consent of the female upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the female is told the following, by telephone or in person, by the physician who is to perform the abortion, the referring physician, a registered nurse, or a licensed practical nurse, at least 24 hours prior to the abortion:

(1) the particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, breast cancer, danger to subsequent pregnancies, and infertility;

(2) the probable gestational age of the fetus at the time the abortion is to be performed;

(3) the medical risks associated with carrying to term;

(4) that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(5) that the father is liable to assist in the support of her child, even in instances when the father has offered to pay for the abortion;

(6) the availability of a toll-free number and Web site that can provide information on support services during pregnancy and while the child is dependent and offer alternatives to abortion; and

(7) that she has the right to review the printed materials described in section 145.4243, and the printed materials are available on the state Web site.

(b) The physician or the physician's agent shall orally inform the female that the materials have been provided by the state of Minnesota and that they describe the unborn child and list agencies that offer alternatives to abortion.

(c) The physician or the physician's agent shall orally inform the female of the Web site address and toll-free number.

(d) If the female chooses to view the materials, they shall either be given to her at least 24 hours before the abortion or mailed to her at least 72 hours before the abortion by first class mail, or at the woman's request, by certified mail, restricted delivery to addressee, which means the postal employee may only deliver the mail to the addressee. The envelope used by the physician shall not identify the name of the physician or the physician's clinic or business.

(e) If a physical examination, tests, or the availability of other information to the physician subsequently indicates, in the medical judgment of the physician, a revision of the information previously supplied to the patient, that revised information may be communicated to the patient at any time prior to the performance of the abortion.

Sec. 3. [145.4243] [PRINTED INFORMATION.]

Subdivision 1. [MATERIALS.] (a) Within 90 days after the effective date of sections 145.4241 to 145.4246, the department of health shall cause to be published, in English and in each language that is the primary language of two percent or more of the state's population, the printed materials described in paragraphs (b) and (c) in such a way as to ensure that the information is easily comprehensible.

(b) The materials must be designed to inform the female of the probable anatomical and physiological characteristics of the fetus at two-week gestational increments from the time when a female can be known to be pregnant to full term, including any relevant information on the possibility of the fetus's survival and pictures or drawings representing the development of the fetus at two-week gestational increments, provided that any such

pictures or drawings must contain the dimensions of the fetus and must be realistic and appropriate for the stage of pregnancy depicted. The materials must be objective, nonjudgmental, and designed to convey only accurate scientific information about the fetus at the various gestational ages.

(c) The materials must contain objective information describing the methods of abortion procedures commonly employed, the medical risks commonly associated with each procedure, the possible detrimental psychological effects of abortion, and the medical risks commonly associated with carrying a child to term.

Subd. 2. [TYPEFACE; AVAILABILITY.] The materials referred to in this section must be printed in a typeface large enough to be clearly legible. The materials required under this section must be available from the department of health upon request and in appropriate number to any person, facility, or hospital at no cost.

Sec. 4. [145.4244] [PROCEDURE IN CASE OF MEDICAL EMERGENCY.]

When a medical emergency compels the performance of an abortion, the physician shall inform the female, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert her death or that a 24-hour delay in conformance with section 145.4242 creates a serious risk of substantial injury or impairment of a major bodily function.

Sec. 5. [145.4245] [TOLL-FREE TELEPHONE NUMBER AND WEB SITE.]

Subdivision 1. [RIGHT TO KNOW.] All pregnant women have the right to know information about resources available to assist them and their families. The commissioner of health shall establish and maintain a statewide toll-free telephone number available seven days a week to provide information and referrals to local community resources to assist women and families through pregnancy and childbirth and while the child is dependent.

