

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2002

SIXTY-FIFTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, FEBRUARY 13, 2002

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

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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	Dorman	Holberg	Lenczewski	Otremba	Stanek
Abrams	Dorn	Holsten	Leppik	Ozment	Stang
Anderson, B.	Eastlund	Howes	Lieder	Paulsen	Swapinski
Anderson, I.	Entenza	Huntley	Lindner	Pawlenty	Swenson
Bakk	Erickson	Jacobson	Lipman	Paymar	Sykora
Bernardy	Evans	Jaros	Mahoney	Pelowski	Thompson
Biernat	Finseth	Jennings	Mares	Penas	Tingelstad
Bishop	Folliard	Johnson, J.	Mariani	Peterson	Tuma
Blaine	Fuller	Johnson, R.	Marko	Pugh	Vandever
Boudreau	Gerlach	Johnson, S.	Marquart	Rhodes	Wagenius
Bradley	Gleason	Juhnke	McGuire	Rifenberg	Walker
Buesgens	Goodno	Kahn	Milbert	Rukavina	Walz
Carlson	Goodwin	Kalis	Molnau	Ruth	Wasiluk
Cassell	Gray	Kelliher	Mulder	Schumacher	Westerberg
Clark, J.	Greiling	Kielkucki	Mullery	Seagren	Westrom
Clark, K.	Gunther	Knoblach	Murphy	Seifert	Wilkin
Daggett	Haas	Koskinen	Ness	Sertich	Winter
Davids	Hackbarth	Krinkie	Nornes	Skoe	Wolf
Davnie	Harder	Kubly	Olson	Skoglund	Workman
Dawkins	Hausman	Kuisle	Opatz	Slawik	Spk. Sviggum
Dehler	Hilstrom	Larson	Osskopp	Smith	
Dempsey	Hilty	Leighton	Osthoff	Solberg	

A quorum was present.

Dibble, Erhardt and McElroy were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Winter 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. 2434 and H. F. No. 2652, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lieder moved that the rules be so far suspended that S. F. No. 2434 be substituted for H. F. No. 2652 and that the House File be indefinitely postponed. The motion prevailed.

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.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 170, A bill for an act relating to driver's licenses; permitting courts to stay adjudication of certain driving after suspension, revocation, and cancellation cases on condition that the driver obtain reinstatement of driving privileges; amending Minnesota Statutes 2000, section 171.24, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 171.24, is amended by adding a subdivision to read:

Subd. 8. [TERMS AND CONDITIONS.] (a) Notwithstanding section 609.132, a person who is charged with violating subdivision 1, 2, or 3 is eligible for a discharge and dismissal under subdivisions 8 to 10 if:

- (1) the person has not been previously convicted of a felony crime under the laws of this state or elsewhere;
- (2) the person has not previously received a stay of adjudication, continuance for dismissal, or agreement to suspend prosecution for a violation of this section;
- (3) the person has not previously participated in or completed a diversion program for a violation of this section;
- (4) the person has not previously been placed on probation without a judgment of guilty for violation of this section; and
- (5) the case does not involve a commercial motor vehicle.

(b) If a person meets the criteria under paragraph (a), the court may, after trial or upon a plea of guilty, without entering judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as the court may require and for a period not to exceed the maximum sentence provided for the violation if:

(1) the court determines that the person has the present ability to obtain reinstatement of driving privileges by remedying the circumstance for which the person's driving privileges originally were suspended or revoked or by complying with section 171.29;

(2) the person agrees to seek reinstatement of driving privileges;

(3) the court schedules a sentencing hearing within 90 days, which time may be extended for good cause shown, to review whether the person's driving privileges have been reinstated; and

(4) the person agrees not to drive without a driver's license.

Sec. 2. Minnesota Statutes 2000, section 171.24, is amended by adding a subdivision to read:

Subd. 9. [PROBATION VIOLATION.] Upon violation of a condition of probation relating to a stay of adjudication granted under subdivision 8, including a failure to comply with reinstatement of the person's driving privileges, the court shall order an adjudication of guilt for a violation of subdivision 1, 2, or 3, and proceed as otherwise provided.

Sec. 3. Minnesota Statutes 2000, section 171.24, is amended by adding a subdivision to read:

Subd. 10. [DISCHARGE AND DISMISSAL.] (a) If during the period of probation relating to a stay of adjudication granted under subdivision 8, the court determines that the person's driving privileges have been reinstated, the court may dismiss the proceedings against the person. Discharge and dismissal under this subdivision must be without court adjudication of guilt for violating subdivision 1, 2, or 3.

(b) The court shall notify the commissioner of public safety when it dismisses the proceedings against the person. The commissioner shall record this fact on the person's driver's record.

(c) Subdivisions 8 to 10 do not apply to persons whose driving privileges were suspended, revoked, or canceled for an impaired driving offense under chapter 169A.

Sec. 4. [EFFECTIVE DATE.]

This act is effective August 1, 2001, and applies to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 2, delete "permitting courts to"

Page 1, delete lines 3 to 5 and insert "modifying procedures related to driving privileges and probation of person driving after suspension, revocation, or cancellation of driver's license;"

Page 1, line 7, delete "a subdivision" and insert "subdivisions"

With the recommendation that when so amended the bill pass.

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1297, A bill for an act relating to statutes; conforming the statutes to reflect the transfer of authority from the municipal board to the office of strategic and long-range planning; explicitly authorizing delegation by the director; amending Minnesota Statutes 2000, sections 414.01; 414.011, subdivision 7, and by adding a subdivision; 414.012; 414.02; 414.031; 414.0325; 414.033, subdivisions 3, 5, 6, 7, and 10; 414.0335; 414.035; 414.036; 414.041; 414.051; 414.06; 414.061; 414.063; 414.067, subdivisions 1 and 3; 414.07; 414.08; 414.09; 414.12, subdivisions 1 and 2; repealing Minnesota Statutes 2000, sections 414.01, subdivisions 2 and 6a; 414.011, subdivision 8; and 414.11.

Reported the same back with the following amendments:

Page 35, lines 18 and 23, reinstate the stricken language

Page 35, line 28, delete "under Laws 2000,"

Page 35, line 29, delete "chapter 446, section 2, or other law," and insert "in this section,"

Page 35, line 33, after the period, insert "Notwithstanding Laws 2000, chapter 446, section 2, the office of strategic and long-range planning is exempt from any requirement to adopt or amend rules governing boundary adjustment procedures until after May 1, 2004."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1517, A bill for an act relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 144.1222, is amended by adding a subdivision to read:

Subd. 2a. [POOLS AT FAMILY DAY CARE OR GROUP FAMILY DAY CARE HOMES.] Notwithstanding Minnesota Rules, part 4717.0250, subpart 8, a swimming pool that is located at a family day care or group family day care home licensed under Minnesota Rules, chapter 9502, shall not be considered a public pool, and is exempt from the requirements for public pools in Minnesota Rules, parts 4717.0150 to 4717.3975. If the provider chooses to allow children cared for at the family day care or group family day care home to use the swimming pool located at the home, the provider must satisfy the requirements in section 245A.14, subdivision 10.

Sec. 2. Minnesota Statutes 2000, section 245A.14, is amended by adding a subdivision to read:

Subd. 10. [SWIMMING POOLS; FAMILY DAY CARE AND GROUP FAMILY DAY CARE PROVIDERS.] (a) This subdivision governs swimming pools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. This subdivision does not apply to portable wading pools or whirlpools located at family day care or group family day care homes licensed under Minnesota Rules, chapter 9502. For a provider to be eligible to allow a child cared for at the family day care or group family day care home to use the

swimming pool located at the home, the provider must not have had a licensing sanction under section 245A.07, or a correction order or conditional license under section 245A.06 relating to the supervision or health and safety of children during the prior 24 months, and must satisfy the following requirements:

- (1) notify the county agency before initial use of the swimming pool and annually thereafter;
- (2) obtain written consent from a child's parent or legal guardian allowing the child to use the swimming pool, and renew the parent's or legal guardian's written consent at least annually. The written consent must include a statement that the parent or legal guardian has received and read materials provided by the department of health to the department of human services for distribution to all family day care or group family day care homes and the general public on the human services Internet Web site related to the risk of disease transmission as well as other health risks associated with swimming pools. The written consent must also include a statement that the department of health, department of human services, and county agency will not monitor or inspect the provider's swimming pool to ensure compliance with the requirements in this subdivision;
- (3) enter into a written contract with a child's parent or legal guardian, and renew the written contract annually. The terms of the written contract must specify that the provider agrees to perform all of the requirements in this subdivision;
- (4) attend and successfully complete a swimming pool operator training course once every five years. Acceptable training courses are:
 - (i) the National Swimming Pool Foundation Certified Pool Operator course;
 - (ii) the National Spa and Pool Institute Tech I and Tech II courses (both required); or
 - (iii) the National Recreation and Park Association Aquatic Facility Operator course;
- (5) require a caregiver trained in first aid and adult and child cardiopulmonary resuscitation to supervise and be present at the swimming pool with any children in the pool;
- (6) toilet all potty-trained children before they enter the swimming pool;
- (7) require all children who are not potty-trained to wear swim diapers while in the swimming pool;
- (8) if fecal material enters the swimming pool water, add three times the normal shock treatment to the pool water to raise the chlorine level to at least 20 parts per million, and close the pool to swimming for the 24 hours following the entrance of fecal material into the water or until the water pH and disinfectant concentration levels have returned to the standards specified in clause (10), whichever is later;
- (9) prevent any child from entering the swimming pool who has an open wound or any child who has or is suspected of having a communicable disease;
- (10) maintain the swimming pool water at a pH of not less than 7.2 and not more than 8.0, maintain the disinfectant concentration between two and five parts per million for chlorine or between 2.3 and 4.5 parts per million for bromine, and maintain a daily record of the swimming pool's operation with pH and disinfectant concentration readings on days when children cared for at the family day care or group family day care home are present;
- (11) have a disinfectant feeder or feeders;
- (12) have a recirculation system that will clarify and disinfect the swimming pool volume of water in ten hours or less;

(13) maintain the swimming pool's water clarity so that an object on the pool floor at the pool's deepest point is easily visible;

(14) have two or more suction lines in the swimming pool;

(15) have in place and enforce written safety rules and swimming pool policies;

(16) prohibit diving;

(17) prohibit pushing or rough play in the swimming pool area;

(18) have in place at all times a safety rope that divides the shallow and deep portions of the swimming pool;

(19) satisfy any existing local ordinances regarding swimming pool installation, decks, and fencing;

(20) maintain a water temperature of not more than 104 degrees Fahrenheit and not less than 70 degrees Fahrenheit; and

(21) for lifesaving equipment, have a United States Coast Guard-approved life ring attached to a rope, an exit ladder, and a shepherd's hook available at all times to the caregiver supervising the swimming pool.

(b) A violation of paragraph (a), clauses (1) to (3), is grounds for a sanction under section 245A.07, or a correction order or conditional license under section 245A.06.

(c) If a provider under this subdivision receives a licensing sanction under section 245A.07, or a correction order or a conditional license under section 245A.06 relating to the supervision or health and safety of children, the provider is prohibited from allowing a child cared for at the family day care or group family day care home to continue to use the swimming pool located at the home.

Sec. 3. Minnesota Statutes 2000, section 466.03, subdivision 6d, is amended to read:

Subd. 6d. [LICENSING OF PROVIDERS.] A claim against a municipality based on the failure of a provider to meet the standards needed for a license to operate a day care facility under chapter 245A for children, unless the municipality had actual knowledge of a failure to meet licensing standards that resulted in a dangerous condition that foreseeably threatened the plaintiff. A municipality shall be immune from liability for a claim arising out of a provider's use of a swimming pool located at a family day care or group family day care home under section 245A.14, subdivision 10, regardless of whether a municipality has actual knowledge of children in care at a family day care or group family day care home using a swimming pool located at the home, or actual knowledge of a provider's failure to meet the standards under section 245A.14, subdivision 10, that resulted in a dangerous condition that foreseeably threatened the plaintiff."

Delete the title and insert:

"A bill for an act relating to human services; establishing requirements for swimming pools at family day care or group family day care homes; making municipalities immune from liability for claims based upon a provider's failure to comply with requirements for swimming pools at family day care or group family day care homes; amending Minnesota Statutes 2000, sections 144.1222, by adding a subdivision; 245A.14, by adding a subdivision; 466.03, subdivision 6d."

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

The report was adopted.

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

H. F. No. 2568, A bill for an act relating to airports; making the metropolitan airports commission a division of the department of transportation; transferring certain authority to issue bonds and other indebtedness from the metropolitan airports commission to the commissioner of finance; transferring right of eminent domain from the metropolitan airports commission to the commissioner of transportation; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 10A.01, subdivision 35; 360.018, subdivision 9; 360.063, subdivisions 1, 7; 360.511, subdivision 10; 473.121, subdivision 5a; 473.601, subdivisions 2, 4, 5; 473.605, subdivision 1; 473.606, subdivisions 1, 2; 473.608, subdivisions 1, 12, 12a; 473.621, subdivision 5; 473.625; 473.627; 473.651; 473.667, subdivision 9; Minnesota Statutes 2001 Supplement, sections 174.02, subdivision 5; 275.065, subdivision 3; 275.066; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2000, sections 473.6021; 473.603; 473.606, subdivision 3; 473.608, subdivision 13; 473.621, subdivision 1a; 473.652; 473.661; 473.662; 473.668; 473.671; 473.672; 473.679.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSFER OF METROPOLITAN AIRPORTS COMMISSION

Section 1. [METROPOLITAN AIRPORTS COMMISSION MADE STATE AGENCY.]

Subdivision 1. [MADE STATE AGENCY.] The metropolitan airports commission is made a state agency in the executive branch effective July 1, 2003.

Subd. 2. [EXPENDITURE OF FUNDS.] The commission may not expend any funds on and after July 1, 2003, other than expenditures approved by law by the legislature as part of the commission's budget, or otherwise authorized by law.

Subd. 3. [TRANSITIONAL BUDGET.] By July 1, 2002, the commission shall prepare a detailed six-month budget for the period of January 1, 2003, to June 30, 2003. Thereafter, the commission shall prepare annual budgets with each fiscal year commencing July 1 and ending June 30. The commission must submit a detailed budget for the fiscal year beginning July 1, 2003, to the legislature for approval by January 1, 2003.

Sec. 2. [TRANSFER OF EMPLOYEES.]

Subdivision 1. [APPOINTMENT TO STATE CIVIL SERVICE.] Employees of the metropolitan airports commission on the effective date of this section become state employees. Employees whom the commissioner of employee relations determines meet the criteria in Minnesota Statutes, section 43A.08, subdivision 1 or 1a, are appointed to the unclassified service. Other employees are appointed to the classified service, without examination or competition, and without serving a probationary period.

Subd. 2. [ASSIGNMENT TO BARGAINING UNIT AND COMPENSATION PLANS.] The commissioner of employee relations shall assign commission positions and employees to appropriate state job classes and to appropriate state bargaining units or compensation plans, under criteria specified in Minnesota Statutes, section 179A.10. Upon these assignments, terms and conditions of employment for employees are as provided in the applicable state collective bargaining agreement or compensation plan.

Subd. 3. [RIGHTS OF EXCLUSIVE REPRESENTATIVE.] The rights and duties of the exclusive representative of commission employees before the effective date of this section terminates on the effective date of this section. On the effective date of this section, the exclusive representative of the bargaining unit to which employees are assigned under subdivision 2 assumes rights and duties to represent the employees.

Subd. 4. [SAVINGS CLAUSE.] If the commissioner of employee relations determines that applying the state collective bargaining agreement or compensation plan would unconstitutionally impair the rights of an employee under a contract entered into before the effective date of this section, the employee shall be governed by the contract entered into before the effective date of this section until termination of that contract, to the extent the commissioner determines this is necessary to avoid an unconstitutional impairment of contract. If the commissioner of employee relations determines that terminating the rights of the former exclusive representative would unconstitutionally impair rights of that organization, the organization shall continue to have rights and duties relating to representation of the employees only until and to the extent the commissioner determines this is necessary to avoid an unconstitutional impairment of contract.

Sec. 3. [EVALUATION.]

The legislative audit commission is requested to direct the legislative auditor to conduct an evaluation of the metropolitan airports commission. The purpose of the evaluation is to determine the degree to which the metropolitan airports commission is accomplishing duties specified in law, and the efficiency and effectiveness of the commission in using its resources to accomplish these duties.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 2003. Section 3 is effective the day following final enactment.

ARTICLE 2

CHANGES TO COMMISSION AUTHORITY AND MEMBERSHIP

Section 1. Minnesota Statutes 2000, section 14.03, subdivision 1, is amended to read:

Subdivision 1. [ADMINISTRATIVE PROCEDURE GENERALLY.] The Administrative Procedure Act in sections 14.001 to 14.69 does not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in sections 12.31 to 12.37, (c) the department of military affairs, (d) the comprehensive health association provided in section 62E.10, (e) the tax court provided by section 271.06, ~~or~~ (f) the regents of the University of Minnesota, or (g) the metropolitan airports commission.

Sec. 2. [473.6031] [METROPOLITAN AIRPORTS COMMISSION AS STATE AGENCY.]

The metropolitan airports commission is made a state agency in the executive branch effective July 1, 2003.

Sec. 3. Minnesota Statutes 2000, section 473.604, subdivision 1, is amended to read:

Subdivision 1. [COMPOSITION.] (a) The commission consists of:

- (1) the mayor of each of the cities, or a qualified voter appointed by the mayor, for the term of office as mayor;
- (2) eight members, appointed by the governor from each of the following ~~agency~~ metropolitan council districts:
 - (i) district A, consisting of council districts 1 and 2;
 - (ii) district B, consisting of council districts 3 and 4;
 - (iii) district C, consisting of council districts 5 and 6;
 - (iv) district D, consisting of council districts 7 and 8;
 - (v) district E, consisting of council districts 9 and 10;

- (vi) district F, consisting of council districts 11 and 12;
- (vii) district G, consisting of council districts 13 and 14; and
- (viii) district H, consisting of council districts 15 and 16.

Each member shall be a resident of the district represented. Before making an appointment, the governor shall consult with each member of the legislature from the district for which the member is to be appointed, to solicit the legislator's recommendation on the appointment;

(3) two members from the metropolitan area, one to be appointed by the speaker of the house of representatives and one to be appointed by the majority leader of the senate. Neither commission member may be a member of the legislature. Each member is appointed to a term of four years, and serves at the pleasure of the appointing authority;

(4) four members appointed by the governor from outside of the metropolitan area to reflect fairly the various regions and interests throughout the state that are affected by the operation of the commission's major airport and airport system. Two of these members must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as a key airport. The other two must be residents of statutory or home rule charter cities, towns, or counties containing an airport designated by the commissioner of transportation as an intermediate airport. The members must be appointed by the governor as follows: one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. All of the terms start on July 1, 1989. The successors of each member must be appointed to four-year terms commencing on the first Monday in January of each fourth year after the expiration of the original term. Before making an appointment, the governor shall consult each member of the legislature representing the municipality or county from which the member is to be appointed, to solicit the legislator's recommendation on the appointment; and

~~(4)~~ (5) a chair appointed by the governor for a term of four years. The chair may be removed at the pleasure of the governor.

(b) A member appointed by the governor must receive the advice and consent of the senate and the house of representatives, acting separately. If either house votes not to confirm an appointment, the appointment terminates on the day following the vote not to confirm.

Sec. 4. Minnesota Statutes 2000, section 473.604, is amended by adding a subdivision to read:

Subd. 2a. [EFFECT OF TRANSFER ON TERMS OF OFFICE.] Commission members appointed before July 1, 2003, continue to serve until the end of their respective terms, except that members are subject to removal as provided elsewhere in sections 473.601 to 473.680.

Sec. 5. Minnesota Statutes 2000, section 473.605, subdivision 2, is amended to read:

Subd. 2. [PER DIEM, EXPENSES; EXCEPTION.] Each commission member shall receive \$50 per diem compensation as provided in section 15.0575, subdivision 3, and be reimbursed for actual and necessary expenses. The chair shall receive a salary as prescribed in section 15A.0815 and shall be reimbursed for reasonable expenses to the same extent as a member. The mayors and members of the city councils of Minneapolis and St. Paul shall not be eligible for per diem compensation. The annual budget of the commission shall provide as a separate account anticipated expenditures for per diem, travel, and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair and members only when budgeted.

Sec. 6. Minnesota Statutes 2000, section 473.606, subdivision 4, is amended to read:

Subd. 4. [EXECUTIVE DIRECTOR.] (a) The corporation shall appoint an executive director, who shall be the executive and operating officer of the corporation, shall serve at the pleasure of the corporation, and shall receive compensation as determined by it. The director shall have had experience as a business executive, preferably in

connection with aviation and in the promotion of business enterprises. Under the supervision of the corporation, the director shall be responsible for the operation, management, and promotion of all activities with which the corporation is charged, together with other duties prescribed by the corporation. The director shall have the powers necessarily incident to the performance of duties and those other powers granted by the corporation, but shall not have authority to incur liability or make expenditures on behalf of the corporation without general or specific directions by the corporation, as shown by the bylaws or minutes of a meeting thereof.

(b) The initial appointment of the executive director must receive the advice and consent of the senate and the house of representatives, acting separately. If either house votes not to confirm the appointment, the appointment terminates on the day following the vote not to confirm.

Sec. 7. Minnesota Statutes 2000, section 473.606, is amended by adding a subdivision to read:

Subd. 8. [EMPLOYEE PENSIONS.] Notwithstanding any other law, a commission employee hired before July 1, 2003, remains covered by the same pension coverage plan as before July 1, 2003, as long as the employee remains in the same position. Notwithstanding any other law, a commission employee hired on or after July 1, 2003, is covered by the same pension plan that a commission employee in that position would have been covered by before July 1, 2003, for as long as the employee remains in the same position.

Sec. 8. Minnesota Statutes 2000, section 473.608, subdivision 5, is amended to read:

Subd. 5. [CONTRACTS.] It may contract and be contracted according to the provisions of chapter 16C within any matter connected with any purpose or activity within the powers of the corporation as specified in sections 473.601 to 473.679.

Sec. 9. Minnesota Statutes 2000, section 473.661, subdivision 1, is amended to read:

Subdivision 1. [BY ~~JULY~~ JANUARY 1.] The commissioners shall, on or before the first day of ~~July~~ January of each year, prepare and submit to the legislature a detailed budget of the needs of the corporation for the next fiscal year commencing July 1, specifying separately in said budget the amounts to be expended for acquisition of property, construction, payments on bonded indebtedness, if any, operation, noise mitigation, and maintenance, respectively; subject only to such changes as the commissioners may from time to time approve. The legislature must approve the commission's budget by law. The commission is not subject to chapter 16A.

Sec. 10. Minnesota Statutes 2000, section 473.661, subdivision 3, is amended to read:

Subd. 3. [LEVY LIMIT.] In any budget certified by the ~~commissioners~~ commission members and approved by the legislature under this section, the amount included for operation and maintenance shall not exceed an amount which, when extended against the property taxable therefor under section 473.621, subdivision 5, will require a levy at a rate of 0.00806 percent of market value. Taxes levied by the corporation shall not affect the amount or rate of taxes which may be levied by any other local government unit within the metropolitan area under the provisions of any charter.

