

STATE OF MINNESOTA

EIGHTY-SECOND SESSION — 2001

 THIRTY-FOURTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 17, 2001

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

Prayer was offered by Pastor Carol Joyce, Robbinsdale United Church of Christ, Robbinsdale, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Erhardt, Krinkie, Normes, Slawik, Stang and Wagenius were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Sertich 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. 974 and H. F. No. 610, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Solberg moved that the rules be so far suspended that S. F. No. 974 be substituted for H. F. No. 610 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2005 and H. F. No. 2161, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Stanek moved that S. F. No. 2005 be substituted for H. F. No. 2161 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 11, 2001

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

Dear Speaker Sviggum:

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

H. F. No. 47, relating to economic development; requiring a closed iron mine and related facilities to be maintained for a period of time; providing extra unemployment benefits for certain workers laid off from the LTV Mining Company; providing criteria for future unemployment benefit extensions.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2001</i>	<i>Date Filed 2001</i>
991		18	2:20 p.m. April 11	April 11
9		19	2:20 p.m. April 11	April 11
971		20	2:25 p.m. April 11	April 11
327		21	2:25 p.m. April 11	April 11
972		22	2:25 p.m. April 11	April 11
570		23	2:25 p.m. April 11	April 11
	47	30	4:47 p.m. April 11	April 11

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 13, 2001

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

Dear Speaker Sviggum:

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

H. F. No. 57, relating to drivers' licenses; including certain crimes against children as disqualifying offenses for purposes of school bus endorsements on drivers' licenses.

Sincerely,

JESSE VENTURA
Governor

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2001</i>	<i>Date Filed 2001</i>
702		27	1:50 p.m. April 13	April 13
225		26	1:50 p.m. April 13	April 13
480		24	1:55 p.m. April 13	April 13
	57	25	1:50 p.m. April 13	April 13
1204		28	1:55 p.m. April 13	April 13
883		29	1:55 p.m. April 13	April 13

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 58, A bill for an act relating to alcoholic beverages; prescribing standards for identification of beer kegs; requiring retailers of beer to maintain records of sale of beer kegs and to record the identification number of each beer keg sold; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Joint Rule 2.03 and Senate Concurrent Resolution No. 5 have been waived for subsequent committee action on this bill.

The report was adopted.

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

H. F. No. 94, A bill for an act relating to natural resources; establishing penalties for gross overlimit violations of fish and game laws; setting certain restitution values; providing criminal penalties; amending Minnesota Statutes 2000, sections 97A.225, subdivision 1; 97A.255, by adding a subdivision; 97A.421, subdivision 5, by adding a subdivision; 97C.505, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97A.

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

The report was adopted.

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

H. F. No. 205, A bill for an act relating to civil actions; providing civil remedies for receiving motor fuel from a motor fuel retail business without paying for it; proposing coding for new law in Minnesota Statutes, chapter 332.

Reported the same back with the following amendments:

Page 2, line 31, before the period, insert "other than seeking a court judgment"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 260, A bill for an act relating to crime prevention; requiring fingerprinting by local law enforcement agencies and transmittal to the bureau of criminal apprehension; requiring collection of known aliases and street names for transmittal to the bureau; requiring suspense file reporting; appropriating money to the supreme court for the court information system, the department of public safety for criminal justice information system improvements, the bureau of criminal apprehension for various criminal justice information purposes, and the department of corrections for various criminal justice information purposes; amending Minnesota Statutes 2000, sections 299C.10, subdivision 1; 299C.11; and 299C.147, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 299C; and 609.

Reported the same back with the following amendments:

Page 6, after line 1, insert:

"(c) This appropriation is not available for expenditure until the chief justice has:

(1) consulted with the commissioner of administration regarding project timelines, cost-benefit and risk analyses, scope and budget for the project, and feasibility of project objectives; and

(2) entered into a memorandum of understanding with the commissioner of administration regarding overall project management by the judicial branch and the judicial branch's integration of the project with existing information and communication technology networks."

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

The report was adopted.

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

H. F. No. 362, A bill for an act relating to motor fuels; requiring that diesel fuel sold in the state contain a minimum of five percent biodiesel fuel oil by volume; proposing coding for new law in Minnesota Statutes, chapter 239.

Reported the same back with the following amendments:

Page 1, delete lines 13 to 20 and insert:

"Subd. 2. [MINIMUM CONTENT, EFFECTIVE DATE.] (a) Not later than July 1, 2002, or 180 days after the commissioner of agriculture publishes notice in the State Register that the installed capacity in Minnesota for the production of biodiesel fuel oil meets or exceeds 1.0 percent of the quantity of diesel fuel sold in the state during the previous calendar year, whichever date is later, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least 2.0 percent biodiesel fuel oil by volume.

(b) Not later than July 1, 2006, or 180 days after the commissioner of agriculture publishes notice in the State Register that Minnesota farmer-owned capacity in Minnesota for the production of biodiesel fuel oil meets or exceeds 2.5 percent of the quantity of diesel fuel sold in the state during the previous calendar year, whichever date is later, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least 5.0 percent biodiesel fuel oil by volume. For purposes of this paragraph, "Minnesota farmer-owned" means that 51 percent or more of the financial and capital investment and control in the processing enterprise are farmers, as defined in section 500.24, subdivision 2, paragraph (n), residing in Minnesota.

Sec. 2. [COMMISSIONER OF TRANSPORTATION; STUDY.]

The commissioner of transportation, in consultation with the commissioners of agriculture and revenue, shall study the feasibility and desirability of providing a credit for special fuel excise tax paid on biodiesel, with the credit to be based on increased costs incurred by the taxpayer as a result of biodiesel use. The study must cover the effects of such a credit on state fuel tax revenues, Minnesota agriculture, and special fuel consumers. The commissioner shall report to the governor and legislature by January 15, 2002, on the results of the study.

Sec. 3. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of transportation for fiscal year 2002 for the costs of the study required under section 2."

Amend the title as follows:

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

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

The report was adopted.

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

H. F. No. 604, A bill for an act relating to employment; providing for access to employee assistance records; requiring employee assistance records to be kept separate from personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 3, line 20, delete "actual" and after "costs" insert "including reasonable attorney fees"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 661, A bill for an act relating to professions; creating the Accountancy Act of 2001; authorizing rulemaking; imposing penalties; amending Minnesota Statutes 2000, sections 3.972, subdivision 1; 116J.70, subdivision 2a; 214.01, subdivision 3; 319B.02, subdivision 19; 326.53; 367.36, subdivision 1; 412.222; 471.49, subdivision 10; and 544.42, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 326A; repealing Minnesota Statutes 2000, sections 326.165; 326.1655; 326.17; 326.18; 326.19; 326.192; 326.197; 326.20; 326.201; 326.211; 326.212; 326.22; 326.223; 326.224; 326.228; and 326.229.

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

The report was adopted.

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

H. F. No. 730, A bill for an act relating to metropolitan government; regulating transit on park roads in St. Paul; amending Minnesota Statutes 2000, section 473.411, subdivision 5.

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

The report was adopted.

Stanek from the Committee on Judiciary Finance to which was referred:

H. F. No. 783, A bill for an act relating to crime prevention; specifying that peace officers' use of less lethal munitions does not constitute deadly force; amending Minnesota Statutes 2000, section 609.066, subdivision 1.

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

The report was adopted.

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

H. F. No. 852, A bill for an act relating to motor vehicles; modifying filing fee for vehicle transactions; making clarifying changes; amending Minnesota Statutes 2000, section 168.33, subdivision 7.

Reported the same back with the following amendments:

Page 2, after line 4, insert:

"(c) A motor vehicle dealer shall retain \$2.50 of each filing fee imposed under this subdivision for a completed transaction involving the sale of a motor vehicle to or by a licensed dealer, if the dealer electronically transmits the transaction to the registrar or deputy registrar in a manner approved by the department."

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

The report was adopted.

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

H. F. No. 877, A bill for an act relating to the environment; waiving repayment obligations for certain solid waste transfer station projects; amending Minnesota Statutes 2000, section 115A.54, subdivision 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. [SOLID WASTE MANAGEMENT PROJECTS.] (a) The director shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less. The following projects may also receive grant assistance in the amounts specified in this paragraph:

(1) a project to improve control of or reduce air emissions at an existing resource recovery facility; and

(2) a project to substantially increase the recovery of materials or energy, substantially reduce the amount or toxicity of waste processing residuals, or expand the capacity of an existing resource recovery facility to meet the resource recovery needs of an expanded region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.

(d) Notwithstanding paragraph (e), the director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the director, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within ~~12~~ 16 years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under paragraph (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The director shall adopt rules for the program by July 1, 1985.

(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision."

Amend the title as follows:

Page 1, line 2, delete "waiving" and insert "modifying"

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

The report was adopted.

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

H. F. No. 919, A bill for an act relating to civil commitment; modifying and expanding provisions to facilitate voluntary treatment and services; specifying certain patient rights and examination requirements; providing for treatment coverage and cost of care; allowing proposed patients to bring claims for voluntary treatment and services; expanding voluntary consent procedures; requiring sealing of court records; amending Minnesota Statutes 2000, sections 246.23, by adding a subdivision; 253B.03, subdivisions 5, 10, and by adding a subdivision; 253B.04, subdivisions 1, 1a, and by adding a subdivision; 253B.045, subdivisions 2, 3, and 6; 253B.05, subdivision 1; 253B.06, subdivision 1; 253B.07, subdivisions 1 and 2; 253B.09, subdivision 1; 253B.10, subdivision 4; and 253B.23, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 253B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 253B.02, subdivision 10, is amended to read:

Subd. 10. [INTERESTED PERSON.] "Interested person" means:

(1) an adult, including but not limited to, a public official, including a local welfare agency acting under section 626.5561, and the legal guardian, spouse, parent, legal counsel, adult child, next of kin, or other person designated by a proposed patient; or

(2) a health plan company.

Sec. 2. Minnesota Statutes 2000, section 253B.03, subdivision 5, is amended to read:

Subd. 5. [PERIODIC ASSESSMENT.] A patient has the right to periodic medical assessment, including assessment of the medical necessity of continuing care and, if the treatment facility declines to provide continuing care, the right to receive specific written reasons why continuing care is declined at the time of the assessment. The treatment facility shall assess the physical and mental condition of every patient as frequently as necessary, but not less often than annually. If the patient refuses to be examined, the facility shall document in the patient's chart its attempts to examine the patient. If a person is committed as mentally retarded for an indeterminate period of time, the three-year judicial review must include the annual reviews for each year as outlined in Minnesota Rules, part 9525.0075, subpart 6.

Sec. 3. Minnesota Statutes 2000, section 253B.03, subdivision 10, is amended to read:

Subd. 10. [NOTIFICATION.] All persons admitted or committed to a treatment facility shall be notified in writing of their rights ~~under this chapter~~ regarding hospitalization and other treatment at the time of admission. This notification must include:

(1) patient rights specified in this section and section 144.651, including nursing home discharge rights;

(2) the right to obtain treatment and services voluntarily under this chapter;

(3) the right to voluntary admission and release under section 253B.04;

(4) rights in case of an emergency admission under section 253B.05, including the right to documentation in support of an emergency hold and the right to a summary hearing before a judge if the patient believes an emergency hold is improper;

(5) the right to request expedited review under section 62M.05 if additional days of inpatient stay are denied;

(6) the right to continuing benefits pending appeal and to an expedited administrative hearing under section 256.045 if the patient is a recipient of medical assistance, general assistance medical care, or MinnesotaCare; and

(7) the right to an external appeal process under section 62Q.73, including the right to a second opinion.

Sec. 4. Minnesota Statutes 2000, section 253B.03, is amended by adding a subdivision to read:

Subd. 11. [PROXY.] A legally authorized health care proxy, agent, guardian, or conservator may exercise the patient's rights on the patient's behalf.

Sec. 5. Minnesota Statutes 2000, section 253B.04, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY ADMISSION AND TREATMENT.] (a) Voluntary admission is preferred over involuntary commitment and treatment. Any person 16 years of age or older may request to be admitted to a treatment facility as a voluntary patient for observation, evaluation, diagnosis, care and treatment without making

formal written application. Any person under the age of 16 years may be admitted as a patient with the consent of a parent or legal guardian if it is determined by independent examination that there is reasonable evidence that (1) the proposed patient has a mental illness, or is mentally retarded or chemically dependent; and (2) the proposed patient is suitable for treatment. The head of the treatment facility shall not arbitrarily refuse any person seeking admission as a voluntary patient. In making decisions regarding admissions, the facility shall use clinical admission criteria consistent with the current applicable inpatient admission standards established by the American Psychiatric Association or the American Academy of Child and Adolescent Psychiatry. These criteria must be no more restrictive than, and must be consistent with, the requirements of section 62Q.53. The facility may not refuse to admit a person voluntarily solely because the person does not meet the criteria for involuntary holds under section 253B.05 or the definition of mental illness under section 253B.02, subdivision 13.

(b) In addition to the consent provisions of paragraph (a), a person who is 16 or 17 years of age who refuses to consent personally to admission may be admitted as a patient for mental illness or chemical dependency treatment with the consent of a parent or legal guardian if it is determined by an independent examination that there is reasonable evidence that the proposed patient is chemically dependent or has a mental illness and is suitable for treatment. The person conducting the examination shall notify the proposed patient and the parent or legal guardian of this determination.

Sec. 6. Minnesota Statutes 2000, section 253B.04, subdivision 1a, is amended to read:

Subd. 1a. [VOLUNTARY TREATMENT OR ADMISSION FOR PERSONS WITH MENTAL ILLNESS.] (a) A person with a mental illness may seek or voluntarily agree to accept treatment or admission to a facility. If the mental health provider determines that the person lacks the capacity to give informed consent for the treatment or admission, and in the absence of a health care power of attorney that authorizes consent, the designated agency or its designee may give informed consent for mental health treatment or admission to a treatment facility on behalf of the person.

(b) The designated agency shall apply the following criteria in determining the person's ability to give informed consent:

(1) whether the person demonstrates an awareness of the person's illness, and the reasons for treatment, its risks, benefits and alternatives, and the possible consequences of refusing treatment; and

(2) whether the person communicates verbally or nonverbally a clear choice concerning treatment that is a reasoned one, not based on delusion, even though it may not be in the person's best interests.

(c) The basis for the designated agency's decision that the person lacks the capacity to give informed consent for treatment or admission, and that the patient has voluntarily accepted treatment or admission, must be documented in writing.

(d) A mental health provider that provides treatment in reliance on the written consent given by the designated agency under this subdivision or by a substitute decision maker appointed by the court is not civilly or criminally liable for performing treatment without consent. This paragraph does not affect any other liability that may result from the manner in which the treatment is performed.

(e) A person who receives treatment or is admitted to a facility under this subdivision or subdivision 1b has the right to refuse treatment at any time or to be released from a facility as provided under subdivision 2. The person or any interested person acting on the person's behalf may seek court review within five days for a determination of whether the person's agreement to accept treatment or admission is voluntary. At the time a person agrees to treatment or admission to a facility under this subdivision, the designated agency or its designee shall inform the person in writing of the person's rights under this paragraph.

(f) This subdivision does not authorize the administration of neuroleptic medications. Neuroleptic medications may be administered only as provided in section 253B.092.

Sec. 7. Minnesota Statutes 2000, section 253B.04, is amended by adding a subdivision to read:

Subd. 1b. [COURT APPOINTMENT OF SUBSTITUTE DECISION MAKER.] If the designated agency or its designee declines or refuses to give informed consent under subdivision 1a, the person who is seeking treatment or admission, or an interested person acting on behalf of the person, may petition the court for appointment of a substitute decision maker who may give informed consent for voluntary treatment and services. In making this determination, the court shall apply the criteria in subdivision 1a, paragraph (b).

Sec. 8. Minnesota Statutes 2000, section 253B.045, subdivision 6, is amended to read:

Subd. 6. [COVERAGE.] A health plan company must provide coverage, according to the terms of the policy, contract, or certificate of coverage, for all medically necessary covered services as determined by section 62Q.53 provided to an enrollee that are ordered by the court under this chapter. (a) For purposes of this section, "mental health services" means all covered services that are intended to treat or ameliorate an emotional, behavioral, or psychiatric condition and that are covered by the policy, contract, or certificate of coverage of the enrollee's health plan company or by law.

(b) All health plan companies that provide coverage for mental health services must cover or provide mental health services ordered by a court of competent jurisdiction under a court order that is issued on the basis of a behavioral care evaluation performed by a licensed psychiatrist or a doctoral level licensed psychologist, which includes a diagnosis and an individual treatment plan for care in the most appropriate, least restrictive environment. The health plan company must be given a copy of the court order and the behavioral care evaluation. The health plan company shall be financially liable for the evaluation if performed by a participating provider of the health plan company and shall be financially liable for the care included in the court-ordered individual treatment plan if the care is covered by the health plan company and ordered to be provided by a participating provider or another provider as required by rule or law. This court-ordered coverage must not be subject to a separate medical necessity determination by a health plan company under its utilization procedures.

Sec. 9. Minnesota Statutes 2000, section 253B.05, subdivision 1, is amended to read:

Subdivision 1. [EMERGENCY HOLD.] (a) Any person may be admitted or held for emergency care and treatment in a treatment facility with the consent of the head of the treatment facility upon a written statement by an examiner that:

(1) the examiner has examined the person not more than 15 days prior to admission;

(2) the examiner is of the opinion, for stated reasons, that the person is mentally ill, mentally retarded or chemically dependent, and is in ~~imminent~~ danger of causing injury to self or others if not immediately ~~restrained~~; detained; and

(3) an order of the court cannot be obtained in time to prevent the anticipated injury.

(b) If the proposed patient has been brought to the treatment facility by another person, the examiner shall make a good faith effort to obtain a statement of information that is available from that person, which must be taken into consideration in deciding whether to place the proposed patient on an emergency hold. The statement of information must include direct observations of the proposed patient's behaviors, reliable knowledge of recent and past behavior, and information regarding psychiatric history, past treatment, and current mental health providers. The examiner shall also inquire into the existence of health care directives under chapter 145, and advance psychiatric directives under section 253B.03, subdivision 6d.

(c) The examiner's statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If ~~imminent~~ danger to specific individuals is a basis for the emergency

hold, the statement must identify those individuals, to the extent practicable. A copy of the examiner's statement shall be personally served on the person immediately upon admission and a copy shall be maintained by the treatment facility.

Sec. 10. Minnesota Statutes 2000, section 253B.07, subdivision 1, is amended to read:

Subdivision 1. [PREPETITION SCREENING.] (a) Prior to filing a petition for commitment of or early intervention for a proposed patient, an interested person shall apply to the designated agency in the county of the proposed patient's residence or presence for conduct of a preliminary investigation, except when the proposed patient has been acquitted of a crime under section 611.026 and the county attorney is required to file a petition for commitment. The designated agency shall appoint a screening team to conduct an investigation ~~which shall include~~. The petitioner may not be a member of the screening team. The investigation must include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, specific reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application;

(iii) identification, exploration, and listing of the specific reasons for rejecting or recommending alternatives to involuntary placement;

(iv) in the case of a commitment based on mental illness, the following information, if it is known or available: ~~information,~~ that may be relevant to the administration of neuroleptic medications, ~~if necessary~~; including the existence of a declaration under section 253B.03, subdivision 6d, or a health care directive under chapter 145C or a guardian, conservator, proxy, or agent with authority to make health care decisions for the proposed patient; information regarding the capacity of the proposed patient to make decisions regarding administration of neuroleptic medication; and whether the proposed patient is likely to consent or refuse consent to administration of the medication; and

(v) seeking input from the proposed patient's health plan company to provide the court with information about services the enrollee needs and the least restrictive alternatives.

(vi) in the case of a commitment based on mental illness, information listed in item (iv) for other purposes relevant to treatment.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals. The prepetition screening report is not admissible as evidence except by agreement of counsel and is not admissible in any court proceedings unrelated to the commitment proceedings.

(c) The prepetition screening team shall provide a notice, written in easily understood language, to the proposed patient, the petitioner, persons named in a declaration under chapter 145C or section 253B.03, subdivision 6d, and, with the proposed patient's consent, other interested parties. The team shall ask the patient if the patient wants the notice read and shall read the notice to the patient upon request. The notice must contain information regarding the process, purpose, and legal effects of civil commitment and early intervention. The notice must inform the proposed patient that:

(1) if a petition is filed, the patient has certain rights, including the right to a court-appointed attorney, the right to request a second examiner, the right to attend hearings, and the right to oppose the proceeding and to present and contest evidence; and

(2) if the proposed patient is committed to a state regional treatment center or group home, the patient may be billed for the cost of care and the state has the right to make a claim against the patient's estate for this cost.

The ombudsman for mental health and mental retardation shall develop a form for the notice, which includes the requirements of this paragraph.

(d) When the prepetition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed. The statement of facts contained in the written report must meet the requirements of subdivision 2, paragraph (b).

(~~e~~) (e) The prepetition screening team shall refuse to support a petition if the investigation does not disclose evidence sufficient to support commitment. Notice of the prepetition screening team's decision shall be provided to the prospective petitioner and to the proposed patient.

(~~f~~) (f) If the interested person wishes to proceed with a petition contrary to the recommendation of the prepetition screening team, application may be made directly to the county attorney, who ~~may~~ shall determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(~~g~~) (g) If the proposed patient has been acquitted of a crime under section 611.026, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition, as could be obtained by a preliminary investigation, is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. If a court petitions for commitment pursuant to the rules of criminal or juvenile procedure or a county attorney petitions pursuant to acquittal of a criminal charge under section 611.026, the prepetition investigation, if required by this section, shall be completed within seven days after the filing of the petition.

Sec. 11. Minnesota Statutes 2000, section 253B.09, subdivision 1, is amended to read:

Subdivision 1. [STANDARD OF PROOF.] (a) If the court finds by clear and convincing evidence that the proposed patient is a mentally ill, mentally retarded, or chemically dependent person and after careful consideration of reasonable alternative dispositions, including but not limited to, dismissal of petition, voluntary outpatient care, voluntary admission to a treatment facility, appointment of a guardian or conservator, or release before commitment as provided for in subdivision 4, it finds that there is no suitable alternative to judicial commitment, the court shall commit the patient to the least restrictive treatment program or alternative programs which can meet the patient's treatment needs consistent with section 253B.03, subdivision 7.

(b) In deciding on the least restrictive program, the court shall consider a range of treatment alternatives including, but not limited to, community-based nonresidential treatment, community residential treatment, partial hospitalization, acute care hospital, and regional treatment center services. The court shall also consider the proposed patient's treatment preferences and willingness to participate voluntarily in the treatment ordered. The court may not commit a patient to a facility or program that is not capable of meeting the patient's needs.

(c) For purposes of findings under this chapter, none of the following constitute a refusal to accept appropriate mental health treatment:

(1) a willingness to take medication but a reasonable disagreement about type or dosage;

(2) a good-faith effort to follow a reasonable alternative treatment plan, including treatment as specified in a valid advance directive under chapter 145C or section 253B.03, subdivision 6d;

(3) an inability to obtain access to appropriate treatment because of inadequate health care coverage or an insurer's refusal or delay in providing coverage for the treatment; or

(4) an inability to obtain access to needed mental health services because the provider will only accept patients who are under a court order or because the provider gives persons under a court order a priority over voluntary patients in obtaining treatment and services.

Sec. 12. Minnesota Statutes 2000, section 253B.10, subdivision 4, is amended to read:

Subd. 4. [PRIVATE TREATMENT.] Patients or other responsible persons are required to pay the necessary charges for patients committed or transferred to private treatment facilities. ~~Private treatment facilities may refuse to accept a committed person.~~ Insurers must provide court-ordered treatment and services as ordered by the court under section 253B.045, subdivision 6, or as required under chapter 62M."

Delete the title and insert:

"A bill for an act relating to civil commitment; specifying certain patient rights and examination requirements; providing for treatment coverage; expanding voluntary consent procedures; requiring collection of information for an emergency hold; amending Minnesota Statutes 2000, sections 253B.02, subdivision 10; 253B.03, subdivisions 5, 10, by adding a subdivision; 253B.04, subdivisions 1, 1a, by adding a subdivision; 253B.045, subdivision 6; 253B.05, subdivision 1; 253B.07, subdivision 1; 253B.09, subdivision 1; 253B.10, subdivision 4."

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

The report was adopted.

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

H. F. No. 950, A bill for an act relating to highways; modifying provisions governing use of highway right-of-way by snowmobiles; amending Minnesota Statutes 2000, section 84.87, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 24, after "commissioner" insert "of transportation"

Page 2, line 1, after "commissioner" insert "of transportation"

Page 2, line 2, before the period, insert "or snowmobiles using the trail"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mares from the Committee on Education Policy to which was referred:

H. F. No. 1015, A bill for an act relating to education; providing for family and early childhood education, children and family support programs, prevention, and self-sufficiency and lifelong learning; providing for kindergarten through grade 12 general education, education excellence, special programs, facilities and technology, libraries; and advisory committees and miscellaneous kindergarten through grade 12 education provisions; providing for rulemaking; amending Minnesota Statutes 2000, sections 13.32, subdivision 3; 13.43, by adding a subdivision; 15.059, subdivision 5a; 16B.616, subdivision 4; 119A.05, subdivision 2; 119A.43, subdivision 1; 119B.011, subdivisions 7 and 19; 119B.02, subdivision 1; 120A.22, subdivisions 7, 10, and 11; 120B.30, subdivision 1; 122A.16; 122A.18, subdivision 4, and by adding a subdivision; 122A.20, subdivision 1; 122A.24, subdivision 3; 122A.25, by adding a subdivision; 122A.31, subdivision 2; 122A.64; 123A.442, subdivision 2; 123B.03, subdivision 1; 123B.143, subdivision 1; 123B.42, subdivision 3; 123B.44, subdivision 6; 123B.57, subdivisions 3 and 6; 123B.71, subdivisions 1, 4, 8, and 9; 123B.75, subdivision 5, and by adding a subdivision; 124D.03,

subdivision 4; 124D.10, subdivisions 4 and 8; 124D.59, subdivision 2; 124D.80, subdivisions 1, 2, and 3; 124D.84, subdivision 1; 124D.892, subdivisions 1 and 3; 124D.894; 125A.023, subdivision 4; 125A.027, by adding a subdivision; 125A.09, subdivision 11; 125A.11, subdivision 3; 125A.27, subdivision 15; 125A.28; 125A.515; 125A.76, subdivisions 1 and 2; 126C.05, subdivision 1; 126C.10, subdivisions 1 and 9; 126C.12, subdivisions 2, 3, 4, 5, and by adding a subdivision; 126C.17, subdivisions 1, 6, 9, 10, and 11; 126C.23, subdivision 5; 126C.41, subdivision 3; 126C.43, subdivision 3; 127A.30; 127A.41, subdivision 5; 127A.42; 127A.50, subdivision 2; 134.31, subdivision 5; 179A.20, subdivision 3; and 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10i, 10j, and 11; Laws 1992, chapter 499, article 7, section 31, as amended; Laws 2000, chapter 489, article 2, section 39, subdivision 2; article 3, section 25, subdivision 5; repealing Minnesota Statutes 2000, sections 123B.71, subdivisions 3 and 10; 124D.07; 126C.01, subdivision 10; 126C.10, subdivisions 12 and 23; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.30; 126C.31; 126C.32; 126C.33; 126C.34; 126C.35; 126C.36; 126C.42, subdivisions 2 and 3; 126C.47; 127A.44; Minnesota Rules, parts 3501.0280, subpart 3; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; and 3530.2644.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2000, section 122A.25, is amended by adding a subdivision to read:

Subd. 4. [BACKGROUND CHECK.] A school district or charter school shall provide the board of teaching with confirmation that criminal background checks have been completed for all nonlicensed community experts employed by the district or charter school and approved by the board of teaching under this section.

Sec. 2. Minnesota Statutes 2000, section 122A.64, is amended to read:

122A.64 ~~[TEACHERS OF COLOR~~ MULTICULTURAL EDUCATORS PROGRAM.]

Subdivision 1. [DEFINITION.] For purposes of this section, "~~people of color~~" means permanent United States residents who are African-American, American Indian or Alaskan native, Asian or Pacific Islander, or Hispanic "multicultural educator" means a person with significant personal or professional experience with communities of color and an interest in teaching to enhance the educational achievement and success of Minnesota's students.

Subd. 2. [GRANTS.] The commissioner of children, families, and learning in consultation with the desegregation/integration advisory board established in section 124D.892, subdivision 3, shall award grants for professional development programs to recruit and educate ~~people of color~~ multicultural educators in the field of education, including early childhood and parent education. Grant applicants must be a school district with a growing minority population working in collaboration with a state institution of higher education with an approved teacher licensure program or an approved early childhood or parent education licensure program.

Subd. 3. [PROGRAM REQUIREMENTS.] (a) A grant recipient must recruit ~~persons of color~~ multicultural educators to be teachers in elementary, secondary, early childhood or parent education, and provide support in linking program participants with jobs in the recipient's school district.

(b) A grant recipient must establish an advisory council composed of representatives of communities of color.

(c) A grant recipient, with the assistance of the advisory council, must recruit high school students and other persons, including educational paraprofessionals, support them through the higher education application and admission process, advise them while enrolled and link them with support resources in the college or university and the community.

(d) A grant recipient must award stipends to ~~students of color~~ multicultural educator program participants enrolled in an approved licensure program to help cover the costs of tuition, student fees, supplies, and books. Stipend awards must be based on a student's financial need and students must apply for any additional financial aid they are eligible for to supplement this program. No more than ten percent of the grant may be used for costs of administering the program. Students must agree to teach in the grantee school district for at least two years after licensure. If the district has no licensed positions open, the student may teach in another district in Minnesota.

(e) The commissioner of children, families, and learning shall consider the following criteria in awarding grants:

(1) whether the program is likely to increase the recruitment and retention of ~~students of color~~ multicultural educator program participants in teaching;

(2) whether grant recipients will recruit paraprofessionals from the district to work in its schools; and

(3) whether grant recipients will establish or have a mentoring program for ~~students of color~~ multicultural educator program participants.

Sec. 3. Minnesota Statutes 2000, section 124D.03, subdivision 4, is amended to read:

Subd. 4. [DESEGREGATION DISTRICT TRANSFERS.] (a) This subdivision applies to a transfer into or out of a district that has a desegregation plan approved by the commissioner of children, families, and learning.

(b) An application to transfer may be submitted at any time for enrollment beginning at any time.

~~(c) The parent or guardian of a pupil who is a resident of a district that has a desegregation plan must submit an application to the resident district. If the district accepts the application, it must forward the application to the nonresident district.~~

~~(d) The parent or guardian of a pupil who applies for enrollment in a nonresident district that has a desegregation plan must submit an application to the nonresident district.~~

~~(e) Each district must accept or reject an application it receives and notify the parent or guardian in writing within 30 calendar days of receiving the application. A notification of acceptance must include the date enrollment can begin.~~

~~(f) If an application is rejected, the district must state the reason for rejection in the notification. If a district that has a desegregation plan rejects an application for a reason related to the desegregation plan, the district must state with specificity how acceptance of the application would result in noncompliance with department of children, families, and learning rules with respect to the school or program for which application was made.~~

~~(g) If an application is accepted, the parent or guardian must notify the nonresident district in writing within 15 calendar days of receiving the acceptance whether the pupil intends to enroll in the nonresident district. Notice of intention to enroll obligates the pupil to enroll in the nonresident district, unless the boards of the resident and nonresident districts agree otherwise. If a parent or guardian does not notify the nonresident district, the pupil may not enroll in that nonresident district at that time, unless the boards of the resident and nonresident district agree otherwise.~~

~~(h) Within 15 calendar days of receiving the notice from the parent or guardian, the nonresident district shall notify the resident district in writing of the pupil's intention to enroll in the nonresident district.~~

~~(i) A pupil enrolled in a nonresident district under this subdivision a desegregation plan approved by the commissioner of children, families, and learning is not required to make annual or periodic application for enrollment but may remain enrolled in the same district. A pupil may transfer to the resident district at any time.~~

~~(j) A pupil enrolled in a nonresident district and applying to transfer into or out of a district that has a desegregation plan must follow the procedures of this subdivision. For the purposes of this type of transfer, "resident district" means the nonresident district in which the pupil is enrolled at the time of application.~~

~~(k) A district that has a desegregation plan approved by the commissioner must accept or reject each individual application in a manner that will enable compliance with its desegregation plan.~~

(d) Subdivision 2 applies to a transfer into or out of a district with a desegregation plan.

Sec. 4. Minnesota Statutes 2000, section 124D.59, subdivision 2, is amended to read:

Subd. 2. [PUPIL OF LIMITED ENGLISH PROFICIENCY.] "Pupil of limited English proficiency" means a pupil ~~in any of the grades of kindergarten through 12~~ who meets the following requirements:

(1) the pupil in kindergarten through grade 12, as declared by a parent or guardian first learned a language other than English, comes from a home where the language usually spoken is other than English, or usually speaks a language other than English; and

~~(2) the pupil's score is significantly below the average district score for pupils of the same age on a nationally normed English reading or English language arts achievement test. A pupil's score shall be considered significantly below the average district score for pupils of the same age if it is one-third of a standard deviation below that average score~~ the pupil in kindergarten through grade 2, as determined by developmentally appropriate measures, which might include observations, teacher judgment, parent recommendations, or developmentally appropriate assessment instruments, lacks the necessary English skills to participate fully in classes taught in English; or

~~(3) the pupil in grades 3 through 12 scores below the state cutoff score on an assessment measuring emerging academic English provided by the commissioner.~~

[EFFECTIVE DATE.] This section is effective for the 2002-2003 school year and later.

Sec. 5. Minnesota Statutes 2000, section 124D.84, subdivision 1, is amended to read:

Subdivision 1. [AWARDS.] The commissioner, with the advice and counsel of the Minnesota Indian ~~scholarship~~ education committee, may award scholarships to any Minnesota resident student who is of one-fourth or more Indian ancestry, who has applied for other existing state and federal scholarship and grant programs, and who, in the opinion of the commissioner, has the capabilities to benefit from further education. Scholarships must be for accredited degree programs in accredited Minnesota colleges or universities or for courses in accredited Minnesota business, technical, or vocational schools. Scholarships may also be given to students attending Minnesota colleges that are in candidacy status for obtaining full accreditation, and are eligible for and receiving federal financial aid programs. Students are also eligible for scholarships when enrolled as students in Minnesota higher education institutions that have joint programs with other accredited higher education institutions. Scholarships shall be used to defray the total cost of education including tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned ~~where the student receives federal financial aid.~~ The total cost of education includes all tuition and fees for each student enrolling in a public institution and the portion of tuition and fees for each student enrolling in a private institution that does not exceed the tuition and fees at a comparable public institution. Each student shall be awarded a scholarship based on the total cost of the student's education and a federal standardized need analysis. Applicants are encouraged to apply for all other sources of financial aid. The amount and type of each scholarship shall be determined through the advice and counsel of the Minnesota Indian ~~scholarship~~ education committee.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year the student is eligible for additional scholarships, if additional training is necessary to reach the student's educational and vocational objective. Scholarships may not be given to any Indian student for more than five years of study without special ~~approval~~ recommendation of the Minnesota Indian ~~scholarship~~ education committee.

Sec. 6. Minnesota Statutes 2000, section 124D.892, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] (a) An office of desegregation/integration is established in the department of children, families, and learning to coordinate and support activities related to student enrollment, student and staff recruitment and retention, transportation, and interdistrict cooperation among ~~metropolitan~~ school districts.

(b) At the request of a ~~metropolitan~~ school district involved in cooperative desegregation/integration efforts, the office shall perform any of the following activities:

(1) assist districts with interdistrict student transfers, including student recruitment, counseling, placement, and transportation;

(2) coordinate and disseminate information about schools and programs;

(3) assist districts with new magnet schools and programs;

(4) assist districts in providing staff development and in-service training; and

(5) coordinate and administer staff exchanges.

(c) The office shall collect data on the efficacy of districts' desegregation/integration efforts and make recommendations based on the data. The office shall periodically consult with the metropolitan council to coordinate metropolitan school desegregation/integration efforts with the housing, social, economic, and infrastructure needs of the metropolitan area. The office shall develop a process for resolving students' disputes and grievances about student transfers under a desegregation/integration plan.

Sec. 7. Minnesota Statutes 2000, section 124D.892, subdivision 3, is amended to read:

Subd. 3. [ADVISORY BOARD.] The commissioner shall establish an advisory board composed of:

(1) nine superintendents, eight shall be selected by the superintendents of the school districts located in whole or in part within each of the eight metropolitan districts established under section 473.123, subdivision 3c, and one superintendent of a district outside the seven-county metropolitan area and is from a district that is considered racially isolated or has a racially isolated school site according to Minnesota Rules, part 3535.0110;

(2) one person each selected by the Indian affairs council, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the council on affairs of Chicano/Latino people; and

(3) the superintendent of independent school district No. 709, Duluth.

The advisory board shall advise the office on complying with the requirements under subdivision 1. The advisory board may solicit comments from teachers, parents, students, and interested community organizations and others.

The advisory board shall not expire.

Sec. 8. Minnesota Statutes 2000, section 124D.894, is amended to read:

124D.894 [STATE MULTICULTURAL EDUCATION ADVISORY COMMITTEE.]

(a) The commissioner shall appoint a state multicultural education advisory committee to advise the department and the state board on multicultural education. The committee must have 12 members and be composed of representatives from among the following groups and community organizations: African-American, Asian-Pacific, Hispanic, and American Indian. The committee shall not expire.

(b) The state committee shall provide information and recommendations on:

(1) department procedures for reviewing and approving district plans and disseminating information on multicultural education;

(2) department procedures for improving inclusive education plans, curriculum and instruction improvement plans, and performance-based assessments;

(3) developing learner outcomes which are multicultural; and

(4) other recommendations that will further inclusive, multicultural education.

(c) The committee shall also participate in determining the criteria for and awarding the grants established under Laws 1993, chapter 224, article 8, section 22, subdivision 8.

Sec. 9. [REPEALER.]

Minnesota Rules, part 3501.0280, subpart 3, is repealed.

ARTICLE 2

LIBRARIES

Section 1. Minnesota Statutes 2000, section 134.31, subdivision 5, is amended to read:

Subd. 5. [ADVISORY COMMITTEE.] The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota library for the blind and physically handicapped on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee except that the committee shall expire on June 30, ~~2001~~ 2003.

Sec. 2. [REPEALER.]

Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; and 3530.2644, are repealed.

ARTICLE 3

ADVISORY COMMITTEES AND MISCELLANEOUS K-12 EDUCATION PROVISIONS

Section 1. Minnesota Statutes 2000, section 122A.41, is amended by adding a subdivision to read:

Subd. 5a. [PROBATIONARY PERIOD FOR PRINCIPALS HIRED INTERNALLY.] A board and the exclusive representative of the school principals in the district may negotiate a plan for a probationary period of up to two school years for licensed teachers employed by the board who are subsequently employed by the board as a licensed school principal.

[EFFECTIVE DATE.] This section is effective for the 2001-2002 school year and following.

Sec. 2. Minnesota Statutes 2000, section 122A.41, subdivision 7, is amended to read:

Subd. 7. [HEARING OF CHARGES AGAINST TEACHER.] The charges against a teacher must be in writing and signed by the person making the same and then filed with the secretary or clerk of the school board having charge of the school in which the teacher is employed. Before the school board, ~~before discharging or demoting~~

~~discharges or demotes a teacher, must then accord the teacher against whom charges have been filed a full hearing and give to the teacher at least ten days' notice in writing of the time and place of such hearing. The notice may be served personally or sent by certified mail addressed to the teacher at the teacher's last known post office address. the board must notify the teacher in writing and state in reasonable detail its grounds for the proposed discharge or demotion, together with a statement that the teacher may request in writing within ten days after receiving the notice a hearing before the board. The board may have the notice served personally or may send it by certified mail addressed to the teacher at the teacher's last known post office address. The teacher, under subdivision 13, also may elect a hearing before an arbitrator instead of the school board. Within ten days after receiving the notice the teacher may request in writing a hearing before the board or an arbitrator and it shall be granted. The teacher must be given reasonable notice of the time and place of the hearing before final action is taken. A teacher who fails to request a hearing within ten days is considered to acquiesce in the board's action.~~ If the charge is made by a person not connected with the school system the charge may be disregarded by the school board. If the grounds are those specified in subdivision 6, clause (1), (2), (3), or (4), the notice must also state a teacher may request arbitration under subdivision 13. At the hearing, the school board or arbitrator shall hear all evidence that may be adduced in support of the charges and for the teacher's defense to the charges. Either party has the right to have a written record of the hearing at the expense of the board and to have witnesses subpoenaed and all witnesses so subpoenaed must be examined under oath. Any member of the school board conducting such a hearing has authority to issue subpoenas and to administer oaths to witnesses.

[EFFECTIVE DATE.] This section is effective for the 2002-2003 school year and following.

Sec. 3. Minnesota Statutes 2000, section 122A.41, subdivision 13, is amended to read:

Subd. 13. [HEARING AND DETERMINATION BY ARBITRATOR.] A teacher against whom charges have been filed alleging any cause for discharge or demotion specified in subdivision 6, clause (1), (2), (3), or (4), may elect a hearing before an arbitrator instead of the school board. The hearing is governed by this subdivision.

(a) The teacher must make a written request for a hearing before an arbitrator within ten days after receiving a written notice of the filing of charges required by subdivision 7. Failure to request a hearing before an arbitrator during this period is considered acquiescence to ~~a hearing before the board~~ board's hearing.

(b) If the teacher and the school board are unable to mutually agree on an arbitrator, the board must request from the bureau of mediation services a list of five persons to serve as an arbitrator. If the teacher and the school board are unable to mutually agree on an arbitrator from the list provided, the parties shall alternately strike names from the list until the name of one arbitrator remains. The person remaining after the striking procedure must be the arbitrator. If the parties are unable to agree on who shall strike the first name, the question must be decided by a flip of a coin. The teacher and the board must share equally the costs and fees of the arbitrator.

(c) The arbitrator shall determine, by a preponderance of the evidence, whether the causes specified in subdivision 6, clause (1), (2), (3), or (4), exist to support the proposed discharge or demotion. A lesser penalty than discharge or demotion may be imposed by the arbitrator only to the extent that either party proposes such lesser penalty in the proceeding. In making the determination, the arbitration proceeding is governed by sections 572.11 to 572.17 and by the collective bargaining agreement applicable to the teacher.

(d) An arbitration hearing conducted under this subdivision is a meeting for preliminary consideration of allegations or charges within the meaning of section 13D.05, subdivision 3, paragraph (a), and must be closed, unless the teacher requests it to be open.

(e) The arbitrator's decision is final and binding on the parties, subject to sections 572.18 to 572.26.

[EFFECTIVE DATE.] This section is effective for the 2002-2003 school year and following.

Sec. 4. Minnesota Statutes 2000, section 124D.80, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The commissioner of children, families, and learning shall create ~~one or more~~ an 18-member American Indian education committees committee. The commissioner must appoint members with the assistance of the Indian affairs council as provided under section 3.922, subdivision 6, and the higher education services office. Members must include representatives of tribal bodies, community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, persons involved in programs for American Indian children in American Indian schools, and persons knowledgeable in the field of American Indian education. Members shall be appointed so as to be representative of significant segments of the population of American Indians, with membership consisting of representatives from the 11 reservations and the Minnesota Chippewa tribe, the chair of the Minnesota Indian affairs council.

Sec. 5. Minnesota Statutes 2000, section 124D.80, subdivision 2, is amended to read:

Subd. 2. [COMMITTEE TO ADVISE COMMISSIONER.] ~~Each~~ The committee on American Indian education programs shall advise the commissioner in the administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people, as determined by the commissioner. The committee shall also provide advice to the commissioner in awarding scholarships to eligible American Indian students and in administering the commissioner's duties regarding awarding of American Indian post-secondary preparation grants to school districts. The committee may work in multiple subcommittees focused on general Indian education issues and scholarship-related issues.

Sec. 6. Minnesota Statutes 2000, section 124D.80, subdivision 3, is amended to read:

Subd. 3. [EXPENSES; EXPIRATION.] ~~Each~~ The committee must be reimbursed for expenses according to section 15.059, subdivision 6. The commissioner must determine the membership terms and the duration of ~~each~~ the committee, which shall expire no later than June 30, ~~2001~~ 2003.

Sec. 7. Minnesota Statutes 2000, section 127A.30, is amended to read:

127A.30 [PERMANENT SCHOOL FUND ADVISORY COMMITTEE.]

A state permanent school fund advisory committee is established to advise the department of natural resources on the management of permanent school fund land, which is held in trust for the school districts of the state. The advisory committee must consist of the following persons or their designees: the chairs of the education committees of the legislature, the chairs of the senate committee on finance and house committee on ways and means, the commissioner of children, families, and learning, one superintendent from a nonmetropolitan district, and one superintendent from a metropolitan area district. The school district superintendents shall be appointed by the commissioner of children, families, and learning. The advisory committee shall expire June 30, 2003.

The advisory committee shall review the policies of the department of natural resources and current statutes on management of school trust fund lands at least semiannually and shall recommend necessary changes in statutes, policy, and implementation in order to ensure provident utilization of the permanent school fund lands.

Sec. 8. [REPEALER.]

Minnesota Statutes 2000, section 124D.07, is repealed."

Delete the title and insert:

"A bill for an act relating to education; providing for kindergarten through grade 12 education excellence; libraries; and advisory committees and miscellaneous kindergarten through grade 12 provisions; amending Minnesota Statutes 2000, sections 122A.25, by adding a subdivision; 122A.41, subdivisions 7, 13, by adding a subdivision; 122A.64;

124D.03, subdivision 4; 124D.59, subdivision 2; 124D.80, subdivisions 1, 2, 3; 124D.84, subdivision 1; 124D.892, subdivisions 1, 3; 124D.894; 127A.30; 134.31, subdivision 5; repealing Minnesota Statutes 2000, section 124D.07; Minnesota Rules, parts 3501.0280, subpart 3; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1054, A bill for an act relating to highways; requiring study and report by commissioner of transportation of use of I-394 "sane lanes" by single-occupant vehicles; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Transportation Finance without further recommendation.

The report was adopted.

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

H. F. No. 1091, A bill for an act relating to natural resources; extending the environment and natural resources trust fund advisory committee; creating a task force; amending Minnesota Statutes 2000, sections 15.059, subdivision 5a; and 116P.06, subdivision 1.

Reported the same back with the following amendments:

Page 5, delete section 3

Page 5, line 19, delete "to 3" and insert "and 2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "creating a task force;"

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

The report was adopted.

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

H. F. No. 1145, A bill for an act relating to veterinary medicine; authorizing certain cease and desist orders; proposing coding for new law in Minnesota Statutes, chapter 156.

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

The report was adopted.

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

H. F. No. 1146, A bill for an act relating to the environment; creating design, construction, and use requirements for salt distribution stockpiles; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Page 1, line 9, delete "2002" and insert "2003"

Page 1, delete lines 15 and 16

Page 1, line 17, delete "(3)" and insert "(2)"

Page 1, line 20, delete "(4)" and insert "(3)"

Page 1, line 22, delete "(5)" and insert "(4)"

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

The report was adopted.

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

H. F. No. 1169, A bill for an act relating to occupational safety and health; modifying safety committee requirements; increasing penalty limits for certain violations; amending Minnesota Statutes 2000, sections 182.666, subdivision 2; 182.676.

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

The report was adopted.

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

H. F. No. 1182, A bill for an act relating to commerce; modifying requirements for invention developers; amending Minnesota Statutes 2000, sections 325A.04, by adding a subdivision; 325A.06, subdivisions 1 and 2; and 325A.09, subdivision 5, and by adding a subdivision; repealing Minnesota Statutes 2000, section 325A.06, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 24, delete "\$50,000" and insert "\$30,000"

Page 2, line 15, reinstate the stricken language

Page 2, line 34, delete "\$10,000" and insert "\$5,000"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1254, A bill for an act relating to drivers' licenses; changing allocation of 12 percent of a driver's license reinstatement fee; amending Minnesota Statutes 2000, section 171.29, subdivision 2.

Reported the same back with the following amendments:

Page 2, lines 3 to 6, reinstate the stricken language

Page 2, line 7, reinstate everything before "to"

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

The report was adopted.

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

H. F. No. 1256, A bill for an act relating to family law; clarifying use of certain factors in determining the best interests of a child; clarifying certain language on division of pension plans; amending Minnesota Statutes 2000, sections 518.17, subdivision 1; 518.1705, subdivision 5; and 518.58, subdivision 4.

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

The report was adopted.

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

H. F. No. 1265, A bill for an act relating to education; providing for a state board for charter schools; appropriating money; amending Minnesota Statutes 2000, sections 124D.10, subdivisions 1, 3, 4, 6, 8, 10, 14, 15, 17, 19, 23, 25, and by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 26, delete "must be determined by lot" and insert "are"

Page 10, line 16, delete "shall" and insert "must"

With the recommendation that when so amended the bill be re-referred to the Committee on K-12 Education Finance without further recommendation.

The report was adopted.

McElroy from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1270, A bill for an act relating to commerce; regulating currency exchanges, real estate brokers, real property appraisers, subdivided land sales licenses, residential contractors, and collection agencies; modifying certain continuing education requirements; regulating certain fees, costs, duties, rights, and penalties; regulating nonprofit corporations; amending Minnesota Statutes 2000, sections 45.0295; 53A.081, subdivision 2; 60K.19, subdivision 8; 72B.04, subdivisions 6, 7; 80B.03, subdivision 4a; 82.195, subdivision 2; 82.196, subdivision 2;

82.197, subdivisions 1, 4, by adding a subdivision; 82.22, subdivision 13; 82.24, subdivision 8; 82.27, subdivision 3; 82.34, subdivision 15; 82B.14; 83.25, subdivision 1; 317A.203; 326.91, subdivision 1; 326.975, subdivision 1; 332.33, by adding a subdivision; 332.41; 359.02.

Reported the same back with the following amendments:

Page 24, line 27, delete "16, 17, 21, and 24" and insert "15, 16, 19, and 22"

Page 24, line 28, delete "22" and insert "20"

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

The report was adopted.

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

H. F. No. 1289, A bill for an act relating to crime prevention; providing for an aggressive and integrated initiative against prostitution and other crimes; increasing criminal penalties and imposing mandatory minimum and consecutive sentences for prostitution crimes in certain instances; requiring presentence investigations for all offenses involving prostitution, a firearm, or a controlled substance; creating a pilot project prostitution prosecution unit; appropriating money; amending Minnesota Statutes 2000, sections 609.115, subdivision 1; 609.153, subdivision 3; 609.324, subdivision 2, and by adding a subdivision; and 609.3242.

Reported the same back with the following amendments:

Pages 3 and 4, delete section 3

Page 4, line 27, delete "and that"

Page 4, line 28, delete "actually is used as a dwelling"

Page 5, delete lines 12 to 36

Page 6, delete lines 1 to 7 and insert:

"Sec. 5. [JOINT PROSTITUTION PROSECUTION TASK FORCE.]

Subdivision 1. [ESTABLISHMENT.] The St. Paul city attorney, in cooperation with the Ramsey county attorney, shall develop a joint prostitution prosecution task force. The task force has authority to prosecute misdemeanors, gross misdemeanors, and felonies. The task force shall include an assistant county attorney. A victim/witness advocate, community advocate, law clerk, and legal secretary may provide support.

Subd. 2. [GOAL.] The goal of this task force is to reduce the number of prostitution offenses occurring in St. Paul by aggressively targeting and prosecuting these offenses.

Subd. 3. [REPORT.] The St. Paul city attorney shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the pilot project. The report must include the number and types of cases referred, the number and types of cases charged, the disposition of the cases of each type, and other relevant outcome measures. A progress report is due January 15, 2002, and a final report is due January 15, 2003.

Subd. 4. [SHARING OF TASK FORCE RESULTS.] The St. Paul city attorney shall share the results of the task force with the state and other counties and cities."

Page 6, line 23, delete "joint"

Page 6, line 24, delete "unit" and insert "task force"

Page 7, line 10, delete "joint"

Page 7, line 11, delete "unit" and insert "task force"

Page 7, line 16, delete "5" and insert "6"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "mandatory minimum and"

Page 1, line 11, delete "unit" and insert "task force"

Page 1, line 13, delete "subdivision 2, and"

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

The report was adopted.

McElroy from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1311, A bill for an act relating to commerce; providing for the licensing of money transmitters; prescribing the powers and duties of the commissioner; regulating the distance limitations for licensed currency exchanges in the city of Bloomington; amending Minnesota Statutes 2000, section 53A.02, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 53B.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, section 48.151, is amended to read:

48.151 [ADDITIONAL POWERS.]

Any bank, savings bank, or trust company organized under the laws of this state, or any national banking association doing business in this state, shall have the power to advertise for sale and sell for a fee money orders, traveler's checks, cashier's checks, drafts, registered checks, and certified checks and no other person, firm, or corporation, either directly or through agents, shall advertise for sale or shall sell for a fee any evidence of indebtedness on which there appears the words, "money order," "traveler's check," "cashier's check," "draft," "registered check," "certified check," or other words or symbols whether of the same or different character which tend to lead the purchaser to believe that such evidence of indebtedness is other than a personal check, unless such evidence of indebtedness is issued by a person, firm or corporation which is a savings association, or telegraph company, or, in the case of cashier's checks, is issued by an industrial loan and thrift company with deposit liabilities,

provided that these instruments are issued in conformity with the Uniform Commercial Code, or is issued by a person, firm, or corporation ~~that has on file in the office of the secretary of state a surety bond in the principal sum of \$5,000 issued by a bonding or insurance company authorized to do business in this state, which surety bond shall run to the state of Minnesota and shall be for the benefit of any creditor for any liability insured on account of the sale or issuance by it or its agent of any such evidence of indebtedness, or has deposited with the secretary of state securities or cash of the value of \$5,000; provided, however, that the aggregate liability of the surety to all such creditors shall, in no event, exceed the sum of such bond or deposit licensed under chapter 53B.~~ Any person, firm or corporation who shall violate any provision of this section shall be guilty of a misdemeanor."

Page 2, line 6, delete "17" and insert "18"

Page 2, line 11, after "chapter" insert ", or by an exempt entity."

Page 2, line 17, delete "25" and insert "ten"

Page 2, after line 36, insert:

"Subd. 9. [EXEMPT ENTITY.] "Exempt entity" means a person to which this chapter does not apply under section 53B.04."

Re-number remaining subdivisions in sequence

Page 3, line 3, delete "25" and insert "ten"

Page 3, line 8, delete everything after "litigation" and insert "in which an applicant or a licensee has been a defendant or been named in a civil judgment involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty, or breach of contract."

Page 3, delete lines 9 to 12

Page 3, line 24, delete everything after "States"

Page 3, line 25, delete "been sold"

Page 4, line 16, delete "or stock traded on any"

Page 4, delete lines 17 and 18

Page 5, line 2, after "licensee" insert "or of an exempt entity" and delete the comma

Page 5, line 10, delete "bank holding companies."

Page 5, line 11, delete "or"

Page 5, line 12, after the comma, insert "or bank holding companies which have a banking subsidiary located in Minnesota and whose debt securities have an investment grade rating by a national rating agency" and after "that" insert "if" and delete "do"

Page 5, line 13, delete "not"

Page 5, line 15, before the semicolon, insert ", those authorized delegates must comply with all requirements imposed upon authorized delegates under this chapter"

Page 6, line 10, delete "issued or"

Page 6, line 11, after "licensee" insert "or reported as sold by an authorized delegate"

Page 6, line 30, after "applicant's" insert "or any controlling person's" and after "litigation" insert "during the preceding ten years"

Page 6, line 31, delete everything after "convictions"

Page 6, line 32, delete everything before the semicolon

Page 7, line 9, delete "and" and insert a comma and delete "of" and insert ", and account numbers for"

Page 7, line 30, after "litigation" insert "during the preceding ten years"

Page 7, line 31, delete everything after "convictions"

Page 7, line 32, delete "application"

Page 8, line 31, after "litigation" insert "during the preceding ten years"

Page 8, line 32, delete everything after "convictions"

Page 8, line 33, delete "application"

Page 10, line 16, after "affect" insert "the rights of any claimant for" and delete "this" and insert "the" and before the period, insert "for which the bond was in force"

Page 10, line 30, delete "\$1,000" and insert "\$4,000"

Page 11, line 2, delete "applicant's"

Page 11, delete lines 3 and 4

Page 11, line 5, delete everything before "requirements"

Page 11, line 6, after "chapter" insert "have been met" and delete "has paid" and after "fee" insert "has been paid"

Page 11, delete lines 12 to 22

Page 11, line 23, delete "3" and insert "2"

Page 11, line 27, delete everything after the period

Page 11, delete line 28

Page 11, line 29, delete everything before "The"

Page 11, line 35, delete "\$....." and insert "\$2,500."

Page 12, line 1, delete "by rule"

Page 12, line 4, delete ", by rule."

Page 12, delete lines 29 to 35 and insert:

"Subd. 3. [LICENSE DISPLAY.] A copy of the license issued by the commissioner to the licensee shall be prominently displayed in each location where money transmission services are offered.

Subd. 4. [MONEY RECEIVED FOR TRANSMISSION.] All money received for wire transmission must be transmitted in accordance with the purchaser's instructions within five days."

Page 13, delete line 16 and insert:

"Any purchaser of ten percent or more of an ownership interest in a licensee must notify the commissioner at least 30 days in advance of the purchase and submit a completed license application form. The commissioner may revoke the license if the new ownership would have resulted in a denial of the initial license under this chapter."

Page 13, delete lines 17 to 19

Page 13, line 20, delete everything before "The"

Page 14, line 6, after the headnote insert "(a) Any licensee or authorized delegate selling money orders shall maintain a record of the date, amount, serial number, and the location of sale for each money order sold in Minnesota.

(b) Any licensee or authorized delegate engaged in the business of receiving money for transmission or transmitting money shall maintain a record of the identity of the remitter, identity of the recipient, amount of transmission, date of transaction, date funds were transmitted, and location from which the funds were remitted for each transaction initiated in Minnesota.

(c)"

Page 14, delete lines 14 to 36 and insert:

"Data or other information obtained by the commissioner under this chapter, whether as a result of the license application or renewal process or examinations, is subject to chapter 13.

Sec. 18. [53B.17] [SOLVENCY REQUIRED.]

If the commissioner determines that a licensee is insolvent, that its capital is impaired, or that its condition is such as to render the continuance of its business hazardous to the public or to those having funds in its custody, the commissioner may apply to the district court for the county in which the main office is located, or for Ramsey county if the licensee does not have a main office in Minnesota, for appointment of a receiver to receive the assets of the licensee for the purpose of liquidating or rehabilitating its business and for such other relief as the interest of the public may require. The reasonable and necessary expenses of the receivership have priority over all other claims on the bond required by this chapter.

Sec. 19. [53B.18] [PROHIBITED PRACTICES.]

No licensee shall:

(1) fail to comply with chapter 345 as it relates to unclaimed property requirements; or

(2) refuse to indemnify an instrument holder for any misappropriation of money caused by any of its authorized delegates in conducting activities on behalf of the licensee for whom it acts as an authorized delegate."

Page 15, delete lines 1 to 4

Page 15, line 5, delete "[53B.17]" and insert "[53B.19]"

Page 15, line 15, delete "knowingly"

Page 15, line 30, delete "willfully"

Page 15, line 32, delete "[53B.18]" and insert "[53B.20]"

Page 15, line 33, before "Licensees" insert "Subdivision 1. [CONTENTS OF CONTRACT.]"

Page 16, after line 9, insert:

"Subd. 2. [TERMINATION OF AUTHORIZED DELEGATES.] Upon termination of any authorized delegate contract, the licensee must notify the commissioner within a reasonable amount of time of the termination.

Subd. 3. [EXEMPT ENTITIES.] For purposes of this section, "licensee" includes exempt entities."

Page 16, line 10, delete "[53B.19]" and insert "[53B.21]"

Page 16, line 23, delete everything after the period

Page 16, delete line 24

Page 16, line 28, delete everything after "delegate"

Page 16, delete line 29

Page 16, line 30, delete everything before the period

Page 17, after line 14, insert:

"(h) For purposes of this section, "licensee" includes exempt entities."

Page 17, line 15, delete "[53B.20]" and insert "[53B.22]"

Page 18, after line 14, insert:

"Subd. 4. [EXEMPT ENTITIES.] For purposes of this section, "licensee" includes exempt entities."

Page 18, line 15, delete "[53B.21]" and insert "[53B.23]"

Page 18, line 19, delete "transmitted" and insert "tendered"

Page 18, line 21, delete "[53B.22]" and insert "[53B.24]"

Page 18, line 24, delete "[53B.24]" and insert "[53B.26]"

Page 18, line 26, delete "[53B.25]" and insert "[53B.27]"

Page 18, line 32, delete "[53B.26]" and insert "[53B.28]"

Page 19, line 8, delete "COMMISSIONER'S DUTY" and insert "SERVICE OF PROCESS" and delete everything after the headnote and insert "Service of process must be made in accordance with section 45.028, subdivision 2."

Page 19, delete lines 9 to 16

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 6, delete everything before "amending"

Page 1, line 7, delete "53A.02, subdivision 2" and insert "48.151"

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

The report was adopted.

McElroy from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1338, A bill for an act relating to insurance; regulating insurers, agents, coverages and benefits, costs, claims, investments, and notifications and disclosures; prescribing powers and duties of the commissioner; eliminating the regulation of nonprofit legal services plans; amending Minnesota Statutes 2000, sections 60A.06, subdivision 3; 60A.08, subdivision 13; 60A.11, subdivision 10; 60A.129, subdivision 2; 60A.14, subdivision 1; 60A.16, subdivision 1; 60A.23, subdivision 8; 61A.072, by adding a subdivision; 62A.17, subdivision 1; 62A.20, subdivision 1; 62A.21, subdivision 2a; 62A.302; 62A.31, subdivisions 1a, 1i, 3; 62A.65, subdivision 8; 62E.04, subdivision 4; 62E.06, subdivision 1; 62L.05, subdivisions 1, 2; 62M.02, by adding a subdivision; 62M.03, subdivision 2; 62M.05, subdivision 5; 62Q.01, subdivision 6; 62Q.73, subdivision 3; 65A.29, subdivision 7; 65B.04, subdivision 3; 65B.06, subdivisions 1, 4; 65B.16; 65B.19, subdivision 2; 67A.20, by adding a subdivision; 79A.02, subdivision 1; 79A.03, subdivision 7; 471.617, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A; repealing Minnesota Statutes 2000, sections 13.7191, subdivision 11; 60A.111; 62G.01; 62G.02; 62G.03; 62G.04; 62G.05; 62G.06; 62G.07; 62G.08; 62G.09; 62G.10; 62G.11; 62G.12; 62G.13; 62G.14; 62G.15; 62G.16; 62G.17; 62G.18; 62G.19; 62G.20; 62G.21; 62G.22; 62G.23; 62G.24; 62G.25.

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

The report was adopted.

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

H. F. No. 1591, A bill for an act relating to natural resources; authorizing grants for aquatic restoration; providing for the operation of shooting ranges; clarifying construction of law relating to decoys; providing for disposition of federal aid; providing for compliance with federal law; requiring a predator management program proposal; modifying turtle licensing and taking provisions; modifying certain small game provisions; providing for a conservation angling license; modifying certain angling provisions; allowing counties to offer bounties for coyotes; modifying certain water use permit provisions; amending Minnesota Statutes 2000, sections 84.027, by adding a subdivision; 97A.021, subdivision 3; 97A.055, by adding a subdivision; 97A.475, subdivision 41; 97B.603; 97B.901; 97B.931, by adding a subdivision; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.605; 97C.611; 103G.265, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 97A; 97C; 348; proposing coding for new law as Minnesota Statutes, chapter 87A.

Reported the same back with the following amendments:

Page 6, after line 15, insert:

"Sec. 13. Minnesota Statutes 2000, section 97A.535, subdivision 1, is amended to read:

Subdivision 1. [TAGS REQUIRED.] A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner. The tag must be attached to the ~~deer~~, bear, elk, or moose at the site of the kill before the animal is removed from the site of the kill, and must remain attached to the animal until the animal is processed for storage. The tag must be attached to a deer when being transported by vehicle and must remain attached until the deer is processed for storage."

Page 6, after line 29, insert:

"Sec. 15. [97B.713] [MOURNING DOVES.]

Subdivision 1. [SEASON.] The commissioner may prescribe an open season and adopt rules for taking mourning doves.

Subd. 2. [LICENSE REQUIRED.] A person must possess a small game license to take mourning doves."

Page 7, delete section 16

Page 8, delete section 18

Page 9, line 6, after the period, insert "A person holding a turtle seller's license may tend the commercial turtle equipment of the person's spouse, without the spouse being present, provided the spouse holds a separate license under section 97A.475, subdivision 41, paragraph (a)."

Pages 11 and 12, delete section 22

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to natural resources; authorizing grants for aquatic restoration; providing for the operation of shooting ranges; clarifying construction of law relating to decoys; providing for disposition of federal aid; providing for compliance with federal law; requiring a predator management program proposal; modifying turtle licensing and taking provisions; modifying certain small game provisions; modifying deer tagging requirements; modifying certain angling provisions; allowing counties to offer bounties for coyotes; amending Minnesota Statutes 2000, sections 84.027, by adding a subdivision; 97A.021, subdivision 3; 97A.055, by adding a subdivision; 97A.475, subdivision 41; 97A.535, subdivision 1; 97B.603; 97B.901; 97B.931, by adding a subdivision; 97C.315, subdivision 1; 97C.605; 97C.611; proposing coding for new law in Minnesota Statutes, chapters 97A; 97B; 97C; 348; proposing coding for new law as Minnesota Statutes, chapter 87A."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1671, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of 3/16 of one percent on taxable sales for natural resource purposes; creating a heritage enhancement fund and a heritage enhancement council; modifying the disposition of the payments in lieu of sales tax for lottery tickets; amending Minnesota Statutes 2000, sections 97A.055, subdivision 2; 297A.94; proposing coding for new law in Minnesota Statutes, chapter 97A.

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.

Joint Rule 2.03 and Senate Concurrent Resolution No. 5 have been waived for subsequent committee action on this bill.

The report was adopted.

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

H. F. No. 1728, A bill for an act relating to transportation; providing for expenditures from the transit assistance fund; proposing an amendment to the Minnesota Constitution, article XIV, to dedicate revenue from the motor vehicle sales tax to the highway user tax distribution fund and transit assistance fund; amending Minnesota Statutes 2000, sections 174.32, subdivision 5; 297B.09, subdivision 1; repealing Minnesota Statutes 2000, section 174.32, subdivisions 2, 4.

Reported the same back with the following amendments:

Page 1, line 24, delete "2010" and insert "2013"

Page 2, lines 3 and 25, delete "35" and insert "75"

Page 2, line 5, after the comma, insert "and"

Page 2, line 6, delete the comma

Page 2, line 7, delete the new language and strike the old language

Page 2, line 8, strike everything before the period

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

The report was adopted.

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

H. F. No. 1821, A bill for an act relating to commerce; allowing licensing exemption for certain sales of horse trailers and temporary sales of recreational vehicles; amending Minnesota Statutes 2000, section 168.27, subdivision 10.

Reported the same back with the following amendments:

Page 4, line 25, after "business" insert ", other than an official county fair or the Minnesota state fair,"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1827, A bill for an act relating to the environment; expanding the pollution control agency's authority to expedite permits; amending Minnesota Statutes 2000, section 116.07, subdivision 4d.

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

The report was adopted.

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

H. F. No. 1828, A bill for an act relating to wetlands; modifying provisions relating to classification and replacement; creating a wetland delineator certification program; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2000, sections 103F.516, subdivisions 1, 2, and 3; 103F.612, by adding a subdivision; 103G.127; 103G.201; 103G.223; 103G.2242, subdivisions 9, 12, and by adding a subdivision; 103G.2372, subdivision 1; and 103G.245, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 16, delete "fund" and insert "pay for the cost of"

Page 3, line 3, delete "this chapter" and insert "sections 103F.612 to 103F.616"

Page 3, delete section 5

Page 4, line 21, delete "not"

Page 5, delete sections 7 and 8

Page 7, line 9, delete everything after the comma

Page 7, delete line 10

Page 7, line 11, delete everything before "the" and delete "as well as" and insert "and"

Page 7, line 12, before "are" insert "that are consistent with criteria in rules adopted by the board in conjunction with the commissioner of natural resources and agriculture."

Page 8, line 10, delete the semicolon and insert a period

Page 8, delete line 11

Page 8, line 12, delete "(5) notwithstanding" and insert "(d) Notwithstanding"

Page 8, line 13, before "restoration" insert "the board may establish by rule different replacement ratios for"

Page 8, line 14, delete "may be eligible for replacement credit"

Page 8, line 29, delete "county real property"

Page 8, line 30, delete "records" and insert "office of the county recorder or registrar of titles, as appropriate, in the county where the real property is located"

Page 8, line 34, after the period, insert "Notwithstanding section 386.77, the agency shall pay the applicable filing fee for any document filed under this section."

Page 9, line 11, delete "or" and insert "and for"

Page 9, line 12, after "waters" insert "affected by a public transportation project"

Page 9, delete section 13 and insert:

"Sec. 10. Minnesota Statutes 2000, section 103G.265, subdivision 3, is amended to read:

Subd. 3. [CONSUMPTIVE USE OF MORE THAN 2,000,000 GALLONS PER DAY.] (a) Except as provided in paragraph (b), a water use permit or a plan that requires a permit or the commissioner's approval, involving a consumptive use of more than 2,000,000 gallons per day average in a 30-day period, may not be granted or approved until:

(1) a determination is made by the commissioner that the water remaining in the basin of origin will be adequate to meet the basin's water resources needs during the specified life of the consumptive use; and

(2) approval of the consumptive use is given by the legislature.

(b) Legislative approval under paragraph (a), clause (2), is not required for a consumptive use in excess of 2,000,000 gallons per day average in a 30-day period for:

(1) a domestic water supply, excluding industrial and commercial uses of a municipal water supply;

(2) agricultural irrigation and processing of agricultural products;

(3) construction and metallic mineland dewatering;

(4) pollution abatement or remediation; and

(5) fish and wildlife enhancement projects using surface water sources.

[EFFECTIVE DATE.] This section is effective until August 1, 2003."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to water; modifying provisions relating to wetland classification and replacement; modifying provisions relating to consumptive use of water; amending Minnesota Statutes 2000, sections 103F.516, subdivisions 1, 2, 3; 103F.612, by adding a subdivision; 103G.201; 103G.2242, subdivisions 9, 12; 103G.2372, subdivision 1; 103G.245, subdivision 5; 103G.265, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1840, A bill for an act relating to state government; modifying the expiration date for certain advisory councils and committees; eliminating certain advisory committees; amending Minnesota Statutes 2000, sections 15.059, subdivisions 5, 5a; 62J.692, subdivision 2; 144.1481, subdivision 1; 145A.10, subdivision 10; repealing Minnesota Statutes 2000, sections 256B.071, subdivision 5; 256B.0911, subdivision 8.

Reported the same back with the following amendments:

Page 1, line 19, delete "2005" and insert "2003"

Page 2, strike line 1

Page 2, line 2, delete the new language and strike the existing language

Page 2, delete section 2

Page 7, delete section 5 and insert:

"Sec. 4. Minnesota Statutes 2000, section 214.32, subdivision 1, is amended to read:

Subdivision 1. [MANAGEMENT.] (a) A health professionals services program committee is established, consisting of one person appointed by each participating board, with each participating board having one vote. The committee shall designate one board to provide administrative management of the program, set the program budget and the pro rata share of program expenses to be borne by each participating board, provide guidance on the general operation of the program, including hiring of program personnel, and ensure that the program's direction is in accord with its authority. If the participating boards change which board is designated to provide administrative management of the program, any appropriation remaining for the program shall transfer to the newly designated board on the effective date of the change. The participating boards must inform the appropriate legislative committees and the commissioner of finance of any change in the administrative management of the program, and the amount of any appropriation transferred under this provision.

(b) The designated board, upon recommendation of the health professional services program committee, shall hire the program manager and employees and pay expenses of the program from funds appropriated for that purpose. The designated board may apply for grants to pay program expenses and may enter into contracts on behalf of the program to carry out the purposes of the program. The participating boards shall enter into written agreements with the designated board.

(c) An advisory committee is established to advise the program committee consisting of:

(1) one member appointed by each of the following: the Minnesota Academy of Physician Assistants, the Minnesota Dental Association, the Minnesota Chiropractic Association, the Minnesota Licensed Practical Nurse Association, the Minnesota Medical Association, the Minnesota Nurses Association, and the Minnesota Podiatric Medicine Association;

(2) one member appointed by each of the professional associations of the other professions regulated by a participating board not specified in clause (1); and

(3) two public members, as defined by section 214.02.

Members of the advisory committee shall be appointed for two years and members may be reappointed.

The advisory committee expires June 30, ~~2001~~ 2003."

Page 8, line 10, after "sections" insert "15.059, subdivision 5a, as amended by Laws 2001, chapter 7, section 7;"

Page 8, line 13, delete "6" and insert "5"

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivisions" and insert "subdivision"

Page 1, line 6, delete ", 5a"

Page 1, line 7, delete "145A.10, subdivision 10" and insert "214.32, subdivision 1"

Page 1, line 8, after "sections" insert "15.059, subdivision 5a, as amended;"

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

The report was adopted.

McElroy from the Committee on Jobs and Economic Development Finance to which was referred:

H. F. No. 1872, A bill for an act relating to vocational rehabilitation; making technical changes; modifying procedures for grants to rehabilitation facilities; amending Minnesota Statutes 2000, sections 268A.06, subdivision 1; and 268A.08; repealing Minnesota Statutes 2000, section 268A.06, subdivision 3.

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

The report was adopted.

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

H. F. No. 1893, A bill for an act relating to employment; regulating payment of wages; prohibiting employers from requiring employees or job applicants to pay for background checks; amending Minnesota Statutes 2000, section 181.03; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the following amendments:

Page 2, line 12, after the period, insert "An employer or prospective employer may not require an employee or prospective employee to pay for the expenses of training that is required by federal or state law or is required by the employer for the employee to maintain the employee's current position, unless the training is required to obtain or maintain a license, registration, or certification for the employee. This section does not apply to a person who is offered employment by a landlord of a residential building as defined in section 504B.001, subdivisions 7 and 11."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1898, A bill for an act relating to government data; providing for classification of certain data; amending Minnesota Statutes 2000, section 13.719, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 3.979, is amended by adding a subdivision to read:

Subd. 5. [COMMISSIONER'S OPINION; LEGISLATIVE AUDITOR ACCESS TO DATA.] If, after the commissioner of administration issues an opinion under section 13.072 that a person requesting access to data held by a state agency is entitled to that access, the state agency continues to refuse to provide the data or the person making the request is told that the data sought does not exist, the legislative audit commission may instruct the legislative auditor to review all state agency data related to the request. Following the review, the legislative auditor shall provide all public data obtained, if any, to the legislative audit commission.

Sec. 2. [8.37] [ACCESS TO HEALTH RECORDS.]

Notwithstanding section 13.384, subdivision 3; 13.46; 62D.145, subdivision 2; or 72A.502, or any other provision of law to the contrary, the attorney general must follow the procedure established in this section to obtain access to patient health records or any other individually identifiable medical data about a patient. To obtain access to patient health records or any other individually identifiable medical data about a patient, the attorney general must seek a court order authorizing release of the data. Before releasing the data, the court or the entity maintaining the data must contact all patients who are the subjects of the data, notify the patients that the attorney general has requested access to the data, and give the patients the opportunity to refuse to have their data released to the attorney general. The court shall not release any patient health records or other individually identifiable medical data, pursuant to a court order, if the patient who is the subject of the data has refused to consent to the release.

Sec. 3. Minnesota Statutes 2000, section 13.02, subdivision 11, is amended to read:

Subd. 11. [POLITICAL SUBDIVISION.] "Political subdivision" means any county, statutory or home rule charter city, school district, special district, metropolitan area town as described in section 368.01, subdivision 1 or 1a, and any board, commission, district or authority created pursuant to law, local ordinance or charter provision. It includes any nonprofit corporation which is a community action agency organized pursuant to the Economic Opportunity Act of 1964 (Public Law Number 88-452) as amended, to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems.

Sec. 4. [13.15] [COMPUTER DATA.]

Subdivision 1. [DEFINITIONS.] As used in this section, the following terms have the meanings given.

(a) [ELECTRONIC ACCESS DATA.] "Electronic access data" means data created, collected, or maintained about a person's access to a government entity's computer for the purpose of:

- (1) gaining access to data or information;
- (2) transferring data or information; or
- (3) using government services.

(b) [COOKIE.] "Cookie" means any data that a government-operated computer electronically places on the computer of a person who has gained access to a government computer.

Subd. 2. [CLASSIFICATION OF DATA.] Electronic access data are private data on individuals or nonpublic data.

Subd. 3. [NOTICE.] A government entity that creates, collects, or maintains electronic access data or uses its computer to install a cookie on a person's computer must inform persons gaining access to the entity's computer of the creation, collection, or maintenance of electronic access data or the entity's use of cookies before requiring the person to provide any data about the person to the government entity. As part of that notice, the government entity must inform the person how the data will be used and disseminated, including the uses and disseminations in subdivision 4.

Subd. 4. [USE OF ELECTRONIC ACCESS DATA.] Electronic access data may be disseminated:

- (1) to the commissioner for the purpose of evaluating electronic government services;
- (2) to another government entity to prevent unlawful intrusions into government electronic systems; or
- (3) as otherwise provided by law.

Sec. 5. Minnesota Statutes 2000, section 13.32, is amended by adding a subdivision to read:

Subd. 5a. [MILITARY RECRUITMENT.] An educational agency or institution shall release to military recruiting officers the names, addresses, and home telephone numbers of students in grades 11 and 12 within 60 days after the date of the request, except as otherwise provided by this subdivision. An educational agency or institution shall give parents and students notice of the right to refuse release of this data to military recruiting officers. Notice may be given by any means reasonably likely to inform the parents and students of the right. Data released to military recruiting officers under this subdivision:

- (1) may be used only for the purpose of providing information to students about military service, state and federal veterans' education benefits, and other career and educational opportunities provided by the military; and
- (2) shall not be further disseminated to any other person except personnel of the recruiting services of the armed forces.

Sec. 6. [13.3215] [EDVEST DATA.]

Account owner data, account data, and data on beneficiaries of accounts established under the Edvest savings program are classified as private data on individuals as defined in section 13.02, except that the names and addresses of the beneficiaries of accounts that receive grants are public.

Sec. 7. [13.5515] [HUMAN RIGHTS INTAKE FILE DATA.]

All data in intake files that identify potential charging parties, potential respondents, and witnesses are classified as confidential data on individuals and protected nonpublic data.

Sec. 8. Minnesota Statutes 2000, section 13.59, is amended to read:

13.59 [HOUSING AND REDEVELOPMENT DATA.]

Subdivision 1. [PRIVATE SURVEY DATA.] The following data collected in surveys of individuals conducted by cities and housing and redevelopment authorities for the purposes of planning, development, and redevelopment, are classified as private data pursuant to section 13.02, subdivision 12: the names and addresses of individuals and the legal descriptions of property owned by individuals.

Subd. 2. [NONPUBLIC SURVEY DATA.] The following data collected in surveys of businesses conducted by cities and housing and redevelopment authorities, for the purposes of planning, development, and redevelopment, are classified as nonpublic data pursuant to section 13.02, subdivision 9: the names, addresses, and legal descriptions of business properties and the commercial use of the property to the extent disclosure of the use would identify a particular business.

Subd. 3. [FINANCIAL ASSISTANCE DATA.] (a) The following data that are submitted to a housing and redevelopment authority by persons who are requesting financial assistance are private data on individuals or nonpublic data:

- (1) financial statements;
- (2) credit reports;
- (3) business plans;
- (4) income and expense projections;
- (5) customer lists;
- (6) balance sheets;
- (7) income tax returns; and
- (8) design, market, and feasibility studies not paid for with public funds.

(b) Data submitted to the authority under paragraph (a) become public data if the authority provides financial assistance to the person, except that the following data remain private or nonpublic:

- (1) business plans;
- (2) income and expense projections not related to the financial assistance provided;
- (3) customer lists;
- (4) income tax returns; and
- (5) design, market, and feasibility studies not paid for with public funds.

Subd. 4. [DEFINITION.] For purposes of this section, "housing and redevelopment authority" has the meaning given in section 469.002, subdivision 2, and includes a government entity exercising powers under sections 469.001 to 469.047.

Sec. 9. [13.591] [BUSINESS DATA.]

Subdivision 1. [NOT PUBLIC DATA WHEN BENEFIT REQUESTED.] The following data, that are submitted to a government entity by a business requesting financial assistance or a benefit financed by public funds, are private or nonpublic data: the identity of the business and financial information about the business including, credit reports; financial statements; net worth calculations; business plans; income and expense projections; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Subd. 2. [PUBLIC DATA WHEN BENEFIT RECEIVED.] Data submitted to a government entity under subdivision 1 become public when public financial assistance is provided or the business receives a benefit from the government entity, except that the following data remain private or nonpublic: business plans; income and expense projections not related to the financial assistance provided; customer lists; income tax returns; and design, market, and feasibility studies not paid for with public funds.

Subd. 3. [BUSINESS AS VENDOR.] (a) Data submitted by a business to a government entity in response to a request for bids as defined in section 16C.02, subdivision 11, are private or nonpublic until the bids are opened. Once the bids are opened, the name of the bidder and the dollar amount specified in the response are read and become public. All other data in a bidder's response to a bid are private or nonpublic data until completion of the selection process. For purposes of this section, "completion of the selection process" means that the government entity has completed its evaluation and has ranked the responses. After a government entity has completed the selection process, all remaining data submitted by all bidders are public with the exception of trade secret data as defined and classified in section 13.37. A statement by a bidder that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the bid.

If all responses to a request for bids are rejected prior to completion of the selection process, all data, other than that made public at the bid opening, remain private or nonpublic until a resolicitation of bids results in completion of the selection process or a determination is made to abandon the purchase. If the rejection occurs after the completion of the selection process, the data remain public. If a resolicitation of bids does not occur within one year of the bid opening date, the remaining data become public.

(b) Data submitted by a business to a government entity in response to a request for proposal, as defined in section 16C.02, subdivision 12, are private or nonpublic until the responses are opened. Once the responses are opened, the name of the responder is read and becomes public. All other data in a responder's response to a request for proposal are private or nonpublic data until completion of the evaluation process. For purposes of this section, "completion of the evaluation process" means that the government entity has completed negotiating the contract with the selected vendor. After a government entity has completed the evaluation process, all remaining data submitted by all responders are public with the exception of trade secret data as defined and classified in section 13.37. A statement by a responder that submitted data are copyrighted or otherwise protected does not prevent public access to the data contained in the response.

If all responses to a request for proposal are rejected prior to completion of the evaluation process, all data, other than that made public at the response opening, remain private or nonpublic until a resolicitation of the requests for proposal results in completion of the evaluation process or a determination is made to abandon the purchase. If the rejection occurs after the completion of the evaluation process, the data remain public. If a resolicitation of proposals does not occur within one year of the proposal opening date, the remaining data become public.

Sec. 10. Minnesota Statutes 2000, section 13.594, is amended to read:

13.594 [ECONOMIC ASSISTANCE DATA.]

The following data collected by cities or counties in their administration of the city or county economic development assistance program are classified as nonpublic data:

- (1) application data, except company names, addresses, and other data that identify the applicant, until the application is approved by the city or county;
- (2) application data, except company names, addresses, and other data that identify the applicant, that pertain to companies whose applications have been disapproved;
- (3) attachments to applications including but, not limited to, business and personal financial records, until the application is approved;

(4) income tax returns, either personal or corporate, that are filed by applicants; and

(5) correspondence between the program administrators and the applicant until the application has been approved or disapproved.

Sec. 11. Minnesota Statutes 2000, section 13.719, is amended by adding a subdivision to read:

Subd. 6. [AUTOMOBILE INSURANCE.] (a) [GROUP SELF-INSURANCE DATA.] Financial data relating to nonpublic companies that are submitted to the commissioner of commerce for the purpose of obtaining approval to self-insure liability for automobile coverage as a group are classified as nonpublic data.

(b) [SELF-INSURANCE; PLAN ADMINISTRATOR DATA.] Financial documents, including income statements, balance sheets, statements of change in financial positions, and supporting financial information submitted by nonpublic companies seeking to self-insure their automobile liability or to be licensed as self-insurance plan administrators are classified as nonpublic data.

Sec. 12. Minnesota Statutes 2000, section 138.17, subdivision 7, is amended to read:

Subd. 7. [RECORDS MANAGEMENT PROGRAM.] A records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of official records shall be administered by the commissioner of administration with assistance from the director of the historical society. The state records center which stores and services state records not in state archives shall be administered by the commissioner of administration. The commissioner of administration is empowered to (1) establish standards, procedures, and techniques for effective management of government records, (2) make continuing surveys of paper work operations, and (3) recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, preserving and disposing of government records. It shall be the duty of the head of each state agency and the governing body of each county, municipality, and other subdivision of government to cooperate with the commissioner in conducting surveys and to establish and maintain an active, continuing program for the economical and efficient management of the records of each agency, county, municipality, or other subdivision of government. When requested by the commissioner, public officials shall assist in the preparation of an inclusive inventory of records in their custody, to which shall be attached a schedule, approved by the head of the governmental unit or agency having custody of the records and the commissioner, establishing a time period for the retention or disposal of each series of records. When the schedule is unanimously approved by the records disposition panel, the head of the governmental unit or agency having custody of the records may dispose of the type of records listed in the schedule at a time and in a manner prescribed in the schedule for particular records which were created after the approval. A list of records disposed of pursuant to this subdivision shall be ~~forwarded to the commissioner and the archivist maintained by the head of the governmental unit or agency.~~ maintained by the head of the governmental unit or agency. The archivist shall maintain a list of all records destroyed.

Sec. 13. Minnesota Statutes 2000, section 182.659, subdivision 8, is amended to read:

Subd. 8. Neither the commissioner nor any employee of the department, including those employees of the department of health providing services to the department of labor and industry, pursuant to section 182.67, subdivision 1, is subject to subpoena for purposes of inquiry into any occupational safety and health inspection except in enforcement proceedings brought under this chapter. ~~All written information, documentation and reports gathered or prepared by the department pursuant to an occupational safety and health inspection are public information once the departmental inspection file is closed.~~ Data that identify individuals who provide data to the department as part of an investigation conducted under this chapter shall be private.

Sec. 14. [611A.46] [CLASSIFICATION OF DATA.]

(a) Personal history information and other information collected, used, and maintained by a Minnesota center for crime victim services grantee from which the identity and location of any crime victim may be determined are private data on individuals as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

(b) Personal history data and other information collected, used, and maintained by the Minnesota center for crime victim services from which the identity and location of any victim may be determined are private data on individuals as defined in section 13.02, subdivision 12.

(c) Internal auditing data shall be classified as provided by section 13.392.

Sec. 15. Laws 1997, First Special Session chapter 3, section 27, as amended by Laws 1999, chapter 243, article 5, section 45, is amended to read:

Sec. 27. [TAXPAYER'S PERSONAL INFORMATION; DISCLOSURE.]

(a) An owner of property in Washington ~~or Ramsey~~ county that is subject to property taxation must be informed in a clear and conspicuous manner in writing on a form sent to property taxpayers that the property owner's name, address, and other information may be used, rented, or sold for business purposes, including surveys, marketing, and solicitation.

(b) If the property owner so requests on the form provided, then any such list generated by the county and sold for business purposes must exclude the owner's name and address if the business purpose is conducting surveys, marketing, or solicitation.

(c) This section expires August 1, ~~2001~~ 2003.

Sec. 16. [REPORT OF DATA LAWS.]

The responsible authority of each state agency shall prepare a list that identifies all data classification provisions relating to business that are within the jurisdiction of the agency, or that the agency has been given the statutory authority to ensure compliance with or enforce. The agency shall submit this list to the commissioner of administration no later than September 1, 2001.

Sec. 17. [REPEALER.]

Minnesota Statutes 2000, sections 13.081; 13.592; 13.5921; 13.5922; 13.593; 13.594; 13.5951; 13.5952; 13.5953; 13.596; 13.5965; 13.643, subdivision 4; and 16C.06, subdivision 3, are repealed.

Sec. 18. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to government data practices; providing for access to and maintenance of certain government data; classifying and defining certain government data; requiring a report to commissioner of administration; abolishing certain administrative remedies; amending Minnesota Statutes 2000, sections 3.979, by adding a subdivision; 13.02, subdivision 11; 13.32, by adding a subdivision; 13.59; 13.594; 13.719, by adding a subdivision; 138.17, subdivision 7; 182.659, subdivision 8; Laws 1997, First Special Session chapter 3, section 27, as amended; proposing coding for new law in Minnesota Statutes, chapters 8; 13; 611A; repealing Minnesota Statutes 2000, sections 13.081; 13.592; 13.5921; 13.5922; 13.593; 13.594; 13.5951; 13.5952; 13.5953; 13.596; 13.5965; 13.643, subdivision 4; 16C.06, subdivision 3."

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. 1908, A bill for an act relating to crimes; modifying requirements for reporting gunshot wounds; amending Minnesota Statutes 2000, sections 626.52, subdivision 2; and 626.53.

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

The report was adopted.

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

H. F. No. 1920, A bill for an act relating to employment; regulating an employee's right to receive certain employment termination information; amending Minnesota Statutes 2000, section 181.933, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 13, strike "five" and insert "ten"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 1947, A bill for an act relating to health; modifying the Vital Statistics Act; modifying access to adoption records; amending Minnesota Statutes 2000, sections 144.212, subdivisions 2a, 3, 5, 7, 8, 9, 11; 144.214, subdivisions 1, 3, 4; 144.215, subdivisions 1, 3, 4, 6, 7; 144.217; 144.218; 144.221, subdivisions 1, 3; 144.222, subdivision 2; 144.223; 144.225, subdivisions 1, 2, 2a, 3, 4, 7; 144.226, subdivisions 1, 3; 144.227; 260C.317, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2000, sections 144.1761; 144.217, subdivision 4; 144.219.

Reported the same back with the following amendments:

Page 9, line 19, reinstate the stricken language

Page 9, line 20, delete "responsible authority" and insert "registrar or designee of the county board"

Page 10, line 32, delete the new language

Page 11, delete lines 18 to 23

Pages 11 and 12, delete section 24

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 9, delete "2a,"

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. 1952, A bill for an act relating to housing; authorizing municipalities to include affordable housing requirements in subdivision regulations; requiring cities to offer regulatory relief to housing developers who voluntarily meet housing affordability thresholds; appropriating money; amending Minnesota Statutes 2000, section 462.358, subdivision 2a, by adding a subdivision.

Reported the same back with the following amendments:

Pages 1 to 5, delete sections 1 and 2

Page 5, line 6, delete "Sec. 3." and insert "Section 1."

Page 5, line 7, delete "\$4,000,000" and insert "\$....."

Page 5, line 11, delete "\$15,000,000" and insert "\$....."

Delete the title and insert:

"A bill for an act relating to housing; appropriating money for innovative and inclusionary housing programs."

With the recommendation that when so amended the bill be re-referred to the Committee on Jobs and Economic Development Finance without further recommendation.

The report was adopted.

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

H. F. No. 2122, A bill for an act relating to crimes; prohibiting making counterfeit drivers' licenses and identification cards or having instruments and material for counterfeiting drivers' licenses and identification cards; imposing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 609.521, is amended to read:

609.521 [POSSESSION OF SHOPLIFTING GEAR.]

(a) As used in this section, an "electronic article surveillance system" means any electronic device or devices that are designed to detect the unauthorized removal of marked merchandise from a store.

(b) Whoever has in possession any device, gear, or instrument ~~specialty~~ designed to assist in shoplifting or defeating an electronic article surveillance system with intent to use the same to shoplift and thereby commit theft may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

Sec. 2. [609.652] [FRAUDULENT DRIVERS' LICENSES AND IDENTIFICATION CARDS; PENALTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "driver's license or identification card" means a driver's license or identification card issued by the driver and vehicle services division of the department of public safety or receipts issued by its authorized agents or those of any state or jurisdiction as defined in section 171.01 that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's legal name and age; and

(2) "fraudulent driver's license or identification card" means a document purporting to be a driver's license or identification card, but that is not authentic.

Subd. 2. [CRIMINAL ACTS.] A person who does any of the following with intent to manufacture, sell, issue, publish, or pass more than one fraudulent driver's license or identification card or to cause or permit any of the items listed in clauses (1) to (4) to be used in forging or making a false or counterfeit driver's license or identification card for profit is guilty of a crime:

(1) has in control, custody, or possession any plate, block, press, stone, digital image, computer software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent driver's license or identification card;

(2) engraves, makes, or amends, or begins to engrave, make, or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent driver's license or identification card;

(3) uses a photocopier, digital camera, photographic image, or computer software to generate a fraudulent driver's license or identification card; or

(4) has in control, custody, or possession or makes or provides paper or other material adapted and designed for the making of a fraudulent driver's license or identification card.

Subd. 3. [PENALTIES.] A person who commits any act described in subdivision 2 is guilty of a gross misdemeanor. A person convicted of a second or subsequent offense of this subdivision may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2001, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; prohibiting making or possessing counterfeit drivers' licenses and identification cards or having instruments and material for counterfeiting drivers' licenses and identification cards in certain instances; expanding the crime prohibiting the possession of shoplifting gear; imposing criminal penalties; amending Minnesota Statutes 2000, section 609.521; proposing coding for new law in Minnesota Statutes, chapter 609."

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

The report was adopted.

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

H. F. No. 2244, A bill for an act relating to courts; providing for state funding of trial courts in unfunded judicial districts; amending Minnesota Statutes 2000, sections 97A.065, subdivision 2; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 273.1398, subdivision 4a; 299D.03, subdivision 5; 357.021, subdivision 1a; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1.

Reported the same back with the following amendments:

Page 10, after line 28, insert:

"Sec. 9. [484.77] [FACILITIES.]

The county board in each county shall provide suitable facilities for court purposes at the county seat, or at other locations agreed upon by the district court and the county. The county shall also be responsible for the costs of renting, maintaining, operating, remodeling, insuring, and renovating those facilities occupied by the court."

Page 13, line 1, delete "9, and 10" and insert "10, and 11"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring counties to provide suitable facilities for court purposes;"

Page 1, line 9, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 484"

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

The report was adopted.

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

H. F. No. 2263, A bill for an act relating to elections; authorizing use of certain tribal identification cards for election day registration purposes; amending Minnesota Statutes 2000, section 201.061, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 23, before "address" insert "resident" and after the second comma, insert "date of birth,"

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. 2267, A bill for an act relating to metropolitan agricultural preserves; permitting an exception to the maximum residential density requirement of long-term agricultural land under certain specific conditions; amending Minnesota Statutes 2000, section 473H.03, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, delete lines 9 to 21 and insert:

"Section 1. Minnesota Statutes 2000, section 473H.09, is amended to read:

473H.09 [EARLY TERMINATION.]

Termination of an agricultural preserve earlier than a date derived through application of section 473H.08 may be permitted ~~only by the governor; (1) in the event of a public emergency upon petition from the owner or authority to the governor, or (2) in the event of the death of the owner, upon petition from the owner's heirs or assigns.~~ Termination under this section must be by executive order. The determination of a public emergency shall be by the governor through executive order pursuant to sections 4.035 and 12.01 to 12.46. The executive order shall identify the preserve, the reasons requiring the action and the date of termination."

Amend the title as follows:

Page 1, delete lines 3 to 7 and insert "permitting early termination of a preserve upon the death of an owner and petition of the heirs or assigns; amending Minnesota Statutes 2000, section 473H.09."

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

The report was adopted.

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

H. F. No. 2291, A bill for an act relating to crime victims; implementing an automated victim notification system; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Reported the same back with the following amendments:

Page 2, line 15, delete "during" and insert "after"

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

The report was adopted.

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

H. F. No. 2355, A bill for an act relating to human services; adding a provision under the nursing facility moratorium exceptions; amending Minnesota Statutes 2000, section 256B.431, subdivision 17.

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

Joint Rule 2.03 and Senate Concurrent Resolution No. 5 have been waived for subsequent committee action on this bill.

The report was adopted.

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

H. F. No. 2388, A bill for an act relating to human services; providing an exception to the nursing home moratorium; appropriating money; amending Minnesota Statutes 2000, section 144A.071, subdivision 4a.

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

Joint Rule 2.03 and Senate Concurrent Resolution No. 5 have been waived for subsequent committee action on this bill.

The report was adopted.

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

H. F. No. 2396, A bill for an act relating to courts; amending and deleting obsolete references to the judicial system; amending Minnesota Statutes 2000, section 609.103; repealing Minnesota Statutes 2000, sections 260.022; 260.023; 260.024; 260.025; and 260B.193, subdivision 3; Laws 1997, chapter 239, article 3, section 23.

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

The report was adopted.

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

H. F. No. 2414, A bill for an act relating to local government; updating United States Department of Agriculture financing program for cities, counties, and towns, and expanding the uses to include child care facilities; amending Minnesota Statutes 2000, section 465.73.

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

The report was adopted.

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

H. F. No. 2420, A bill for an act relating to human services; clarifying the role of the department of children, families, and learning under the maltreatment of minors act and related statutory provisions; providing for other special programs; amending Minnesota Statutes 2000, sections 13.319, by adding a subdivision; 13.32, subdivision 3; 13.43, by adding a subdivision; 13.46, subdivision 2; 119B.02, by adding a subdivision; 120A.22, subdivision 7; 122A.31, subdivision 2; 125A.023, subdivision 4; 125A.027, by adding a subdivision; 125A.09, subdivision 11; 125A.11, subdivision 3; 125A.27, subdivision 15; 125A.515; 125A.76, subdivisions 1, 2; 256.045, subdivision 3b; 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10i, 10j, 11.

Reported the same back with the following amendments:

Page 3, line 21, after "data" insert "which are relevant to a report of maltreatment"

Page 4, line 2, after "data" insert "which are relevant to a report of maltreatment"

Page 20, line 23, strike "and" and insert "or" and after "procedures" insert ", or regulated interventions,"

Page 20, line 24, after "section" insert "121A.67 or"

Page 32, line 27, after "data" insert "which are relevant to a report of maltreatment"

Page 34, line 33, after "data" insert "which are relevant to a report of maltreatment"

Page 37, delete line 4

Page 37, line 5, delete everything before the period and insert "notification to the parent, guardian, or legal custodian of any student alleged to have been maltreated or involved as a witness to alleged maltreatment"

Page 37, line 16, after the period, insert "If a determination is made that maltreatment has occurred,"

Page 37, line 18, delete "regarding whether" and insert "that"

Page 41, line 9, after the period, insert "All records concerning determinations of maltreatment by a facility are nonpublic data as maintained by the department of children, families, and learning, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff."

Page 42, line 16, after "data" insert "which are relevant to a report of maltreatment"

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to Senate Concurrent Resolution No. 5, H. F. No. 2420 was re-referred to the Committee on Rules and Legislative Administration.

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

S. F. No. 266, A bill for an act relating to government; requiring that local governmental units in the metropolitan area include consideration of the protection and development of aggregate resources in their land use plan as a part of their comprehensive plan; amending Minnesota Statutes 2000, section 473.859, subdivision 2.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2000, section 103G.265, subdivision 3, is amended to read:

Subd. 3. [CONSUMPTIVE USE OF MORE THAN 2,000,000 GALLONS PER DAY.] (a) Except as provided in paragraph (b), a water use permit or a plan that requires a permit or the commissioner's approval, involving a consumptive use of more than 2,000,000 gallons per day average in a 30-day period, may not be granted or approved until:

(1) a determination is made by the commissioner that the water remaining in the basin of origin will be adequate to meet the basin's water resources needs during the specified life of the consumptive use; and

(2) approval of the consumptive use is given by the legislature.

(b) Legislative approval under paragraph (a), clause (2), is not required for a consumptive use in excess of 2,000,000 gallons per day average in a 30-day period for:

- (1) a domestic water supply, excluding industrial and commercial uses of a municipal water supply;
- (2) agricultural irrigation and processing of agricultural products;
- (3) construction and metallic mineland dewatering;
- (4) pollution abatement or remediation; and
- (5) fish and wildlife enhancement projects using surface water sources."

Page 2, lines 3 and 4, delete the new language and insert "A land use plan shall also include the local government's goals, intentions, and priorities concerning aggregate and other natural resources, transportation infrastructure, land use compatibility, habitat, agricultural preservation, and other planning priorities, taking into account information regarding supplies and demands as provided by the metropolitan council."

Page 2, line 6, after "applies" insert "only for land use plans adopted after June 1, 2001,"

Page 2, after line 7, insert:

"Sec. 4. [SUNSET.]

Section 1 is effective until August 1, 2003."

Re-number the sections in sequence

Delete the title and insert:

"A bill for an act relating to government; requiring that local governmental units in the metropolitan area include consideration of aggregate and other natural resources and certain other planning priorities in their land use plan as a part of their comprehensive plan; narrowing and clarifying a certain exception to a required legislative approval; amending Minnesota Statutes 2000, sections 103G.265, subdivision 3; 473.859, subdivision 2."

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:

S. F. No. 494, A bill for an act relating to St. Louis county; repealing special purchasing laws for St. Louis county; repealing Minnesota Statutes 2000, sections 383C.33; 383C.331; 383C.332; 383C.333; 383C.334; 383C.335; 383C.336; 383C.337; 383C.338; and 383C.34.

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

The report was adopted.

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

S. F. No. 910, A bill for an act relating to traffic regulations; redefining "residential roadway"; amending Minnesota Statutes 2000, section 169.01, subdivision 81.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 58, 205, 604, 661, 730, 783, 950, 1015, 1145, 1169, 1182, 1256, 1338, 1591, 1821, 1827, 1828, 1872, 1893, 1898, 1908, 1920, 1947, 2263, 2396 and 2414 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 974, 2005, 266, 494 and 910 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Gunther and Kalis introduced:

H. F. No. 2454, A bill for an act relating to taxation; sales and use; exempting the purchase of construction materials and equipment used in a wastewater treatment system in the city of Lewisville; amending Minnesota Statutes 2000, sections 297A.71, by adding a subdivision; 297A.75.

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

McElroy introduced:

H. F. No. 2455, A bill for an act relating to public transit; providing state funding for public transit; prohibiting property tax levies as a revenue source for transit services; altering the distribution of revenues derived from the sales tax on motor vehicles; appropriating money; amending Minnesota Statutes 2000, sections 174.24, subdivision 3b; 297B.09, subdivision 1; 473.388, subdivisions 4, 7; 473.446, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Hilty and Solberg introduced:

H. F. No. 2456, A bill for an act relating to taxation; franchise; decreasing the minimum fee imposed on certain corporations and partnerships; amending Minnesota Statutes 2000, section 290.0922, subdivision 1.

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

Abeler and Otremba introduced:

H. F. No. 2457, A bill for an act relating to human services; proposing an amendment to the Minnesota Constitution, article XI, by adding a section; dedicating the sales tax receipts equal to a sales tax of 3/16 of one percent on taxable sales for human services purposes; amending Minnesota Statutes 2000, section 297A.94.

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

Kahn and Davnie introduced:

H. F. No. 2458, A bill for an act relating to retirement; providing public employee pension coverage for certain foreign citizens; amending Minnesota Statutes 2000, section 353.01, subdivision 2b.

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

Anderson, I., introduced:

H. F. No. 2459, A bill for an act relating to higher education; Minnesota state colleges and universities; appropriating money to establish a microwave connection between Rainy River community college and Confederation College in Ontario.

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

Sertich introduced:

H. F. No. 2460, A bill for an act relating to education finance; authorizing a fund transfer for independent school district No. 701, Hibbing.

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

Jennings introduced:

H. F. No. 2461, A bill for an act relating to crime prevention; prohibiting a reduction in the use of trained dogs in correctional facilities and requiring a study of their effectiveness.

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

Skoglund introduced:

H. F. No. 2462, A bill for an act relating to crime prevention; appropriating money for a chronic offender pilot project in Hennepin county.

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

Juhnke, Peterson, Ness, Kubly and Westrom introduced:

H. F. No. 2463, A bill for an act relating to appropriations; appropriating money for the West Central Growth Alliance.

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

Hilty introduced:

H. F. No. 2464, A bill for an act relating to taxation; providing a sales tax rebate payable in 2001; expanding eligibility for the 2000 sales tax rebate; appropriating money; amending Laws 2000, chapter 490, article 1, section 2.

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

Dawkins, Daggett and Bernardy introduced:

H. F. No. 2465, A bill for an act relating to local government finance; modifying the city local government aid formula and adjusting city homestead and agricultural credit aid; providing for state assumption of certain county costs; converting the general education levy to a state tax; changing property tax class rates; providing special education cross-subsidy aid; appropriating money; amending Minnesota Statutes 2000, sections 97A.065, subdivision 2; 126C.13, subdivision 4; 179A.101, subdivision 1; 179A.102, subdivision 6; 179A.103, subdivision 1; 273.13, subdivisions 24, 25, by adding a subdivision; 273.1382; 273.1398, subdivisions 1, 4a, by adding subdivisions; 275.02; 275.065, subdivisions 1, 3; 276.04, subdivision 2; 276A.06, subdivision 3; 299D.03, subdivision 5; 357.021, subdivision 1a; 473.254, subdivision 5; 473F.08, subdivision 3; 477A.011, subdivisions 20, 27, 34, by adding subdivisions; 477A.013, subdivisions 8, 9; 477A.03, subdivision 2; 480.181, subdivision 1; 487.33, subdivision 5; 574.34, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 125A; 245; 473; repealing Minnesota Statutes 2000, sections 126C.13, subdivisions 1, 2, 3; 477A.011, subdivisions 35, 36, 37; 477A.03, subdivision 4.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

S. F. Nos. 1999 and 1835.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1999, A bill for an act relating to courts; amending and deleting obsolete references to the judicial system; clarifying warrant issuance and service; amending Minnesota Statutes 2000, sections 609.103; 626.11; 626.13; repealing Minnesota Statutes 2000, sections 260.022; 260.023; 260.024; 260.025; and 260B.193, subdivision 3; Laws 1997, chapter 239, article 3, section 23.

The bill was read for the first time.

Skoglund moved that S. F. No. 1999 and H. F. No. 2396, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1835, A bill for an act relating to employment; regulating an employee's right to receive certain employment termination information; amending Minnesota Statutes 2000, section 181.933, subdivision 1.

The bill was read for the first time.

Rhodes moved that S. F. No. 1835 and H. F. No. 1920, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Tuesday, April 17, 2001:

H. F. No. 865; S. F. No. 274; H. F. No. 1188; S. F. No. 283; H. F. Nos. 1522 and 1247; S. F. No. 1435; H. F. Nos. 1304 and 1850; S. F. No. 174; H. F. No. 1748; S. F. No. 1419; H. F. Nos. 1889 and 1260; and S. F. Nos. 456 and 319.

CALENDAR FOR THE DAY

H. F. No. 865, A bill for an act relating to criminal justice; providing for community service in lieu of criminal fines in certain instances; amending Minnesota Statutes 2000, section 609.101, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cassell	Dawkins	Eastlund	Fuller
Abrams	Bishop	Clark, J.	Dehler	Entenza	Gerlach
Anderson, B.	Boudreau	Clark, K.	Dempsey	Erickson	Gleason
Anderson, I.	Bradley	Daggett	Dibble	Evans	Goodno
Bakk	Buesgens	Davids	Dorman	Finseth	Goodwin
Bernardy	Carlson	Davnie	Dorn	Folliard	Greiling

Gunther	Johnson, S.	Lipman	Opatz	Schumacher	Walker
Haas	Juhnke	Luther	Osskopp	Seagren	Walz
Hackbarth	Kahn	Mahoney	Osthoff	Seifert	Wasiluk
Harder	Kalis	Mares	Otremba	Sertich	Wenzel
Hausman	Kelliher	Mariani	Ozment	Skoe	Westerberg
Hilstrom	Kielkucki	Marko	Paulsen	Skoglund	Westrom
Hilty	Knoblach	Marquart	Pawlenty	Smith	Wilkin
Holberg	Koskinen	McElroy	Paymar	Solberg	Winter
Holsten	Kubly	McGuire	Pelowski	Stanek	Wolf
Howes	Kuisle	Milbert	Penas	Swapinski	Workman
Huntley	Larson	Molnau	Peterson	Swenson	Spk. Sviggum
Jacobson	Leighton	Mulder	Pugh	Sykora	
Jaros	Lenczewski	Mullery	Rhodes	Thompson	
Jennings	Leppik	Murphy	Rifenberg	Tingelstad	
Johnson, J.	Lieder	Ness	Rukavina	Tuma	
Johnson, R.	Lindner	Olson	Ruth	Vandever	

The bill was passed and its title agreed to.

S. F. No. 274, A bill for an act relating to professions; extending the expiration date of the respiratory care practitioner advisory council; providing for cancellation of athletic trainer registration for nonrenewal after two years; amending Minnesota Statutes 2000, sections 147C.35, subdivision 2; and 148.7809, subdivision 4.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1188 was reported to the House.

Gunther, Ozment and Kelliher moved to amend H. F. No. 1188, the first engrossment, as follows:

Page 1, after line 21, insert:

"Before the exercise, the authority conducting the exercise must advise the property owner that a soil test is advisable if the property will be used for growing food or for children's recreation."

The motion prevailed and the amendment was adopted.

H. F. No. 1188, A bill for an act relating to environment; regulating ash disposal from fire training exercises; amending Minnesota Statutes 2000, section 116.07, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

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

The Speaker called Boudreau to the Chair.

S. F. No. 283, A bill for an act relating to natural resources; clarifying the prohibition of the commissioner of natural resources in establishing quotas for enforcement officer activity; amending Minnesota Statutes 2000, section 84.0285.

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

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Holberg	Molnau
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The bill was passed and its title agreed to.

H. F. No. 1522 was reported to the House.

Bradley moved to amend H. F. No. 1522, the first engrossment, as follows:

Page 3, after line 13, insert:

"Sec. 2. Minnesota Statutes 2000, section 144A.04, subdivision 7a, is amended to read:

Subd. 7a. [DIRECTOR OF NURSING SERVICES.] Except as otherwise provided by this subdivision and subdivision 5, a nursing home must have a full-time director of nursing services who is assigned full time to the nursing services of the nursing home. ~~For nursing homes with less than 32 beds, the director of nursing services may also serve as the licensed nursing home administrator without being licensed by the board of examiners for~~

~~nursing home administrators under sections 144A.19 to 144A.27.~~ For purposes of this requirement, "full time" means working at least 35 hours per week. The director of nursing services of a nursing home may also serve as the director of nursing services of a physically attached hospital if:

(1) the hospital has an average daily census of ten patients or less in the most recent reporting year for which data is available;

(2) the total combined beds of the hospital and nursing home do not exceed 100; and

(3) the management of the two facilities is under the control and direction of the same governing body."

Renumber the sections in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1522, A bill for an act relating to health; modifying requirements for full-time nursing home administrators; amending Minnesota Statutes 2000, section 144A.04, subdivisions 5 and 7a; repealing Minnesota Statutes 2000, section 144A.04, subdivision 5a; and Minnesota Rules, part 4658.0055, subpart 2.

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

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

Those who voted in the affirmative were:

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

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

H. F. No. 1247 was reported to the House.

Eastlund moved to amend H. F. No. 1247 as follows:

Page 1, line 13, after "therefrom" insert a comma

Page 1, line 14, after "property" insert a comma

The motion prevailed and the amendment was adopted.

H. F. No. 1247, A bill for an act relating to veterans homes; providing for the veterans homes board to administer planned giving donations; amending Minnesota Statutes 2000, section 198.16; repealing Minnesota Statutes 2000, section 198.161.

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

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

Those who voted in the affirmative were:

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

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

S. F. No. 1435, A bill for an act relating to state government; modifying provisions relating to the designer selection board; amending Minnesota Statutes 2000, section 16B.33, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Erickson	Kielkucki	Mulder	Seagren	Wilkin
Buesgens	Holberg	Lipman	Paulsen	Sykora	

The bill was passed and its title agreed to.

H. F. No. 1850 was reported to the House.

Abeler moved that H. F. No. 1850 be re-referred to the Committee on K-12 Education Finance. The motion prevailed.

S. F. No. 174 was reported to the House.

Westrom moved to amend S. F. No. 174, the unofficial engrossment, as follows:

Page 1, line 24, after "carrots," insert "corn, soybeans, wheat"

Page 2, after line 28, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective retroactive to October 1, 2000."

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 7 yeas and 121 nays as follows:

Those who voted in the affirmative were:

Buesgens	Kielkucki	Paymar	Westrom
Dauids	Osskopp	Peterson	

Those who voted in the negative were:

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

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

S. F. No. 174, A bill for an act relating to traffic regulations; allowing gross weight seasonal increase for transporting carrots; amending Minnesota Statutes 2000, section 169.825, subdivision 11.

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

The question was taken on the passage of the bill and the roll was called. There were 73 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Daggett	Finseth	Harder	Knoblach	Marquart
Anderson, B.	Dauids	Fuller	Hilty	Kubly	Ness
Anderson, I.	Davnie	Gerlach	Holsten	Kuisle	Olson
Bakk	Dehler	Goodno	Howes	Leppik	Opatz
Bishop	Dempsey	Goodwin	Jacobson	Lieder	Osskopp
Boudreau	Dibble	Gunther	Johnson, J.	Lindner	Otremba
Cassell	Eastlund	Haas	Juhnke	Lipman	Ozment
Clark, J.	Erickson	Hackbarth	Kielkucki	Mares	Pelowski

Penas	Ruth	Smith	Vandev eer	Wilkin
Peterson	Schumacher	Solberg	Walz	Winter
Rhodes	Seagren	Stanek	Wenzel	Wolf
Rifenberg	Sertich	Swenson	Westerberg	Workman
Rukavina	Skoe	Tingelstad	Westrom	Spk. Sviggum

Those who voted in the negative were:

Abrams	Dorn	Holberg	Koskinen	McGuire	Pugh
Bernardy	Entenza	Huntley	Larson	Milbert	Seifert
Biernat	Evans	Jaros	Leighton	Molnau	Skoglund
Bradley	Folliard	Jennings	Lenczewski	Mulder	Swapinski
Buesgens	Gleason	Johnson, R.	Luther	Mullery	Sykora
Carlson	Gray	Johnson, S.	Mahoney	Murphy	Thompson
Clark, K.	Greiling	Kahn	Mariani	Osthoff	Tuma
Dawkins	Hausman	Kalis	Marko	Paulsen	Walker
Dorman	Hilstrom	Kelliher	McElroy	Paymar	Wasiluk

The bill was passed and its title agreed to.

H. F. No. 1748, A bill for an act relating to health; authorizing the emergency medical services regulatory board to grant temporary variances from staffing requirements for basic life support ambulances operated by rural ambulance services; amending Minnesota Statutes 2000, section 144E.101, subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1419, A bill for an act relating to payment bonds; regulating notices of claims; amending Minnesota Statutes 2000, section 574.31, subdivision 2.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1889, A bill for an act relating to filings with the secretary of state; providing for the orderly revocation of delinquent foreign corporations; regulating certain transition issues under the Uniform Partnership Act of 1994; amending Minnesota Statutes 2000, sections 303.17, subdivisions 2, 3, 4; 323A.12-02.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cassell	Dawkins	Eastlund	Fuller
Abrams	Bishop	Clark, J.	Dehler	Entenza	Gerlach
Anderson, B.	Boudreau	Clark, K.	Dempsey	Erickson	Gleason
Anderson, I.	Bradley	Daggett	Dibble	Evans	Goodwin
Bakk	Buesgens	Dauids	Dorman	Finseth	Gray
Bernardy	Carlson	Davnie	Dorn	Folliard	Greiling

Gunther	Johnson, S.	Lipman	Opatz	Schumacher	Walker
Haas	Juhnke	Luther	Osskopp	Seagren	Walz
Hackbarth	Kahn	Mahoney	Osthoff	Seifert	Wasiluk
Harder	Kalis	Mares	Otremba	Sertich	Wenzel
Hausman	Kelliher	Mariani	Ozment	Skoe	Westerberg
Hilstrom	Kielkucki	Marko	Paulsen	Skoglund	Westrom
Hilty	Knoblach	Marquart	Pawlenty	Smith	Wilkin
Holberg	Koskinen	McElroy	Paymar	Solberg	Winter
Holsten	Kubly	McGuire	Pelowski	Stanek	Wolf
Howes	Kuisle	Milbert	Penas	Swapinski	Workman
Huntley	Larson	Molnau	Peterson	Swenson	Spk. Sviggum
Jacobson	Leighton	Mulder	Pugh	Sykora	
Jaros	Lenczewski	Mullery	Rhodes	Thompson	
Jennings	Leppik	Murphy	Rifenberg	Tingelstad	
Johnson, J.	Lieder	Ness	Rukavina	Tuma	
Johnson, R.	Lindner	Olson	Ruth	Vandever	

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 1260, A bill for an act relating to family law; neutralizing certain terminology; amending Minnesota Statutes 2000, sections 518.131, subdivision 2; 518.155; 518.171, subdivisions 1, 4, 5, 6, and 8; 518.175; 518.1751, subdivision 1b; 518.176, subdivision 1; 518.18; 518.55, subdivision 1; 518.551, subdivisions 5 and 5e; 518.612; and 518.64, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Paymar

The bill was passed and its title agreed to.

S. F. No. 456, A bill for an act relating to human services; allowing mental retardation and related conditions waiver recipients access to respite care in intermediate care facilities for persons with mental retardation and related conditions; amending Minnesota Statutes 2000, section 256B.092, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 319 was reported to the House.

Skoe moved to amend S. F. No. 319 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 453, the first engrossment:

"Section 1. Minnesota Statutes 2000, section 548.181, subdivision 2, is amended to read:

Subd. 2. [APPLICATION REQUIREMENTS; SERVICE.] An application under subdivision 1 must identify each judgment to be discharged, must be accompanied by a certified copy of the judgment debtor's bankruptcy discharge or a certificate by the clerk of the United States bankruptcy court of the discharge, must state the time the judgment creditor has to object as specified in subdivision 3 and the grounds for objection as specified in subdivision 4, must be served at the expense of the applicant on each judgment creditor either: (1) in the manner provided for the service of a summons in a civil action and must be accompanied by an affidavit of service, or (2) by certified mail and must be accompanied by an affidavit of mailing."

The motion prevailed and the amendment was adopted.

Skoe moved to amend S. F. No. 319, as amended, as follows:

Page 1, line 20, after "mail" insert "to the judgment creditor's last known address as it appears in the court record."

The motion prevailed and the amendment was adopted.

S. F. No. 319, A bill for an act relating to judgments; regulating the discharge of judgments against bankruptcy debtors; amending Minnesota Statutes 2000, section 548.181, subdivision 2.

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

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

Those who voted in the affirmative were:

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

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

Molnau moved that the remaining bill on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Bernardy moved that the names of Greiling, Hausman, McGuire, Dawkins, Lenczewski, Entenza, Thompson, Evans, Pugh and Mariani be added as authors on H. F. No. 524. The motion prevailed.

Holsten moved that the name of Paulsen be added as an author on H. F. No. 697. The motion prevailed.

Goodno moved that the name of Olson be added as an author on H. F. No. 703. The motion prevailed.

Gunther moved that the names of Dibble and Folliard be added as authors on H. F. No. 1003. The motion prevailed.

Gray moved that the name of Olson be added as an author on H. F. No. 1974. The motion prevailed.

Pawlenty moved that the name of Paulsen be added as an author on H. F. No. 2127. The motion prevailed.

Davids moved that his name be stricken as an author on H. F. No. 2288. The motion prevailed.

Seagren moved that the name of Johnson, J., be added as an author on H. F. No. 2353. The motion prevailed.

Osskopp moved that the name of Walz be added as an author on H. F. No. 2433. The motion prevailed.

Smith moved that H. F. No. 1446 be recalled from the Committee on Judiciary Finance and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Harder moved that H. F. No. 2132 be recalled from the Committee on Judiciary Finance and be re-referred to the Committee on State Government Finance. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Wednesday, April 18, 2001. 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., Wednesday, April 18, 2001.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