Subd. 2. [INFORMATION.] The toll-free telephone number must provide information regarding community resources on the following topics:

- (1) information regarding avoiding unplanned pregnancies;
- (2) prenatal care, including the need for an initial risk screening and assessment;
- (3) adoption;
- (4) health education, including the importance of good nutrition during pregnancy and the risks associated with alcohol and tobacco use during pregnancy;
- (5) available social services, including medical assistance benefits for prenatal care, childbirth, and neonatal care;
- (6) legal assistance in obtaining child support; and
- (7) community support services and other resources to enhance family strengths and reduce the possibility of family violence.

Subd. 3. [WEB SITE.] The commissioner shall design and maintain a secure Web site to provide the information described under subdivision 2 and section 145.4243 with a minimum resolution of 72 PPI. The Web site shall provide the toll-free information and referral telephone number described under subdivision 2.

Sec. 6. [145.4246] [ENFORCEMENT PENALTIES.]

Subdivision 1. [STANDING.] A person with standing may maintain an action against the performance or attempted performance of abortions in violation of section 145.4242. Those with standing are:

- (1) a woman upon whom an abortion in violation of section 145.4242 has been performed or attempted to be performed; and

(2) the parent of an unemancipated minor upon whom an abortion in violation of section 145.4242 has been, is about to be, or was attempted to be performed; and

(3) attorney general of the state of Minnesota.

Subd. 2. [INJUNCTIONS.] Parties bringing actions against the performance or attempted performance of abortions in violation of section 145.4242 may seek temporary restraining orders, preliminary injunctions, and injunctions related only to the physician or facility where the violation occurred in accordance with the Rules of Civil Procedure. Persons with standing must bring any actions within six months of the date of the performed or attempted performance of abortions in violation of section 145.4242.

Subd. 3. [CONTEMPT.] Any person knowingly violating the terms of an injunction against the performance or attempted performance of abortions in violation of section 145.4242 is subject to civil contempt, and shall be fined no more than \$1,000 for the first violation, no more than \$5,000 for the second violation, no more than \$10,000 for the third violation, and for each successive violation an amount sufficient to deter future violations. The fine shall be the exclusive penalty for a violation. Each performance or attempted performance of abortion in violation of section 145.4242 is a separate violation. No fine shall be assessed against the woman on whom an abortion is performed or attempted.

Subd. 4. [REALLOCATION OF THE FINE.] Any fines collected under this section must be sent to a special account at the Minnesota department of health to be used for materials cited in section 145.4243.

Sec. 7. [145.4247] [CUMULATIVE RIGHTS.]

The provisions of sections 145.4241 to 145.4246 are cumulative with existing law regarding an individual's right to consent to medical treatment and shall not impair any existing right any patient may have under the common law or statutes of this state.

Sec. 8. [APPROPRIATION.]

\$187,000 is appropriated from the general fund to the commissioner of health in fiscal year 2001 to provide the information as specified in section 3."

Delete the title and insert:

"A bill for an act relating to health; requiring informed consent of a female upon whom an abortion is performed; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Goodno and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Broecker	Daggett	Erhardt	Gray	Hausman
Abrams	Buesgens	Davids	Erickson	Greenfield	Hilty
Anderson, B.	Carlson	Dawkins	Finseth	Greiling	Holberg
Bakk	Carruthers	Dehler	Folliard	Gunther	Holsten
Biernat	Cassell	Dempsey	Fuller	Haas	Howes
Bishop	Chaudhary	Dorman	Gerlach	Hackbarth	Huntley
Boudreau	Clark, J.	Dorn	Gleason	Harder	Jaros
Bradley	Clark, K.	Entenza	Goodno	Hasskamp	Jennings