Sec. 11. Minnesota Statutes 2000, section 473.667, subdivision 3, is amended to read:

Subd. 3. [GENERAL OBLIGATION REVENUE BONDS.] Subject to the provisions of subdivision 2 and the approval of the legislature, the commission may issue bonds for the acquisition and betterment of airports and air navigation facilities, and for the refunding of such bonds and of certificates of indebtedness issued under subdivision 10, in the same manner and with the same powers and duties as a municipality under the provisions of chapter 475 except as otherwise provided in this section. The bonds shall be designated as general obligation revenue bonds, and shall be payable primarily from and secured under resolutions of the commission by an irrevocable pledge and appropriation of the revenues to be derived from rates, fees, charges, and rentals to be imposed, maintained, and collected for all use, service, and availability of airport and air navigation facilities owned and to be owned or operated by the commission. They shall be further secured by the pledge of the full faith and

credit of the commission, which shall be obligated to levy upon all taxable property within the metropolitan area a tax at such times and in such amounts, if any, as may be required to provide funds sufficient to pay all of the bonds and interest thereon when due and to maintain a reserve securing such payments in the manner and to the extent provided in this section. This tax, if ever required to be levied, shall not be subject to any limitation of rate or amount. The security afforded by this section extends equally and ratably to all general obligation revenue bonds of the commission, except that nothing herein shall prevent the commission from pledging current revenues from a particular facility or group of facilities first to the payment and security of bonds issued to finance such facilities.

Sec. 12. [REPEALER.]

Minnesota Statutes 2000, section 473.604, subdivision 6, is repealed.

Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 12 are effective July 1, 2003.

ARTICLE 3

CONFORMING AND TECHNICAL CHANGES

Section 1. Minnesota Statutes 2000, section 3.9741, subdivision 1, is amended to read:

Subdivision 1. [METROPOLITAN COMMISSION.] Upon the audit of the financial accounts and affairs of a commission under section 473.595, ~~473.604~~, or 473.703, the affected metropolitan commission is liable to the state for the total cost and expenses of the audit, including the salaries paid to the examiners while actually engaged in making the examination. The legislative auditor may bill the metropolitan commission either monthly or at the completion of the audit. All collections received for the audits must be deposited in the general fund.

Sec. 2. Minnesota Statutes 2000, section 10A.01, subdivision 35, is amended to read:

Subd. 35. [PUBLIC OFFICIAL.] "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the office of senate counsel and research or house research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules, or the power to adjudicate contested cases or appeals;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules or adjudicate contested cases;
- (8) executive director of the state board of investment;
- (9) deputy of any official listed in clauses (7) and (8);

(10) judge of the workers' compensation court of appeals;

(11) administrative law judge or compensation judge in the state office of administrative hearings or referee in the department of economic security;

(12) member, regional administrator, division director, general counsel, or operations manager of the metropolitan council;

(13) member or chief administrator of a metropolitan agency or the metropolitan airports commission;

(14) director of the division of alcohol and gambling enforcement in the department of public safety;

(15) member or executive director of the higher education facilities authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.; or

(17) member of the board of directors or executive director of the Minnesota state high school league.

Sec. 3. Minnesota Statutes 2000, section 43A.02, subdivision 22, is amended to read:

Subd. 22. [EXECUTIVE BRANCH.] "Executive branch" means heads of all agencies of state government, elective or appointive, established by statute or constitution and all employees of those agency heads who have within their particular field of responsibility statewide jurisdiction and who are not within the legislative or judicial branches of government. The executive branch includes the commissioners and employees of the metropolitan airports commission. The executive branch also includes employees of the iron range resources and rehabilitation board. The executive branch does not include agencies with jurisdiction in specifically defined geographical areas, such as regions, counties, cities, towns, municipalities, or school districts, the University of Minnesota, the public employees retirement association, the Minnesota state retirement system, the teachers retirement association, the Minnesota historical society, and all of their employees, and any other entity which is incorporated, even though it receives state funds.

Sec. 4. Minnesota Statutes 2001 Supplement, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections; economic security; children, families, and learning; employee relations; trade and economic development; finance; health; human rights; labor and industry; natural resources; public safety; human services; revenue; transportation; and veterans affairs; the housing finance and pollution control agencies; the state lottery; the state board of investment; the office of administrative hearings; the office of environmental assistance; the offices of the attorney general, secretary of state, state auditor, and state treasurer; the Minnesota state colleges and universities; the higher education services office; the Perpich center for arts education; the metropolitan airports commission; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with, the governor and the agency head, the employing statutory board or commission, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision.

Sec. 5. Minnesota Statutes 2000, section 360.018, subdivision 9, is amended to read:

Subd. 9. [EXCEPTIONS; FEDERAL USE.] The provisions of subdivisions 6, 7, and 8 shall not apply to any airport, restricted landing area, or other air navigation facility owned or operated by the federal government within this state, or by ~~any public corporation created in and for contiguous cities of the first class of this state~~ the metropolitan airports commission. No airport, restricted landing area or other air navigation facility shall be acquired or operated within 25 miles of the city hall of either of two contiguous cities of the first class ~~for which a public corporation is organized and existing under sections 473.601 to 473.679~~; without the consent of ~~such corporation~~ the metropolitan airports commission, as provided in and limited by section 473.622.

Sec. 6. Minnesota Statutes 2000, section 360.063, subdivision 1, is amended to read:

Subdivision 1. [ENFORCEMENT UNDER POLICE POWER.] (a) In order to prevent the creation or establishment of airport hazards, every municipality having an airport hazard area within its territorial limits may, unless a joint airport zoning board is permitted under subdivision 3, adopt, amend from time to time, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(b) For the purpose of promoting health, safety, order, convenience, prosperity, general welfare and for conserving property values and encouraging the most appropriate use of land, the municipality may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an airport hazard area may regulate by land use zoning for a distance not to exceed one mile from the airport boundary, and by height-restriction zoning for a distance not to exceed 1-1/2 miles from the airport boundary.

(c) The powers granted by this subdivision may be exercised by the metropolitan airports commissions in contiguous cities of the first class in and for which they have been created commission.

(d) In the case of airports owned or operated by the state of Minnesota, other than an airport under the control of the metropolitan airports commission, such powers shall be exercised by the state airport zoning boards or by the commissioner of transportation as authorized herein.

Sec. 7. Minnesota Statutes 2000, section 360.063, subdivision 7, is amended to read:

Subd. 7. [AIRPORT ZONING BOARD, EACH AIRPORT.] Where an airport is owned or operated by the state of Minnesota, other than an airport under the control of the metropolitan airports commission, a state airport zoning board shall be created for each airport, which board shall have the same power to adopt, administer and enforce airport zoning rules applicable to the airport hazard area of such airport as that vested by subdivision 1 in the municipality. Each board shall consist of the commissioner of transportation, or a member of staff appointed by the commissioner, who shall be chair, one member appointed by the county board who may be a member of the county

board, of each county in which an airport hazard area is located and one member appointed by the governing body of each municipality located within the area to be zoned. If the area to be zoned is located entirely within one county and no municipality is located within the area to be zoned, then the duly designated members shall select a third member who shall be a resident of the county. The members of such board shall serve for a period of three years beginning January 1 following their appointment and until their successors are appointed and qualified. The zoning rules shall be adopted by an order of the board signed by a majority of its members. Such order shall be published once in a legal newspaper in the county in which the airport is located and shall become effective ten days following the date of its publication. A copy of such order shall be filed in the office of the commissioner of transportation and with the county recorder in each county in which a zoned area is located. Any person appointed to serve on a state airport zoning board shall be entitled to reimbursement for travel and other necessary expenses incurred in performance of duties on such board which shall be paid from the appropriations made to the department of transportation.

Sec. 8. Minnesota Statutes 2000, section 360.511, subdivision 10, is amended to read:

Subd. 10. [MUNICIPALITY.] "Municipality" means a statutory or home rule charter city, a county, or a town in this state and includes the metropolitan airports commissions organized pursuant to the provisions of Laws 1943, chapter 500 commission.

Sec. 9. Minnesota Statutes 2000, section 473.121, subdivision 5a, is amended to read:

Subd. 5a. [METROPOLITAN AGENCY.] "Metropolitan agency" means the metropolitan parks and open space commission, ~~metropolitan airports commission~~, and metropolitan sports facilities commission.

Sec. 10. Minnesota Statutes 2000, section 473.601, subdivision 2, is amended to read:

Subd. 2. [COMMISSION AND CORPORATION.] "Commission" ~~and "corporation"~~ each means a the metropolitan airports commission, organized and existing under the provisions of sections 473.601 to ~~473.679~~ 473.680.

Sec. 11. Minnesota Statutes 2000, section 473.601, subdivision 4, is amended to read:

Subd. 4. [~~COMMISSIONER~~ COMMISSION MEMBER.] "~~Commissioner~~" "Commission member" means a person appointed or otherwise selected as, and, after qualification, acting as, a member of the ~~corporation~~ commission.

Sec. 12. Minnesota Statutes 2000, section 473.601, subdivision 5, is amended to read:

Subd. 5. [THE ~~COMMISSIONERS~~ COMMISSION MEMBERS.] "The ~~commissioners~~ commission members" means a quorum of the members of the ~~corporation~~ commission, acting as the governing body of the ~~corporation~~ commission.

Sec. 13. Minnesota Statutes 2000, section 473.605, subdivision 1, is amended to read:

Subdivision 1. [ALSO BYLAWS, RULES OF PROCEDURE, MEETINGS.] The commissioners shall ~~adopt a corporate seal and shall~~ adopt bylaws for the regulation of the affairs of the ~~corporation~~ commission and rules of procedure governing their actions, not inconsistent with law. The bylaws shall must provide for regular meetings of the ~~corporation~~ commission to be held at least once in each month and for special meetings.

Sec. 14. Minnesota Statutes 2000, section 473.606, subdivision 2, is amended to read:

Subd. 2. [CHAIRS, SECRETARY.] The chair, vice-chair, and secretary shall have such powers and perform such duties as may be given or imposed upon them by sections 473.601 to ~~473.679~~, or ~~by the bylaws of the~~ corporation 473.680.

Sec. 15. Minnesota Statutes 2000, section 473.608, subdivision 1, is amended to read:

Subdivision 1. [GENERAL COMMISSION POWERS, WHERE EXERCISED.] The ~~corporation~~ commission, subject to the conditions and limitations prescribed by law, ~~shall possess~~ possesses all the powers as a ~~body corporate~~ necessary and convenient to accomplish the objects and perform the duties prescribed by sections 473.601 to ~~473.679~~ 473.680, including but not limited to those ~~hereinafter~~ specified in this section. These powers, except as limited by section 473.622, may be exercised at any place within 35 miles of the city hall of either Minneapolis or St. Paul, and in the metropolitan area, and in the city of Duluth for the purpose of owning, leasing, constructing, equipping, operating, borrowing money from the state for, or otherwise arranging for financing the facility described in section 116R.02, subdivision 5.

Sec. 16. Minnesota Statutes 2000, section 473.625, is amended to read:

473.625 [DETACHING ~~MAJOR~~ INTERMEDIATE AIRPORT LAND FROM CITY, SCHOOL DISTRICT.]

~~(a)~~ Subdivision 1. [DETACHMENT.] Lands constituting any major airport or a part thereof now and which may hereafter be operated by ~~any public corporation organized under sections 473.601 to 473.679~~ the commission, and embraced within any city or school district organized under the laws of the state, are hereby detached from ~~such~~ that city or school district.

~~(b)(i)~~ Subd. 2. [INTERMEDIATE AIRPORT PROPERTY TAXATION.] (a) Except as provided in ~~clause (ii) paragraph (b)~~, real and personal property, including real and personal property otherwise taxable under section 272.01, constituting all or part of an intermediate airport operated by ~~a public corporation organized under sections 473.601 to 473.679~~ the commission and embraced within a home rule charter or statutory city or school district is exempt from taxation by the city or school district.

~~(ii)~~ (b) The county assessor of the county where the property under this ~~paragraph~~ subdivision is located shall determine the total market value for all property at that site for assessment year 2001, compare it to the market value of the property existing on that site for the 1996 assessment, and report those market values to the commission. If the total market value has not increased by at least 20 percent, the property tax exemption under ~~clause (i)~~ shall expire ~~paragraph (a) expires~~ and the property ~~shall be~~ is taxable beginning in assessment year 2001 and thereafter, for taxes payable in 2002 and thereafter. The provisions of section 473.629 apply to lands exempted from property tax under this ~~paragraph~~ subdivision.

~~(c)~~ Subd. 3. [DEFINITION OF INTERMEDIATE AIRPORT.] For the purposes of this section, an intermediate airport is an airport that as of March 14, 1996, is a primary reliever airport, provides general aviation services, has a primary runway between 5,001 and 8,000 feet in length, and has precision instrument capability.

Sec. 17. Minnesota Statutes 2000, section 473.627, is amended to read:

473.627 [TAX FOR POLICE, FIRE, STREETS, PARKING.]

The ~~said~~ commission shall, on or before October 10 of each calendar year, certify to the county auditor of ~~said~~ a county described in section 473.626, the amount determined by the commission to be raised on taxable properties within ~~such territory that area~~ described in section 473.625 to provide funds for policing and fire protection at and within ~~said that~~ airport, and for the construction, maintenance, and repair of streets and motor vehicle parking areas within ~~such the~~ airport and. The auditor shall extend, spread, and include ~~the same that amount~~ with and as a part of the general taxes for state and county purposes, to be collected and enforced therewith, together with penalties and interest and costs, and the county treasurer upon collection of the same those sums, shall transfer the same them to the treasurer of said public corporation commissioner of finance for deposit in the metropolitan airports fund.

Sec. 18. Minnesota Statutes 2000, section 473.651, is amended to read:

473.651 [RENTALS FIXED.]

The ~~corporation~~ commission shall have the authority to determine the charges for the use of any of the property under its management and control, and the terms and conditions under which ~~such~~ the property may be used. ~~Where there is~~ When a reasonable basis exists for the classification of users as to any use, the ~~corporation~~ commission may classify users, but charges as to each class ~~shall~~ must be reasonable and uniform for ~~such~~ the use, and established with due regard to the value of the property and improvements used and the expense of operation to the ~~corporation~~ commission. The ~~corporation~~ commission shall have and may enforce liens as provided for in sections 514.18 to 514.22, to enforce the payment of any such charges.

Sec. 19. [INSTRUCTIONS TO REVISOR.]

(a) The revisor of statutes shall change "commissioner" to "commission member" in Minnesota Statutes, sections 473.604; 473.605, subdivision 3; and 473.606, subdivision 6.

(b) The revisor of statutes shall change "corporation" to "commission" in Minnesota Statutes, sections 473.602; 473.606, subdivisions 4, 5, 6, and 7; 473.608; 473.621, subdivisions 1b, 2, 3, 4, and 5; 473.622; 473.631; 473.652; 473.655; and 473.665.

(c) In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>12.03, subd. 9</u>	<u>473.679</u>	<u>473.680</u>
<u>12.25, subd. 1</u>	<u>473.679</u>	<u>473.680</u>
<u>47.51</u>	<u>473.679</u>	<u>473.680</u>
<u>169.99, subd. 3</u>	<u>473.679</u>	<u>473.680</u>
<u>174.02, subd. 5</u>	<u>473.679</u>	<u>473.680</u>
<u>360.018, subd. 7</u>	<u>473.679</u>	<u>473.680</u>
<u>400.08, subd. 3</u>	<u>473.603</u>	<u>473.6031</u>
<u>473.121, subd. 32</u>	<u>473.679</u>	<u>473.680</u>
<u>473.601, subd. 1</u>	<u>473.679</u>	<u>473.680</u>
<u>473.602</u>	<u>473.679</u>	<u>473.680</u>
<u>473.608</u>	<u>473.679</u>	<u>473.680</u>
<u>473.666</u>	<u>473.679</u>	<u>473.680</u>
<u>473.675, subd. 2</u>	<u>473.679</u>	<u>473.680</u>

(d) The revisor shall make changes in headnotes, and such other stylistic changes as the revisor deems necessary, to effectuate this section.

Sec. 20. [EFFECTIVE DATE.]

Sections 1 to 19 are effective July 1, 2003."

Delete the title and insert:

"A bill for an act relating to state government; making the metropolitan airports commission a state agency; adding members to the commission; providing for legislative advice and consent for certain appointments; requiring legislative approval of the commission's budget; requiring legislative approval for the commission to issue general obligation revenue bonds; making technical and clarifying changes; amending Minnesota Statutes 2000,

sections 3.9741, subdivision 1; 10A.01, subdivision 35; 14.03, subdivision 1; 43A.02, subdivision 22; 360.018, subdivision 9; 360.063, subdivisions 1, 7; 360.511, subdivision 10; 473.121, subdivision 5a; 473.601, subdivisions 2, 4, 5; 473.604, subdivision 1, by adding a subdivision; 473.605, subdivisions 1, 2; 473.606, subdivisions 2, 4, by adding a subdivision; 473.608, subdivisions 1, 5; 473.625; 473.627; 473.651; 473.661, subdivisions 1, 3; 473.667, subdivision 3; Minnesota Statutes 2001 Supplement, sections 43A.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2000, section 473.604, subdivision 6."

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

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2570, A bill for an act relating to insurance; providing that automobile insurance may cover damage to automotive glass on the same basis as damage to other parts of an automobile; appropriating money; amending Minnesota Statutes 2000, section 72A.201, subdivision 6; repealing Minnesota Statutes 2000, section 72A.202.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 72A.201, subdivision 6, is amended to read:

Subd. 6. [STANDARDS FOR AUTOMOBILE INSURANCE CLAIMS HANDLING, SETTLEMENT OFFERS, AND AGREEMENTS.] In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) if an automobile insurance policy provides for the adjustment and settlement of an automobile total loss on the basis of actual cash value or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) comparable and available replacement automobile, with all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to the transfer or evidence of ownership of the automobile paid, at no cost to the insured other than the deductible amount as provided in the policy;

(b) a cash settlement based upon the actual cost of purchase of a comparable automobile, including all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to transfer of evidence of ownership, less the deductible amount as provided in the policy. The costs must be determined by:

(i) the cost of a comparable automobile, adjusted for mileage, condition, and options, in the local market area of the insured, if such an automobile is available in that area; or

(ii) one of two or more quotations obtained from two or more qualified sources located within the local market area when a comparable automobile is not available in the local market area. The insured shall be provided the information contained in all quotations prior to settlement; or

(iii) any settlement or offer of settlement which deviates from the procedure above must be documented and justified in detail. The basis for the settlement or offer of settlement must be explained to the insured;

(2) if an automobile insurance policy provides for the adjustment and settlement of an automobile partial loss on the basis of repair or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) to assume all costs, including reasonable towing costs, for the satisfactory repair of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden damage as caused by the claim incident. This assumption of cost may be reduced by applicable policy provision; or

(b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle. Satisfactory repair includes repair of obvious and hidden damage caused by the claim incident, and includes reasonable towing costs;

(3) regardless of whether the loss was total or partial, in the event that a damaged vehicle of an insured cannot be safely driven, failing to exercise the right to inspect automobile damage prior to repair within five business days following receipt of notification of claim. In other cases the inspection must be made in 15 days;

(4) regardless of whether the loss was total or partial, requiring unreasonable travel of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate, to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made pursuant to policy requirements, or to have the automobile repaired;

(5) regardless of whether the loss was total or partial, if loss of use coverage exists under the insurance policy, failing to notify an insured at the time of the insurer's acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage, including the policy terms and conditions affecting the coverage and the manner in which the insured can apply for this coverage;

(6) regardless of whether the loss was total or partial, failing to include the insured's deductible in the insurer's demands under its subrogation rights. Subrogation recovery must be shared at least on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered by the insured, except that when an insurer is recovering directly from an uninsured third party by means of installments, the insured must receive the full deductible share as soon as that amount is collected and before any part of the total recovery is applied to any other use. No deduction for expenses may be made from the deductible recovery unless an attorney is retained to collect the recovery, in which case deduction may be made only for a pro rata share of the cost of retaining the attorney. An insured is not bound by any settlement of its insurer's subrogation claim with respect to the deductible amount, unless the insured receives, as a result of the subrogation settlement, the full amount of the deductible. Recovery by the insurer and receipt by the insured of less than all of the insured's deductible amount does not affect the insured's rights to recover any unreimbursed portion of the deductible from parties liable for the loss;

(7) requiring as a condition of payment of a claim that repairs to any damaged vehicle must be made by a particular contractor or repair shop or that parts, other than window glass, must be replaced with parts other than original equipment parts;

(8) where liability is reasonably clear, failing to inform the claimant in an automobile property damage liability claim that the claimant may have a claim for loss of use of the vehicle;

(9) failing to make a good faith assignment of comparative negligence percentages in ascertaining the issue of liability;

(10) failing to pay any interest required by statute on overdue payment for an automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda, all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to provide payment to the insured's chosen vendor based on a competitive price that is fair and reasonable within the local industry at large. Where facts establish that a different rate in a specific geographic area actually served by the vendor is required by that market, that geographic area must be considered. If the insurer disputes the amount charged by the vendor, the price shall be as established by the commissioner through a market survey to determine a fair and reasonable market price for similar services. The survey shall be:

- ~~(a) an annual survey using accepted industry standards;~~
- ~~(b) a statistically significant sample of auto glass vendors; and~~
- ~~(c) of work actually done.~~

~~The commissioner shall consult with interested parties in designing the survey document. Reasonable deviation from the market price determined by survey is allowed when based on the facts in each case. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price; provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor. The insurer must not recommend a vendor to the insured unless requested by the insured;~~

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by otherwise limiting the ability of the insured to select the place, shop, or entity to repair or replace the motor vehicle glass and related products and services; or

(16) engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular company or location to provide the motor vehicle glass repair or replacement services or products. For purposes of this section, a warranty shall not be considered an inducement or incentive.

Sec. 2. [REPEALER.]

Minnesota Statutes 2000, section 72A.202, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2603, A bill for an act relating to health; requiring optometrists and ophthalmologists to give patients copies of their prescriptions for eyeglasses or contact lenses; establishing other requirements for access to and the content of prescriptions for eyeglasses or contact lenses; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [145.711] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of sections 145.711 to 145.713, the following definitions apply.

Subd. 2. [DISPENSING.] "Dispensing" means the retail delivery of ophthalmic goods to a patient by an optometrist, physician, or optician.

Subd. 3. [FITTING.] "Fitting" means the performance of mechanical procedures and measurements necessary to adapt and fit contact lenses after an eye examination and supervision of the trial wearing of the contact lenses, which may require revisions during the trial period.

Subd. 4. [OPHTHALMIC GOODS.] "Ophthalmic goods" means eyeglasses, one or more eyeglass components for which a prescription is required, or contact lenses.

Subd. 5. [OPHTHALMIC SERVICES.] "Ophthalmic services" means the measuring, fitting, adjusting, fabricating, or prescribing of ophthalmic goods after an eye examination.

Subd. 6. [OPTOMETRIST.] "Optometrist" means an individual licensed to practice optometry under sections 148.52 to 148.62.

Subd. 7. [PATIENT.] "Patient" means a person who has had an eye examination.

Subd. 8. [PRESCRIPTION.] "Prescription" means a written directive from an optometrist or physician for contact lenses that must include the manufacturer's brand name, power, base curve, the name and telephone number of the prescribing optometrist or physician, patient's name, and the expiration date of the prescription. If applicable, the prescription may also include diameter, axis, add power, cylinder, peripheral curve, optical zone, or center thickness.

Subd. 9. [PHYSICIAN.] "Physician" means an individual licensed to practice medicine under chapter 147.

Sec. 2. [145.712] [REQUIREMENTS FOR CONTACT LENS PRESCRIPTIONS.]

Subdivision 1. [COPY OF PRESCRIPTION.] An optometrist or physician must provide a patient with a copy of the patient's prescription upon completion of the patient's eye examination and fitting. An optometrist or physician may refuse to give a patient a copy of the patient's prescription until after the patient has paid for the eye examination and fitting, but only if the optometrist or physician would have required immediate payment from that patient if the examination had revealed that no ophthalmic goods were required.

Subd. 2. [PRESCRIPTION EXPIRATION DATE.] A prescription written by an optometrist or physician must expire two years after it is written, unless a different expiration date is warranted by the patient's ocular health. If the prescription is valid for less than two years, the optometrist or physician must note the medical reason for the prescription's expiration date in the patient's record and must orally explain to the patient at the time of the eye examination the reason for the prescription's expiration date.

Sec. 3. [145.713] [OPTOMETRIST AND PHYSICIAN PRACTICES.]

Subdivision 1. [PROHIBITED CONDUCT.] No optometrist or physician may:

(1) condition the availability of an eye examination or the release of a prescription to a patient on a requirement that the patient agree to purchase ophthalmic goods from the optometrist or physician who performed the eye examination or from another specified optometrist or physician; or

(2) charge a patient a fee in addition to the optometrist's or physician's examination fee as a condition of releasing the prescription to the patient. An optometrist or physician may charge a reasonable additional fee for verifying ophthalmic goods dispensed by another practitioner if that fee is imposed at the time the verification is performed.

Subd. 2. [CONTRAINDICATIONS FOR CONTACT LENSES.] If an optometrist or physician determines that a patient's ocular health presents a contraindication for contact lenses, the optometrist or physician must orally inform the patient of the contraindication and must document the contraindication in the patient's records. An optometrist or physician may exclude categories of contact lenses where clinically indicated.

Subd. 3. [WAIVERS OF LIABILITY PROHIBITED.] No optometrist or physician may place on a patient's prescription, require a patient to sign, or deliver to a patient a form or notice waiving liability or responsibility for the accuracy of the eye examination or the accuracy of the ophthalmic goods and ophthalmic services dispensed by another practitioner. Prohibiting waivers of liability under this subdivision does not impose liability on an optometrist or physician for the ophthalmic goods or ophthalmic services dispensed by another practitioner pursuant to the optometrist's or physician's prescription."

Delete the title and insert:

"A bill for an act relating to health; requiring optometrists and physicians to give patients copies of their prescriptions for contact lenses; specifying when contact lens prescriptions expire; regulating certain conduct of optometrists and physicians; proposing coding for new law in Minnesota Statutes, chapter 145."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2618, A bill for an act relating to crimes; requiring public employees, officials, and officers to make reports of certain unlawful actions to law enforcement; amending Minnesota Statutes 2000, section 609.456, subdivision 1.

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

The report was adopted.

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

H. F. No. 2625, A bill for an act relating to health; requiring legislative approval before the commissioner of health adopts new or amended rules governing the Minnesota Clean Indoor Air Act; amending Minnesota Statutes 2000, section 144.417, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

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

H. F. No. 2627, A bill for an act relating to tax data; authorizing the exchange of certain information relating to employees and employers between the department of labor and industry and the department of revenue; amending Minnesota Statutes 2000, section 270B.14, subdivision 8.

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

The report was adopted.

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

H. F. No. 2635, A bill for an act relating to human services; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; amending Minnesota Statutes 2000, section 125A.21, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 125A.21, subdivision 2, is amended to read:

Subd. 2. [THIRD PARTY REIMBURSEMENT.] (a) Beginning July 1, 2000, districts shall seek reimbursement from insurers and similar third parties for the cost of services provided by the district whenever the services provided by the district are otherwise covered by the child's health coverage. Districts shall request, but may not require, the child's family to provide information about the child's health coverage when a child with a disability begins to receive services from the district of a type that may be reimbursable, and shall request, but may not require, updated information after that as needed.

(b) For children eligible for medical assistance under chapter 256B or MinnesotaCare under chapter 256L, who have no other health coverage, a district shall provide an initial written notice to the enrolled child's parent or legal representative of its intent to seek reimbursement from medical assistance or MinnesotaCare for the individual education plan health-related services provided by the district.

(c) The district shall give the parent or legal representative annual written notice of:

(1) the district's intent to seek reimbursement from medical assistance or MinnesotaCare for individual education plan health-related services provided by the district;

(2) the right of the parent or legal representative to request a copy of all records concerning individual education plan health-related services disclosed by the district to any third party; and

(3) the right of the parent or legal representative to withdraw consent for disclosure of a child's records at any time without consequence.

The written notice shall be provided as part of the written notice required by Code of Federal Regulations, title 34, section 300.503.

Districts shall request, but may not require, the child's parent or legal representative to sign a consent form, permitting the school district to apply for and receive reimbursement directly from the insurer or other similar third party, to the extent permitted by the insurer or other third party and subject to their networking credentialing, prior authorization, and determination of medical necessity criteria.

(d) In order to access the private health care coverage of a child who is covered by private health care coverage in whole or in part, a district must:

(1) obtain annual written informed consent from the parent or legal representative, in compliance with subdivision 5; and

(2) inform the parent or legal representative that a refusal to permit the district or state Medicaid agency to access their private health care coverage does not relieve the district of its responsibility to provide all services necessary to provide free and appropriate public education at no cost to the parent or legal representative.

(e) If the commissioner of human services obtains federal approval to exempt covered individual education plan health-related services from the requirement that private health care coverage refuse payment before medical assistance may be billed, paragraphs (b), (c), and (d), shall also apply to students with a combination of private health care coverage and health care coverage through medical assistance or MinnesotaCare.

(f) In the event that Congress or any federal agency or the Minnesota legislature or any state agency establishes lifetime limits, limits for any health care services, cost-sharing provisions, or otherwise provides that individual education plan health-related services impact benefits for persons enrolled in medical assistance or MinnesotaCare, the amendments to this subdivision adopted in 2002 are repealed on the effective date of any federal or state law or regulation that imposes the limits. In that event, districts must obtain informed consent consistent with this subdivision as it existed prior to the 2002 amendments and subdivision 5, before seeking reimbursement for children eligible for medical assistance under chapter 256B or MinnesotaCare under chapter 256L who have no other health care coverage."

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2637, A bill for an act relating to towns; providing for temporary officeholders; amending Minnesota Statutes 2000, section 367.03, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 2687, A bill for an act relating to motor vehicles; providing for payment of sales tax on a motor vehicle sold in violation of dealer licensing requirements; abolishing misdemeanor penalties for certain offenses relating to vehicle titles; amending Minnesota Statutes 2000, section 297B.035, subdivision 3; repealing Minnesota Statutes 2000, section 168A.30, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 168A.30, subdivision 2, is amended to read:

Subd. 2. [WILLFUL OR FRAUDULENT ACT OR FAILURE TO ACT; MISDEMEANORS.] A person is guilty of a misdemeanor who:

- (1) with fraudulent intent permits another, not entitled thereto, to use or have possession of a certificate of title;
- (2) willfully fails to mail or deliver a certificate of title to the department within the time required by sections 168A.01 to 168A.31;
- (3) willfully fails to deliver to the transferee a certificate of title within ten days after the time required by sections 168A.01 to 168A.31;
- (4) ~~commits a fraud in any application for a certificate of title;~~
- ~~(5) fails to notify the department of any fact as required by sections 168A.01 to 168A.31, except for the facts included in the notice of sale described in section 168A.10, subdivision 1; or~~
- ~~(6) (5) willfully violates any other provision of sections 168A.01 to 168A.31 except as otherwise provided in sections 168A.01 to 168A.31.~~

Sec. 2. Minnesota Statutes 2000, section 297B.035, subdivision 3, is amended to read:

Subd. 3. [SALE IN VIOLATION OF LICENSING REQUIREMENT.] Motor vehicles sold ~~by a new motor vehicle dealer~~ in contravention of section 168.27, subdivision 2, paragraph (a), 3, 6, or 10, paragraph (a), clause (1)(ii), shall not be considered to have been acquired or purchased for resale in the ordinary or regular course of business for the purposes of this chapter, and the ~~dealer~~ seller shall be required to pay the excise tax due on the purchase of those vehicles. The sale by a lessor of a new motor vehicle under lease within 120 days of the commencement of the lease is deemed a sale in contravention of section 168.27, subdivision 10, paragraph (a), clause (1)(ii), unless the lessor holds a valid contract or franchise with the manufacturer or distributor of the vehicle. Notwithstanding section 297B.11, the rights of a dealer to appeal any amounts owed by the dealer under this subdivision are governed exclusively by the hearing procedure under section 168.27, subdivision 13.

[EFFECTIVE DATE.] This section is effective for sales and purchases occurring after June 30, 2002."

Delete the title and insert:

"A bill for an act relating to motor vehicles; providing for payment of sales tax on a motor vehicle sold in violation of dealer licensing requirements; abolishing misdemeanor penalty for committing fraud in an application for certificate of title to a motor vehicle; amending Minnesota Statutes 2000, sections 168A.30, subdivision 2; 297B.035, subdivision 3."

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

The report was adopted.

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

H. F. No. 2735, A bill for an act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 20, strike "restrained" and insert "detained"

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

The report was adopted.

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

H. F. No. 2785, A bill for an act relating to business organizations; regulating business corporations and limited liability companies; providing legal recognition of electronic records and signatures; regulating meetings by means of remote communications and dissolutions and terminations; regulating use of names by successor corporations; regulating investment company authority to issue shares; defining terms; making technical and conforming changes; providing for mergers, acquisitions, and conversions by business corporations; amending Minnesota Statutes 2000, sections 302A.011, subdivisions 17, 21, 31, 38, 50, by adding subdivisions; 302A.115, subdivision 5; 302A.135, by adding a subdivision; 302A.231; 302A.239, subdivisions 1, 2; 302A.431, subdivision 3; 302A.433, subdivision 3; 302A.436; 302A.441; 302A.449, subdivision 1; 302A.471, subdivision 1; 302A.621, subdivisions 1, 2, 3, 4; 302A.673, subdivision 1; 302A.734; 322B.03, subdivisions 36a, 45a, by adding subdivisions; 322B.12, subdivision 4; 322B.333, subdivision 3; 322B.336, subdivision 3; 322B.343; 322B.35, subdivisions 1, 2; 322B.363, subdivision 1; 322B.383, subdivision 1; 322B.643; 322B.656, subdivisions 1, 2; 322B.826; proposing coding for new law in Minnesota Statutes, chapters 302A; 322B.

Reported the same back with the following amendments:

Page 8, lines 20 and 33, strike "simultaneously"

Page 11, line 12, strike "simultaneously"

Page 14, line 21, delete "by"

Page 35, line 13, strike "simultaneously"

Page 38, line 27, delete "by"

Page 40, lines 14 and 28, strike "simultaneously"

Page 42, after line 19, insert:

"ARTICLE 3

NONPROFIT CORPORATIONS

Section 1. Minnesota Statutes 2000, section 317A.011, is amended by adding a subdivision to read:

Subd. 3a. [AUTHENTICATED.] "Authenticated" means, with respect to an electronic communication, that the communication is delivered to the principal place of business of the corporation, or to an officer or agent of the corporation authorized by the corporation to receive the communication, and that the communication sets forth information from which the corporation can reasonably conclude that the communication was sent by the purported sender.

Sec. 2. Minnesota Statutes 2000, section 317A.011, is amended by adding a subdivision to read:

Subd. 7a. [ELECTRONIC COMMUNICATION.] "Electronic communication" means any form of communication, not directly involving physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.

Sec. 3. Minnesota Statutes 2000, section 317A.011, is amended by adding a subdivision to read:

Subd. 18a. [REMOTE COMMUNICATION.] "Remote communication" means communication via electronic communication, conference telephone, video conference, the Internet, or such other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis.

Sec. 4. [317A.015] [LEGAL RECOGNITION OF ELECTRONIC RECORDS AND SIGNATURES.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the words, terms, and phrases defined in this subdivision have the meanings given them.

(b) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(c) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(d) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(e) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 2. [ELECTRONIC RECORDS AND SIGNATURES.] For purposes of this chapter:

(1) a record or signature may not be denied legal effect or enforceability solely because it is in electronic form;

(2) a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation;

(3) if a provision requires a record to be in writing, an electronic record satisfies the requirement; and

(4) if a provision requires a signature, an electronic signature satisfies the requirement.

Sec. 5. Minnesota Statutes 2000, section 317A.231, is amended to read:

317A.231 [BOARD MEETINGS.]

Subdivision 1. [TIME; PLACE.] Meetings of the board may be held as provided in the articles or bylaws in or out of this state. Unless the articles or bylaws provide otherwise, a meeting of the board must be held at least once per year. If the articles or bylaws or the board fail to select a place for a meeting, the meeting must be held at the registered office. The board of directors may determine under subdivision 2 that a meeting of the board of directors shall be held solely by means of remote communication.

Subd. 2. [~~ELECTRONIC COMMUNICATIONS MEETINGS SOLELY BY MEANS OF REMOTE COMMUNICATION.~~] (a) ~~A conference~~ Any meeting among directors may be conducted solely by a one or more means of remote communication through which all of the directors may simultaneously hear each other during participate in the ~~conference is a board meeting~~, if the same notice is given of the ~~conference as would be meeting~~ required for a meeting by subdivision 3, and if the number of directors participating in the ~~conference meeting~~ is sufficient to constitute a quorum at a meeting. Participation in a meeting by ~~this that means is personal~~ constitutes presence at the meeting.

(b) ~~Subd. 3.~~ [PARTICIPATION IN MEETINGS BY MEANS OF REMOTE COMMUNICATION.] A director may participate in a board meeting by ~~any~~ means of conference telephone or, if authorized by the board, by such other means of remote communication, in each case through which ~~the that~~ director, other directors so participating, and all directors physically present at the meeting may simultaneously hear participate with each other during the meeting. Participation in a meeting by ~~this that means is personal~~ constitutes presence at the meeting.

Subd. ~~3~~ 4. [CALLING MEETINGS; NOTICE.] (a) Unless the articles or bylaws provide otherwise, a director may call a board meeting by giving five days' notice to all directors of the date, time, and place of the meeting. The notice need not state the purpose of the meeting unless the articles or bylaws require it.

(b) If the day or date, time, and place of a board meeting have been provided in the articles or bylaws, or announced at a previous meeting of the board, notice is not required. Notice of an adjourned meeting need not be given other than by announcement at the meeting at which adjournment is taken.

Subd. ~~4~~ 5. [WAIVER OF NOTICE.] A director may waive notice of a meeting of the board. A waiver of notice by a director entitled to notice is effective whether given before, at, or after the meeting, and whether given in writing, orally, or by attendance. Attendance by a director at a meeting is a waiver of notice of that meeting, unless the director objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened and does not participate in the meeting.

Sec. 6. Minnesota Statutes 2000, section 317A.239, subdivision 1, is amended to read:

Subdivision 1. [METHOD.] An action required or permitted to be taken at a board meeting may be taken by written action signed, or consented to by authenticated electronic communication, by all of the directors. If the articles so provide, an action, other than an action requiring member approval, may be taken by written action signed, or consented to by authenticated electronic communication, by the number of directors that would be required to take the same action at a meeting of the board at which all directors were present.

Sec. 7. Minnesota Statutes 2000, section 317A.239, subdivision 2, is amended to read:

Subd. 2. [EFFECTIVE TIME.] The written action is effective when signed, or consented to by authenticated electronic communication, by the required number of directors, unless a different effective time is provided in the written action.

Sec. 8. Minnesota Statutes 2000, section 317A.431, subdivision 3, is amended to read:

Subd. 3. [TIME; PLACE.] An annual meeting of members must be held at the time and place stated in or fixed in accordance with the articles or bylaws. If a place is not stated or if a demand for a meeting is made under subdivision 2, the meeting must be held in the county where the corporation's registered office is located. To the extent authorized in articles or bylaws, the board of directors may determine that an annual meeting of the members shall be held solely by means of remote communication in accordance with section 317A.450, subdivision 2.

Sec. 9. Minnesota Statutes 2000, section 317A.433, subdivision 3, is amended to read:

Subd. 3. [TIME; PLACE.] Special meetings of members may be held in or out of this state at the place stated in or fixed in accordance with the articles, bylaws, or by the president or the board. If a special meeting is demanded by the members, the meeting must be held in the county where the corporation's registered office is located. To the extent authorized in the articles or bylaws, the board of directors may determine that a special meeting of the members shall be held solely by means of remote communication in accordance with section 317A.450, subdivision 2.

Sec. 10. Minnesota Statutes 2000, section 317A.445, is amended to read:

317A.445 [UNANIMOUS ACTION WITHOUT A MEETING.]

An action required or permitted to be taken at a meeting of the members may be taken without a meeting by written action signed, or consented to by authenticated electronic communication, by all of the members entitled to vote on that action. The written action is effective when it has been signed, or consented to by authenticated electronic communication, by all of those members, unless a different effective time is provided in the written action. When this chapter requires a certificate concerning an action to be filed with the secretary of state, the officers signing the certificate must indicate that the action was taken under this section.

Sec. 11. [317A.450] [REMOTE COMMUNICATIONS FOR MEMBER MEETINGS.]

Subdivision 1. [CONSTRUCTION AND APPLICATION.] This section shall be construed and applied to:

(1) facilitate remote communication consistent with other applicable law; and

(2) be consistent with reasonable practices concerning remote communication and with the continued expansion of those practices.

Subd. 2. [MEMBER MEETINGS HELD SOLELY BY MEANS OF REMOTE COMMUNICATION.] To the extent authorized in the articles or bylaws and determined by the board, an annual or special meeting of members may be held solely by one or more means of remote communication, if notice of the meeting is given to every member entitled to vote, and if the number of voting members participating in the meeting is sufficient to constitute a quorum at a meeting. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section 317A.453 are met.

Subd. 3. [PARTICIPATION IN MEMBER MEETINGS BY MEANS OF REMOTE COMMUNICATION.] To the extent authorized in the articles or bylaws and determined by the board, a member not physically present in person or by proxy at an annual or special meeting of members may, by means of remote communication, participate in a meeting of members held at a designated place. Participation by a member by that means constitutes presence at the meeting in person or by proxy if all the other requirements of section 317A.453 are met.

Subd. 4. [REQUIREMENTS FOR MEETINGS HELD SOLELY BY MEANS OF REMOTE COMMUNICATION AND FOR PARTICIPATION BY MEANS OF REMOTE COMMUNICATION.] In any meeting of members held solely by means of remote communication under subdivision 2 or in any meeting of members held at a designated place in which one or more members participate by means of remote communication under subdivision 3:

(1) the corporation shall implement reasonable measures to verify that each person deemed present and entitled to vote at the meeting by means of remote communication is a member; and

(2) the corporation shall implement reasonable measures to provide each member participating by means of remote communication with a reasonable opportunity to participate in the meeting, including an opportunity to:

(i) read or hear the proceedings of the meeting substantially concurrently with those proceedings;

(ii) if allowed by the procedures governing the meeting, have the member's remarks heard or read by other participants in the meeting substantially concurrently with the making of those remarks; and

(iii) if otherwise entitled, vote on matters submitted to the members.

Subd. 5. [NOTICE TO MEMBERS.] (a) Any notice to members given by the corporation under any provision of this chapter, the articles, or the bylaws by a form of electronic communication consented to by the member to whom the notice is given is effective when given. The notice is deemed given:

(1) if by facsimile communication, when directed to a telephone number at which the member has consented to receive notice;

(2) if by electronic mail, when directed to an electronic mail address at which the member has consented to receive notice;

(3) if by a posting on an electronic network on which the member has consented to receive notice, together with separate notice to the member of the specific posting, upon the later of:

(i) the posting; and

(ii) the giving of the separate notice; and

(4) if by any other form of electronic communication by which the member has consented to receive notice, when directed to the member.

An affidavit of the secretary, other authorized officer, or authorized agent of the corporation, that the notice has been given by a form of electronic communication is, in the absence of fraud, prima facie evidence of the facts stated in the affidavit.

(b) Consent by a member to notice given by electronic communication may be given in writing or by authenticated electronic communication. The corporation is entitled to rely on any consent so given until revoked by the member, provided that no revocation affects the validity of any notice given before receipt by the corporation of revocation of the consent.

Subd. 6. [WAIVER.] Waiver of notice by a member of a meeting by means of authenticated electronic communication may be given in the manner provided in section 317A.435, subdivision 3. Participation in a meeting by means of remote communication described in subdivisions 2 and 3 is a waiver of notice of that meeting, except where the member objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened, or objects before a vote on an item of business because the item may not lawfully be considered at the meeting and does not participate in the consideration of the item at that meeting.

Sec. 12. Minnesota Statutes 2000, section 317A.453, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] If the articles or bylaws permit proxy voting, a member may appoint a proxy to cast or authorize the casting of a vote or otherwise act for the member by signing an (1) filing a nonelectronic written appointment form either personally or of a proxy, signed by the member, with an attorney-in-fact officer of the corporation at or before the meeting at which the appointment is to be effective, or (2) telephonic transmission or authenticated electronic communication, whether or not accompanied by written instructions of the member, of an appointment of a proxy with the corporation or the corporation's duly authorized agent at or before the meeting at which the appointment is to be effective.

Sec. 13. Minnesota Statutes 2000, section 317A.733, subdivision 3, is amended to read:

Subd. 3. [EFFECTIVE DATE.] When the articles of dissolution have been filed with the secretary of state, or on a later date or a later time each within 30 days after filing if the articles of dissolution so provide, the corporation is dissolved.

Sec. 14. Minnesota Statutes 2000, section 317A.733, subdivision 4, is amended to read:

Subd. 4. [CERTIFICATE.] The secretary of state shall issue to the dissolved corporation a certificate of dissolution that contains:

- (1) the name of the corporation;
- (2) the date and time the ~~articles of dissolution were filed with the secretary of state~~ is effective; and
- (3) a statement that the corporation is dissolved at the effective date and time of the dissolution.

Sec. 15. [REPEALER]

Minnesota Statutes 2000, section 317A.449, is repealed.

ARTICLE 4

MISCELLANEOUS CHANGES

Section 1. Minnesota Statutes 2000, section 303.11, is amended to read:

303.11 [NOTICE OF NAME CHANGES, WHERE FILED.]

Each foreign corporation authorized to transact business in this state, shall, whenever it changes its name, dissolves, or merges ~~into another corporation~~, file in the office of the secretary of state a certificate to that effect authenticated by the proper officer of the state or country under the laws of which the corporation is organized.

Sec. 2. Minnesota Statutes 2000, section 322A.03, is amended to read:

322A.03 [RESERVATION OF NAME.]

(a) The exclusive right to the use of a name may be reserved by:

(1) any person intending to organize a limited partnership under sections 322A.01 to 322A.87 and to adopt that name;

(2) any domestic limited partnership or any foreign limited partnership registered in this state which, in either case, intends to adopt that name;

(3) any foreign limited partnership intending to register in this state and adopt that name; and

(4) any person intending to organize a foreign limited partnership and intending to have it register in this state and adopt that name.

(b) ~~The reservation shall be made by filing with the secretary of state an application, executed by the applicant, to reserve a specified name. On finding that the name is available for use by a domestic or foreign limited partnership, the secretary of state shall reserve the name for the exclusive use of the applicant for a period of 12 months. The reservation may be renewed for successive 12-month periods. The right to the exclusive use of a reserved name may be transferred to any other person by filing in the office of the secretary of state a notice of the transfer, executed by the applicant for whom the name was reserved and specifying the name and address of the transferee according to section 302A.117.~~

Sec. 3. Minnesota Statutes 2000, section 323A.11-02, is amended to read:

323A.11-02 [STATEMENT OF FOREIGN QUALIFICATION.]

(a) Before transacting business in this state, a foreign limited liability partnership must file a statement of foreign qualification. The statement must contain:

(1) the name of the foreign limited liability partnership which satisfies the requirements of the state or other jurisdiction under whose law it is formed and ends with "Registered Limited Liability Partnership," "Limited Liability Partnership," "R.L.L.P.," "L.L.P.," "RLLP," or "LLP;"

(2) the street address, including the zip code, of the partnership's chief executive office and, if different, the street address, including the zip code, of an office of the partnership in this state, if any;

(3) if there is no office of the partnership in this state, the name and street address, including the zip code, of the partnership's agent for service of process; ~~and~~

(4) a deferred effective date, if any; and

(5) the name of the jurisdiction under whose law the foreign limited liability partnership was originally registered.

(b) The agent of a foreign limited liability company for service of process must be an individual who is a resident of this state or other person authorized to do business in this state.

(c) The status of a partnership as a foreign limited liability partnership is effective on the later of the filing of the statement of foreign qualification or a date specified in the statement. The status remains effective, regardless of changes in the partnership, until it is canceled pursuant to section 323A.1-05(d) or revoked pursuant to section 323A.10-03.

(d) An amendment or cancellation of a statement of foreign qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

(e) A statement of foreign qualification may include the information necessary to make an election under section 319B.04, subdivision 2, and to update that information as provided in section 319B.04, subdivision 3.

Sec. 4. Minnesota Statutes 2000, section 333.055, subdivision 4, is amended to read:

Subd. 4. The secretary of state shall accept for filing all certificates and renewals thereof which comply with the provisions of sections 333.001 to 333.06 and which are accompanied by the prescribed fees, notwithstanding the fact that the assumed name disclosed therein may not be distinguishable from one or more other assumed names already filed with the secretary of state. ~~In the event of duplication or similarity, the secretary of state shall, within 20 days after the filing, notify in writing each previously filed business holding a certificate for the assumed name or a similar assumed name, of the duplication or similarity, including in the notice the name and last known address of the person so filing.~~ The secretary of state shall not accept for filing a certificate that discloses an assumed name that is not distinguishable from a corporate, limited liability company, limited liability partnership, cooperative, or limited partnership name in use or reserved in this state by another or a trade or service mark registered with the secretary of state, unless there is filed with the certificate a written consent, court decree of prior right, or affidavit of nonuser of the kind required by section 302A.115, subdivision 1, clause (d). The secretary of state shall determine whether a name is distinguishable from another name for purposes of this subdivision."

Amend the title as follows:

Page 1, line 20, after the semicolon, insert "303.11; 317A.011, by adding subdivisions; 317A.231; 317A.239, subdivisions 1, 2; 317A.431, subdivision 3; 317A.433, subdivision 3; 317A.445; 317A.453, subdivision 1; 317A.733, subdivisions 3, 4; 322A.03;"

Page 1, line 25, after the second semicolon, insert "323A.11-02; 333.055, subdivision 4;"

Page 1, line 26, after "302A;" insert "317A;" and before the period, insert "; repealing Minnesota Statutes 2000, section 317A.449"

With the recommendation that when so amended the bill pass.

The report was adopted.

Ness from the Committee on Agriculture and Rural Development Finance to which was referred:

H. F. No. 2803, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings; providing for an agricultural and food sciences educational facility; authorizing issuance of bonds; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on K-12 Education Finance.

The report was adopted.

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

H. F. No. 2842, A bill for an act relating to evidence; authorizing electronic signature on certain laboratory blood sample reports; amending Minnesota Statutes 2000, section 634.15, subdivision 1.

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

The report was adopted.

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

H. F. No. 2848, A bill for an act relating to public safety; establishing a biological agents registry; authorizing rulemaking; providing for a civil penalty; appropriating money; amending Minnesota Statutes 2000, section 13.381, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Pages 1 to 4, delete section 2, and insert:

"Sec. 2. [144.1208] [BIOLOGICAL AGENTS REGISTRY.]

Subdivision 1. [REGISTRY ESTABLISHED.] The commissioner of health shall establish a registry of all individuals and entities, including state agencies, in this state that possess or maintain a biological agent required to be reported under this section. The biological agents registry must list the biological agents possessed or maintained by individuals and entities in this state and the purposes for which each biological agent is used.

Subd. 2. [DEFINITION.] For purposes of this section, "biological agent" means:

(1) a select agent that is a virus, bacterium, rickettsia, fungus, or toxin listed in Code of Federal Regulations, title 42, part 72, appendix A;

(2) a genetically modified microorganism or genetic element from an organism listed in Code of Federal Regulations, title 42, part 72, appendix A, shown to produce or encode for a factor associated with a disease; or

(3) a genetically modified microorganism or genetic element that contains nucleic acid sequences coding for any of the toxins listed in Code of Federal Regulations, title 42, part 72, appendix A, or their toxic subunits.

Subd. 3. [REGISTRATION REQUIRED; OTHER REPORT.] (a) Except as provided in subdivision 7, any individual or entity that possesses or maintains a biological agent required to be reported under this section must register with the commissioner on a form prepared by the commissioner, within seven days after the individual or entity obtains a biological agent. When an individual or entity registers with the commissioner, the individual or entity must:

(1) list all biological agents possessed or maintained by the individual or entity;

(2) verify that the individual or entity is adequately equipped to safely handle all biological agents possessed or maintained; and

(3) describe the uses for which each biological agent is being possessed or maintained.

(b) An individual or entity registered with the commissioner must report to the commissioner within 24 hours after an unauthorized individual or entity gains access or attempts to gain access to a biological agent possessed or maintained by the registered individual or entity. The initial report may be made orally but must be followed by a written report if requested by the commissioner.

Subd. 4. [DATA PRACTICES.] (a) All data collected or maintained by the commissioner in the biological agents registry are private data on individuals or nonpublic data but may be released as provided in paragraph (b).

(b) The commissioner may release data collected or maintained by the commissioner in the biological agents registry:

(1) for the purpose of aiding or conducting an epidemiologic investigation of a communicable disease;

(2) to the United States Centers for Disease Control and Prevention in any investigation involving the release, theft, or loss of a biological agent required to be reported under this section; or

(3) to state and federal law enforcement agencies in any investigation involving the release, theft, loss, or suspected or attempted misuse of a biological agent required to be reported under this section.

Subd. 5. [COOPERATION.] The commissioner shall cooperate with the United States Centers for Disease Control and Prevention and state and federal law enforcement agencies in any investigation involving the release, theft, or loss of a biological agent required to be reported under this section.

Subd. 6. [PENALTY.] The commissioner shall impose a fine of up to \$1,000 on any person who willfully or knowingly violates any provision of this section. Each day of a continuing violation shall constitute a separate offense.

Subd. 7. [EXEMPTION.] A person or entity that possesses or maintains a biological agent is exempt from the registration and reporting requirements of this section if the person or entity:

(1) detects a biological agent in a clinical sample for the purpose of disease diagnosis, epidemiological surveillance, or exposure assessment or for reference, verification, or proficiency testing purposes; and

(2) discards the biological agent (i) within 14 calendar days of receiving notice that the confirmation testing is complete, or (ii) within 14 calendar days of using the biological agent for reference, verification, or proficiency testing.

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

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

The report was adopted.

Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 2849, A bill for an act relating to public safety; authorizing closing a public body meeting to discuss items relating to security; amending Minnesota Statutes 2000, section 13D.05, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 13D.05, subdivision 3, is amended to read:

Subd. 3. [WHAT MEETINGS MAY BE CLOSED.] (a) A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.

(b) Meetings may be closed if the closure is expressly authorized by statute or permitted by the attorney-client privilege.

(c) Meetings may be closed to receive security briefings and reports and to discuss issues related to security systems, emergency response procedures and security deficiencies in public services, and infrastructure and facilities, if disclosure of the information discussed would pose a clear danger to public safety. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. The proceedings of a closed meeting to discuss security information must be tape recorded at the expense of the public body. The recording must be preserved for two years after the date of the closed meeting.

[EFFECTIVE DATE.] This section is effective July 1, 2002, and will expire on June 30, 2005."

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

The report was adopted.

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

H. F. No. 2903, A bill for an act relating to health; modifying requirements for major spending commitments of radiation therapy facilities; amending Minnesota Statutes 2000, section 62J.17, subdivision 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [REPORT BY TASK FORCE.]

The joint task force on health care costs and quality shall review prospective review and approval under Minnesota Statutes, section 62J.17, subdivision 6a, for a health care provider making a major spending commitment as defined in Minnesota Statutes, section 62J.17, and shall report to the legislature by December 15, 2002, on whether the provisions will reduce health care costs and/or improve health care quality."

Delete the title and insert:

"A bill for an act relating to health; requiring a report in certain circumstances on reducing health care costs and improving health care quality."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2925, A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; amending Minnesota Statutes 2000, sections 62M.07; 62Q.74, as amended; 62Q.75, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2001 Supplement, section 62Q.745.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 62M.07, is amended to read:

62M.07 [PRIOR AUTHORIZATION OF SERVICES.]

(a) Utilization review organizations conducting prior authorization of services must have written standards that meet at a minimum the following requirements:

(1) written procedures and criteria used to determine whether care is appropriate, reasonable, or medically necessary;

(2) a system for providing prompt notification of its determinations to enrollees and providers and for notifying the provider, enrollee, or enrollee's designee of appeal procedures under clause (4);

(3) compliance with section 62M.05, subdivisions 3a and 3b, regarding time frames for approving and disapproving prior authorization requests;

(4) written procedures for appeals of denials of prior authorization which specify the responsibilities of the enrollee and provider, and which meet the requirements of sections 62M.06 and 72A.285, regarding release of summary review findings; and

(5) procedures to ensure confidentiality of patient-specific information, consistent with applicable law.

(b) No utilization review organization, health plan company, or claims administrator may conduct or require prior authorization of emergency confinement or emergency treatment. The enrollee or the enrollee's authorized representative may be required to notify the health plan company, claims administrator, or utilization review organization as soon after the beginning of the emergency confinement or emergency treatment as reasonably possible.

(c) If prior authorization for a health care service is required, the utilization review organization, health plan company, or claim administrator must provide access without unreasonable delay by telephone or through electronic communications, 24 hours a day, seven days a week, the opportunity for a provider to request prior authorization of a health care service. A utilization review organization, health plan company, or claim administrator may not charge a provider any sort of fee, including a user fee of an electronic communication system, for requesting prior authorization of a health care service.

Sec. 2. [62Q.732] [CITATION.]

Sections 62Q.732 to 62Q.751 may be cited as the "Minnesota Fair Health Plan Contracting Act."

Sec. 3. [62Q.733] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 62Q.732 to 62Q.751, the following definitions apply.

Subd. 2. [ALLOWABLE PAYMENT.] "Allowable payment" means the total financial compensation to be paid to a health care provider for providing a health care service as determined by the contract between the health plan company and the provider, including any amount for which the patient or other third party may be obligated to pay under the contract.

Subd. 3. [CONTRACT.] "Contract" means a written agreement between a health care provider and a health plan company to provide health care services. For purposes of this definition, a contract shall not be construed to include a health care professional employment contract.

Subd. 4. [HEALTH CARE PROVIDER OR PROVIDER.] "Health care provider" or "provider" means:

(1) a physician, chiropractor, dentist, or other provider as defined under section 62J.03; or

(2) a hospital licensed under chapter 144, ambulatory surgical treatment center, pharmacy, long-term care facility, or other facility that is licensed or otherwise authorized to deliver health care services.

For purposes of this definition, health care provider includes independent practice associations and physician-hospital organizations.

Subd. 5. [HEALTH PLAN COMPANY.] "Health plan company" means:

(1) a health maintenance organization operating under chapter 62D;

(2) a community integrated service network operating under chapter 62N;

(3) a preferred provider organization as defined in section 145.61, subdivision 4c; or

(4) an insurance company licensed under chapter 60A, a nonprofit health service corporation operating under chapter 62C, a fraternal benefit society operating under chapter 64B, or any other entity that establishes, operates, or maintains a network of health care providers where the providers have entered into a contract with the entity to provide health care services.

Sec. 4. [62Q.734] [PROVIDER CONTRACTING PROCEDURES.]

Subdivision 1. [CONTRACT DISCLOSURE.] Before requiring a health care provider to sign a contract, a health plan company shall provide to the provider a complete copy of the proposed contract with all attachments and exhibits, including a copy of all guidelines and treatment parameters incorporated or referenced in the contract. The health plan company shall make available to the provider a method or process that allows the provider to determine the allowable payment amounts for each health care service to be provided under the contract. The provider shall be allowed 90 days to review the complete contract before being required to sign the contract.

Subd. 2. [PROPOSED AMENDMENTS.] (a) Any amendment or change in the terms of an existing contract between a health plan company and a provider must be disclosed to the provider at least 90 days prior to the effective date of the proposed change, with the exception of amendments required of the health plan company by law or governmental regulatory authority where notice shall be given when received.

(b) Any amendment or change in the contract that alters the financial reimbursement or alters the written contractual policies and procedures governing the relationship between the provider and the health plan company must be disclosed to the provider not less than 90 days prior to the effective date of the proposed change and the provider must have the opportunity to terminate the contract before the amendment or change is deemed to be in effect.

Sec. 5. [62Q.735] [PAYMENT RATES.]

A formal or informal contract, term, condition, or policy may not mandate or require a health care provider to accept from the health plan company any payment amounts for services agreed to in a contract with any other health plan company or any payment amounts other than those stated in the contract between the health plan company and the health care provider.

Sec. 6. [62Q.736] [SERVICE CODE CHANGES.]

(a) A health plan company shall not change a service code (current procedural terminology (CPT), current dental terminology (CDT), ICD-9-CM, diagnosis-related groups (DRGs), or other system) properly submitted by a health care provider. The health plan company shall determine the manner in which it adjudicates claims and may limit the service codes it pays for based upon factors recognized by a service code (current procedural terminology (CPT), current dental terminology (CDT), ICD-9-CM, diagnosis-related groups (DRGs), or other system).

(b) Notwithstanding paragraph (a), a health plan company may correct errors in submitted claims which prevent the claims from being processed provided that the health plan company:

(1) utilizes as specifically defined the most recently issued service code (current procedural terminology (CPT), current dental terminology (CDT), ICD-9-CM, diagnosis-related groups (DRGs), or other system) within a year of its release;

(2) notifies the provider of the corrections; and

(3) offers the provider the opportunity to appeal any corrections.

Sec. 7. [62Q.737] [RECOUPMENTS.]

(a) A health plan company shall provide a health care provider with a written explanation of any proposed recoupment that includes the name of the patient, the date of the service, the service code, the payment amount, the details concerning the reasons for the recoupment, and an explanation of the appeal process. Upon receiving the written explanation, the provider has 30 days to either appeal the proposed recoupment or to repay the recoupment amount. If the provider chooses to appeal the proposed recoupment, and, upon appeal, the proposed recoupment is determined to be appropriate, the provider must pay the recoupment within 30 days of receiving the notice of the

final appeal's decision. If the provider fails to make the required recoupment payment within the required time period or fails to appeal the proposed recoupment within the required time period, the health plan company may offset future payments to effectuate the recoupment.

(b) Any attempts by the health plan company to recoup payments shall be limited to the same period of time allowed in contract for the submission of initial claims from the date of payment, except where the provider has been convicted of insurance fraud.

Sec. 8. [62Q.738] [UNILATERAL TERMS PROHIBITED.]

(a) A contract between a health plan company and a health care provider shall not contain or require unilateral terms regarding termination, indemnification, or arbitration. These provisions shall apply equally to both the health plan company and the provider.

(b) A health plan company may not terminate a health care provider's contract except for good cause. If a health plan company terminates a provider's contract, the health plan company must inform the provider 90 days prior to the date of termination of the reasons for termination. For purposes of this paragraph, good cause includes failure to meet the health plan company's credentialing standards, failure to comply with the terms of the contract, and failure to comply with the managed care protocols of the health plan company as defined in section 62Q.095, subdivision 2.

Sec. 9. Minnesota Statutes 2000, section 62Q.74, as amended by Laws 2001, chapter 170, is amended to read:

62Q.74 [NETWORK SHADOW CONTRACTING.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Category of coverage" means one of the following types of health-related coverage:

- (1) health;
- (2) no-fault automobile medical benefits; or
- (3) workers' compensation medical benefits.

(c) "Health care provider" or "provider" means an individual licensed, registered, or regulated by the board of medical practice under chapter 147, a chiropractor licensed under sections 148.01 to 148.106, a dentist licensed under chapter 150A, or a hospital licensed under chapter 144.

(d) "Network organization" means a preferred provider organization as defined in section 145.61, subdivision 4c; a managed care organization as defined in section 62Q.01, subdivision 5; or other entity that uses or consists of a network of health care providers.

Subd. 2. [PROVIDER CONSENT REQUIRED.] (a) ~~No network organization health plan company shall require a health care provider to participate in a network under a category of coverage that differs from the category or categories of coverage to which the existing contract between the network organization health plan company and the provider applies, without the affirmative consent of the provider obtained under subdivision 3.~~

(b) This section does not apply to situations in which the network organization wishes No health plan company shall require the provider to participate in a new or different health plan, product, or other arrangement within a category of coverage that is already provided for in an existing contract between the network organization and the provider without the affirmative consent of the provider obtained under subdivision 3. This paragraph does not apply to participating in health plans that provide health care services to government programs, including the prepaid medical assistance program, the MinnesotaCare program, the prepaid general assistance medical care program, and the demonstration project for people with disabilities.

(c) Compliance with this section may not be waived in a contract or otherwise.

Subd. 3. [CONSENT PROCEDURE.] (a) The ~~network organization~~ health plan company, if it wishes to apply an existing contract with a provider to a different category of coverage or health plan, product, or other arrangement, shall first notify the provider in writing. The written notice must include at least the following:

(1) the ~~network organization's~~ health plan company's name, address, and telephone number, and the name of the specific network, if it differs from that of the network organization;

(2) a description of the proposed new category of coverage or health plan, product, or other arrangement;

(3) the names of all payers expected by the ~~network organization~~ health plan company to use the network for the new category of coverage or health plan, product, or other arrangement;

(4) the approximate number of current enrollees of the ~~network organization~~ health plan company in that category of coverage or health plan, product, or other arrangement within the provider's geographical area;

(5) a disclosure of all contract terms of the proposed new category of coverage or health plan, product, or other arrangement, including the discount or reduced fees, care guidelines, utilization review criteria, prior authorization process, and dispute resolution process;

(6) a form for the provider's convenience in accepting or declining participation in the proposed new category of coverage or health plan, product, or other arrangement, provided that the provider need not use that form in responding; and

(7) a statement informing the provider of the provisions of paragraph (b).

(b) Unless the provider has affirmatively agreed to participate within 60 days after the postmark date of the notice, the provider is deemed to have not accepted the proposed new category of coverage or health plan, product, or other arrangement.

Subd. 4. [CONTRACT TERMINATION RESTRICTED.] A ~~network organization~~ health plan company must not terminate an existing contract with a provider, or fail to honor the contract in good faith, based solely on the provider's decision not to accept a proposed new category of coverage. The most recent agreed-upon contractual obligations remain in force until the existing contract's renewal or termination date.

Subd. 5. [REMEDY.] If a ~~network organization~~ health plan company violates this section by reimbursing a provider as if the provider had agreed under this section to participate in the network under a category of coverage to which the provider has not agreed, the provider has a cause of action against the ~~network organization~~ health plan company to recover two times the difference between the reasonable charges for claims affected by the violation and the amounts actually paid to the provider. The provider is also entitled to recover costs, disbursements, and reasonable attorney fees.

Sec. 10. Minnesota Statutes 2000, section 62Q.75, is amended by adding a subdivision to read:

Subd. 1a. [SUBMITTING CLAIMS.] A health care provider must submit to a health plan company an initial claim for health care services within a reasonable period as provided in accordance with the contract or within one year and any final claims within 15 months of the date of service.

Sec. 11. Minnesota Statutes 2000, section 62Q.75, subdivision 2, is amended to read:

Subd. 2. [CLAIMS PAYMENTS.] (a) This section applies to clean claims submitted to a health plan company or third-party administrator for services provided by any:

- (1) health care provider, except a provider licensed under chapter 151;
- (2) home health care provider, as defined in section 144A.43, subdivision 4; or
- (3) health care facility.

All health plan companies and third-party administrators must pay or deny claims that are clean claims within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim, or, upon the determination that a claim is not clean, the health plan company or third-party administrator must inform the provider of this determination and the reasons preventing timely payment within 30 calendar days after the date upon which the health plan company or third-party administrator received the claim.

(b) If a health plan company or third-party administrator does not pay or deny a clean claim within the period provided in paragraph (a), the health plan company or third-party administrator must pay interest on the claim for the period beginning on the day after the required payment date specified in paragraph (a) and ending on the date on which the health plan company or third-party administrator makes the payment or denies the claim. In any payment, the health plan company or third-party administrator must itemize any interest payment being made separately from other payments being made for services provided. ~~The health plan company or third-party administrator may, at its discretion, require the health care provider~~ The provider shall not be required to bill the health plan company or third-party administrator for the interest required under this section before any interest payment is made. Payment of interest must be paid to the provider automatically with the original claim.

(c) The rate of interest paid by a health plan company or third-party administrator under this subdivision shall be 1.5 percent per month or any part of a month.

(d) A health plan company or third-party administrator is not required to make an interest payment on a claim for which payment has been delayed for purposes of reviewing potentially fraudulent or abusive billing practices. If payment of a claim is delayed, the health plan company or third-party administrator must promptly inform the provider of the delay and the reasons for it.

(e) The commissioner may ~~not~~ assess a financial administrative penalty against a health plan company for violation of this subdivision.

Sec. 12. [62Q.751] [PROFILING.]

(a) A health plan company or health plan sponsor that uses data, or whose data is used, for utilization profiling as a method of differentiating providers, including, but not limited to, distinctions relating to cost of service, quality of care, or differences in reimbursements, or as a requirement for continued participation in the health plan company's provider network shall make available to participating providers and their agents at least 90 days prior to its release the following information:

(1) a description of the methodology used in profiling so that providers can clearly understand why and how they are affected;

(i) a list of the codes measured;

(ii) a provider's personal frequency data within each code so that the accuracy of the data may be verified; and

(iii) an individual provider's representation of scoring that compares the provider to classification points established in the profiling methodology; and

(2) a list of factors affecting a provider's profile not included in the profiling methodology.

(b) Before a health plan company or health plan sponsor may release any data covered by this section, the health plan company or plan sponsor must provide the subject of the data the opportunity to provide the health plan company or plan sponsor with information supporting or critical to the methodology procedure or information utilized in assembling the data to be released. The health plan company or plan sponsor must consider any information provided by the data subject and provide a written response to the data subject before releasing the data. A health plan company or plan sponsor must provide the subject of the data with a timely appeal process if the subject of the data after receiving the health plan company or plan sponsor's written response continues to contest the methodology, procedure, or information utilized by the health plan company or plan sponsor.

Sec. 13. [COST AND QUALITY DISCLOSURE.]

(a) The commissioner of health shall assess options and develop recommendations for the legislature on methods of making available to patients information on the expected costs of receiving a course of treatment from a particular health care provider or system of providers and information on the provider's quality of care. The commissioner shall submit a report to the legislature by December 1, 2002.

(b) The commissioner's recommendations must ensure that the cost information to be made available to consumers is based on:

(1) the expected course of treatment as determined by the patient's health care provider;

(2) the provider's charges for each service and how many times each service is expected to be provided; and

(3) the methodology used to make any adjustments or discounts to the provider's charges under the patient's health coverage plan.

(c) The commissioner's recommendations shall ensure that patients will have access to reliable and useful information on health care provider quality. The commissioner shall consider, among other possible measures of quality, information on consumer satisfaction and complaint rates; patient outcomes measures; mortality and morbidity rates; rates of infections, complications, and medical errors; chart reviews to determine whether best practice guidelines were followed; preventive care rates; reputation among peers; frequency and experience with a particular procedure; research assessments of the effectiveness of a procedure, drug, device, or technology; and accreditation status.

(d) The report must include an analysis of the impact of various options and recommendations on the cost of health care services and health coverage, antitrust implications, and the expected impact on the health care marketplace. In developing the report and recommendations, the commissioner shall solicit input from interested organizations.

Sec. 14. [REPEALER.]

Minnesota Statutes 2001 Supplement, section 62Q.745, is repealed."

Delete the title and insert:

"A bill for an act relating to health; modifying prior authorization requirements for health care services; establishing requirements for provider contracting; requiring a report on cost and quality of care disclosure; amending Minnesota Statutes 2000, sections 62M.07; 62Q.74, as amended; 62Q.75, subdivision 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2001 Supplement, section 62Q.745."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Commerce, Jobs and Economic Development.

The report was adopted.

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

H. F. No. 2932, A bill for an act relating to foster care; requiring disclosure of an individual's communicable disease to a foster care provider; amending Minnesota Statutes 2001 Supplement, section 260C.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A.

Reported the same back with the following amendments:

Page 1, line 16, before "Before" insert "Notwithstanding section 144.335,"

Page 1, line 23, delete "knowledge and skills necessary" and insert "ability"

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

The report was adopted.

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

H. F. No. 3031, A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; requiring reporting of certain health conditions; authorizing special powers for the control of property and protection of people; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.09, subdivisions 1, 2; 12.21, subdivision 3; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.42; 13.3805, subdivision 1; 13.82, by adding subdivisions; 144.99, subdivision 1; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [TITLE.]

Sections 1 to 49 may be cited as the "Minnesota Emergency Health Powers Act."

Sec. 2. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 1c. [COMMUNICABLE DISEASE.] "Communicable disease" means an infectious disease that can be transmitted from person to person, animal to person, or insect to person.

Sec. 3. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 4d. [FACILITY.] "Facility" has the meaning given in section 145.9805.

Sec. 4. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 5d. [INFECTIOUS DISEASE.] "Infectious disease" means a disease caused by a living organism or virus. An infectious disease may or may not be transmissible from person to person, animal to person, or insect to person.

Sec. 5. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 5e. [ISOLATION.] "Isolation" means separation, during the period of communicability, of an infected person in a place and under conditions so as to prevent direct or indirect transmission of the infectious agent to others.

Sec. 6. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 6a. [PEACE OFFICER.] "Peace officer" means a peace officer or part-time peace officer as defined under section 626.84, subdivision 1, paragraphs (c) and (f).

Sec. 7. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9a. [PUBLIC HEALTH EMERGENCY.] "Public health emergency" means the occurrence or imminent risk of a qualifying health condition or widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

Sec. 8. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9b. [QUALIFYING HEALTH CONDITION.] "Qualifying health condition" has the meaning given in section 145.9805.

Sec. 9. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 9c. [QUARANTINE.] "Quarantine" means restriction, during the period of communicability, of activities or travel of an otherwise healthy person who likely has been exposed to a communicable disease to prevent disease transmission during the period of incubation in the event the person is infected.

Sec. 10. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 12. [SPECIMEN.] "Specimen" has the meaning given in section 145.9805.

Sec. 11. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 13. [TEST.] "Test" has the meaning given in section 145.9805.

Sec. 12. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 14. [HEALTH CARE FACILITY.] "Health care facility" means any entity of any kind that provides or is intended to provide health services of any kind to a person. Health services include, but are not limited to, medical treatment, nursing care, rehabilitative services, or preventive care. Health care facility also includes entities that provide services to health care entities, including, but not limited to, research facilities, pharmacies, laundry facilities, training and lodging facilities, food service facilities, and administrative offices.

Sec. 13. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 15. [HEALTH CARE PROVIDER.] "Health care provider" has the meaning given in section 145.9805.

Sec. 14. Minnesota Statutes 2000, section 12.03, is amended by adding a subdivision to read:

Subd. 16. [HEALTHCARE PROVIDER PERSONNEL.] "Health care provider personnel" has the meaning given in section 145.9805.

Sec. 15. Minnesota Statutes 2000, section 12.09, subdivision 1, is amended to read:

Subdivision 1. [COORDINATION.] The division shall coordinate state agency preparedness for and emergency response to all types of natural and other emergencies and disasters, including discharges of oil and hazardous substances. The division shall consult with the commissioner of health in coordinating state agency preparedness for and emergency response to public health emergencies.

Sec. 16. Minnesota Statutes 2000, section 12.09, subdivision 2, is amended to read:

Subd. 2. [STATE EMERGENCY PLAN.] The division shall develop and maintain a comprehensive state emergency operations plan and emergency management program in accord with section 12.21, subdivision 3, clause (2), and ensure that other state emergency plans that may be developed are coordinated and consistent with the comprehensive state emergency operations plan. The division shall consult with the commissioner of health in developing and maintaining plans and programs under this subdivision related to public health emergencies.

Sec. 17. Minnesota Statutes 2000, section 12.21, subdivision 3, is amended to read:

Subd. 3. [SPECIFIC AUTHORITY.] In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided by section 12.32;

(2) ensure that a comprehensive emergency operations plan and emergency management program for this state are developed and maintained, and are integrated into and coordinated with the emergency plans of the federal government and of other states to the fullest possible extent;

(3) in accordance with the emergency operations plan and the emergency management program of this state, procure supplies ~~and~~, equipment, and facilities and other real property, institute training programs and public information programs, and take all other preparatory steps, including the partial or full activation of emergency management organizations in advance of actual disaster to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

(4) make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management and to plan for the most efficient emergency use of those industries, resources, and facilities;

(5) on behalf of this state, enter into mutual aid arrangements or cooperative agreements with other states, tribal authorities, and ~~with~~ Canadian provinces, and coordinate mutual aid plans between political subdivisions of this state;

(6) delegate administrative authority vested in the governor under this chapter, except the power to make rules, and provide for the subdelegation of that authority;

(7) cooperate with the president and the heads of the armed forces, the emergency management agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

(i) emergency preparedness drills and exercises;

(ii) warnings and signals for drills or actual emergencies and the mechanical devices to be used in connection with them;

(iii) shutting off water mains, gas mains, electric power connections and the suspension of all other utility services;

(iv) the conduct of persons in the state and the movement and cessation of movement of pedestrians and vehicular traffic during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

(8) contribute to a political subdivision, within the limits of the appropriation for that purpose, not more than 25 percent of the cost of acquiring organizational equipment that meets standards established by the governor;

(9) formulate and execute, with the approval of the executive council, plans and rules for the control of traffic in order to provide for the rapid and safe movement over public highways and streets of troops, vehicles of a military nature, and materials for national defense and war or for use in any war industry, for the conservation of critical materials, or for emergency management purposes; ~~and;~~ coordinate the activities of the departments or agencies of the state and its political subdivisions concerned directly or indirectly with public highways and streets, in a manner that will best effectuate those plans; and prescribe routes, modes of transportation, and destinations in connection with the evacuation of people or the provision of emergency services;

(10) alter or adjust by executive order, without complying with sections 14.01 to 14.69, the working hours, work days and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency, conforming the alterations or adjustments to existing state laws, rules, and collective bargaining agreements to the extent practicable;

(11) authorize the commissioner of children, families, and learning to alter school schedules, curtail school activities, or order schools closed without affecting state aid to schools, as defined in section 120A.05, subdivisions 9, 11, 13, and 17, and including charter schools under section 124D.10, and elementary schools enrolling prekindergarten pupils in district programs; and

(12) transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs.

Sec. 18. Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1, is amended to read:

Subdivision 1. [DECLARATION OF NATIONAL SECURITY EMERGENCY.] When information from the President of the United States, the Federal Emergency Management Agency, the Department of Defense, or the National Warning System indicates the imminence of a national security emergency within the United States, which means the several states, the District of Columbia, and the Commonwealth of Puerto Rico, or the occurrence within the state of Minnesota of a major disaster or public health emergency from enemy sabotage or other hostile action, the governor may, by proclamation, declare that a national security emergency exists in all or any part of the state. If the legislature is then in regular session or, if it is not, if the governor concurrently with the proclamation declaring the emergency issues a call convening immediately both houses of the legislature, the governor and commissioner of health, as applicable, may exercise for a period not to exceed 30 days the powers and duties conferred and imposed by sections 12.31 to 12.37 or 12.375 to 12.39. The lapse of these emergency powers does not, as regards any act occurring or committed within the 30-day period, deprive any person, political subdivision, municipal corporation, or body politic of any right to compensation or reimbursement that it may have under this chapter.

Sec. 19. Minnesota Statutes 2000, section 12.31, subdivision 2, is amended to read:

Subd. 2. [DECLARATION OF PEACETIME EMERGENCY.] (a) The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation. ~~It~~ A peacetime emergency must not be continued for more than five days unless extended by resolution of the executive council up to 30 days. An order, or proclamation declaring, continuing, or terminating an emergency must be given prompt and general publicity and filed with the secretary of state.

(b) This paragraph applies to a peacetime emergency declared as a result of a public health emergency. If the legislature is sitting in session at the time of the emergency declaration, the governor and the commissioner of health, as applicable, may exercise the powers and duties conferred by sections 12.375 to 12.39 for the period allowed under paragraph (a). If the legislature is not sitting in session when a peacetime emergency is declared, the governor and the commissioner of health, as applicable, may exercise the powers and duties conferred by sections 12.375 to 12.39 for the period allowed under paragraph (a) only if the governor issues a call convening both houses of the legislature at the same time the governor declares the peacetime emergency.

Sec. 20. Minnesota Statutes 2000, section 12.32, is amended to read:

12.32 [GOVERNOR'S ORDERS AND RULES, EFFECT.]

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the executive council and filed in the office of the secretary of state, have, during a national security, peacetime, or energy supply emergency, the full force and effect of law. Rules and ordinances of any agency or political subdivision of the state inconsistent with the provisions of this chapter or with any order or rule having the force and effect of law issued under the authority of this chapter, is suspended during the period of time and to the extent that the emergency exists.

Sec. 21. Minnesota Statutes 2000, section 12.34, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY POWERS.] When necessary to save life, property, or the environment during a national security emergency or a peacetime emergency declared due to a public health emergency, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may:

(1) require any person, except members of the federal or state military forces and officers of the state or a political subdivision, to perform services for emergency management purposes as directed by any of the persons described above; ~~and;~~

(2) ~~commandeer, during a national security emergency, any motor vehicle, tools, appliances, medical supplies, or other personal property; and any facilities or other real property; and~~

(3) control entrance to and exit from any stricken or threatened public area, the movement of people in the area, and the occupancy of premises in the area, if such action is reasonable and necessary for emergency response.

Sec. 22. [12.356] [IMMUNITY.]

(a) The following shall be immune from civil liability for injuring or causing the death of any person or any damage to property, except in the case of gross negligence or willful misconduct:

(1) a person who owns or controls real estate or other premises and who grants a license or privilege or otherwise permits the designation or use of all or any part of the real estate or premises for the purpose of sheltering persons during a national security or peacetime emergency, together with that person's successors in interest, if any;

(2) a person in the performance of a contract with and under the direction of the state or its political subdivisions under this chapter; and

(3) a person who renders assistance or advice at the request or direction of the state or its political subdivisions under this chapter.

(b) The immunities granted in this section do not apply to a person whose act or omission caused, in whole or in part, an emergency and who would otherwise be liable therefor.

Sec. 23. [12.375] [DECLARATION DUE TO PUBLIC HEALTH EMERGENCY.]

Subdivision 1. [CONSULTATION REQUIRED.] Before declaring a national security or peacetime emergency due to a public health emergency, the governor shall consult with the commissioner of health and may consult with additional public health experts and other experts as needed. If the public health emergency is on Indian lands, the governor shall consult with tribal authorities before making such a declaration. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action.

Subd. 2. [EFFECT OF DECLARATION.] A declaration of a national security or peacetime emergency due to a public health emergency invokes the necessary portions of the state emergency operations plan developed pursuant to section 12.21, subdivision 3, relating to response and recovery aspects and may authorize aid and assistance under the plan.

Sec. 24. [12.376] [TERMINATION OF DECLARATION; PUBLIC HEALTH EMERGENCY.]

Subdivision 1. [AUTOMATIC TERMINATION; RENEWAL.] Notwithstanding any other provision of this chapter, a national security or peacetime emergency declared due to a public health emergency is terminated automatically 30 days after its original declaration unless the emergency is renewed by the governor. Any renewal is terminated automatically after 30 days unless again renewed by the governor.

Subd. 2. [TERMINATION BY LEGISLATURE.] By a majority vote of each house of the legislature, the legislature may terminate a national security or peacetime emergency declared due to a public health emergency at any time from the date of original declaration, upon finding that the occurrence of a qualifying health condition no longer poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability or that the imminent risk of such an occurrence has passed. A termination by the legislature under this subdivision overrides any renewal by the governor under subdivision 1.

Sec. 25. [12.377] [SUCCESSION OF DUTIES OF COMMISSIONER OF HEALTH; DELEGATION.]

Subdivision 1. [SUCCESSION.] If the commissioner of health is unable to discharge the commissioner's powers and duties under sections 12.31 to 12.389 and 145.9805 to 145.9809 during a national security or peacetime emergency due to a public health emergency, the state epidemiologist shall discharge these powers and duties. If both the commissioner of health and the state epidemiologist are unable to discharge these powers and duties, these powers and duties shall be discharged by a subordinate employee who the commissioner has designated to discharge them in this circumstance.

Subd. 2. [DELEGATION.] The commissioner of health may delegate to a board of health or a county public health officer any of the commissioner's powers and duties under sections 12.31 to 12.389 and 145.9805 to 145.9809. If the commissioner delegates powers and duties to a board of health, the delegation must comply with section 145A.07.

Sec. 26. [12.38] [SAFE DISPOSITION OF DEAD HUMAN BODIES.]

Subdivision 1. [POWERS FOR SAFE DISPOSITION.] Notwithstanding chapter 149A, in connection with deaths related to a public health emergency, the commissioner of health may:

(1) direct measures to provide for the safe disposition of dead human bodies as may be reasonable and necessary for emergency response. Measures may include, but are not limited to, transportation, preparation, temporary mass burial and other interment, disinterment, and cremation of dead human bodies. Insofar as the emergency circumstances allow, the commissioner shall respect the religious rites, cultural customs, family wishes, and predeath directives of a decedent concerning final disposition. The commissioner may limit visitations or funeral ceremonies based on public health risks;

(2) consult with coroners and medical examiners, take possession or control of any dead human body, and order an autopsy of the body;

(3) request any business or facility authorized to embalm, bury, cremate, inter, disinter, transport, or otherwise provide for disposition of a dead human body under the laws of this state to accept any dead human body or provide the use of its business or facility if the actions are reasonable and necessary for emergency response and are within the safety precaution capabilities of the business or facility;

(4) procure by condemnation or otherwise the temporary control of a business or facility described in clause (3), in cooperation with the division, for as long as the public health emergency requires, if the commissioner of health finds that the public health emergency has left the business or facility unable to carry out its customary level of work; and

(5) procure real property by condemnation or otherwise, in cooperation with the division, for morgue and burial purposes, if the commissioner of health finds that the businesses or facilities in a locality providing those services have been overwhelmed by the number of casualties or that the communicable disease risk from dead human bodies is so great that precautions are required beyond the safety precaution capability of the business or facility. Insofar as the emergency circumstances allow, the commissioner of health shall not undertake procurement without first conferring with state and federal emergency management officials and the metropolitan airports commission on alternative facilities for these purposes.

Subd. 2. [IDENTIFICATION OF BODIES.] A person in charge of the body of a person believed to be infected with a communicable disease or other health danger for which the public health emergency was declared shall maintain a written record of the body and all available information to identify the decedent, the circumstances of death, and disposition of the body. If a body cannot be identified, a qualified person shall, prior to disposition and to the extent possible, take fingerprints and one or more photographs of the remains and collect a DNA specimen from the body. All information gathered under this subdivision shall be promptly forwarded to the commissioner of health.

Sec. 27. [12.381] [CONTROL OF HEALTH CARE SUPPLIES AND FACILITIES.]

Subdivision 1. [PROCUREMENT AND DISTRIBUTION.] During a national security or peacetime emergency declared due to a public health emergency, the governor may delegate to the commissioner of health and other state officials the authority to commandeer with right of immediate possession, purchase, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies and equipment that the governor or delegated official deems advisable to prepare for or control a public health emergency, without additional legislative authorization. These powers may be exercised under the authority of this chapter and any other law.

Subd. 2. [RATIONING; SUPPLIES AND SERVICES.] If a public health emergency results in a statewide or regional shortage or threatened shortage of any product specified in subdivision 1, whether or not the product has been purchased by the state, the commissioner of health may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the state. In making rationing or other supply and distribution decisions, the commissioner of health shall give preference to health care providers, disaster response personnel, and mortuary staff who are responding to a public health emergency.

Subd. 3. [SURPLUS.] Upon determining that any product obtained under subdivision 1 is no longer needed for the public health emergency, the commissioner of health may direct the further disposition of remaining useful product with a preference for restocking any facility from which the product was obtained.

Subd. 4. [USE OF HEALTH CARE FACILITIES.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may request, and if necessary shall order, a health care facility to provide services or the use of its facility if the services or use are reasonable and necessary for emergency response. The use of the health care facility may include transferring the management and supervision of the health care facility to the commissioner of health for a limited or unlimited period of time, except the time period for which management and supervision are transferred shall not exceed the termination of the national security or peacetime emergency.

Sec. 28. [12.3815] [COMPENSATION.]

Owners of property that is taken or appropriated under section 12.38 or 12.381 shall be compensated for such takings or appropriations in accordance with section 12.34, subdivision 2.

Sec. 29. [12.382] [DESTRUCTION OF PROPERTY.]

To the extent practicable and consistent with the protection of public health, prior to the destruction of any property under sections 12.377 to 12.381, the state shall institute appropriate civil proceedings against the property to be destroyed according to existing laws and rules of the courts of this state or any rules that may be developed by the courts for use during a national security or peacetime emergency. Property acquired by the state through such proceedings shall, after entry of the decree, be disposed of by destruction as the court may direct.

Sec. 30. [12.383] [LIMITATIONS ON PUBLIC GATHERINGS AND TRANSPORTATION.]

During a national security or peacetime emergency declared due to a public health emergency, the governor may act to limit risks of the spread of a communicable disease or exposure to toxic agents by ordering temporary restrictions on assembly of people in workplaces, child care facilities, schools and other educational institutions, religious and fraternal buildings, sport and entertainment facilities, and other places where large numbers of people congregate. The governor may also suspend or curtail operations of buses, trains, airlines, and other means of public transportation. Whenever possible, the governor shall first consult with the division and the commissioners of health and transportation before issuing an order. Nothing in this section shall be construed to limit the governor's authority to act without such consultation when the situation calls for prompt and timely action.

Sec. 31. [12.384] [MEDICAL EXAMINATIONS.]

Subdivision 1. [INDIVIDUAL EXAMINATION AND TESTING.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may direct a person to submit to a physical examination or testing as necessary to diagnose the person when the commissioner of health has reasonable belief that the person may be infected with a communicable disease or may have been exposed to a toxic agent for which the emergency is declared, provided that the commissioner of health must not direct any examination or testing procedure reasonably likely to result in serious harm to the affected individual.

(b) A person excused from a medical examination or testing because of a risk of serious harm or a person refusing to submit to the examination or testing may be ordered by the commissioner of health to be placed in isolation or quarantine under section 12.385. A person so isolated or quarantined may seek review of isolation or quarantine status as provided in section 12.386.

Subd. 2. [HEALTH CARE PROVIDERS; PENALTY.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may require a physician or other health care provider personnel, according to the individual's scope of practice, to perform a medical examination or testing under subdivision 1. Refusal to perform a medical examination or testing under this subdivision may be reported by the commissioner of health to the individual's respective licensing board.

(b) A licensing board may not take action against the license, registration, or credential of health care provider personnel pursuant to a report under this subdivision if adequate protection, such as vaccine protective equipment or prophylactic medication, has not been made available to the health care provider personnel.

Subd. 3. [REVIEW OF MEDICAL RECORDS.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may review individual medical records in order to ascertain the existence of cases or possible exposures of a qualifying health condition, investigate all such cases or such cases for sources of infection and to ensure that they are subject to proper control measures, and determine the scope of the qualifying health condition. Data collected are health data under section 13.3805.

Subd. 4. [ENFORCEMENT.] An order of the commissioner of health made under this section is immediately enforceable by the commissioner of public safety, the adjutant general, and any other peace officer.

Sec. 32. [12.385] [ISOLATION AND QUARANTINE.]

Subdivision 1. [GENERAL REQUIREMENTS.] (a) The commissioner of health and all other government entities, and any person acting under their authority, shall comply with paragraphs (b) to (i) when isolating or quarantining individuals or groups of individuals.

(b) Isolation and quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or potentially communicable disease to others and may include, but are not limited to, confinement to private homes or other private or public premises.

(c) Isolated individuals must be confined separately from quarantined individuals.

(d) The health status of isolated and quarantined individuals must be monitored regularly to determine if they require continued isolation or quarantine.

(e) If a quarantined individual subsequently becomes infectious or is reasonably believed to have become infectious with a communicable or potentially communicable disease, the individual must be isolated.

(f) Isolated and quarantined individuals must be immediately released when they pose no known risk of transmitting a communicable or potentially communicable disease to others.

(g) The needs of persons isolated and quarantined shall be addressed in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication between those in isolation or quarantine and those outside these settings, medication, and competent medical care.

(h) Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner and be designed to minimize the likelihood of further transmission of infection or other harms to persons isolated and quarantined.

(i) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals and establishing and maintaining isolation and quarantine premises.

Subd. 2. [AUTHORITY TO ISOLATE OR QUARANTINE.] Consistent with subdivision 1, the commissioner of health may by order, during a national security or peacetime emergency declared due to a public health emergency:

(1) establish and maintain isolation and quarantine areas; and

(2) require isolation or quarantine of any person or group of persons infected with or reasonably believed by the commissioner of health to be infected with or exposed to a communicable disease or toxic agent for which the national security or peacetime emergency is declared.

Subd. 3. [INDIVIDUAL COOPERATION.] A person subject to isolation or quarantine shall:

(1) obey the commissioner of health's orders;

(2) remain within the isolation or quarantine area; and

(3) avoid contact with any person not subject to isolation or quarantine, other than a physician or other health care provider, public health official, or other person authorized by the commissioner of health to enter an isolation or quarantine area.

Subd. 4. [UNAUTHORIZED ENTRY.] No person, other than a person authorized by the commissioner of health, shall enter an isolation or quarantine area. If, by reason of an unauthorized entry into an isolation or quarantine area, a person poses a danger to public health, the person may be subject to isolation or quarantine according to this section and section 12.386.

Subd. 5. [TERMINATION.] The commissioner of health shall terminate the isolation or quarantine of a person when the commissioner of health determines that isolation or quarantine of the person is no longer necessary to protect the public health.

Subd. 6. [FAILURE TO COOPERATE.] Failure to obey the requirements of subdivision 3 is grounds for the commissioner of health to order a more restrictive isolation or quarantine.

Sec. 33. [12.386] [DUE PROCESS.]

Subdivision 1. [ORDER FOR ISOLATION OR QUARANTINE.] (a) Before isolating or quarantining a person or group of persons, the commissioner of health shall obtain a written, ex parte order authorizing the isolation or quarantine from a district court. The court shall grant the order upon a finding that probable cause exists to believe isolation or quarantine is warranted under sections 12.375 to 12.39.

(b) The order must recite the facts justifying isolation or quarantine. The commissioner of health shall provide a copy of the authorizing order to each person isolated or quarantined, the commissioner of public safety, and other peace officers known to the commissioner to have jurisdiction over the site of the isolation or quarantine. With the order, the commissioner of health shall give each person notice that the person has a right to a hearing under this section and, if feasible, an estimate of the expected period of isolation or quarantine.

(c) One order shall suffice to isolate or quarantine a group of persons believed to have been commonly infected or exposed to a communicable disease or toxic agent. If it is impracticable to provide individual copies to large groups isolated or quarantined, a copy of the order and notice may be posted in a conspicuous place:

(1) in the isolation or quarantine premises, but only if the persons to be isolated or quarantined are already at the isolation or quarantine premises and have adequate access to the order posted there; or

(2) in another location where the group of persons to be isolated or quarantined is located, such that the persons have adequate access to the order posted there.

Subd. 2. [TEMPORARY HOLD UPON COMMISSIONER'S ORDER.] Notwithstanding subdivision 1, the commissioner of health may by order isolate or quarantine a person or group of persons without first obtaining a written, ex parte order from the court if a delay in imposing the isolation or quarantine of the person or group of persons would significantly jeopardize the commissioner of health's ability to prevent or limit the transmission of a communicable or potentially communicable disease to others. Following the imposition of isolation or quarantine under this subdivision, the commissioner of health shall within 72 hours apply for a written, ex parte order from the court authorizing the isolation or quarantine.

Subd. 3. [COURT HEARING.] A person isolated or quarantined under subdivision 1 or 2, or the person's representative, may request in writing a court hearing to contest the ex parte order. If the person, or the person's representative, requests a hearing, the hearing shall be held within 72 hours of receipt of the request, excluding Saturdays, Sundays, and legal holidays. A request for a hearing does not stay the order of isolation or quarantine. At the hearing, the commissioner of health must show that the isolation or quarantine is warranted under sections 12.375 to 12.39.

Subd. 4. [HEARING ON CONTINUATION OF ISOLATION OR QUARANTINE.] On or after the 30th day following a hearing under subdivision 3, or the 30th day following imposition of isolation or quarantine if no hearing is requested under subdivision 3, a person isolated or quarantined under section 12.385 may request in writing a court hearing to contest continued isolation or quarantine. The hearing shall be held within 72 hours of receipt of the request, excluding Saturdays, Sundays, and legal holidays. A request for a hearing does not alter the order of isolation or quarantine. At the hearing, the commissioner of health must show that continuation of the isolation or quarantine is warranted under sections 12.375 to 12.39. If, upon a hearing, the court finds that isolation or quarantine of the individual is not warranted under sections 12.375 to 12.39, the person shall be released from isolation or quarantine.

Subd. 5. [HEARING ON CONDITIONS OF ISOLATION OR QUARANTINE.] A person isolated or quarantined under section 12.385 may request a hearing in district court for remedies regarding the treatment during and the terms and conditions of isolation or quarantine. Upon receiving a request for a hearing under this subdivision, the court shall fix a date for a hearing that is within ten days of the receipt of the request by the court. The request for a hearing does not alter the order of isolation or quarantine. If the court finds that the isolation or quarantine of the individual is not in compliance with section 12.385, subdivision 1, the court may fashion remedies appropriate to the circumstances of the public health emergency and in keeping with this chapter.

Subd. 6. [JUDICIAL DECISIONS.] Judicial decisions on confinement under subdivision 3, 4, or 5 shall be based upon clear and convincing evidence and a written record of the disposition of the case shall be made and retained. The petitioner has the right to be represented by counsel or other lawful representative. The manner in which the request for a hearing is filed and acted upon shall be in accordance with the existing laws and rules of the courts of this state or any rules that are developed by the courts for use during a national security or peacetime emergency.

Sec. 34. [12.387] [VACCINATION AND TREATMENT.]

Subdivision 1. [VACCINATIONS.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may by order direct a person to be vaccinated as protection against communicable disease and to prevent the spread of a communicable or potentially communicable disease according to this subdivision.

(b) Vaccinations may be performed by (i) a person licensed to do so in the absence of an emergency, (ii) a person retired from a medical practice in this state or licensed in another state or Canadian province as provided in section 12.42, or (iii) a person designated in writing by a person identified in clause (i) or (ii). The person performing the vaccination shall promptly report the vaccination to the commissioner of health on forms or in a manner prescribed by the commissioner.

(c) A vaccination must not be given if the person administering the vaccine has reason to know that a particular individual has a known contraindication to the vaccination.

Subd. 2. [VACCINATION EXCUSE AND ENFORCEMENT.] A person excused from vaccination because of a known contraindication or a person who refuses to be vaccinated may be ordered by the commissioner of health to be placed in isolation or quarantine according to sections 12.385 and 12.386. An order of the commissioner of health given to implement this section is immediately enforceable by the commissioner of public safety, the adjutant general, or any other peace officer.

Subd. 3. [TREATMENT.] (a) During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may by order direct persons to be treated to prevent the spread of communicable or potentially communicable disease according to this subdivision.

(b) Treatment may be performed by (i) a person licensed to do so in the absence of an emergency, (ii) a person retired from a medical practice in this state or licensed in another state or Canadian province as provided in section 12.42, or (iii) a person designated in writing by a person identified in clause (i) or (ii).

(c) A treatment must not be given if the person administering the treatment has reason to know that a particular individual has a known contraindication to the treatment.

Subd. 4. [TREATMENT EXCUSE AND ENFORCEMENT.] A person excused from treatment because of a known contraindication or a person who refuses to be treated may be ordered by the commissioner of health to be placed in isolation or quarantine according to sections 12.385 and 12.386. An order of the commissioner given to implement this section is immediately enforceable by the commissioner of public safety, the adjutant general, or any other peace officer.

Sec. 35. [12.388] [COLLECTION OF LABORATORY SPECIMENS AND SAMPLES.]

Subdivision 1. [HUMAN AND ANIMAL SPECIMENS.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner of health may, when related to circumstances of the public health emergency, collect specimens from and perform tests on any living person and upon any deceased person; collect specimens from and perform tests on any animal, living or deceased; and acquire any previously collected specimens or test results that are reasonable and necessary to investigate and respond to the emergency.

Subd. 2. [ENVIRONMENTAL SAMPLES.] During a national security or peacetime emergency declared due to a public health emergency, the commissioner may, when related to the circumstances for which the emergency has been declared, collect environmental samples and acquire any previously collected environmental samples or test results that are reasonable and necessary to investigate and respond to the emergency.

Sec. 36. [12.389] [HEALTH PERSONNEL; POWERS, DUTIES, AND IMMUNITIES.]

Health care providers, including out-of-state emergency health care providers practicing according to section 12.42, while performing health services at the request of the commissioner of health under sections 12.375 to 12.39, shall be immune from civil liability for injuring or causing the death of any person or any damage to property, except in the case of gross negligence or willful misconduct.

Sec. 37. [12.39] [ENFORCEMENT.]

The commissioner of health may enforce sections 12.375 to 12.39 according to sections 144.989 to 144.993. Nothing in this section shall be construed to limit specific enforcement powers enumerated in sections 12.375 to 12.39 or other law.

Sec. 38. Minnesota Statutes 2000, section 12.42, is amended to read:

12.42 [OUT-OF-STATE LICENSE HOLDERS; POWERS, DUTIES.]

During an emergency or disaster, a person who holds a license, certificate, or other permit issued by a state of the United States or by Canada or its political subdivisions, evidencing the meeting of qualifications for professional, mechanical, or other skills, or a retired person who held such a license, certificate, or other permit in good standing upon retirement, may render aid involving those skills in this state. The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in this state.

Sec. 39. Minnesota Statutes 2000, section 13.3805, subdivision 1, is amended to read:

Subdivision 1. [HEALTH DATA GENERALLY.] (a) [DEFINITIONS.] As used in this subdivision:

(1) "Commissioner" means the commissioner of health.

(2) "Health data" means data on individuals created, collected, received, or maintained by the department of health, political subdivisions, or statewide systems relating to the identification, description, prevention, and control of disease or as part of an epidemiologic investigation the commissioner designates as necessary to analyze, describe, or protect the public health.

(b) [DATA ON INDIVIDUALS.] (1) Health data are private data on individuals. Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as provided in this subdivision and section 13.04.

(2) The commissioner or a local board of health as defined in section 145A.02, subdivision 2, may disclose health data to the data subject's physician as necessary to locate or identify a case, carrier, or suspect case, to establish a diagnosis, to provide treatment, to identify persons at risk of illness, or to conduct an epidemiologic investigation.

(3) With the approval of the commissioner, health data may be disclosed to the extent necessary to assist the commissioner to locate or identify a case, carrier, or suspect case, to alert persons who may be threatened by illness as evidenced by epidemiologic data, to control or prevent the spread of serious disease, or to diminish an imminent threat to the public health.

(c) The commissioner, acting under section 145.9809, may share health data with appropriate government and tribal authorities as enumerated in section 145.9809 if the commissioner determines that access will aid public health, promote public safety, or assist law enforcement.

(d) [HEALTH SUMMARY DATA.] Summary data derived from data collected under section 145.413 may be provided under section 13.05, subdivision 7.

Sec. 40. Minnesota Statutes 2000, section 13.82, is amended by adding a subdivision to read:

Subd. 24a. [REPORTING TERRORISM INFORMATION.] When a law enforcement agency learns of a case or suspected case of a qualifying health condition, as defined under section 145.9805, or suspects that an incident could have been caused by bioterrorism, chemical terrorism, or radiological terrorism, as defined under section 145.9805, the law enforcement agency shall immediately notify the commissioner of health.

Sec. 41. Minnesota Statutes 2000, section 13.82, is amended by adding a subdivision to read:

Subd. 24b. [SHARING TERRORISM INFORMATION.] A law enforcement agency may share criminal investigative data with the commissioner of health under subdivision 24a if either the agency or the commissioner reasonably believes that the data indicate a possible threat or occurrence of bioterrorism, chemical terrorism, or radiological terrorism. A law enforcement agency may share criminal investigative data concerning a possible threat or occurrence of agricultural terrorism with the board of animal health or the commissioner of agriculture if the agency, board, or commissioner reasonably believes crops, livestock, or other food supplies may be affected.

Sec. 42. Minnesota Statutes 2000, section 144.99, subdivision 1, is amended to read:

Subdivision 1. [REMEDIES AVAILABLE.] The provisions of chapters 103I and 157 and sections 12.375 to 12.39; 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.1201 to 144.1204; 144.121; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9509; 144.992; 145.9805 to 145.981; 326.37 to 326.45; 326.57 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

Sec. 43. [145.9805] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of sections 145.9805 to 145.981, the following definitions apply.

Subd. 2. [BIOLOGICAL AGENT.] "Biological agent" means a microorganism, virus, infectious substance, bioengineered component of such a microorganism, or other biological material that could cause death, disease, or other harm to a human, an animal, a plant, or another living organism.

Subd. 3. [BIOTERRORISM.] "Bioterrorism" means the intentional use or threatened use of a biological agent to harm or endanger members of the public.

Subd. 4. [CHEMICAL AGENT.] "Chemical agent" means a poisonous chemical agent that has the capacity to cause death, disease, or other harm to a human, an animal, a plant, or another living organism.

Subd. 5. [CHEMICAL TERRORISM.] "Chemical terrorism" means the intentional use or threatened use of a chemical agent to harm or endanger members of the public.

Subd. 6. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 7. [FACILITY.] "Facility" means any real property, building, structure, or other improvement to real property or any motor vehicle, rolling stock, aircraft, watercraft, or other means of transportation.

Subd. 8. [HEALTH CARE PROVIDER.] "Health care provider" means any person or entity who provides health care services including, but not limited to, hospitals, medical clinics and offices, special care facilities, and medical laboratories.

Subd. 9. [HEALTH CARE PROVIDER PERSONNEL.] "Health care provider personnel" include physicians, pharmacists, dentists, physician assistants, nurses, and laboratory technicians.

Subd. 10. [PUBLIC SAFETY AUTHORITY.] "Public safety authority" means the commissioner of public safety, any local government agency that acts principally to protect or preserve the public safety, or any person authorized to act on behalf of the commissioner of public safety or local agency.

Subd. 11. [QUALIFYING HEALTH CONDITION.] "Qualifying health condition" means an illness or health condition that may be caused by terrorism, epidemic or pandemic disease, or a novel infectious agent or biological or chemical toxin and that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

Subd. 12. [RADIOACTIVE MATERIAL.] "Radioactive material" means a radioactive substance that has the capacity to cause bodily injury or death to a human, an animal, a plant, or another living organism.

Subd. 13. [RADIOLOGICAL TERRORISM.] "Radiological terrorism" means the intentional use or threatened use of a radioactive material to harm or endanger members of the public.

Subd. 14. [SPECIMEN.] "Specimen" means any of the following items that are necessary to perform required tests: bodily fluids, including but not limited to blood, sputum, urine, cerebral or spinal fluid, and aqueous humor; stool and other bodily wastes; tissues; DNA and RNA samples; and cultures.

Subd. 15. [TERRORISM.] "Terrorism" means bioterrorism, chemical terrorism, or radiological terrorism.

Subd. 16. [TEST.] "Test" means any diagnostic or investigative analysis necessary to prevent the spread of disease or protect the public's health, safety, and welfare.

Sec. 44. [145.9806] [REPORTING; QUALIFYING HEALTH CONDITIONS; HOSPITAL CAPACITY.]

Subdivision 1. [REPORTING REQUIRED.] (a) A person required to report disease under Minnesota Rules, part 4605.7030, coroner, or medical examiner shall report to the commissioner all cases of, suspected cases of, or deaths of persons from any disease or infectious agent listed in Minnesota Rules, part 4605.7040. The commissioner may add an illness or health condition to the list in Minnesota Rules, part 4605.7040. Any addition made by the commissioner shall be exempt from the requirements of chapter 14.

(b) Hospitals shall report, upon request of the commissioner, the number of available beds and necessary durable medical equipment.

(c) Nothing in this subdivision shall be construed to limit the duty to report to the commissioner under any other provision of law.

Subd. 2. [MANNER OF REPORTING.] Persons reporting to the commissioner under subdivision 1, paragraph (a), must report in compliance with Minnesota Rules, part 4605.7090. For cases related to animal or insect bites, the report shall include information for locating the biting animal or insect and the name and address of any known owner.

Subd. 3. [REPORTING REQUIRED BY PHARMACISTS.] (a) A pharmacist or a pharmacy benefits manager shall report any unusual or increased prescription frequency, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by a qualifying health condition. Prescription-related events that require a report include, but are not limited to:

(1) an unusual increase in the number of prescriptions to treat fever, respiratory, or gastrointestinal complaints;

(2) an unusual increase in the number of prescriptions for antibiotics; and

(3) an unusual increase in the number of requests for information on over-the-counter pharmaceuticals to treat fever, respiratory, or gastrointestinal complaints.

(b) A report required under this subdivision must be made by telephone and followed up in writing or by secure electronic transmission to the commissioner within 24 hours of the identification of a prescription-related event that requires a report.

Subd. 4. [ENFORCEMENT.] (a) Failure to report by licensed, registered, or certified health care providers as required under this section is grounds for discipline or grounds for negative action against a health care provider's licensure, registration, or certification.

(b) The commissioner may report the failure to report to the health care provider personnel's regulatory board.

(c) The commissioner may discipline any other health care provider personnel or health care provider under the commissioner's jurisdiction that fails to comply with this section. In disciplining a hospital that fails to comply with this section, the commissioner shall use the enforcement powers in chapter 144 that apply to hospitals.

Sec. 45. [145.9807] [DISEASE DETECTION AND MONITORING.]

Subdivision 1. [COMMISSIONER'S DUTIES.] The commissioner shall ascertain the existence of cases or possible exposures of a qualifying health condition, investigate all such cases or suspected cases for sources of infection and to ensure that they are subject to proper control measures, and determine the scope of the qualifying health condition. In carrying out these duties, the commissioner may not review individual medical records without patient consent. Data collected are health data under section 13.3805.

Subd. 2. [IDENTIFICATION OF AND INTERVIEWING INDIVIDUALS.] Acting on reports received according to section 145.9806 or other reliable information, the commissioner shall identify all individuals at risk of infection thought to have been exposed to a qualifying health condition. The commissioner shall also identify individuals who have been vaccinated or otherwise protected against the qualifying health condition.

Subd. 3. [ENFORCEMENT.] During a declared national security or peacetime emergency declared due to a public health emergency, the commissioner of public safety, the adjutant general, and other peace officers shall immediately assist in enforcing an order or direction of the commissioner that is made under this section to identify or conduct monitoring of an individual or to examine a facility.

Sec. 46. [145.9808] [PHARMACEUTICALS; PROCUREMENT AND DISTRIBUTION.]

The commissioner may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies and equipment located within the state as may be reasonable for emergency preparedness response.

Sec. 47. [145.9809] [INFORMATION SHARING.]

Subdivision 1. [COMMISSIONER.] Whenever the commissioner learns of a case or suspected case of a qualifying health condition, an unusual cluster, or a suspicious event that the commissioner reasonably believes has the potential to be caused by terrorism, the commissioner shall immediately notify the appropriate public safety authority, tribal authorities, federal health and public safety authorities, local public health authorities, and any other state or provincial authorities that may be affected.

Subd. 2. [PUBLIC SAFETY AUTHORITY.] Whenever a public safety authority learns of a case or suspected case of a qualifying health condition, an unusual cluster, or a suspicious event that the public safety authority reasonably believes has the potential to be caused by terrorism, the public safety authority shall immediately notify the commissioner.

Subd. 3. [DATA STANDARDS.] A public safety authority or the commissioner may share data under this section according to sections 13.3805 and 13.82, subdivision 24.

Sec. 48. [145.981] [ENFORCEMENT.]

The commissioner may enforce sections 145.9805 to 145.9809 according to sections 144.989 to 144.993. Nothing in this section shall be construed to limit specific enforcement powers enumerated in sections 145.9805 to 145.9809 or other law.

Sec. 49. Minnesota Statutes 2000, section 145A.07, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENTS TO PERFORM DUTIES OF COMMISSIONER.] (a) The commissioner of health may enter into an agreement with any board of health to delegate all or part of the licensing, inspection, reporting, and enforcement, and public health emergency duties authorized under sections 12.31 to 12.389; 144.12; 144.381 to 144.387; 144.411 to 144.417; 144.71 to 144.74; 145.9805 to 145.9809; 145A.04, subdivision 6; provisions of chapter 103I pertaining to construction, repair, and abandonment of water wells; chapter 157; and sections 327.14 to 327.28.

(b) Agreements are subject to subdivision 3.

(c) This subdivision does not affect agreements entered into under Minnesota Statutes 1986, section 145.031, 145.55, or 145.918, subdivision 2.

Sec. 50. [EFFECTIVE DATE.]

Sections 1 to 49 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public health; establishing the Minnesota Emergency Health Powers Act; modifying provisions for declaring national security and peacetime emergencies; requiring reporting of certain health conditions; authorizing special powers for the control of property and protection of people; amending Minnesota Statutes 2000, sections 12.03, by adding subdivisions; 12.09, subdivisions 1, 2; 12.21, subdivision 3; 12.31, subdivision 2; 12.32; 12.34, subdivision 1; 12.42; 13.3805, subdivision 1; 13.82, by adding subdivisions; 144.99, subdivision 1; 145A.07, subdivision 1; Minnesota Statutes 2001 Supplement, section 12.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 12; 145."

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

The report was adopted.

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

H. F. No. 3116, A bill for an act relating to natural resources; modifying certain responsibilities of the advisory committee and the legislative commission on Minnesota resources regarding the environmental and natural resources trust fund; modifying availability of funds for disbursement; providing a penalty for failure to comply with restrictions on certain state-funded acquisitions of land; requiring recipients of certain state funding for acquisitions of interests in land to record a notice of funding agreement regarding the interests; amending Minnesota Statutes 2000, sections 116P.06, subdivision 2; 116P.07; 116P.11; Minnesota Statutes 2001 Supplement, section 116P.15.

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

The report was adopted.

Wolf from the Committee on Regulated Industries to which was referred:

H. F. No. 3125, A bill for an act relating to telecommunications; changing name of telecommunications access for communication-impaired persons program to telecommunications access Minnesota program; modifying and clarifying provisions for contracting the telecommunication relay system; amending Minnesota Statutes 2000, section 237.52, subdivision 1; Minnesota Statutes 2001 Supplement, sections 237.51, subdivision 1; 237.54, subdivision 2.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2000, section 237.081, subdivision 4, is amended to read:

Subd. 4. [ESTABLISHMENT OF RATE AND PRICE.] (a) Whenever the commission finds, after a proceeding under subdivision 2, that (1) a service that can be reasonably demanded cannot be obtained, (2) that any rate, toll, tariff, charge, or schedule, or any regulation, measurement, practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of telephone service or any service in connection with telephone service, is in any respect unreasonable, insufficient, or unjustly discriminatory, or (3) that any service is inadequate, the commission shall make an order respecting the tariff, regulation, act, omission, practice, or service that is just and reasonable and, if applicable, shall establish just and reasonable rates and prices.

(b) Included within the authority existing under paragraph (a) for the commission to issue any order remedying inadequate or discriminatory service or practice is the authority to impose self-executing or automatic remedies and penalties."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing public utilities commission to impose self-executing or automatic remedies and penalties;"

Page 1, line 7, delete "section" and insert "sections 237.081, subdivision 4;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 3151, A bill for an act relating to state government; reorganizing and restructuring certain departments; creating the department of workforce and economic development; eliminating the department of economic security and the department of trade and economic development; transferring duties; making technical changes; amending Minnesota Statutes 2000, sections 4.045; 14.03, subdivision 2; 14.3691, subdivision 2; 15.057; 16C.05, subdivision 3; 116J.011; 116J.035, subdivision 2; 116J.401; 116M.15, subdivision 1; 216C.10; 256J.08, subdivision 52; 268.001; Minnesota Statutes 2001 Supplement, sections 3C.12, subdivision 2; 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 43A.08, subdivision 1a; 116J.01, subdivision 5; 116L.04, subdivision 1a; 125A.023, subdivision 4; 125A.28; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2000, sections 268.0111, subdivisions 1, 2, 3a; 268.0121, subdivisions 1, 2; 268.0122, subdivisions 5, 6; 268.014; Minnesota Statutes 2001 Supplement, sections 268.0122, subdivisions 2, 3; 268.029.

Reported the same back with the following amendments:

Page 8, line 27, after "employ" insert "up to" and reinstate the stricken language and delete "two"

Page 9, line 13, strike "trade" and insert "workforce"

Page 10, line 23, strike "trade" and insert "workforce"

Page 14, line 34, delete "with the advice and consent of the team"

Page 21, line 12, delete "trade" and insert "workforce"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 3234, A bill for an act relating to health; requiring health insurance coverage for surveillance testing for ovarian cancer; amending Minnesota Statutes 2000, section 62A.30, subdivision 2, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services Policy.

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 25, A house resolution relating to state government; rejecting certain labor agreements and compensation plans; ratifying a labor agreement.

Reported the same back with the following amendments:

Page 1, line 8, delete "Minnesota association" and insert "American federation"

Page 1, line 25, delete "7" and insert "11" and delete "rejected" and insert "ratified"

Page 2, lines 3 and 7, delete "7" and insert "11"

Page 2, line 4, delete "rejected" and insert "modified to remove all provisions granting insurance benefits to a domestic partner of a state employee, and that as modified, the amendments to the plan are ratified"

Page 2, line 8, delete "rejected" and insert "modified to remove all provisions granting insurance benefits to a domestic partner of a state employee, and that as modified, the amendments to the plan are ratified"

Page 2, line 28, delete "and"

Page 2, line 33, delete the period and insert "; and"

Be It Further Resolved, that the amendments to the compensation plan for administrators of the Minnesota state colleges and universities, as modified and approved by the legislative coordinating commission subcommittee on employee relations on February 1, 2002, are further modified to remove all provisions allowing use of sick leave or bereavement leave on behalf of a domestic partner of a state employee, and that as further modified, the amendments to the plan are ratified.

Be It Further Resolved, that as provided under Minnesota Statutes, section 43A.18, subdivision 2, an executive branch state employee is covered by the plan established under that subdivision if the employee is not covered by a collective bargaining agreement because the proposed agreement that would cover the employee is rejected by the legislature, or because the legislature adjourns without ratifying the proposed agreement."

With the recommendation that when so amended the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 170, 1297, 2570, 2603, 2637, 2785, 2842, 2903, 3116 and 3125 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 2434 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Rukavina and Bakk introduced:

H. F. No. 3305, A bill for an act relating to traffic regulations; modifying provisions governing road inspections, first hauls, and weight allowances for commercial motor vehicles; transferring certain authority relating to weight restrictions on county routes to county road authorities; reallocating proceeds of fines for violations occurring on county roads; reducing an appropriation; making technical and clarifying changes; amending Minnesota Statutes 2000, sections 168.011, subdivision 17; 168.013, subdivision 3; 169.771, subdivisions 2, 3; 169.832, subdivision 11; 169.85, subdivisions 1, 2; 169.851, subdivision 3; 169.86, subdivision 5; Minnesota Statutes 2001 Supplement, sections 169.825, subdivision 11; 299D.03, subdivision 5.

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

Biernat, Mullery, Gray and Kahn introduced:

H. F. No. 3306, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Phase I of the Lowry Avenue corridor in Minneapolis.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Olson and Ozment introduced:

H. F. No. 3307, A bill for an act relating to health; establishing plumbing and sewage requirements; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Cassell, Nornes, Westrom and Otremba introduced:

H. F. No. 3308, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for solid waste capital assistance grants.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Cassell, Nornes, Westrom and Otremba introduced:

H. F. No. 3309, A bill for an act relating to health; modifying provisions of licensed beds on layaway status; amending Minnesota Statutes 2000, section 144A.071, subdivision 4b.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Bradley and Goodno introduced:

H. F. No. 3310, A bill for an act relating to human services; modifying requirements for medical assistance coverage of prescription drugs; amending Minnesota Statutes 2001 Supplement, section 256B.0625, subdivision 13.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Hausman, Mahoney and Bishop introduced:

H. F. No. 3311, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for an engineering study and predesign of the historic connection of the Capitol through downtown St. Paul to the Mississippi river.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Abeler and Dawkins introduced:

H. F. No. 3312, A bill for an act relating to education finance; creating an equalized aid and levy to pay for one-half of up to \$150 per pupil of each school district's unfunded special education costs; proposing coding for new law in Minnesota Statutes, chapter 125A.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Bakk, Sertich and Rukavina introduced:

H. F. No. 3313, A bill for an act relating to state lands; authorizing private and public sales of certain tax-forfeited lands that border public water in St. Louis county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Seifert, Westrom and Mulder introduced:

H. F. No. 3314, A bill for an act relating to economic development; requiring state agencies and political subdivisions to investigate the availability of existing buildings before proposing new construction; requiring the commissioner of trade and economic development to investigate and publicize the availability of low-cost land and buildings; amending Minnesota Statutes 2000, sections 16A.86, by adding a subdivision; 16B.305, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Lieder and Skoe introduced:

H. F. No. 3315, A bill for an act relating to human services; providing rate increases for certain nursing facilities to offset a county assessment; appropriating money; amending Minnesota Statutes 2000, sections 256B.431, by adding a subdivision; 256B.434, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Lieder, Kalis, Juhnke, Winter and Johnson, R., introduced:

H. F. No. 3316, A bill for an act relating to capital improvements; authorizing issuance of state transportation bonds for replacement, rehabilitation, and repair of local bridges; appropriating money.

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

Seagren, Greiling and Mares introduced:

H. F. No. 3317, A bill for an act relating to education; amending and repealing unneeded and obsolete education provisions; amending Minnesota Statutes 2000, sections 120B.11, subdivision 5; 121A.15, as amended; 121A.55; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 5, 8; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123B.02, subdivision 1; 123B.04, subdivision 5; 123B.147; 123B.43; 123B.49, subdivision 1; 123B.51, subdivisions 1, 5; 123B.83, subdivision 1; 123B.90, subdivision 2; 124D.02, subdivision 1; 124D.09, subdivisions 5, 6; 124D.10, subdivisions 1, 6; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.50, subdivisions 2, 3; 124D.65, subdivision 6; 124D.892, as amended; 124D.94, subdivision 4; 125B.05, subdivisions 1, 2; 127A.05, subdivision 3; 127A.06; 127A.41, subdivision 7; Minnesota Statutes 2001 Supplement, sections 123B.36, subdivision 1; 129C.10, subdivision 3; repealing Minnesota Statutes 2000, sections 121A.03, subdivision 3; 121A.16; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.52; 122A.53; 122A.71; 122A.72; 122A.75; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 9, 10, 13; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.93; 123B.95, subdivision 3; 124D.02, subdivision 4; 124D.06; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.124; 124D.47; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, 6; 125B.02; 127A.41, subdivision 4; Minnesota Rules, parts 3505.4300; 3520.0400; 3545.0600; 3545.0700; 3545.0800; 3545.0900; 3550.0100.

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

Anderson, B.; Westrom and Olson introduced:

H. F. No. 3318, A bill for an act relating to capital improvements; providing for a grant to the University of Minnesota to study, develop, and construct a demonstration personal rapid transit system; appropriating money.

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

Boudreau introduced:

H. F. No. 3319, A bill for an act relating to education; modifying tuition provisions for the Minnesota state academies; amending Minnesota Statutes 2000, section 125A.65, subdivisions 1, 3, 8, 9.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Olson, Westrom, Leppik and Anderson, B., introduced:

H. F. No. 3320, A bill for an act relating to capital improvements; providing for a grant to the University of Minnesota to study, develop, and construct a demonstration personal rapid transit system; authorizing issuance of bonds; appropriating money.

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

Carlson, Dorn, Opatz and Pelowski introduced:

H. F. No. 3321, A bill for an act relating to higher education; appropriations; providing for budget priorities and calculation of biennial budgets.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Johnson, J.; Penas; Buesgens; Eastlund; Erickson; Kielkucki; Blaine; Wilkin; Olson and Nornes introduced:

H. F. No. 3322, A bill for an act relating to education; requiring school districts to notify parents about student surveys and similar instruments that may reveal personal information; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Johnson, J.; Penas; Eastlund; Erickson; Kielkucki; Blaine; Wilkin and Olson introduced:

H. F. No. 3323, A bill for an act relating to education; ensuring that statewide kindergarten through grade 12 tests measure students' academic knowledge and not values, attitudes, or beliefs; amending Minnesota Statutes 2001 Supplement, section 120B.30, subdivision 1.

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

Clark, K., introduced:

H. F. No. 3324, A bill for an act relating to housing; affordable housing; providing for accessory dwelling units; requiring municipalities to report separate permit totals for certain types of residential units; amending Minnesota Statutes 2000, sections 462.352, by adding a subdivision; 462.357, by adding a subdivision; 462A.33, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 16B.685.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Rifenberg introduced:

H. F. No. 3325, A bill for an act relating to taxation; mortgage registry; exempting certain agricultural loans; amending Minnesota Statutes 2001 Supplement, section 287.04.

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

Wagenius introduced:

H. F. No. 3326, A bill for an act relating to the environment; establishing an environmental sustainability policy; developing green standards for state product purchasing; establishing the Minnesota green government council; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Jennings introduced:

H. F. No. 3327, A bill for an act relating to capital improvements; appropriating money to the board of water and soil resources to acquire lands adjacent to the Rush City correctional facility for wetlands mitigation and drainage and for ultimate transfer to natural resources for a wildlife management area; authorizing issuance of bonds.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Molnau, Kahn, Bradley, Hilstrom and Leppik introduced:

H. F. No. 3328, A bill for an act relating to drivers' licenses; requiring commissioner of public safety to adopt rules requiring education in organ donation as part of driver education programs; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Lenczewski introduced:

H. F. No. 3329, A bill for an act relating to taxation; providing that certain money in the tax increment financing grant fund will be transferred to the Minnesota housing finance agency for use in the economic development and housing challenge program; appropriating money; amending Minnesota Statutes 2001 Supplement, section 469.1799, subdivision 3.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Bakk and Anderson, I., introduced:

H. F. No. 3330, A bill for an act relating to land use management; authorizing the northern counties land use coordinating board to initiate a pilot project to promote cooperative efforts among county, state, federal, and local units of government, and with Canadian officials regarding land use management issues.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Anderson, I., and Lieder introduced:

H. F. No. 3331, A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings for the purpose of completing the design and construction of the World War II veterans memorial authorized for placement on the capitol mall, and for designing and constructing a kiosk in the capitol mall area to provide information on several public memorials; appropriating money; amending Laws 2000, chapter 492, article 1, section 12, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on State Government Finance.

Anderson, B.; Hilty; Jaros; Rhodes and Mares introduced:

H. F. No. 3332, A bill for an act relating to veterans; eliminating the sunset date for the purchase of military service credit; amending Laws 2000, chapter 461, article 4, section 4.

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

Wolf introduced:

H. F. No. 3333, A bill for an act relating to education; repealing the January 15 contract deadline date and penalty; repealing Minnesota Statutes 2000, section 123B.05.

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

Mahoney; Clark, K., and Sertich introduced:

H. F. No. 3334, A bill for an act relating to housing; the housing finance agency; appropriating money to the family homeless prevention and assistance program.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Seagren and Entenza introduced:

H. F. No. 3335, A bill for an act relating to education finance; authorizing a charter school to purchase and own school facilities; amending Minnesota Statutes 2000, sections 124D.10, subdivision 17; 124D.11, subdivision 7, by adding a subdivision.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Carlson, Leppik, Rhodes, Thompson and Hilstrom introduced:

H. F. No. 3336, A bill for an act relating to capital improvements; providing for grants to certain cities to pay local share of utilities relocation, and other road and infrastructure costs associated with reconstruction of state highway No. 100; authorizing issuance of bonds; appropriating money.

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

Folliard, Walker and Koskinen introduced:

H. F. No. 3337, A bill for an act relating to human services; extending MFIP assistance to a minor child after the 60-month time limit; proposing coding for new law in Minnesota Statutes, chapter 256J.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Walz introduced:

H. F. No. 3338, A bill for an act relating to human services; increasing the allocation for semi-independent living services under certain circumstances; reducing the amount of money available for reallocation for semi-independent living services.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Winter and Skoglund introduced:

H. F. No. 3339, A bill for an act relating to consumer protection; regulating certain telephonic sales calls; requiring the registration of telephone solicitors; providing remedies; appropriating money; amending Minnesota Statutes 2000, section 13.712, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325G.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Holsten, Wolf, Bakk, Winter and Jennings introduced:

H. F. No. 3340, A bill for an act relating to energy; requiring prevailing wage to be paid on certain energy projects; proposing coding for new law in Minnesota Statutes, chapter 177.

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

Entenza, Tingelstad, Oskopp and Stanek introduced:

H. F. No. 3341, A bill for an act relating to unemployment insurance; allowing certain school employees to collect benefits between academic years or terms; amending Minnesota Statutes 2001 Supplement, section 268.085, subdivision 7.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Gerlach, Leighton and Westerberg introduced:

H. F. No. 3342, A bill for an act relating to manufactured homes; prohibiting discrimination; proposing coding for new law in Minnesota Statutes, chapter 327C.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Bakk introduced:

H. F. No. 3343, A bill for an act relating to the city of Ely; authorizing a sales and use tax; authorizing expenditures and bonding authority.

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

McGuire introduced:

H. F. No. 3344, A bill for an act relating to courts; authorizing a combined jurisdiction program in the second judicial district; proposing coding for new law in Minnesota Statutes, chapter 484.

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

Dorman introduced:

H. F. No. 3345, A bill for an act relating to capital improvements; authorizing a grant to the Albert Lea Port Authority to remodel a building for use as a business incubator; authorizing issuance of bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Mulder, Huntley and Abeler introduced:

H. F. No. 3346, A bill for an act relating to health; regulating the provision of interstate telemedicine services; amending Minnesota Statutes 2000, sections 147.081, subdivision 1; 147.091, subdivision 1; 147.141; Minnesota Statutes 2001 Supplement, section 144.335, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Clark, K.; Walker; Swapinski and Gray introduced:

H. F. No. 3347, A bill for an act relating to education; child care assistance; providing for temporary ineligibility; amending Minnesota Statutes 2000, section 119B.09, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 119B.

The bill was read for the first time and referred to the Committee on Family and Early Childhood Education Finance.

Nornes and Leighton introduced:

H. F. No. 3348, A bill for an act relating to workers' compensation; modifying payment provisions; modifying intervention procedures; amending Minnesota Statutes 2000, sections 176.092, subdivision 1, by adding a subdivision; 176.106, subdivision 6; 176.111, subdivision 22; 176.130, subdivisions 8, 9; 176.139, subdivision 2; 176.155, subdivision 2; 176.181, subdivision 3; 176.182; 176.185, subdivision 5a; 176.194, subdivision 3; 176.361; 176.84, subdivision 2; Minnesota Statutes 2001 Supplement, section 176.103, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Kuisle introduced:

H. F. No. 3349, A bill for an act relating to livestock feedlots; increasing the animal units requiring certain public meetings; amending Minnesota Statutes 2000, section 116.07, subdivision 7.

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

Abeler, Folliard, Huntley, Davids and Bishop introduced:

H. F. No. 3350, A bill for an act relating to human services; establishing a donated dental services program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

McGuire introduced:

H. F. No. 3351, A bill for an act relating to firearms; prohibiting persons convicted of violent crimes from possessing firearms for the remainder of the person's lifetime; requiring persons who own or possess a firearm to obtain a license from the commissioner of public safety; establishing standards for the issuance of licenses; requiring transferors and owners of firearms to register with the commissioner of public safety; regulating transfers or purchases of firearms within a 30-day period; prohibiting the transporting of firearms into the state with the intent to transfer them to persons who are ineligible to possess them; requiring the reporting of lost or stolen firearms; authorizing local regulation of firearms and ammunition; imposing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 609.165, subdivisions 1a and 1b; 624.712, subdivision 6, and by adding a subdivision; 624.713, subdivisions 1 and 3; 624.714, subdivisions 3, 4, 5, and 8; and 624.7151; proposing coding for new law in Minnesota Statutes, chapters 299A; and 624; repealing Minnesota Statutes 2000, sections 471.633; 609.66, subdivision 1f; 624.711; 624.7131; 624.7132; 624.7141; 624.715; 624.717; and 624.74, subdivision 4.

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

McGuire introduced:

H. F. No. 3352, A bill for an act relating to early childhood; providing funding for early childhood learning and child protection facilities; authorizing the sale of state bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Family and Early Childhood Education Finance.

Cassell introduced:

H. F. No. 3353, A bill for an act relating to local government aids; increasing the city revenue base for certain cities; amending Minnesota Statutes 2001 Supplement, section 477A.011, subdivision 36.

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

Gunther; Peterson; Ness; Finseth; Kubly; Blaine; Osskopp; Swenson; Johnson, R.; Westrom; Juhnke; Penas; Eastlund and Dehler introduced:

H. F. No. 3354, A bill for an act relating to capital improvements; authorizing issuance of bonds; appropriating money to the rural finance authority for loans under Minnesota Statutes, chapter 41B.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Finance.

Eastlund introduced:

H. F. No. 3355, A bill for an act relating to education finance; authorizing an adjustment in special education excess cost for independent school district No. 911, Cambridge-Isanti.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Westrom introduced:

H. F. No. 3356, A bill for an act relating to human services; providing a rate increase for a nursing facility in Traverse county; amending Minnesota Statutes 2000, section 256B.434, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Westrom and Cassell introduced:

H. F. No. 3357, A bill for an act relating to capital improvements; appropriating money to renovate and expand the social science building at the University of Minnesota-Morris campus and to install fire protection systems in student housing; authorizing issuance of bonds.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Sertich introduced:

H. F. No. 3358, A bill for an act relating to sanitary sewer districts; establishing the central iron range sanitary sewer district.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Abeler and Huntley introduced:

H. F. No. 3359, A bill for an act relating to professions; modifying certain protocols for nurses; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 148.281, subdivision 1; 151.37, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Murphy, Stang and Swapinski introduced:

H. F. No. 3360, A bill for an act relating to liquor; authorizing the city of Proctor to issue additional liquor licenses; amending Laws 1999, chapter 202, section 12.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Swapinski, McGuire, Gray, Davnie and Folliard introduced:

H. F. No. 3361, A bill for an act relating to children; establishing the TEACH program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 119B.

The bill was read for the first time and referred to the Committee on Family and Early Childhood Education Finance.

Stanek and Walz introduced:

H. F. No. 3362, A bill for an act relating to public safety; permitting municipal police departments to utilize black patrol vehicles; amending Minnesota Statutes 2000, section 169.98, subdivision 1.

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

Seifert introduced:

H. F. No. 3363, A bill for an act relating to criminal justice; extending indefinitely the maximum stay of sentence for offenders convicted of felony-level designated property offenses; amending Minnesota Statutes 2000, section 609.135, subdivision 2.

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

Molnau, Knoblach, Juhnke and Kuisle introduced:

H. F. No. 3364, A bill for an act relating to highways; authorizing issuance of \$1,000,000 in state bonds for a grant program for replacement of official traffic control signs on town roads; appropriating money.

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

Mullery, Stanek, Mares, Mahoney and Murphy introduced:

H. F. No. 3365, A bill for an act relating to pensions; adding an exception to restrictions on local government pension levies or contributions; amending Minnesota Statutes 2001 Supplement, section 356.24, subdivision 1.

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

Paymar, Entenza, Hausman and Opatz introduced:

H. F. No. 3366, A bill for an act relating to advertising devices; regulating advertising adjacent to certain highways; requiring the commissioner to conduct a permit fee study and submit a report; amending Minnesota Statutes 2000, sections 173.01; 173.02, subdivision 1; 173.08, subdivision 1; 173.16, subdivision 5; 173.27; Minnesota Statutes 2001 Supplement, section 161.14, subdivision 45.

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

Tuma, Kahn, Huntley and Wagenius introduced:

H. F. No. 3367, A bill for an act relating to state and local government; requiring the state and local governmental units to give public notice before transferring ownership or changing the use of publicly owned undeveloped land; proposing coding for new law in Minnesota Statutes, chapter 465.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Paymar, Entenza, Hausman and Opatz introduced:

H. F. No. 3368, A bill for an act relating to cities of the first class; permitting cities of the first class to amortize nonconforming outdoor advertising; amending Minnesota Statutes 2000, section 462.357, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Swenson introduced:

H. F. No. 3369, A bill for an act relating to game and fish; modifying provisions for wildlife shooting preserves; amending Minnesota Statutes 2000, section 97A.115, subdivision 1; repealing Minnesota Rules, part 6242.0300.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Rifenberg introduced:

H. F. No. 3370, A bill for an act relating to appropriations; appropriating money for the Rushford Institute for Nanotechnology.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Paymar, Hausman and Opatz introduced:

H. F. No. 3371, A bill for an act relating to cities of the first class; permitting cities of the first class to amortize nonconforming uses; amending Minnesota Statutes 2000, section 462.357, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Jennings and Gunther introduced:

H. F. No. 3372, A bill for an act relating to public safety; requiring certain utilities to allow access to 911 service and update automatic identification records; allowing discretion to commissioners of administration and finance to set and change 911 fee within range set by law and upon notice to telephone companies and carriers; requiring certification of costs to be timely; appropriating money; amending Minnesota Statutes 2000, sections 403.04, by adding a subdivision; 403.11, subdivision 3; Minnesota Statutes 2001 Supplement, section 403.11, subdivision 1; repealing Minnesota Statutes 2000, section 403.08, subdivisions 1, 2.

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

Stanek, Smith and Skoglund introduced:

H. F. No. 3373, A bill for an act relating to domestic abuse; authorizing extension of the domestic fatality review team pilot project in the fourth judicial district.

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

Larson introduced:

H. F. No. 3374, A bill for an act relating to human services; defining what services are covered under intensive early intervention behavior therapy services for children with autism spectrum disorders; amending Minnesota Statutes 2001 Supplement, section 256B.0625, subdivision 5a.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Seagren; Leppik; Johnson, J.; Paulsen; Abrams; Sykora; Rhodes; Mullery; Stanek; Haas; Wagenius; Biernat; Carlson; Clark, K.; Kahn; Gray; Davnie; Lenczewski; Hilstrom; Skoglund; McGuire; Folliard; Kelliher; Walker and Thompson introduced:

H. F. No. 3375, A bill for an act relating to Hennepin county; providing for the continuation of the county's environmental response fund; amending Minnesota Statutes 2000, section 383B.81, by adding subdivisions; repealing Minnesota Statutes 2000, section 383B.80, subdivision 4.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Mullery and Abrams introduced:

H. F. No. 3376, A bill for an act relating to taxation; sales and use; exempting materials and equipment incorporated into certain low-income public housing units and developments; amending Minnesota Statutes 2001 Supplement, section 297A.71, subdivision 23.

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

Mahoney introduced:

H. F. No. 3377, A bill for an act relating to hazardous substances; regulating the installation and repair of piping containing hazardous substances; amending Minnesota Statutes 2000, sections 326.461, subdivision 2, by adding a subdivision; 326.47, by adding a subdivision; 326.48, by adding a subdivision; 326.521.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Daggett, Ness, Kuisle, Harder, Seifert, Rifenberg and Penas introduced:

H. F. No. 3378, A bill for an act relating to taxation; property; decreasing the class rate on certain agricultural homestead property; amending Minnesota Statutes 2001 Supplement, section 273.13, subdivision 23.

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

Rhodes, Lipman, Solberg, Pugh, Kahn, Osthoff and Sviggum introduced:

H. F. No. 3379, A bill for an act relating to elections; changing certain provisions of the campaign finance and public disclosure law; amending Minnesota Statutes 2000, sections 10A.01, subdivision 35; 10A.02, subdivision 11; 10A.025, subdivisions 2, 4; 10A.03, subdivision 3; 10A.04, subdivisions 4, 5, 6; 10A.08; 10A.09, subdivision 7; 10A.11, subdivision 7; 10A.12, subdivision 6; 10A.13, subdivision 1; 10A.14, subdivision 4; 10A.15, subdivision 4; 10A.16; 10A.17, subdivision 5, by adding a subdivision; 10A.18; 10A.20, subdivision 12, by adding a subdivision; 10A.25, subdivision 10; 10A.255, subdivision 1; 10A.27, subdivisions 9, 11, 13, by adding a subdivision; 10A.273, subdivisions 1, 4; 10A.28, subdivisions 1, 2, 4, by adding a subdivision; 10A.29; 10A.322, subdivision 1; 10A.323; 356A.06, subdivision 4; Minnesota Statutes 2001 Supplement, section 10A.31, subdivision 7.

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

Gunther and Kalis introduced:

H. F. No. 3380, A bill for an act relating to education finance; authorizing a fund transfer for independent school district No. 458, Truman.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Dauids introduced:

H. F. No. 3381, A bill for an act relating to insurance; applying the Minnesota No-Fault Automobile Insurance Act to horse-drawn vehicles regularly operated on public roads; amending Minnesota Statutes 2000, sections 65B.43, by adding a subdivision; 169.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65B.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Hilty, Jaros and Solberg introduced:

H. F. No. 3382, A bill for an act relating to education finance; providing school districts additional flexibility for staff development revenue; amending Minnesota Statutes 2001 Supplement, section 122A.61, subdivision 1.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Rukavina; Anderson, I.; Juhnke; Winter and Sertich introduced:

H. F. No. 3383, A bill for an act relating to taxation; increasing the local government aid payable to certain cities; appropriating money; amending Minnesota Statutes 2001 Supplement, sections 477A.011, subdivision 36; 477A.03, subdivision 2.

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

Lenczewski introduced:

H. F. No. 3384, A bill for an act relating to railroads; prohibiting and requiring certain actions relating to the Dan Patch commuter rail line by the metropolitan council, commissioner of transportation, and regional rail authorities.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hausman introduced:

H. F. No. 3385, A bill for an act relating to health; requiring all ambulance services to provide epinephrine treatment for allergic reactions; modifying EMT training requirements; amending Minnesota Statutes 2000, sections 144E.101, subdivision 7, by adding a subdivision; 144E.28, subdivision 7; Minnesota Statutes 2001 Supplement, section 144E.101, subdivision 6.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Clark, J.; Skoglund; Tuma; Stanek and Murphy introduced:

H. F. No. 3386, A bill for an act relating to crimes; requiring presumptive executed sentences for persons convicted of certain criminal sexual conduct offenses in the second degree; amending Minnesota Statutes 2000, section 609.343, subdivision 2.

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

Wagenius introduced:

H. F. No. 3387, A bill for an act relating to taxation; exempting construction materials for qualified low-income housing projects from sales and use tax; amending Minnesota Statutes 2001 Supplement, section 297A.71, subdivision 23.

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

Jaros, Swapinski, Goodwin, Rukavina and Sertich introduced:

H. F. No. 3388, A bill for an act relating to education finance; authorizing additional funding for the School Building Accessibility Capital Improvement Grant Act; modifying program criteria; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, section 123B.69, subdivision 3.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Davnie; Dibble; Clark, K.; Kelliher; Walker; Skoglund; Wagenius and Kahn introduced:

H. F. No. 3389, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the 29th Street midtown corridor in Minneapolis.

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

Johnson, R.; Dorn; Swenson; Kalis and Gunther introduced:

H. F. No. 3390, A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for the design for remodeling teaching labs at the North Mankato campus of South Central technical college.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Finseth, Mariani, Ness, Kalis, Otremba and Kubly introduced:

H. F. No. 3391, A bill for an act relating to agriculture; providing funding for a farmers' market hall project; authorizing the sale of state bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Finance.

Winter and Harder introduced:

H. F. No. 3392, A bill for an act relating to Southwest Regional Development Commission; authorizing a levy for debt retirement or debt service; authorizing local bonds or other obligations under Minnesota Statutes, chapter 475, for a specific debt service purpose.

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

Boudreau, Smith, Dawkins, Swapinski and Holberg introduced:

H. F. No. 3393, A bill for an act relating to child support; permitting the issuance of a limited license under certain circumstances to a person whose driver's license is suspended for nonpayment of support; clarifying requirements relating to payment agreements; amending Minnesota Statutes 2000, sections 171.186, subdivisions 1, 3, by adding a subdivision; 171.30, subdivision 1; 518.551, subdivisions 12, 13, 14, 15; 518.553.

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

Opatz introduced:

H. F. No. 3394, A bill for an act relating to higher education; requiring a study of teacher persistence.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Stanek, Tuma and Smith introduced:

H. F. No. 3395, A bill for an act relating to appropriations; changing and reducing appropriations made for public safety, criminal justice, and other agencies and activities; making clarifying changes; amending Laws 2001, First Special Session chapter 8, article 4, sections 10, subdivisions 1, 7; 11.

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

Peterson, Huntley, Davids and Kubly introduced:

H. F. No. 3396, A bill for an act relating to human services; providing subsidized supplemental coverage for certain inpatient hospital costs under the MinnesotaCare program; proposing coding for new law in Minnesota Statutes, chapter 256L.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Rukavina; Bakk; Sertich; Solberg; Anderson, I.; Osskopp; Fuller; Walz; Jacobson; Howes; Smith and Ness introduced:

H. F. No. 3397, A bill for an act relating to the northeast Minnesota economic protection trust; regulating expenditures of funds; amending Minnesota Statutes 2001 Supplement, section 298.296, subdivision 2.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Peterson introduced:

H. F. No. 3398, A bill for an act relating to capital improvements; providing a grant to the city of Dawson for infrastructure work and flood prevention; authorizing issuance of bonds; appropriating money.

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance.

Winter, Juhnke, Larson, Kalis, Kubly and Schumacher introduced:

H. F. No. 3399, A bill for an act relating to traffic regulations; imposing restriction on placement of safety inspection stickers or decals on windshields; amending Minnesota Statutes 2000, section 169.71, by adding a subdivision.

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

Seagren and Entenza introduced:

H. F. No. 3400, A bill for an act relating to education; authorizing city sponsorship of a performing arts charter school.

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

Clark, J., introduced:

H. F. No. 3401, A bill for an act relating to highways; prohibiting placement of barriers on roads more than 12 hours before initiation of improvement work; amending Minnesota Statutes 2000, section 160.16, subdivision 3.

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

Clark, J., introduced:

H. F. No. 3402, A bill for an act relating to transportation; directing commissioner of transportation to obtain waiver from federal government allowing Minnesota to withdraw from participation in federal highway funding programs; adjusting state motor fuel tax rate; transferring transportation planning authority from metropolitan council to department of transportation.

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

Clark, J., introduced:

H. F. No. 3403, A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIV; dedicating all revenue from the sales tax on motor vehicles to the highway user tax distribution fund.

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

Clark, J., and Tuma introduced:

H. F. No. 3404, A bill for an act relating to motor vehicles; requiring security interest on vehicle subject to DWI-related forfeiture to be perfected in order to protect interest of secured party; amending Minnesota Statutes 2001 Supplement, section 169A.63, subdivision 7.

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

Davids introduced:

H. F. No. 3405, A bill for an act relating to professions; providing a limitation on CPA relationships; amending Minnesota Statutes 2000, section 326.21 1, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 326A.10.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Schumacher; Blaine; Finseth; Juhnke; Winter; Skoe; Gunther; Johnson, R.; Swenson; Marquart; Kalis; Murphy and Kahn introduced:

H. F. No. 3406, A bill for an act relating to agriculture; modifying limits on the sale of prepared foods at community events or farmers' markets; amending Minnesota Statutes 2000, section 28A.15, subdivision 9.

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

Bishop and Sviggum introduced:

H. F. No. 3407, A bill for an act relating to state government; rejecting certain labor agreements and compensation plans; ratifying a labor agreement.

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

Rukavina, Wagenius, Pugh, Leighton and Solberg introduced:

H. F. No. 3408, A bill for an act relating to public employment; ratifying certain labor agreements; ratifying plan amendments; ratifying a salary increase proposal.

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

Sykora, Carlson, Seagren, Smith and Folliard introduced:

H. F. No. 3409, A bill for an act relating to education; modifying the referendum conversion adjustment for interest earned; amending Laws 2001, First Special Session chapter 6, article 1, section 53.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Johnson, J., and Skoglund introduced:

H. F. No. 3410, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2000, section 317A.021, subdivision 9.

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

Bakk, Davids, Rukavina, Sertich, Solberg and McElroy introduced:

H. F. No. 3411, A resolution urging the Pension Benefit Guaranty Corporation to delay the termination of the LTV Steel Mining Pension Plan.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Holsten, Jennings and Workman introduced:

H. F. No. 3412, A bill for an act relating to eminent domain; authorizing inverse condemnation by a business when a governmental entity occupies the market; proposing coding for new law in Minnesota Statutes, chapter 117.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

CONSENT CALENDAR

Pawlenty moved that the Consent Calendar be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Olson moved that the names of Juhnke and Kelliher be added as authors on House Concurrent Resolution No. 4. The motion prevailed.

Ozment moved that the name of Otremba be added as an author on H. F. No. 175. The motion prevailed.

Skoglund moved that the names of Clark, J.; Hilstrom and Winter be added as authors on H. F. No. 238. The motion prevailed.

Stang moved that the name of Lenczewski be added as an author on H. F. No. 1800. The motion prevailed.

Davids moved that the name of Bakk be added as an author on H. F. No. 2492. The motion prevailed.

Bradley moved that the name of Otremba be added as an author on H. F. No. 2635. The motion prevailed.

Rhodes moved that the name of Folliard be added as an author on H. F. No. 2645. The motion prevailed.

Erickson moved that the name of Otremba be added as an author on H. F. No. 2660. The motion prevailed.

Daggett moved that the names of Ruth and Abeler be added as authors on H. F. No. 2682. The motion prevailed.

Holsten moved that the names of Jacobson and Penas be added as authors on H. F. No. 2683. The motion prevailed.

Tingelstad moved that the name of Abeler be added as an author on H. F. No. 2691. The motion prevailed.

Entenza moved that his name be stricken as an author on H. F. No. 2708. The motion prevailed.

Peterson moved that his name be stricken as an author on H. F. No. 2708. The motion prevailed.

Entenza moved that the name of Larson be added as an author on H. F. No. 2710. The motion prevailed.

Clark, K., moved that the name of Walker be added as an author on H. F. No. 2723. The motion prevailed.

Stang moved that the name of Otremba be added as an author on H. F. No. 2726. The motion prevailed.

Abeler moved that the name of Workman be added as an author on H. F. No. 2757. The motion prevailed.

Finseth moved that the name of Johnson, R., be added as chief author on H. F. No. 2770. The motion prevailed.

Ness moved that the names of Johnson, J., and Lipman be added as authors on H. F. No. 2801. The motion prevailed.

Ozment moved that the names of Ruth and Jacobson be added as authors on H. F. No. 2804. The motion prevailed.

Holsten moved that the name of Westerberg be added as an author on H. F. No. 2808. The motion prevailed.

Stang moved that the name of Dempsey be added as an author on H. F. No. 2817. The motion prevailed.

Greiling moved that the name of Abeler be added as an author on H. F. No. 2820. The motion prevailed.

Bradley moved that the name of Westerberg be added as an author on H. F. No. 2833. The motion prevailed.

Penas moved that the name of Westerberg be added as an author on H. F. No. 2841. The motion prevailed.

Tuma moved that the name of Smith be added as an author on H. F. No. 2843. The motion prevailed.

McGuire moved that her name be stricken as an author on H. F. No. 2901. The motion prevailed.

Walker moved that her name be stricken as an author on H. F. No. 2903. The motion prevailed.

Folliard moved that the name of Mullery be added as an author on H. F. No. 2912. The motion prevailed.

Boudreau moved that the name of Abeler be added as an author on H. F. No. 2925. The motion prevailed.

Workman moved that the name of Abeler be added as an author on H. F. No. 2939. The motion prevailed.

Vandever moved that the name of Wilkin be added as an author on H. F. No. 2958. The motion prevailed.

Howes moved that the name of Lenczewski be added as an author on H. F. No. 3005. The motion prevailed.

Olson moved that the name of Westrom be added as an author on H. F. No. 3007. The motion prevailed.

Bernardy moved that the name of Lenczewski be added as an author on H. F. No. 3022. The motion prevailed.

Ozment moved that the name of Lenczewski be added as an author on H. F. No. 3042. The motion prevailed.

Clark, J., moved that the name of Lenczewski be added as an author on H. F. No. 3043. The motion prevailed.

Lenczewski moved that the name of Kelliher be added as an author on H. F. No. 3132. The motion prevailed.

Dawkins moved that the name of Lenczewski be added as an author on H. F. No. 3139. The motion prevailed.

Stanek moved that the name of Westerberg be added as an author on H. F. No. 3146. The motion prevailed.

Holsten moved that the name of Erickson be added as an author on H. F. No. 3154. The motion prevailed.

Hilstrom moved that the name of Schumacher be added as an author on H. F. No. 3177. The motion prevailed.

Johnson, R., moved that the name of Finseth be added as chief author on H. F. No. 3183. The motion prevailed.

Skoe moved that the name of Gleason be added as an author on H. F. No. 3186. The motion prevailed.

Osthoff moved that the name of Johnson, S., be added as an author on H. F. No. 3228. The motion prevailed.

Clark, J., moved that the name of Ruth be added as an author on H. F. No. 3232. The motion prevailed.

Clark, K., moved that the name of Lenczewski be added as an author on H. F. No. 3234. The motion prevailed.

Westrom moved that the name of Cassell be added as an author on H. F. No. 3241. The motion prevailed.

Johnson, J., moved that the names of Sykora and Stanek be added as authors on H. F. No. 3247. The motion prevailed.

Gerlach moved that the name of Rifenberg be added as an author on H. F. No. 3275. The motion prevailed.

Pawlenty moved that H. F. No. 2752 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on State Government Finance. The motion prevailed.

Pawlenty moved that H. F. No. 2816 be recalled from the Committee on K-12 Education Finance and be re-referred to the Committee on Education Policy. The motion prevailed.

Opatz moved that H. F. No. 2824 be recalled from the Committee on Education Policy and be re-referred to the Committee on Civil Law. The motion prevailed.

Kuisle moved that H. F. No. 2887 be recalled from the Committee on Environment and Natural Resources Finance and be re-referred to the Committee on Transportation Finance. The motion prevailed.

Abrams moved that H. F. No. 3140 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Clark, J., moved that H. F. No. 3205 be recalled from the Committee on Transportation Finance and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy. The motion prevailed.

Johnson, J., moved that H. F. No. 3247 be recalled from the Committee on K-12 Education Finance and be re-referred to the Committee on Education Policy. The motion prevailed.

Opatz moved that H. F. No. 3259 be recalled from the Committee on Higher Education Finance and be re-referred to the Committee on Civil Law. The motion prevailed.

House Resolution No. 25 was reported to the House.

HOUSE RESOLUTION NO. 25

A house resolution relating to state government; rejecting certain labor agreements and compensation plans; ratifying a labor agreement.

Be It Resolved, by the House of Representatives of the State of Minnesota that the labor agreement between the state of Minnesota and the American federation of state, county, and municipal employees, units 2, 3, 4, 6, and 7, submitted to the legislative coordinating commission subcommittee on employee relations on November 21, 2001, and implemented after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is rejected;

Be It Further Resolved, that the labor agreement between the state of Minnesota and the Minnesota association of professional employees, submitted to the legislative coordinating commission subcommittee on employee relations on November 21, 2001, and implemented after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is rejected;

Be It Further Resolved, that the amendments to the compensation plan for administrators of the Minnesota state colleges and universities, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are ratified;

Be It Further Resolved, that the amendments to the managerial plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are modified to remove all provisions granting insurance benefits to a domestic partner of a state employee, and that as modified, the amendments to the plan are ratified;

Be It Further Resolved, that the amendments to the commissioners plan, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, are modified to remove all provisions granting insurance benefits to a domestic partner of a state employee, and that as modified, the amendments to the plan are ratified;

Be It Further Resolved, that the labor agreement between the state of Minnesota and the middle management association, submitted to the legislative coordinating commission subcommittee on employee relations on December 21, 2001, and implemented after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is rejected;

Be It Further Resolved, that the labor agreement between the state of Minnesota and the state residential schools education association, submitted to the legislative coordinating commission subcommittee on employee relations on December 21, 2001, and implemented after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is rejected;

Be It Further Resolved, that the labor agreement between the state of Minnesota and the Minnesota state university association of administrative and service faculty, submitted to the legislative coordinating commission subcommittee on employee relations on December 28, 2001, and implemented after 30 days as provided in Minnesota Statutes, section 3.855, subdivision 2, paragraph (c), is rejected;

Be It Further Resolved, that the labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative coordinating commission subcommittee on employee relations on December 11, 2001, is ratified; and

Be It Further Resolved, that the amendments to the compensation plan for administrators of the Minnesota state colleges and universities, as modified and approved by the legislative coordinating commission subcommittee on employee relations on February 1, 2002, are further modified to remove all provisions allowing use of sick leave or bereavement leave on behalf of a domestic partner of a state employee, and that as further modified, the amendments to the plan are ratified.

Be It Further Resolved, that as provided under Minnesota Statutes, section 43A.18, subdivision 2, an executive branch state employee is covered by the plan established under that subdivision if the employee is not covered by a collective bargaining agreement because the proposed agreement that would cover the employee is rejected by the legislature, or because the legislature adjourns without ratifying the proposed agreement.

Bishop moved that House Resolution No. 25 be now adopted.

A roll call was requested and properly seconded.

POINT OF ORDER

Anderson, I., raised a point of order pursuant to rule 4.02 relating to Resolutions. The Speaker ruled the point of order not well taken.

Anderson, I., appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

Pursuant to rule 2.05, the Speaker excused Opatz from voting on any actions relating to House Resolution No. 25.

There were 69 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Harder	Lipman	Penas	Tuma
Abrams	Dempsey	Holberg	Mares	Rhodes	Vandever
Anderson, B.	Dorman	Holsten	Marquart	Rifenberg	Walz
Bishop	Eastlund	Howes	Molnau	Ruth	Westerberg
Blaine	Erickson	Jacobson	Mulder	Seagren	Westrom
Boudreau	Finseth	Johnson, J.	Ness	Seifert	Wilkin
Bradley	Fuller	Kielkucki	Nornes	Smith	Wolf
Buesgens	Gerlach	Knoblach	Olson	Stanek	Workman
Cassell	Goodno	Krinkie	Osskopp	Stang	Spk. Sviggum
Clark, J.	Gunther	Kuisle	Ozment	Swenson	
Daggett	Haas	Leppik	Paulsen	Sykora	
Dauids	Hackbarth	Lindner	Pawlenty	Tingelstad	

Those who voted in the negative were:

Anderson, I.	Evans	Jaros	Larson	Murphy	Skoe
Bakk	Folliard	Jennings	Leighton	Osthoff	Skoglund
Bernardy	Gleason	Johnson, R.	Lenczewski	Otremba	Slawik
Biernat	Goodwin	Johnson, S.	Lieder	Paymar	Solberg
Carlson	Gray	Juhnke	Mahoney	Pelowski	Swapinski
Clark, K.	Greiling	Kahn	Mariani	Peterson	Thompson
Davnie	Hausman	Kalis	Marko	Pugh	Wagenius
Dawkins	Hilstrom	Kelliher	McGuire	Rukavina	Walker
Dorn	Hilty	Koskinen	Milbert	Schumacher	Wasiluk
Entenza	Huntley	Kubly	Mullery	Sertich	Winter

So it was the judgment of the House that the decision of the Speaker should stand.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Clark, K.	Fuller	Holsten	Koskinen	Marquart
Abrams	Daggett	Gerlach	Howes	Krinkie	McGuire
Anderson, B.	Dauids	Gleason	Huntley	Kubly	Milbert
Anderson, I.	Davnie	Goodno	Jacobson	Kuisle	Molnau
Bakk	Dawkins	Goodwin	Jaros	Larson	Mulder
Bernardy	Dehler	Gray	Jennings	Leighton	Mullery
Biernat	Dempsey	Greiling	Johnson, J.	Lenczewski	Ness
Bishop	Dorman	Gunther	Johnson, R.	Leppik	Nornes
Blaine	Dorn	Haas	Johnson, S.	Lieder	Olson
Boudreau	Eastlund	Hackbarth	Juhnke	Lindner	Opatz
Bradley	Entenza	Harder	Kahn	Lipman	Osskopp
Buesgens	Erickson	Hausman	Kalis	Mahoney	Osthoff
Carlson	Evans	Hilstrom	Kelliher	Mares	Otremba
Cassell	Finseth	Hilty	Kielkucki	Mariani	Ozment
Clark, J.	Folliard	Holberg	Knoblach	Marko	Paulsen

Pawlenty	Rifenberg	Skoglund	Swenson	Walker	Wolf
Paymar	Rukavina	Slawik	Sykora	Walz	Workman
Pelowski	Ruth	Smith	Thompson	Wasiluk	Spk. Sviggum
Penas	Seagren	Solberg	Tingelstad	Westerberg	
Peterson	Seifert	Stanek	Tuma	Westrom	
Pugh	Sertich	Stang	Vandever	Wilkin	
Rhodes	Skoe	Swapinski	Wagenius	Winter	

Seifert 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.

The question recurred on the Bishop motion and the roll was called.

Pursuant to rule 2.05, the Speaker excused Opatz from voting on the adoption of House Resolution No. 25.

There were 75 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holsten	Lipman	Peterson	Tingelstad
Abrams	Dorman	Howes	Marquart	Rifenberg	Tuma
Anderson, B.	Eastlund	Jacobson	Molnau	Ruth	Vandever
Bishop	Erickson	Jennings	Mulder	Seagren	Walz
Blaine	Finseth	Johnson, J.	Ness	Seifert	Westerberg
Boudreau	Fuller	Kielkucki	Nornes	Skoe	Westrom
Bradley	Gerlach	Knoblach	Olson	Slawik	Wilkin
Buesgens	Goodno	Krinkie	Osskopp	Smith	Wolf
Cassell	Gunther	Kubly	Otremba	Stanek	Workman
Clark, J.	Haas	Kuisle	Ozment	Stang	Spk. Sviggum
Daggett	Hackbarth	Larson	Paulsen	Swenson	
Dauids	Harder	Lenczewski	Pawlenty	Sykora	
Dehler	Holberg	Lindner	Penas	Thompson	

Those who voted in the negative were:

Anderson, I.	Entenza	Hilty	Koskinen	Milbert	Schumacher
Bakk	Evans	Huntley	Leighton	Mullery	Sertich
Bernardy	Folliard	Jaros	Leppik	Murphy	Skoglund
Biernat	Gleason	Johnson, R.	Lieder	Osthoff	Solberg
Carlson	Goodwin	Johnson, S.	Mahoney	Paymar	Swapinski
Clark, K.	Gray	Juhnke	Mares	Pelowski	Wagenius
Davnie	Greiling	Kahn	Mariani	Pugh	Walker
Dawkins	Hausman	Kalis	Marko	Rhodes	Wasiluk
Dorn	Hilstrom	Kelliher	McGuire	Rukavina	Winter

The motion prevailed and House Resolution No. 25 was adopted.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, February 14, 2002. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, February 14, 2002.

EDWARD A. BURDICK, Chief Clerk, House of Representatives