Johnson	Lenczewski	Mulder	Paymar	Skoe	Tunheim
Juhnke	Leppik	Mullery	Pelowski	Skoglund	Van Dellen
Kahn	Lieder	Murphy	Peterson	Smith	Vandever
Kalis	Lindner	Ness	Pugh	Solberg	Wagenius
Kelliher	Luther	Nornes	Rest	Stanek	Wejcman
Kielkucki	Mahoney	Olson	Reuter	Stang	Wenzel
Knoblach	Mares	Opatz	Rhodes	Storm	Westerberg
Koskinen	Mariani	Orfield	Rifenberg	Swapinski	Westrom
Krinkie	Marko	Osskopp	Rostberg	Swenson	Wilkin
Kubly	McCollum	Osthoff	Rukavina	Sykora	Winter
Kuisle	McElroy	Otremba	Schumacher	Tingelstad	Wolf
Larsen, P.	McGuire	Ozment	Seagren	Tomassoni	Workman
Larson, D.	Milbert	Paulsen	Seifert, J.	Trimble	Spk. Sviggum
Leighton	Molnau	Pawlenty	Seifert, M.	Tuma	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Speaker pro tempore Boudreau called Paulsen to the Chair.

Johnson moved to amend the Goodno amendment to S. F. No. 3387 as follows:

Page 4, line 32, delete "pregnant" and insert "sexually active men and"

Page 5, line 2, delete "women and"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 55 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Biernat	Folliard	Jaros	Lieder	Orfield	Swapinski
Bishop	Gleason	Jennings	Luther	Osthoff	Tomassoni
Carlson	Gray	Johnson	Mahoney	Paymar	Trimble
Carruthers	Greenfield	Kahn	Mariani	Pugh	Wagenius
Chaudhary	Greiling	Kelliher	Marko	Rest	Wejcman
Clark, K.	Hasskamp	Koskinen	McCollum	Rhodes	
Dawkins	Hausman	Larson, D.	McGuire	Rukavina	
Dorn	Hilty	Leighton	Milbert	Skoe	
Entenza	Holsten	Lenczewski	Mullery	Skoglund	
Erhardt	Huntley	Leppik	Opatz	Solberg	

Those who voted in the negative were:

Abeler	Bakk	Buesgens	Dauids	Erickson	Goodno
Abrams	Boudreau	Cassell	Dehler	Finseth	Gunther
Anderson, B.	Bradley	Clark, J.	Dempsey	Fuller	Haas
Anderson, I.	Broecker	Daggett	Dorman	Gerlach	Hackbarth

Harder	Kuisle	Nornes	Reuter	Stang	Wenzel
Holberg	Larsen, P.	Olson	Rifenberg	Storm	Westerberg
Howes	Lindner	Osskopp	Rostberg	Swenson	Westfall
Juhnke	Mares	Otremba	Schumacher	Sykora	Westrom
Kalis	McElroy	Ozment	Seagren	Tingelstad	Wilkin
Kielkucki	Molnau	Paulsen	Seifert, J.	Tuma	Winter
Knoblach	Mulder	Pawlenty	Seifert, M.	Tunheim	Wolf
Krinkie	Murphy	Pelowski	Smith	Van Dellen	Workman
Kubly	Ness	Peterson	Stanek	Vandever	Spk. Sviggum

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

The Speaker resumed the Chair.

The question recurred on the Goodno amendment and the roll was called. There were 89 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Erickson	Kalis	Molnau	Reuter	Tingelstad
Anderson, B.	Finseth	Kielkucki	Mulder	Rifenberg	Tuma
Anderson, I.	Fuller	Knoblach	Murphy	Rostberg	Tunheim
Boudreau	Gerlach	Krinkie	Ness	Schumacher	Van Dellen
Bradley	Goodno	Kubly	Nornes	Seagren	Vandever
Broecker	Gunther	Kuisle	Olson	Seifert, J.	Wenzel
Buesgens	Haas	Larsen, P.	Opatz	Seifert, M.	Westerberg
Cassell	Hackbarth	Lenczewski	Osskopp	Skoe	Westfall
Clark, J.	Harder	Leppik	Otremba	Smith	Westrom
Daggett	Hasskamp	Lieder	Ozment	Solberg	Wilkin
Davids	Holberg	Lindner	Paulsen	Stanek	Winter
Dehler	Holsten	Luther	Pawlenty	Stang	Wolf
Dempsey	Howes	Mares	Pelowski	Storm	Workman
Dorman	Jennings	McElroy	Peterson	Swenson	Spk. Sviggum
Dorn	Juhnke	Milbert	Pugh	Sykora	

Those who voted in the negative were:

Abrams	Dawkins	Hausman	Larson, D.	Orfield	Tomassoni
Bakk	Entenza	Hilty	Leighton	Osthoff	Trimble
Biernat	Erhardt	Huntley	Mahoney	Paymar	Wagenius
Bishop	Folliard	Jaros	Mariani	Rest	Wejcman
Carlson	Gleason	Johnson	Marko	Rhodes	
Carruthers	Gray	Kahn	McCollum	Rukavina	
Chaudhary	Greenfield	Kelliher	McGuire	Skoglund	
Clark, K.	Greiling	Koskinen	Mullery	Swapinski	

The motion prevailed and the amendment was adopted.

S. F. No. 3387, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, unintended results, and technical errors in human services and prekindergarten-grade 12 education code; appropriating money; amending Minnesota Statutes 1998, sections 125A.21, subdivision 1; and 256B.501, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 124D.65, subdivision 4; 126C.052; 126C.10, subdivisions 2 and 23; 126C.12, subdivision 1; and 256B.77, subdivision 10; Laws 1999, chapters 241, articles 1, section 70; and 4, section 29; 245, articles 1, section 3, subdivision 2; and 4, section 121; repealing Laws 1999, chapter 241, article 10, section 5.

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 89 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Erickson	Kalis	Molnau	Reuter	Tingelstad
Anderson, B.	Finseth	Kielkucki	Mulder	Rifenberg	Tuma
Anderson, I.	Fuller	Knoblach	Murphy	Rostberg	Tunheim
Boudreau	Gerlach	Krinkie	Ness	Schumacher	Van Dellen
Bradley	Goodno	Kubly	Nornes	Seagren	Vandever
Broecker	Gunther	Kuisle	Olson	Seifert, J.	Wenzel
Buesgens	Haas	Larsen, P.	Opatz	Seifert, M.	Westerberg
Cassell	Hackbarth	Lenczewski	Osskopp	Skoe	Westfall
Clark, J.	Harder	Leppik	Otremba	Smith	Westrom
Daggett	Hasskamp	Lieder	Ozment	Solberg	Wilkin
Davids	Holberg	Lindner	Paulsen	Stanek	Winter
Dehler	Holsten	Luther	Pawlenty	Stang	Wolf
Dempsey	Howes	Mares	Pelowski	Storm	Workman
Dorman	Jennings	McElroy	Peterson	Swenson	Spk. Sviggum
Dorn	Juhnke	Milbert	Pugh	Sykora	

Those who voted in the negative were:

Abrams	Dawkins	Hausman	Larson, D.	Orfield	Tomassoni
Bakk	Entenza	Hilty	Leighton	Osthoff	Trimble
Biernat	Erhardt	Huntley	Mahoney	Paymar	Wagenius
Bishop	Folliard	Jaros	Mariani	Rest	Wejcmán
Carlson	Gleason	Johnson	Marko	Rhodes	
Carruthers	Gray	Kahn	McCollum	Rukavina	
Chaudhary	Greenfield	Kelliher	McGuire	Skoglund	
Clark, K.	Greiling	Koskinen	Mullery	Swapinski	

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

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Krinkie moved that the name of Mulder be added as an author on H. F. No. 4105. The motion prevailed.

Hackbarth moved that the names of Lindner and Westerberg be added as authors on H. F. No. 4136. The motion prevailed.

Smith moved that H. F. No. 2516 be recalled from the Committee on Ways and Means and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

McElroy moved that S. F. No. 2893 be recalled from the Committee on Taxes and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 6, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Thursday, April 6, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives