

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2004

SIXTY-NINTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 3, 2004

The House of Representatives convened at 12:00 noon and was called to order by Ron Abrams, Speaker pro tempore.

Prayer was offered by Rabbi Moshe Feller, Lubavitch House, West St. Paul, Minnesota.

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

The roll was called and the following members were present:

Abeler	Davnie	Hilstrom	Larson	Opatz	Soderstrom
Abrams	DeLaForest	Hilty	Lenczewski	Osterman	Solberg
Adolphson	Demmer	Holberg	Lesch	Otremba	Strachan
Anderson, B.	Dempsey	Hoppe	Lieder	Otto	Swenson
Anderson, I.	Dill	Hornstein	Lindgren	Ozment	Sykora
Anderson, J.	Dorman	Howes	Lindner	Paulsen	Thao
Atkins	Dorn	Jacobson	Lipman	Paymar	Thissen
Beard	Eastlund	Jaros	Magnus	Pelowski	Tingelstad
Bernardy	Eken	Johnson, J.	Mahoney	Penas	Urdahl
Biernat	Erhardt	Johnson, S.	Marquart	Powell	Vanderveer
Blaine	Erickson	Juhnke	McNamara	Pugh	Wagenius
Borrell	Fuller	Kahn	Mullery	Rhodes	Walz
Boudreau	Gerlach	Kelliher	Murphy	Rukavina	Wardlow
Bradley	Goodwin	Klinzing	Nelson, C.	Ruth	Wasiluk
Brod	Greiling	Knoblach	Nelson, M.	Samuelson	Westerberg
Buesgens	Haas	Koenen	Nelson, P.	Seagren	Westrom
Carlson	Hackbarth	Kohls	Newman	Seifert	Wilkin
Cornish	Harder	Krinkie	Nornes	Sieben	Zellers
Cox	Hausman	Kuisle	Olsen, S.	Simpson	Spk. Sviggum
Davids	Heidgerken	Lanning	Olson, M.	Slawik	

A quorum was present.

Clark, Ellison, Entenza, Finstad, Gunther, Huntley, Latz, Mariani, Meslow, Peterson, Sertich, Severson, Smith, Stang and Walker were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Anderson, B., 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. 1626 and H. F. No. 1935, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hornstein moved that the rules be so far suspended that S. F. No. 1626 be substituted for H. F. No. 1935 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1745 and H. F. No. 1803, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

DeLaForest moved that S. F. No. 1745 be substituted for H. F. No. 1803 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1814 and H. F. No. 1822, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Buesgens moved that S. F. No. 1814 be substituted for H. F. No. 1822 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1903 and H. F. No. 1855, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Cornish moved that the rules be so far suspended that S. F. No. 1903 be substituted for H. F. No. 1855 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2063 and H. F. No. 2118, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Dorman moved that the rules be so far suspended that S. F. No. 2063 be substituted for H. F. No. 2118 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1166, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, by adding a section to article XI; dedicating sales tax proceeds of one-fourth of one percent of taxable sales for natural resource purposes; creating a heritage enhancement fund and council, a parks and trails fund, and a

clean water fund and council; requiring a report; amending Minnesota Statutes 2002, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F.

Reported the same back with the following amendments:

Page 1, line 26, after the second comma, insert "forests."

Page 2, line 18, after the second comma, insert "forests."

Page 4, line 30, after "wildlife" insert ", forest."

Page 4, line 36, delete "November 15" and insert "January 5"

Page 5, line 1, delete "2004" and insert "2005"

Page 5, lines 7, 10, and 12, after the second comma, insert "forestry."

Page 5, line 33, after the first comma, insert "forestry."

Page 5, line 36, after the comma, insert "forestry."

Page 7, line 12, delete "November 15, 2004" and insert "January 5, 2005"

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.

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

H. F. No. 1681, A bill for an act relating to health; conforming to federal tax changes to encourage consumer-driven health plans; encouraging efficiency in providing health care; reforming medical malpractice liability; reducing and providing a moratorium on state-imposed private-sector health coverage mandates; providing a pilot project for health plans that do not cover all mandated benefits; eliminating capital expenditure reporting requirements; permitting nonprofit hospitals to garnish state tax refunds; permitting file-and-use for health insurance policy forms; permitting for-profit health maintenance organizations; transferring regulatory authority for health maintenance organizations; addressing the cost-shifting impacts of public sector health care programs; amending Minnesota Statutes 2002, sections 16A.10, by adding a subdivision; 43A.23, by adding a subdivision; 62A.02, subdivision 2; 62D.02, subdivision 4, by adding a subdivision; 62D.03, subdivision 1; 62D.04, subdivision 1; 62Q.65; 72A.20, by adding a subdivision; 147.03, subdivision 1; 256B.04, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 62J.26, by adding a subdivision; 144.7063, subdivision 3; 270A.03, subdivision 2; 290.01, subdivisions 19, 31; proposing coding for new law in Minnesota Statutes, chapters 3; 62J; 62L; 62Q; 144; 147; 151; 604; repealing Minnesota Statutes 2002, sections 62A.309; 62J.17, as amended.

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

The report was adopted.

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

H. F. No. 1703, A bill for an act relating to elections; providing for the acquisition of voting systems; providing for a uniform, statewide voting system; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

VOTING SYSTEM

Section 1. [VOTING SYSTEMS ACQUISITION.]

Subdivision 1. [APPROPRIATION.] All remaining, previously unappropriated funds in the Help America Vote Act account and any funds received by that account until June 30, 2007, are appropriated to the Office of the Secretary of State for use in purchasing a uniform, statewide voting system, purchasing component items of voting equipment to create such a system, or making grants to counties and local municipalities for purchase of voting systems or components of equipment to create a uniform voting system that: (1) comply with the requirements of the Help America Vote Act, Public Law 107-252; and (2) meet the requirements of this section.

Subd. 2. [SOLICITING VOTING SYSTEMS.] The Office of the Secretary of State may issue requests for proposal or other solicitations for voting systems or the components of voting systems that comply with the requirements of the Help America Vote Act, Public Law 107-252, and also provide every voter an opportunity to verify their votes and to change their votes or correct any error before their ballot is cast and counted, produce a permanent paper record of the ballot cast by the voter, and preserve the paper record as an official record available for use in a recount.

Subd. 3. [UNIFORM VOTING SYSTEM.] After receiving and evaluating responses to the requests for proposal for voting systems, the Office of the Secretary of State may select one or more vendors to provide equipment for a uniform statewide voting system for use in each polling place in Minnesota.

Subd. 4. [VOTING SYSTEMS REQUIREMENT.] Each voting system purchased in Minnesota must:

(1) create a marked optical scan ballot that can be tabulated by (i) a precinct count optical scan machine already certified for use in Minnesota and owned by a jurisdiction, or (ii) a certified precinct count optical scan machine to be purchased under this section; or

(2) accept such a marked optical scan ballot.

Subd. 5. [CERTIFICATION STANDARDS.] A request for proposal under this section must set forth the specifications for ballot-marking equipment to be purchased, which must be compatible with existing precinct count optical scan equipment or future models of such equipment. Responses to the request for proposal must include certification required by Minnesota Statutes, section 206.57, Minnesota Rules, chapters 8220 and 8230, and any other Minnesota statutes and rules to be considered. Precinct count optical scan tabulating machines must meet the current certification standards for such machines.

Subd. 6. [REMAINING FUNDS.] (a) All appropriations to the Office of the Secretary of State under this section remaining after the purchase of voting systems to satisfy the requirements of the Help America Vote Act, Public Law 107-252, as described in subdivisions 1 to 5, may be spent for the replacement of precinct-count optical scan equipment that is not compatible with any system described in subdivision 4, clause (1), and selected under subdivision 3.

(b) In order to most closely achieve a uniform system of voting in this state, the Office of the Secretary of State shall designate one model of precinct-count optical scan equipment to be purchased as the replacement equipment from among the responses to the requests for proposal submitted under subdivision 2.

(c) If the Office of the Secretary of State determines that there are insufficient funds for the replacement of all equipment eligible for replacement under this section, the funds must be used first to replace the oldest equipment, and then to replace progressively newer equipment until the funds are exhausted.

Subd. 7. [MASTER PURCHASING CONTRACT.] The Office of the Secretary of State shall use the responses to requests for proposal submitted under subdivision 2 as the basis for negotiating one or more master contracts from which all purchases authorized or required by this section must be made, whether by state or local governments. After the master contract is negotiated, no purchases of voting systems may be made by state or local governments except from this master contract.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

ARTICLE 2

HAVA CONFORMITY

Section 1. Minnesota Statutes 2002, section 201.021, is amended to read:

201.021 [PERMANENT REGISTRATION SYSTEM.]

A permanent system of voter registration by county is established, with ~~the county systems linked together by a centralized statewide system~~ a single, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state, and assigns a unique identifier to each legally registered voter in the state. The interactive computerized statewide voter registration list constitutes the official list of every legally registered voter in the state. The county auditor shall be chief registrar of voters and the chief custodian of the official registration records in each county. The secretary of state is responsible for defining, maintaining, and administering the centralized system.

Sec. 2. Minnesota Statutes 2002, section 201.022, is amended to read:

201.022 [STATEWIDE REGISTRATION SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] The secretary of state shall maintain a statewide voter registration system to facilitate voter registration and to provide a central database containing voter registration information from around the state. The system must be accessible to the county auditor of each county in the state. The system must also:

(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the Department of Public Safety;

(2) provide for the definition, establishment, and maintenance of a central database for all voter registration information;

(3) provide for entering data into the statewide registration system;

(4) provide for electronic transfer of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor;

(5) assign a unique identifier to each legally registered voter in the state;

(6) provide for the acceptance of the Minnesota driver's license number, Minnesota state identification number, and last four digits of the Social Security number for each voter record;

(7) coordinate with other agency databases within the state;

(8) allow county auditors to add, and the secretary of state to add or modify, information in the system to provide for accurate and up-to-date records;

(9) allow county auditors, municipal and school district clerks, and the secretary of state to have electronic access to the statewide registration system for review and search capabilities;

(10) provide security and protection of all information in the statewide registration system and ensure that unauthorized access is not allowed; and

(11) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes.

The appropriate state or local official shall provide security measures to prevent unauthorized access to the computerized list established under section 201.021. The secretary of state shall establish a system of file maintenance that makes reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters.

Subd. 2. [RULES.] The secretary of state shall make permanent rules necessary to administer the system required in subdivision 1. ~~The rules must at least:~~

~~(1) provide for voters to submit their registration to any county auditor, the secretary of state, or the Department of Public Safety;~~

~~(2) provide for the establishment and maintenance of a central database for all voter registration information;~~

~~(3) provide procedures for entering data into the statewide registration system;~~

~~(4) provide for interaction with the computerized driver's license records of the Department of Public Safety;~~

~~(5) allow the offices of all county auditors and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date records;~~

~~(6) allow the offices of all county auditors and the Secretary of State's Office to have access to the statewide registration system for review and search capabilities;~~

~~(7) provide security and protection of all information in the statewide registration system and to ensure that unauthorized entry is not allowed;~~

~~(8) provide a system for each county to identify the precinct to which a voter should be assigned for voting purposes; and~~

~~(9) prescribe a procedure for the return of completed voter registration forms from the Department of Public Safety to the secretary of state or the county auditor.~~

Sec. 3. Minnesota Statutes 2002, section 201.061, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION IN PERSON PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a registration card voter registration application as described in section 201.071, subdivision 1, and submitting it in person ~~or by mail~~ to the county auditor of that county or to the Secretary of State's Office. ~~A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration card shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration cards from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the cards are dated by the voter.~~

Sec. 4. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 1a. [REGISTRATION BY MAIL PRIOR TO ELECTION DAY.] At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application and submitting it by mail to the county auditor of that county or to the Secretary of State's Office. If the voter has not previously voted in this state for federal office, the voter must also present, as described in clauses (1) to (5), a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

If the county auditor determines that a voter who has submitted a voter registration application by mail and has not previously voted in this state for a federal office has also not presented a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter to the auditor, then the county auditor must notify the voter to complete registration by using one of the following methods:

(1) present to the auditor more than 20 days before the election a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

(2) before voting in person on election day, present to the election judges in the precinct a current and valid photo identification or a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;

(3) register in person prior to or on election day;

(4) if voting by mail, include a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or

(5) if voting by mail, follow election day registration procedures for absentee voters as described in section 203B.04, subdivision 4.

Sec. 5. Minnesota Statutes 2002, section 201.061, is amended by adding a subdivision to read:

Subd. 1b. [DUTY TO FORWARD.] A registration that is received no later than 5:00 p.m. on the 21st day preceding any election must be accepted. An improperly addressed or delivered voter registration application must be forwarded within two working days after receipt to the county auditor of the county where the voter maintains

residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed cards to the secretary of state or the appropriate county auditor within ten days after the applications are dated by the voter.

Sec. 6. Minnesota Statutes 2002, section 201.061, subdivision 3, is amended to read:

Subd. 3. [ELECTION DAY REGISTRATION.] An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a voter registration card application, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove identity and residence for purposes of registering by:

- (1) showing a driver's license or Minnesota identification card issued pursuant to section 171.07;
- (2) showing any picture identification document approved by the secretary of state as proper identification;
- (3) showing one of the following:

(i) a current valid student picture identification card from a ~~post-secondary~~ postsecondary educational institution in Minnesota, if a list of students from that institution has been prepared under section 135A.17 and certified to the county auditor in the manner provided in rules of the secretary of state; or

(ii) a current student fee statement that contains the student's valid address in the precinct together with a picture identification card;

(4) showing a picture identification card or document listed in clause (1), (2), or (3), and proving current residence in the precinct by having a voter who is registered to vote in the precinct sign an oath in the presence of the election judge vouching that the voter personally knows that the individual is a resident of the precinct. A voter who has been vouched for on election day may not sign a proof of residence oath vouching for any other individual on that election day; or

(5) for tribal band members living on an Indian reservation, an individual may prove residence for purposes of registering by showing an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, street address, signature, and picture of the individual. The county auditor of each county having territory within the reservation shall maintain a record of the number of election day registrations accepted under this section.

A county, school district, or municipality may require that an election judge responsible for election day registration initial each completed registration card.

Sec. 7. Minnesota Statutes 2002, section 201.071, subdivision 1, is amended to read:

Subdivision 1. [FORM.] A voter registration card application must be of suitable size and weight for mailing and contain spaces for the following required information: voter's first name, middle name, and last name; voter's previous name, if any; voter's current address; voter's previous address, if any; voter's date of birth; voter's municipality and county of residence; voter's telephone number, if provided by the voter; date of registration; current and valid Minnesota driver's license number or Minnesota state identification number or, if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number; and voter's signature. The ~~card~~ voter registration application must also contain a certification of voter eligibility.

The form of the voter registration ~~card~~ application and the certification of voter eligibility must be as provided in the rules of the secretary of state. Voter registration forms authorized by the National Voter Registration Act may also be accepted as valid.

Sec. 8. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] Except as provided in subdivision 4a, no registration is deficient if it contains the voter's name, address, date of birth, current and valid Minnesota driver's license number or Minnesota state identification number or, if the voter has no current and valid Minnesota driver's license or Minnesota state identification, the last four digits of the voter's Social Security number, prior registration, if any, and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a voter registration card application if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration ~~card~~ application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

A registration card accepted before January 1, 2004, is not deficient for lack of a valid driver's license number, Minnesota identification card number, or last four digits of a Social Security number. A county or municipality may attempt to obtain this information for a registration card accepted before January 1, 2004, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

Sec. 9. Minnesota Statutes 2002, section 201.071, is amended by adding a subdivision to read:

Subd. 4a. [DEFICIENT IDENTIFICATION OR RESIDENCE INFORMATION.] The voter registration for a voter described in section 201.061, subdivision 1a, who has not provided a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter to the county auditor must be considered deficient until remedied by the voter in the manner described in section 201.061, subdivision 1a.

Sec. 10. Minnesota Statutes 2002, section 201.091, subdivision 1, is amended to read:

Subdivision 1. [MASTER LIST.] Each county auditor shall prepare and maintain a current list of registered voters in each precinct in the county which is known as the master list. The master list must be created by entering each completed voter registration ~~card~~ application received by the county auditor into the statewide registration system. It must show the name, residence address, and date of birth of each voter registered in the precinct. The information contained in the master list may only be made available to public officials for purposes related to election administration, jury selection, and in response to a law enforcement inquiry concerning a violation of or failure to comply with any criminal statute or state or local tax statute. If a copy of the master list is provided to a public official for jury selection or in response to a law enforcement inquiry described in this subdivision, the list may not include the final four digits of the Social Security number of any voter.

Sec. 11. Minnesota Statutes 2002, section 201.091, is amended by adding a subdivision to read:

Subd. 1a. [POLLING PLACE ROSTER.] A polling place roster produced from data maintained in the statewide voter registration file may not include the final four digits of the Social Security number of any voter.

Sec. 12. Minnesota Statutes 2002, section 201.091, subdivision 4, is amended to read:

Subd. 4. [PUBLIC INFORMATION LISTS.] The county auditor shall make available for inspection a public information list which must contain the name, address, year of birth, and voting history of each registered voter in the county. The telephone number must be included on the list if provided by the voter. The public information list may also include information on voting districts. The list must not contain the final four digits of the Social Security number of any voter. The county auditor may adopt reasonable rules governing access to the list. No individual inspecting the public information list shall tamper with or alter it in any manner. No individual who inspects the public information list or who acquires a list of registered voters prepared from the public information list may use any information contained in the list for purposes unrelated to elections, political activities, or law enforcement. The secretary of state may provide copies of the public information lists and other information from the statewide registration system for uses related to elections, political activities, or in response to a law enforcement inquiry from a public official concerning a failure to comply with any criminal statute or any state or local tax statute.

Before inspecting the public information list or obtaining a list of voters or other information from the list, the individual shall provide identification to the public official having custody of the public information list and shall state in writing that any information obtained from the list will not be used for purposes unrelated to elections, political activities, or law enforcement. Requests to examine or obtain information from the public information lists or the statewide registration system must be made and processed in the manner provided in the rules of the secretary of state.

Upon receipt of a written request and a copy of the court order, the secretary of state ~~may~~ must withhold from the public information list the name of any registered voter placed under court-ordered protection.

Sec. 13. Minnesota Statutes 2002, section 201.091, subdivision 5, is amended to read:

Subd. 5. [COPY OF LIST TO REGISTERED VOTER.] The county auditors and the secretary of state shall provide ~~paper~~ copies of the public information lists ~~and may provide the lists in some other form~~ in electronic or other media to any voter registered in Minnesota within ten days of receiving a written request accompanied by payment of the cost of reproduction. The county auditors and the secretary of state shall make a copy of the list available for public inspection without cost. An individual who inspects or acquires a copy of a public information list may not use any information contained in it for purposes unrelated to elections, political activities, or law enforcement. No list made available for public inspection or purchase may include the date of birth of a registered voter.

Sec. 14. Minnesota Statutes 2002, section 201.121, subdivision 1, is amended to read:

Subdivision 1. [ENTRY OF REGISTRATION INFORMATION.] ~~Upon receiving~~ At the time a voter registration ~~card~~ application is properly completed ~~and~~ submitted, and received in accordance with sections 201.061 and 201.071, the county auditor shall enter ~~in the information contained on it into~~ the statewide registration system ~~the information contained on it on an expedited basis, but no later than 42 days after receipt.~~ Voter registration ~~cards~~ applications completed before election day must be entered into the statewide registration system within ten days after they have been submitted to the county auditor.

Upon receiving a completed voter registration ~~card or form~~ application, the secretary of state may electronically transmit the information on the ~~card or form~~ application to the appropriate county auditor as soon as possible for review by the county auditor before final entry into the statewide registration system. The secretary of state may mail the registration ~~card~~ application or form to the county auditor.

Sec. 15. Minnesota Statutes 2002, section 201.13, subdivision 1, is amended to read:

Subdivision 1. [COMMISSIONER OF HEALTH, REPORTS OF DECEASED RESIDENTS.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide registration system.

Sec. 16. Minnesota Statutes 2002, section 201.15, as amended by Laws 2003, chapter 12, article 2, section 3, is amended to read:

201.15 [DISTRICT JUDGE, REPORT GUARDIANSHIPS AND COMMITMENTS.]

Subdivision 1. [GUARDIANSHIPS AND INCOMPETENTS.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly to the secretary of state the name, address, and date of birth of each individual 18 years of age or over, who during the month preceding the date of the report:

(a) was placed under a guardianship of the person in which the court order provides that the ward does not retain the right to vote; or

(b) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (a) or (b). The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Subd. 2. [RESTORATION TO CAPACITY.] Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report monthly by electronic means to the secretary of state the name, address, and date of birth of each individual transferred from guardianship to conservatorship or who is restored to capacity by the court after being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the voter's record in the statewide registration system to "active."

Sec. 17. Minnesota Statutes 2002, section 201.155, is amended to read:

201.155 [REPORT ON FELONY CONVICTIONS.]

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report at least monthly by electronic means to the secretary of state the name, address, final four digits of the voter's Social Security number (or the statement "NONE" if the voter has no Social Security number), date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been

convicted of a felony. The state court administrator shall also report the name, address, final four digits of the voter's Social Security number (or the statement "NONE" if the voter has no Social Security number), and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state may designate the county auditor to modify the statewide voter registration system in response to this report, in which case the secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare forward a list of those registrants for individuals to each county auditor. The county auditor shall determine if any person identified in the report as a resident of the county is registered to vote in the county and change the status of ~~those registrants~~ each registrant in the appropriate manner in the statewide registration system.

Sec. 18. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 [DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.]

The Department of Public Safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration ~~cards~~ applications. The forms must contain spaces for the information required in section 201.071, subdivision 1, and applicable rules of the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time and that information must be transmitted at least weekly by electronic means to the secretary of state. ~~A copy of each application containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible.~~ Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the computerized driver's license record information relating to containing the voter's name, address, date of birth, driver's license number or Minnesota identification card number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 19. [201.1615] [INFORMATION SHARING; USE OF SOCIAL SECURITY NUMBER.]

The secretary of state shall enter into an agreement with the Department of Public Safety to match information in the statewide voter registration system with information in the Department of Public Safety database to verify the accuracy of the information provided on applications for voter registrations.

The commissioner of public safety shall enter into an agreement with the commissioner of the United States Social Security Administration under section 205(r)(8) of the Social Security Act to allow the use of the last four digits of the Social Security number to be used to verify voter registration information, to ensure the maintenance of the confidentiality of any applicable information disclosed, and to establish procedures to permit the department to use the information for purposes of maintaining its records.

Sec. 20. Minnesota Statutes 2002, section 201.171, is amended to read:

201.171 [POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.]

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years ~~and~~. The secretary of state shall change perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. Only voters who are not registered or who are not eligible to vote must be removed from the official list of eligible voters. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 21. Minnesota Statutes 2002, section 201.221, subdivision 2, is amended to read:

Subd. 2. [UNIFORM PROCEDURES FOR COUNTIES.] The secretary of state shall assist local election officers by devising uniform forms and procedures. The secretary of state shall provide uniform rules for maintaining voter registration records on the statewide registration system. The secretary of state shall supervise the development and use of the statewide registration system to insure that it conforms to applicable federal and state laws and rules.

Sec. 22. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES FOR POLLING PLACE ROSTERS.] The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, ~~and~~ space for the voter's signature, and any other information prescribed by the secretary of state necessary to permit election judges to perform duties required by law. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth. In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~one year~~ 22 months following the election.

Sec. 23. Minnesota Statutes 2002, section 203B.06, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION CHECK.] Upon receipt of an application for ballots, the county auditor, municipal clerk, or election judge acting pursuant to section 203B.11, who receives the application shall determine whether the applicant is a registered voter. If the applicant is not registered to vote, the county auditor, municipal clerk, or election judge shall include a voter registration ~~and~~ application among the election materials provided to the applicant.

If the voter record in the statewide system indicates that the voter's registration is deficient under section 201.071, subdivision 4a, the county auditor, municipal clerk, or election judge shall include instructions for the voter to complete the registration by one of the methods prescribed in section 201.061, subdivision 1a. The secretary of state shall publish sample instructions and materials to comply with this subdivision.

Sec. 24. Minnesota Statutes 2002, section 203B.08, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES ON RECEIPT OF BALLOTS.] When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp and date the return envelope with an official seal of the office and place it in a secure location with other return envelopes received by that office. The county auditor or municipal clerk shall deliver ~~them~~ to the appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk.

Sec. 25. Minnesota Statutes 2002, section 203B.12, subdivision 2, is amended to read:

Subd. 2. [EXAMINATION OF RETURN ENVELOPES.] Two or more election judges shall examine each return envelope and shall mark it accepted or rejected in the manner provided in this subdivision. If a ballot has been prepared under section 204B.12, subdivision 2a, or 204B.41, the election judges shall not begin removing ballot envelopes from the return envelopes until 8:00 p.m. on election day, either in the polling place or at an absentee ballot board established under section 203B.13.

The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges or a majority of them are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;

(2) the voter's signature on the return envelope is the genuine signature of the individual who made the application for ballots and the certificate has been completed as prescribed in the directions for casting an absentee ballot;

(3) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration ~~and application~~ in the return envelope, or has submitted documentation from the list provided in section 201.061, subdivision 1a, clause (4), to complete a registration that is deficient under section 201.071, subdivision 4a; and

(4) the voter has not already voted at that election, either in person or by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

If all or a majority of the election judges examining return envelopes find that an absent voter has failed to meet one of the requirements prescribed in clauses (1) to (4), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," and return it to the county auditor.

Sec. 26. Minnesota Statutes 2002, section 203B.16, is amended by adding a subdivision to read:

Subd. 4. [DESIGNATION OF OFFICE.] The Office of the Secretary of State is responsible for providing information regarding voter registration and absentee balloting procedures to be used by absent uniformed services voters, their spouses and dependents, and voters overseas.

Sec. 27. Minnesota Statutes 2002, section 203B.17, is amended to read:

203B.17 [APPLICATION FOR BALLOT.]

Subdivision 1. [SUBMISSION OF APPLICATION.] (a) An application for absentee ballots for a voter described in section 203B.16 may be submitted in writing or by electronic facsimile device, or by electronic mail upon determination by the secretary of state that security concerns have been adequately addressed. An application for absentee ballots for a voter described in section 203B.16 may be submitted by that voter or by that voter's parent, spouse, sister, brother, or child over the age of 18 years. For purposes of an application under this subdivision, a person's Social Security number, no matter how it is designated, qualifies as the person's military identification number if the person is in the military.

(b) An application for a voter described in section 203B.16, subdivision 1, shall be submitted to the county auditor of the county where the voter maintains residence.

(c) An application for a voter described in section 203B.16, subdivision 2, shall be submitted to the county auditor of the county where the voter last maintained residence in Minnesota.

(d) An application for absentee ballots ~~for a primary shall also constitute an application for absentee ballots for any ensuing~~ be valid for any primary, special primary, general election, or special election conducted during the same calendar year in which from the time the application is received through the next two regularly scheduled general elections for federal office held after the date on which the application is received.

(e) There shall be no limitation of time for filing and receiving applications for ballots under sections 203B.16 to 203B.27.

Subd. 2. [REQUIRED INFORMATION.] An application shall be accepted if it contains the following information stated under oath:

(a) The voter's name, birthdate, and present address of residence in Minnesota, or former address of residence in Minnesota if the voter is living permanently outside the United States;

(b) A statement indicating that the voter is in the military, or is the spouse or dependent of an individual serving in the military, or is temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law;

(c) A statement that the voter expects to be absent from the precinct at the time of the election;

(d) The address to which absentee ballots are to be mailed;

(e) The voter's signature or the signature and relationship of the individual authorized to apply on the voter's behalf; and

(f) The voter's military identification card number, passport number, or, if the voter does not have a valid passport or identification card, the signed statement of an individual authorized to administer oaths or a commissioned or noncommissioned officer of the military not below the rank of sergeant or its equivalent, certifying that the voter or other individual requesting absentee ballots has attested to the truthfulness of the contents of the application under oath.

The oath taken must be the standard oath prescribed by section 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act.

A form for providing this information shall be prepared by each county auditor and shall be furnished to individuals who request it pursuant to this section.

Sec. 28. Minnesota Statutes 2002, section 203B.19, is amended to read:

203B.19 [RECORDING APPLICATIONS.]

Upon accepting an application, the county auditor shall record in the statewide registration system the voter's name, address of present or former residence in Minnesota, mailing address, school district number, and ~~the category under section 203B.16, to which the voter belongs~~ whether the voter is in the military or the spouse or dependent of an individual serving in the military, is a voter temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law. The county auditor shall retain the record for ~~four~~ six years. A voter whose name is recorded as provided in this section

shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27. Persons from whom applications are not accepted must be notified by the county auditor and provided with the reasons for the rejection.

No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots transmitted to absent voters described in section 203B.16. No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots returned and cast by absent voters described in section 203B.16. The secretary of state may require the information be reported by category under section 203B.16 or by precinct.

No later than 90 days after the general election, the secretary of state shall report to the federal Election Assistance Commission the number of absentee ballots transmitted to voters under section 203B.16.

Sec. 29. Minnesota Statutes 2002, section 203B.24, subdivision 2, is amended to read:

Subd. 2. [VOTING MORE THAN ONCE.] The election judges shall compare the voter's name with the names appearing on their copy of the application records to insure that the voter has not already returned a ballot in the election. The election judges must indicate on the record whether an absentee ballot was accepted for each applicant whose name appears on the record. If a voter whose application has been recorded under section 203B.19 casts a ballot in person on election day, no absentee ballot shall be counted for that voter. If more than one return envelope is received from a voter whose application has been recorded under section 203B.19, the ballots in the return envelope bearing the latest date shall be counted and the uncounted ballots shall be returned by the election judges with the rejected ballots. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day materials.

Sec. 30. Minnesota Statutes 2002, section 203B.26, is amended to read:

203B.26 [SEPARATE RECORD.]

A separate record of the ballots of absent voters cast under sections 203B.16 to 203B.27 ~~shall~~ must be kept in each precinct. The content of the record must be in a form prescribed by the secretary of state.

Sec. 31. Minnesota Statutes 2002, section 204B.47, is amended to read:

204B.47 [~~ALTERNATE~~ ALTERNATIVE ELECTION PROCEDURES; DUTIES OF SECRETARY OF STATE.]

When a provision of the Minnesota Election Law cannot be implemented as a result of an order of a state or federal court, the secretary of state shall adopt ~~alternate~~ alternative election procedures to permit the administration of any election affected by the order. The procedures may include the voting and handling of ballots cast after 8:00 p.m. as a result of a state or federal court order or any other order extending the time established by law for closing the polls. The ~~alternate~~ alternative election procedures remain in effect until the first day of July following the next succeeding final adjournment of the legislature, unless otherwise provided by law or by court order.

Sec. 32. Minnesota Statutes 2002, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, certifies residence at the address shown, is not under guardianship of the person in which the court order provides that the ward does not retain the right to vote, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election.

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

(d) Any voter who registered by mail, who has not previously voted in Minnesota for a federal office, and who has not previously presented identification or documentation as provided in section 201.061, subdivision 1a, must present identification to the election judge before signing the roster. If the voter is unable to present identification from the list provided in section 201.061, subdivision 1a, the voter must be directed to register using the election procedures in section 201.061, subdivision 3.

Sec. 33. [204C.42] [RULES; VOTE COUNTING STANDARDS.]

The secretary of state shall adopt permanent rules to establish uniform and nondiscriminatory standards of what constitutes a vote for each method of voting and each type of voting system approved for use in the state. The rules must provide for an accurate determination of votes based on the requirements of section 204C.22, objective evidence, the form of ballots approved for use in this state, and the manner of counting used for each vote.

Sec. 34. [204C.50] [POSTELECTION SECURITY AND CERTIFICATION REVIEW.]

Subdivision 1. [SELECTION FOR REVIEW; NOTICE.] (a) The Office of the Secretary of State shall, within three days after each state general election beginning in 2006, randomly select 80 precincts for postelection review as defined in this section. The precincts must be selected so that an equal number of precincts are selected in each congressional district of the state. Of the precincts in each congressional district, at least five must have had more than 500 votes cast, and at least two must have had fewer than 500 votes cast. The secretary of state must promptly provide notices of which precincts are chosen to the election administration officials who are responsible for the conduct of elections in those precincts.

(b) One week before the state general election beginning in 2006, the secretary of state must post on the office Web site the date, time, and location at which precincts will be randomly chosen for review under this section. The chair of each major political party may appoint a designee to observe the random selection process.

Subd. 2. [SCOPE AND CONDUCT OF THE REVIEW.] Each review must consist of at least the following:

(a) The election officials immediately responsible for a precinct chosen for review must conduct the following review and submit the results in writing to the state canvassing board before it meets to canvass the election:

(1) a hand tally of the paper ballots, of whatever kind used in that precinct, for each contested election;

(2) a recount using the actual machine and software used on election day, if a precinct-count or central-count automated voting system was used; and

(3) a comparison of the hand tally with the reported results for the precinct in the county canvassing board report, as well as the actual tape of any automated tabulation produced by any precinct-count or central-count optical scan equipment that may have been used to tabulate votes cast in that precinct.

(b) The staff of the Office of the Secretary of State shall conduct or directly supervise a review of the procedures used by the election officials at all levels for a precinct chosen for review, including an inspection of the materials retained for the official 22-month retention period, such as the rosters, the incident log, and the ballots themselves. The staff must submit a written report to the secretary of state before the next regularly scheduled meeting of the State Canvassing Board.

Subd. 3. [STANDARD OF ACCEPTABLE PERFORMANCE BY TABULATING EQUIPMENT.] Each comparison of the precinct-count or central-count tabulating equipment system with the review described in subdivision 2, paragraph (a), must be accurate to within one-half of one percent variation for each contested election. If any review conducted under subdivision 2, paragraph (a), reveals a discrepancy greater than one-half of one percent, the Office of the Secretary of State shall as soon as practicable conduct an additional review of at least ten percent of the tabulating equipment used in the jurisdiction of the election for which the discrepancy was discovered. If this review results in a discrepancy greater than the one-half percent standard, the Office of the Secretary of State must conduct a complete audit of the election for which the discrepancy was discovered. If a complete audit must be conducted, the results of the audit must be used by the canvassing board in making its report and determinations of persons elected and propositions rejected or approved. If a voting system is found to have failed to record votes in a manner that indicates electronic operational failure, the canvassing board must use the voter-verifiable audit records to determine the votes cast on the system, unless the audit records were also impaired by the operational failure of the voting machine. Notwithstanding section 204C.33, subdivision 3, the result of any election subject to this audit must not be declared until the audit is completed.

Subd. 4. [STANDARD OF ACCEPTABLE PERFORMANCE BY ELECTION JUDGES AND ADMINISTRATORS.] Each comparison of materials and documents generated in the course of the election in the selected precinct is expected to reveal no substantive errors and a minimum of technical issues by election judges and administrators.

Subd. 5. [FAILURE TO MEET STANDARDS.] (a) If a voting system fails to meet the standard set forth in subdivision 3, the manufacturer of the model of machine in question must obtain recertification pursuant to section 206.57 and rules adopted under that section, and is liable for penalties under section 206.66.

(b) If election judges or administrators fail to meet the standard in subdivision 4, the judges and administrators for the county where the precinct is located must attend training designed to eliminate the errors causing the failure. The Office of the Secretary of State must consider whether those errors or issues warrant inclusion in the statewide training programs conducted by the Office of the Secretary of State.

Subd. 6. [COSTS OF REVIEW.] The costs of conducting the review required by this section must be allocated as follows:

(a) The county or municipality responsible for each precinct selected for review must bear costs incurred under subdivision 2, paragraph (a).

(b) The secretary of state must bear the costs incurred under subdivision 2, paragraph (b), and subdivision 3, including travel, expenses, and staff time of the Office of the Secretary of State.

Sec. 35. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

Subd. 5. [VOTING SYSTEM FOR DISABLED VOTERS.] After December 31, 2005, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 36. Minnesota Statutes 2002, section 206.57, is amended by adding a subdivision to read:

Subd. 6. [REQUIRED CERTIFICATION.] In addition to the requirements in subdivision 1, a voting system must be certified by an independent testing authority approved by the secretary of state and conform to current standards for voting equipment issued by the Federal Election Commission or its successor, the Election Assistance Commission.

Sec. 37. Minnesota Statutes 2002, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

(a) The secretary of state may ~~license~~ approve an electronic voting system for experimental use at an election prior to its approval for general use.

(b) The secretary of state must ~~license~~ approve one or more ~~touch-sensitive~~ direct recording electronic voting systems for experimental use at an election before their approval for general use and may impose restrictions on their use. At least one voting system ~~licensed~~ approved under this paragraph must permit sighted persons to vote and at least one system must permit a blind or visually impaired voter to cast a ballot independently and privately.

(c) Experimental use must be observed by the secretary of state or the secretary's designee and the results observed must be considered at any subsequent proceedings for approval for general use.

(d) The secretary of state may adopt rules consistent with sections 206.55 to 206.90 relating to experimental use. The extent of experimental use must be determined by the secretary of state.

Sec. 38. [AGREEMENTS.]

Subdivision 1. [COMMISSIONER OF HEALTH.] The secretary of state and the commissioner of health shall determine by mutual agreement the means to electronically transfer death records between agency systems.

Subd. 2. [STATE COURT ADMINISTRATOR.] The secretary of state and the state court administrator shall determine by mutual agreement the means to electronically transfer guardianship and incompetency records and felony conviction records between agency systems.

Subd. 3. [COMMISSIONER OF PUBLIC SAFETY.] The commissioner of public safety and the secretary of state shall determine by mutual agreement the means to electronically transfer driver's license records between agency systems.

Sec. 39. [EFFECTIVE DATE.]

Sections 1 to 38 are effective the day following final enactment.

ARTICLE 3

ELECTIONS ADMINISTRATION TECHNICAL CHANGES

Section 1. Minnesota Statutes 2002, section 5.08, is amended to read:

5.08 [LEGISLATIVE MANUAL.]

Subdivision 1. [PREPARATION.] The secretary of state shall prepare, compile, edit, and distribute for use at each regular legislative session, a convenient manual, properly indexed, and containing: The federal and state constitutions; the acts of Congress relating to the organization of the territory and state; the rules of order and joint rules of the two houses, and lists of their members, committees and employees; the names of all state officials, whether elected or appointed, and of all persons holding office from this state under the national government; ~~including postmasters appointed by the president~~; the places where the said several officials reside, and the annual compensation of each; and statistical and other information of the kind heretofore published in the legislative manuals.

Subd. 2. [DISTRIBUTION.] ~~45,000~~ 10,000 copies of the legislative manual shall be printed and distributed as follows:

(1) up to ~~25~~ 20 copies shall be available to each member of the legislature on request;

(2) 50 copies to the State Historical Society;

(3) 25 copies to the state university;

(4) 60 copies to the state library;

(5) two copies each to the Library of Congress, the Minnesota veterans ~~home~~ homes, the ~~state~~ universities, the ~~state~~ high schools, ~~the public~~ academies, seminaries, and colleges of the state, and the ~~free~~ public libraries of the state;

(6) one copy each to other state institutions, the elective state officials, the appointed heads of departments, the officers and employees of the legislature, the justices of the Supreme Court, the judges of the Court of Appeals and the district court, the senators and representatives in Congress from this state, and the county auditors, recorders, and county attorneys;

(7) one copy to each ~~public~~ school, to be distributed through the superintendent of each school district; and

(8) the remainder may be disposed of as the secretary of state deems best.

Sec. 2. Minnesota Statutes 2002, section 15.0597, subdivision 2, is amended to read:

Subd. 2. [COLLECTION OF DATA.] The chair of an existing agency or the chair's designee, or the appointing authority for the members of a newly created agency, shall provide the secretary, ~~on forms~~ in an electronic format prepared and distributed by the secretary, with the following data pertaining to that agency:

(1) the name of the agency, its mailing address, and telephone number;

(2) the legal authority for the creation of the agency and the name of the person appointing agency members;

(3) the powers and duties of the agency;

(4) the number of authorized members, together with any prescribed restrictions on eligibility such as employment experience or geographical representation;

(5) the dates of commencement and expiration of the membership terms and the expiration date of the agency, if any;

(6) the compensation of members, and appropriations or other funds available to the agency;

(7) the regular meeting schedule, if any, and approximate number of hours per month of meetings or other activities required of members;

(8) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers; and

(9) a breakdown of the membership showing distribution by county, legislative district, and congressional district, and, only if the member has voluntarily supplied the information, the sex, political party preference or lack of party preference, race, and national origin of the members.

The secretary may ~~provide for~~ require the submission of data in accordance with this subdivision by electronic means. The publication requirement under clause (8) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, if provided, or any other information that would enable the public to communicate with the member.

Sec. 3. Minnesota Statutes 2002, section 15.0597, subdivision 3, is amended to read:

Subd. 3. [PUBLICATION OF AGENCY DATA.] The secretary of state shall provide for annual updating of the required data and shall annually arrange for the publication ~~in the State Register on the Web site of the secretary of state~~ of the compiled data from all agencies on or about October 15 of each year. ~~Copies of~~ The compilation must be electronically delivered to the governor and the legislature. Paper copies of the compilation must be made available by the secretary to any interested person at cost, and copies must be available for viewing by interested persons. The chair of an agency who does not submit data required by this section or who does not notify the secretary of a vacancy in the agency, is not eligible for a per diem or expenses in connection with agency service until December 1 of the following year.

Sec. 4. Minnesota Statutes 2002, section 15.0597, subdivision 4, is amended to read:

Subd. 4. [NOTICE OF VACANCIES.] The chair of an existing agency, shall notify the secretary by electronic means of a vacancy scheduled to occur in the agency as a result of the expiration of membership terms at least 45 days before the vacancy occurs. The chair of an existing agency shall give ~~written~~ electronic notification to the secretary of each vacancy occurring as a result of newly created agency positions and of every other vacancy occurring for any reason other than the expiration of membership terms as soon as possible upon learning of the vacancy and in any case within 15 days after the occurrence of the vacancy. The appointing authority for newly created agencies shall give ~~written~~ electronic notification to the secretary of all vacancies in the new agency within 15 days after the creation of the agency. The secretary may ~~provide for~~ require the submission of notices required by this subdivision by electronic means. The secretary shall publish monthly ~~in the State Register on the Web site of the secretary of state~~ a list of all vacancies of which the secretary has been so notified. Only one notice of a vacancy shall be so published, unless the appointing authority rejects all applicants and requests the secretary to republish the notice of vacancy. One copy of the listing shall be made available at the office of the secretary to any interested person. The secretary shall distribute by mail or electronic means copies of the listings to requesting persons. The listing for all vacancies scheduled to occur in the month of January shall be published ~~in the State Register on the Web site of the secretary of state~~ together with the compilation of agency data required to be published pursuant to subdivision 3.

If a vacancy occurs within three months after an appointment is made to fill a regularly scheduled vacancy, the appointing authority may, upon notification by electronic means to the secretary, fill the vacancy by appointment from the list of persons submitting applications to fill the regularly scheduled vacancy.

Sec. 5. Minnesota Statutes 2002, section 15.0597, subdivision 5, is amended to read:

Subd. 5. [NOMINATIONS FOR VACANCIES.] Any person may make a self-nomination for appointment to an agency vacancy by completing an application on a form prepared and distributed by the secretary. The secretary may provide for the submission of the application by electronic means. Any person or group of persons may, on the prescribed application form, nominate another person to be appointed to a vacancy so long as the person so nominated consents ~~in writing~~ on the application form to the nomination. The application form shall specify the

nominee's name, mailing address, electronic mail address, telephone number, preferred agency position sought, a statement that the nominee satisfies any legally prescribed qualifications, a statement whether the applicant has ever been convicted of a felony, and any other information the nominating person feels would be helpful to the appointing authority. The nominating person has the option of indicating the nominee's sex, political party preference or lack thereof, status with regard to disability, race, and national origin on the application form. The application form shall make the option known. If a person submits an application at the suggestion of an appointing authority, the person shall so indicate on the application form. Twenty-one days after publication of a vacancy ~~in the State Register~~ on the Web site of the secretary of state pursuant to subdivision 4, the secretary shall submit electronic copies of all applications received for a position to the appointing authority charged with filling the vacancy. If no applications have been received by the secretary for the vacant position by the date when electronic copies must be submitted to the appointing authority, the secretary shall so inform the appointing authority. Applications received by the secretary shall be deemed to have expired one year after receipt of the application. An application for a particular agency position shall be deemed to be an application for all vacancies in that agency occurring prior to the expiration of the application and shall be public information.

Sec. 6. Minnesota Statutes 2002, section 15.0597, subdivision 6, is amended to read:

Subd. 6. [APPOINTMENTS.] In making an appointment to a vacant agency position, the appointing authority shall consider applications for positions in that agency supplied by the secretary. No appointing authority may appoint someone to a vacant agency position until (1) ten days after receipt of the applications for positions in that agency from the secretary or (2) receipt of notice from the secretary that no applications have been received for vacant positions in that agency. At least five days before the date of appointment, the appointing authority shall issue a public announcement and inform the secretary ~~in writing~~ by electronic means of the name of the person the appointing authority intends to appoint to fill the agency vacancy and the expiration date of that person's term. If the appointing authority intends to appoint a person other than one for whom an application was submitted pursuant to this section, the appointing authority shall complete an application form on behalf of the appointee and submit it to the secretary indicating on the application that it is submitted by the appointing authority.

Sec. 7. Minnesota Statutes 2002, section 15.0597, subdivision 7, is amended to read:

Subd. 7. [REPORT.] Together with the compilation required in subdivision 3, the secretary shall annually deliver to the governor and the legislature a report in an electronic format containing the following information:

- (1) the number of vacancies occurring in the preceding year;
- (2) the number of vacancies occurring as a result of scheduled ends of terms, unscheduled vacancies and the creation of new positions;
- (3) breakdowns by county, legislative district, and congressional district, and, if known, the sex, political party preference or lack thereof, status with regard to disability, race, and national origin, for members whose agency membership terminated during the year and appointees to the vacant positions; and
- (4) the number of vacancies filled from applications submitted by (i) the appointing authorities for the positions filled, (ii) nominating persons and self-nominees who submitted applications at the suggestion of appointing authorities, and (iii) all others.

Sec. 8. Minnesota Statutes 2002, section 15.0599, subdivision 4, is amended to read:

Subd. 4. [REGISTRATION; INFORMATION REQUIRED.] (a) The appointing authority of a newly established agency or the authority's designee shall provide the secretary with the following information:

- (1) the name, mailing address, electronic mail address, and telephone number of the agency;
- (2) the legal authority for the establishment of the agency and the name and the title of the person or persons appointing agency members;
- (3) the powers and duties of the agency and whether the agency, however designated, is best described by section 15.012, paragraph (a), (b), (c), (e), or (f);
- (4) the number of authorized members, together with any prescribed restrictions on eligibility;
- (5) the roster of current members, including mailing addresses, electronic mail addresses, and telephone numbers;
- (6) a breakdown of the membership showing distribution by county, legislative district, and congressional district and compliance with any restrictions listed in accordance with clause (4);
- (7) if any members have voluntarily provided the information, the sex, age, political preference or lack of preference, status with regard to disability, race, and national origin of those members;
- (8) the dates of commencement and expiration of membership terms and the expiration date of the agency, if any;
- (9) the compensation of members and appropriations or other money available to the agency;
- (10) the name of the state agency or other entity, if any, required to provide staff or administrative support to the agency;
- (11) the regular meeting schedule, if any, and the approximate number of hours a month of meetings or other activities required of members; and
- (12) a brief statement of the goal or purpose of the agency, along with a summary of what an existing agency has done, or what a newly established agency plans to do to achieve its goal or purpose.

The publication requirement under clause (5) may be met by publishing a member's home or business address and telephone number, the address and telephone number of the agency to which the member is appointed, the member's electronic mail address, or any other information that would enable the public to communicate with the member.

(b) The chair of an existing agency or the chair's designee shall provide information, covering the fiscal year in which it is registering, on the number of meetings it has held, its expenses, and the number of staff hours, if any, devoted to its support. The chair or designee shall also, if necessary, update any of the information previously provided in accordance with paragraph (a).

(c) The secretary shall provide electronic forms for the reporting of information required by this subdivision and may ~~provide for~~ require reporting by electronic means.

Sec. 9. Minnesota Statutes 2003 Supplement, section 126C.17, subdivision 9, is amended to read:

Subd. 9. [REFERENDUM REVENUE.] (a) The revenue authorized by section 126C.10, subdivision 1, may be increased in the amount approved by the voters of the district at a referendum called for the purpose. The referendum may be called by the board or shall be called by the board upon written petition of qualified voters of the

district. The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held in a calendar year. Unless the referendum is conducted by mail under paragraph (g), the referendum must be held on the first Tuesday after the first Monday in November. The ballot must state the maximum amount of the increased revenue per resident marginal cost pupil unit, the estimated referendum tax rate as a percentage of referendum market value in the first year it is to be levied, and that the revenue must be used to finance school operations. The ballot may state a schedule, determined by the board, of increased revenue per resident marginal cost pupil unit that differs from year to year over the number of years for which the increased revenue is authorized. If the ballot contains a schedule showing different amounts, it must also indicate the estimated referendum tax rate as a percent of referendum market value for the amount specified for the first year and for the maximum amount specified in the schedule. The ballot may state that existing referendum levy authority is expiring. In this case, the ballot may also compare the proposed levy authority to the existing expiring levy authority, and express the proposed increase as the amount, if any, over the expiring referendum levy authority. The ballot must designate the specific number of years, not to exceed ten, for which the referendum authorization applies. The notice required under section 275.60 may be modified to read, in cases of renewing existing levies:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU MAY BE VOTING FOR A PROPERTY TAX INCREASE."

The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the revenue proposed by (petition to) the board of, School District No. ..., be approved?"

If approved, an amount equal to the approved revenue per resident marginal cost pupil unit times the resident marginal cost pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district. The notice is not an official ballot.

The notice for a referendum may state that an existing referendum levy is expiring and project the anticipated amount of increase over the existing referendum levy in the first year, if any, in annual dollars and annual percentage for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "Passage of this referendum may result in an increase in your property taxes."

(c) A referendum on the question of revoking or reducing the increased revenue amount authorized pursuant to paragraph (a) may be called by the board and shall be called by the board upon the written petition of qualified voters of the district. A referendum to revoke or reduce the revenue amount must state the amount per resident marginal cost pupil unit by which the authority is to be reduced. Revenue authority approved by the voters of the district pursuant to paragraph (a) must be available to the school district at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year and for years thereafter.

(d) A petition authorized by paragraph (a) or (c) is effective if signed by a number of qualified voters in excess of 15 percent of the registered voters of the district on the day the petition is filed with the board. A referendum invoked by petition must be held on the date specified in paragraph (a).

(e) The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

(f) At least 15 days before the day of the referendum, the district must submit a copy of the notice required under paragraph (b) to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

Sec. 10. Minnesota Statutes 2002, section 201.071, subdivision 3, is amended to read:

Subd. 3. [DEFICIENT REGISTRATION.] No registration is deficient if it contains the voter's name, address, date of birth, prior registration if any and signature. The absence of a zip code number does not cause the registration to be deficient. The election judges shall request an individual to correct a registration ~~card~~ application if it is deficient or illegible or if the name or number of the voter's school district is missing or obviously incorrect. No eligible voter may be prevented from voting unless the voter's registration ~~card~~ application is deficient or the voter is duly and successfully challenged in accordance with section 201.195 or 204C.12.

A registration card accepted prior to August 1, 1983, is not deficient for lack of date of birth. The county or municipality may attempt to obtain the date of birth for a registration card accepted prior to August 1, 1983, by a request to the voter at any time except at the polling place. Failure by the voter to comply with this request does not make the registration deficient.

The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality must not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth.

A registration application is not deficient for lack of a telephone number.

Sec. 11. Minnesota Statutes 2002, section 201.161, is amended to read:

201.161 [DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATIONS.]

The Department of Public Safety shall change its applications for an original, duplicate, or change of address driver's license or identification card so that the forms may also serve as voter registration ~~cards~~ applications. The forms must contain spaces for ~~the all~~ information ~~required in section 201.071, subdivision 1, and applicable rules of~~ collected by voter registration applications prescribed by the secretary of state. Applicants for driver's licenses or identification cards must be asked if they want to register to vote at the same time. A copy of each application

containing a completed voter registration must be sent to the county auditor of the county in which the voter maintains residence or to the secretary of state as soon as possible. The computerized driver's license record information relating to name, address, date of birth, driver's license number, county, town, and city must be made available for access by the secretary of state and interaction with the statewide voter registration system.

Sec. 12. Minnesota Statutes 2002, section 201.1611, subdivision 1, is amended to read:

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

Sec. 13. Minnesota Statutes 2002, section 201.171, is amended to read:

201.171 [POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.]

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years and shall change the status of those registrants to "inactive" in the statewide registration system. The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late absentee ballot must be considered a vote for the purpose of continuing registration.

Sec. 14. Minnesota Statutes 2002, section 201.221, subdivision 3, is amended to read:

Subd. 3. [PROCEDURES FOR POLLING PLACE ROSTERS.] The secretary of state shall prescribe the form of polling place rosters that include the voter's name, address, date of birth, school district number, and space for the voter's signature. The polling place roster must be used to indicate whether the voter has voted in a given election. The secretary of state shall prescribe procedures for transporting the polling place rosters to the election judges for use on election day. ~~The secretary of state shall prescribe the form for a county or municipality to request the date of birth from currently registered voters. The county or municipality shall not request the date of birth from currently registered voters by any communication other than the prescribed form and the form must clearly indicate that a currently registered voter does not lose registration status by failing to provide the date of birth.~~ In accordance with section 204B.40, the county auditor shall retain the prescribed polling place rosters used on the date of election for ~~one year~~ 22 months following the election.

Sec. 15. Minnesota Statutes 2002, section 202A.14, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] The county or legislative district chair shall give at least six days' published notice of the holding of the precinct caucus, stating the place, date, and time for holding the caucus, and shall deliver the same information to the municipal clerk and county auditor at least 20 days before the precinct caucus. The county auditor shall make this information available at least ten days before the date of the caucuses to persons who request it.

Sec. 16. Minnesota Statutes 2002, section 203B.085, is amended to read:

203B.085 [~~COUNTY AUDITOR'S OFFICE AND MUNICIPAL CLERK'S OFFICES~~ TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.]

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. on Monday the day immediately preceding a primary, special, or general election unless that day falls on a Saturday or Sunday. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section.

Sec. 17. Minnesota Statutes 2002, section 203B.125, is amended to read:

203B.125 [SECRETARY OF STATE TO MAKE RULES.]

Subdivision 1. [AUTHORIZED RULEMAKING.] The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section 203B.12.

Subd. 2. [EMERGENCY PROCEDURES.] The secretary of state may designate alternate methods for handling absentee ballots during periods of declared national or state emergency as described by section 12.31. This authority is exempt from the requirements of chapter 14.

Sec. 18. Minnesota Statutes 2002, section 204B.06, subdivision 1, is amended to read:

Subdivision 1. [FORM OF AFFIDAVIT.] (a) An affidavit of candidacy shall state the name of the office sought and shall state that the candidate:

(1) is an eligible voter;

(2) has no other affidavit on file as a candidate for any office at the same primary or next ensuing general election, except that a candidate for soil and water conservation district supervisor in a district not located in whole or in part in Anoka, Hennepin, Ramsey, or Washington County, may also have on file an affidavit of candidacy for mayor or council member of a statutory or home rule charter city of not more than 2,500 population contained in whole or in part in the soil and water conservation district or for town supervisor in a town of not more than 2,500 population contained in whole or in part in the soil and water conservation district; and

(3) is, or will be on assuming the office, 21 years of age or more, and will have maintained residence in the district from which the candidate seeks election for 30 days before the general election.

An affidavit of candidacy must include a statement that the candidate's name as written on the affidavit for ballot designation is the candidate's true name or the name by which the candidate is commonly and generally known in the community.

An affidavit of candidacy for partisan office shall also state the name of the candidate's political party or political principle, stated in three words or less.

(b) ~~This subdivision does not apply to a candidate~~ Candidates for president or vice-president of the United States are not required to file an affidavit of candidacy for office and this subdivision does not apply to those candidates.

Sec. 19. Minnesota Statutes 2002, section 204B.07, subdivision 2, is amended to read:

Subd. 2. [PETITIONS FOR PRESIDENTIAL ELECTORS.] This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other presidential electors are nominated by petition pursuant to this section. On petitions nominating presidential electors, the names of the candidates for president and vice-president shall be added to the political party or political principle stated on the petition. One petition may be filed to nominate a slate of presidential electors equal in number to the number of electors to which the state is entitled. ~~This subdivision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03.~~

Sec. 20. Minnesota Statutes 2002, section 204B.09, subdivision 1, is amended to read:

Subdivision 1. [CANDIDATES IN STATE AND COUNTY GENERAL ELECTIONS.] (a) Except as otherwise provided by this subdivision, affidavits of candidacy and nominating petitions for county, state, and federal offices filled at the state general election shall be filed not more than 70 days nor less than 56 days before the state primary. The affidavit may be prepared and signed at any time between 60 days before the filing period opens and the last day of the filing period.

(b) Notwithstanding other law to the contrary, the affidavit of candidacy must be signed in the presence of a notarial officer or an individual authorized to administer oaths under section 358.10.

(c) This provision does not apply to candidates for presidential elector nominated by major political parties. Major party candidates for presidential elector are certified under section 208.03. Other candidates for presidential electors may file petitions on or before the state primary day pursuant to section 204B.07. Nominating petitions to fill vacancies in nominations shall be filed as provided in section 204B.13. No affidavit or petition shall be accepted later than 5:00 p.m. on the last day for filing.

(d) Affidavits and petitions for offices to be voted on in only one county shall be filed with the county auditor of that county. Affidavits and petitions for offices to be voted on in more than one county shall be filed with the secretary of state.

Sec. 21. Minnesota Statutes 2002, section 204B.09, subdivision 3, is amended to read:

Subd. 3. [WRITE-IN CANDIDATES.] (a) A candidate for state or federal office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the fifth day before the general election. The filing officer shall provide copies of the form to make the request.

(b) A candidate for president of the United States who files a request under this subdivision must include the name of a candidate for vice-president of the United States. The request must also include the name of at least one candidate for presidential elector. The total number of names of candidates for presidential elector on the request may not exceed the total number of electoral votes to be cast by Minnesota in the presidential election.

(c) A candidate for governor who files a request under this subdivision must include the name of a candidate for lieutenant governor.

Sec. 22. Minnesota Statutes 2002, section 204B.14, subdivision 2, is amended to read:

Subd. 2. [SEPARATE PRECINCTS; COMBINED POLLING PLACE.] (a) The following shall constitute at least one election precinct:

(1) each city ward; and

(2) each town and each statutory city.

(b) A single, accessible, combined polling place may be established no later than June 1 of any year:

(1) for any city of the third or fourth class, any town, or any city having territory in more than one county, in which all the voters of the city or town shall cast their ballots;

(2) for two contiguous precincts in the same municipality ~~that have~~ if either of them has fewer than 100 registered voters or if they have a combined total of fewer than 500 registered voters; or

(3) for up to four contiguous municipalities located entirely outside the metropolitan area, as defined by section 473.121, subdivision 2, that are contained in the same county.

A copy of the ordinance or resolution establishing a combined polling place must be filed with the county auditor within 30 days after approval by the governing body. A polling place combined under clause (3) must be approved by the governing body of each participating municipality. A municipality withdrawing from participation in a combined polling place must do so by filing a resolution of withdrawal with the county auditor no later than May 1 of any year.

The secretary of state shall provide a separate polling place roster for each precinct served by the combined polling place. A single set of election judges may be appointed to serve at a combined polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all precincts to be voting at the combined polling place. Separate ballot boxes must be provided for the ballots from each precinct. The results of the election must be reported separately for each precinct served by the combined polling place, except in a polling place established under clause (2) where one of the precincts has fewer than ten registered voters, in which case the results of that precinct must be reported in the manner specified by the secretary of state.

Sec. 23. Minnesota Statutes 2002, section 204B.16, subdivision 3, is amended to read:

Subd. 3. [DESIGNATION EFFECTIVE UNTIL CHANGED.] The designation of a polling place pursuant to this section shall remain effective until a different polling place is designated for that precinct. No designation of a new or different polling place shall become effective less than 90 days prior to an election, including school district elections or referenda, and no polling place changes may occur during the period between the state primary and the state general election, except that a new polling place may be designated to replace a polling place that has become unavailable for use.

Sec. 24. Minnesota Statutes 2002, section 204B.18, subdivision 1, is amended to read:

Subdivision 1. [BOOTHES.] Each polling place must contain a number of voting booths in proportion to the number of individuals eligible to vote in the precinct. Each booth must be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. ~~The~~

~~booth shall be provided with a door or curtains.~~ Each accessible polling place must have at least one accessible voting booth or other accessible voting station. All booths or stations must be constructed so that a voter is free from observation while marking ballots. In all other polling places every effort must be made to provide at least one accessible voting booth or other accessible voting station. During the hours of voting, the booths or stations must have instructions, a pencil, and other supplies needed to mark the ballots. If needed, a chair must be provided for elderly and handicapped voters to use while voting. All ballot boxes, voting booths, voting stations, and election judges must be in open public view in the polling place.

Sec. 25. Minnesota Statutes 2002, section 204B.19, subdivision 1, is amended to read:

Subdivision 1. [INDIVIDUALS QUALIFIED TO BE ELECTION JUDGES.] Except as provided in subdivision 6, any individual who is eligible to vote in ~~an election precinct~~ this state is qualified to be appointed as an election judge ~~for that precinct subject to this section.~~ ~~If the files of the appointing authority do not contain sufficient voters within a precinct who are qualified and willing to serve as election judges, election judges may be appointed who reside in another precinct in the same municipality, or for school district elections, in the same school district, whether or not the precinct where they reside is in the same county as the precinct where they will serve. If there are not sufficient voters within the municipality or school district who are qualified and willing to serve as election judges, election judges may be appointed who reside in the county where the precinct is located.~~

Sec. 26. Minnesota Statutes 2002, section 204B.19, subdivision 6, is amended to read:

Subd. 6. [HIGH SCHOOL STUDENTS.] Notwithstanding any other requirements of this section, a student enrolled in a high school in Minnesota or who is in a homeschool in compliance with sections 120A.22 and 120A.24, who has attained the age of 16 is eligible to be appointed as a without party affiliation trainee election judge in the county in which the student resides. The student must meet qualifications for trainee election judges specified in rules of the secretary of state. A student appointed as a trainee election judge may be excused from school attendance during the hours that the student is serving as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. Students shall not serve as trainee election judges after 10:00 p.m. Notwithstanding section 177.24 to the contrary, trainee election judges may be paid not less than two-thirds of the minimum wage for a large employer. The principal of the school may approve a request to be absent from school conditioned on acceptable academic performance ~~and the requirement that the student must have completed or be enrolled in a course of study in government~~ at the time of service as a trainee election judge.

Sec. 27. Minnesota Statutes 2002, section 204B.22, is amended by adding a subdivision to read:

Subd. 4. [ELECTION JUDGE TRAINEES NOT COUNTED TOWARD MINIMUM NUMBER OF ELECTION JUDGES.] The presence or participation of election judge trainees must not be counted toward satisfying any of the required numbers of election judges in this chapter.

Sec. 28. Minnesota Statutes 2002, section 204B.36, subdivision 4, is amended to read:

Subd. 4. [JUDICIAL CANDIDATES.] The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

(a) In the case of the Supreme Court:

"Chief justice ~~—Supreme Court~~";

"Associate justice (number) ~~—Supreme Court~~"

(b) In the case of the Court of Appeals:

"Judge (number) ~~—Court of Appeals~~"; or

(c) In the case of the district court:

"Judge (number) ~~—(number) district court.~~"

Sec. 29. Minnesota Statutes 2002, section 204B.41, is amended to read:

204B.41 [VACANCY IN NOMINATION; CHANGING BALLOTS.]

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate after the 16th day before the general election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the ~~three~~ six calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. ~~Official supplemental ballots shall not be mailed to absent voters to whom ballots were mailed before the official supplemental ballots were prepared.~~ Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.

Sec. 30. Minnesota Statutes 2002, section 204C.06, is amended by adding a subdivision to read:

Subd. 8. [ACCESS FOR NEWS MEDIA.] The county auditor or municipal or school district clerk, or their designee, may, by written authorization, permit news media representatives to enter polling places for up to 15 minutes during voting hours to observe the voting process. A media representative must obtain prior authorization and present photo identification to the head election judge upon arrival at the polling place and must not otherwise:

(1) approach within six feet of an election judge or voter;

(2) converse with a voter while in the polling place;

(3) make a list of persons voting or not voting; or

(4) interview a voter within the polling place.

Sec. 31. Minnesota Statutes 2002, section 204C.10, is amended to read:

204C.10 [PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.]

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, ~~certifies~~ maintains residence at the address shown, is not under guardianship of the person, has not been found by a court of law to be legally incompetent to vote or convicted of a felony without having civil rights restored, is registered and has not already voted in the election. The roster must also state: "I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000 or both."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Sec. 32. Minnesota Statutes 2002, section 204C.12, subdivision 4, is amended to read:

Subd. 4. [REFUSAL TO ANSWER QUESTIONS OR SIGN A POLLING PLACE ROSTER; CONSEQUENCES OF SUCCESSFUL CHALLENGE.] A challenged individual who is found to be ineligible to vote in that precinct or who refuses to answer questions or sign a polling place roster as required by this section must not be allowed to vote and the county auditor must reclassify as inactive the record of the challenged individual within 14 days following the challenge. ~~A challenged individual who leaves the polling place and returns later willing to answer questions or sign a polling place roster must not be allowed to vote.~~

Sec. 33. Minnesota Statutes 2002, section 204C.20, subdivision 2, is amended to read:

Subd. 2. [EXCESS BALLOTS.] If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the vote from being counted and must not be the basis of a challenge in a recount. If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 34. Minnesota Statutes 2002, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION REQUIREMENTS.] Precinct summary statements shall be submitted by the election judges in every precinct. For state elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) the number of votes each candidate received, including write-in candidates for state or federal office who have requested under section 204B.09 that votes for those candidates be tallied, or the number of yes and no votes on each question, the number of undervotes or partially blank ballots, and the number of overvotes or partially defective ballots with respect to each office or question;

(b) the number of totally blank ballots, the number of totally defective ballots, the number of spoiled ballots, and the number of unused ballots;

(c) the number of individuals who voted at the election in the precinct;

(d) the number of voters registering on election day in that precinct; and

(e) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 35. Minnesota Statutes 2002, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. [COUNTY CANVASS.] The county canvassing board shall meet at the county auditor's office on or before the seventh day following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

(a) The number of individuals voting at the election in the county and in each precinct;

(b) The number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) The names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct, including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;

(d) The number of votes counted for and against a proposed change of county lines or county seat; and

(e) The number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 36. Minnesota Statutes 2002, section 204C.35, is amended by adding a subdivision to read:

Subd. 3. [SCOPE OF RECOUNT.] A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 37. Minnesota Statutes 2002, section 204C.36, subdivision 1, is amended to read:

~~Subdivision 1. [REQUIRED AUTOMATIC RECOUNTS.] (a) Except as provided in paragraph (b), a losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is less than one half of one percent of the total votes counted for that office. In case of offices where two or more seats are being filled from among all the candidates for the office, the one half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(b) A losing candidate for nomination or election to a county, municipal, or school district office may request a recount of the votes cast for nomination or election to that office if the difference between the vote cast for that candidate and for a winning candidate for nomination or election is ten votes or less, and the total number of votes cast for the nomination or election of all candidates is no more than 400. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.~~

~~(c) Candidates for county offices shall file a written request for the recount with the county auditor. Candidates for municipal or school district offices shall file a written request with the municipal or school district clerk as appropriate. All requests shall be filed during the time for notice of contest of the primary or election for which a recount is sought.~~

~~(d) Upon receipt of a request made pursuant to this section, the county auditor shall recount the votes for a county office at the expense of the county, the governing body of the municipality shall recount the votes for a municipal office at the expense of the municipality, and the school board of the school district shall recount the votes for a school district office at the expense of the school district. (a) If the difference between the votes cast for the candidates for nomination to a county, municipal, or school district office:~~

~~(1) is less than one-half of one percent of the total number of votes counted for that nomination; or~~

~~(2) is ten votes or less and the total number of votes cast for that nomination is 400 votes or less,~~

~~and the difference determines the nomination, the canvassing board with responsibility for declaring the results for that office must recount the vote. The scope of the recount is solely to recount the votes counted on election day.~~

~~(b) In a general election, if the difference between the votes of a candidate who would otherwise be declared elected to a county, municipal, or school district office and the votes of any other candidate for that office:~~

~~(1) is less than one-half of one percent of the total number of votes counted for that office; or~~

~~(2) is ten votes or less if the total number of votes cast for that office is 400 votes or less,~~

~~the canvassing board must recount the votes. The scope of the recount is solely to recount the votes counted on election day.~~

(c) In the case of offices where two or more seats are being filled from among all the candidates for the office, the one-half of one percent difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected. In cases of offices where two or more seats are being filled from among all the candidates for the office, the ten vote difference is between the elected candidate with the fewest votes and the candidate with the most votes from among the candidates who were not elected.

(d) A recount must not delay any other part of the canvass. The results of the recount must be certified by the canvassing board as soon as possible.

(e) Time for notice of a contest for an office which is recounted under this section begins to run on certification of the results of the recount by the canvassing board.

(f) A losing candidate may waive a recount required under this section by filing a written notice of waiver with the canvassing board.

(g) The county auditor must recount the votes for a county office at the expense of the county, the governing body of the municipality must recount the votes for a municipal office at the expense of the municipality, and the school board of the school district must recount the votes for a school district office at the expense of the school district.

Sec. 38. Minnesota Statutes 2002, section 204C.36, subdivision 3, is amended to read:

Subd. 3. ~~[DISCRETIONARY BALLOT QUESTION RECOUNTS.]~~ (a) A recount may must be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. The expenses for the recount must be paid for by the political subdivision placing the question on the ballot.

(b) In other cases, a recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. ~~If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1,~~ The person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Sec. 39. Minnesota Statutes 2002, section 204C.36, is amended by adding a subdivision to read:

Subd. 6. [SCOPE OF RECOUNT.] A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office or question to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process.

Sec. 40. Minnesota Statutes 2002, section 204C.361, is amended to read:

204C.361 [RULES FOR RECOUNTS.]

(a) The secretary of state shall adopt rules according to the Administrative Procedure Act establishing uniform recount procedures. All recounts provided for by sections 204C.35, 204C.36, and 206.88, shall be conducted in accordance with these rules.

(b) Notwithstanding Minnesota Rules, part 8235.0800, the requirement that ballots be recounted by precinct means that a recount official shall maintain the segregation of ballots by precinct but the recount official may recount more than one precinct at a time in physically separate locations within the room in which the recount is administered.

Sec. 41. Minnesota Statutes 2002, section 204D.14, is amended by adding a subdivision to read:

Subd. 3. [UNCONTESTED JUDICIAL OFFICES.] Judicial offices for which there is only one candidate filed must appear after all judicial offices on the canary ballot.

Sec. 42. [204D.169] [EXAMPLE SUPPLEMENTAL BALLOT.]

When an official supplemental ballot must be used in a general election in accordance with section 204B.41, the secretary of state shall supply each auditor with a copy of an example supplemental ballot at least three days prior to the election. The example supplemental ballot must illustrate the format required for the official supplemental ballot.

The county auditor shall distribute copies of the example supplemental ballot to municipal and school district clerks in municipalities and school districts holding elections that year. The official supplemental ballot must conform in all respects to the example supplemental ballot. Failure of the official supplemental ballot to conform may be reported by any person to the county attorney in the same manner as provided by section 201.275.

Sec. 43. Minnesota Statutes 2002, section 204D.27, subdivision 11, is amended to read:

Subd. 11. [CERTIFICATE OF LEGISLATIVE ELECTION.] A certificate of election in a special election for state senator or state representative shall be issued by ~~the county auditor or~~ the secretary of state to the individual declared elected by the county or state canvassing board two days, excluding Sundays and legal holidays, after the appropriate canvassing board finishes canvassing the returns for the election.

In case of a contest the certificate shall not be issued until the district court determines the contest.

Sec. 44. Minnesota Statutes 2002, section 205.02, subdivision 1, is amended to read:

Subdivision 1. [MINNESOTA ELECTION LAW.] Except as expressly provided ~~in this chapter by law,~~ the provisions of the Minnesota Election Law apply to municipal elections, ~~so far as practicable.~~

Sec. 45. Minnesota Statutes 2002, section 205.075, is amended by adding a subdivision to read:

Subd. 3. [MORE THAN ONE SEAT TO BE FILLED AT ANY ELECTION.] A candidate filing for town supervisor when more than one seat is to be filled at an election held under subdivision 2 must designate when filing the specific seat which the candidate is seeking.

Sec. 46. Minnesota Statutes 2002, section 205.16, subdivision 4, is amended to read:

Subd. 4. [NOTICE TO AUDITOR.] At least ~~49~~ 53 days prior to every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election.

Sec. 47. Minnesota Statutes 2002, section 205.16, is amended by adding a subdivision to read:

Subd. 5. [NOTICE TO SECRETARY OF STATE.] At least 46 days prior to every municipal election for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 48. Minnesota Statutes 2002, section 205.185, subdivision 2, is amended to read:

Subd. 2. [ELECTION, CONDUCT.] A municipal election shall be by secret ballot and shall be held and the returns made in the manner provided for the state general election, so far as practicable except as expressly provided by law.

Sec. 49. Minnesota Statutes 2002, section 205.185, subdivision 3, is amended to read:

Subd. 3. [CANVASS OF RETURNS, CERTIFICATE OF ELECTION, BALLOTS, DISPOSITION.] (a) Within seven days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the ~~governing body~~ canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 50. Minnesota Statutes 2002, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

Except as provided ~~in this chapter~~ by law, the Minnesota Election Law applies to school district elections, ~~as far as practicable~~. Elections in common school districts shall be governed by section 123B.94.

Sec. 51. Minnesota Statutes 2003 Supplement, section 205A.07, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO AUDITOR.] At least 49 ~~53~~ days prior to every school district election, the school district clerk shall provide a written notice to the county auditor of each county in which the school district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. For the purposes of meeting the timelines of this section, in a bond election, a notice, including a proposed question, may be provided to the county auditor prior to receipt of a review and comment from the commissioner of education and prior to actual initiation of the election.

Sec. 52. Minnesota Statutes 2002, section 205A.07, is amended by adding a subdivision to read:

Subd. 3b. [NOTICE TO SECRETARY OF STATE.] At least 46 days prior to every school district election for which a notice is provided to the county auditor under subdivision 3, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

Sec. 53. Minnesota Statutes 2002, section 206.90, subdivision 6, is amended to read:

Subd. 6. [BALLOTS.] In precincts using optical scan voting systems, a single ballot card on which all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election and lines for the initials of at least two election judges.

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots.

Sec. 54. Minnesota Statutes 2002, section 211A.02, is amended by adding a subdivision to read:

Subd. 5. [ELECTRONIC REPORTING.] The reports required by this section may be filed electronically, subject to the approval of the filing officer.

Sec. 55. Minnesota Statutes 2002, section 351.01, subdivision 4, is amended to read:

Subd. 4. [WITHDRAWAL OF RESIGNATION.] A prospective resignation permitted by subdivision 3 may only be withdrawn by a written statement signed by the officer and submitted in the same manner as the resignation, and may only be withdrawn before it has been accepted by resolution of the body or board or before a written acceptance of the resignation by an officer authorized to receive it.

Sec. 56. Minnesota Statutes 2002, section 365.51, subdivision 3, is amended to read:

Subd. 3. [OFFICERS; OTHER BUSINESS.] An annual town election shall be held on the same day as the annual town meeting to elect all town officers required by law to be elected and to consider ballot questions, except as provided in section 205.075, subdivision 2. Other town business shall be conducted at the town meeting as provided by law.

Sec. 57. Minnesota Statutes 2002, section 367.12, is amended to read:

367.12 [DEPUTY CLERK.]

Each town clerk may appoint a deputy, for whose acts the clerk shall be responsible, and who, in the clerk's absence or disability, shall perform the clerk's duties. If a town clerk has not appointed a deputy, the town treasurer shall perform the duties of the clerk relating to receiving candidate filings when the clerk is absent.

Sec. 58. Minnesota Statutes 2002, section 414.041, subdivision 1, is amended to read:

Subdivision 1. [INITIATING THE PROCEEDING.] (a) Two or more municipalities may be the subject of a single proceeding provided that each municipality abuts at least one of the included municipalities.

(b) The proceeding shall be initiated in one of the following ways:

(1) submitting to the director a resolution of the city council of each affected municipality;

(2) submitting to the director a petition signed by a number of residents eligible to vote equivalent to five percent or more of the resident voters of a municipality who voted for governor at the last general election; or

(3) by the director.

(c) The petition or resolution shall set forth the following information about each included municipality: name, description of boundaries, the reasons for requesting the consolidation and the names of all parties entitled to mailed notice under section 414.09.

(d) The party initiating the proceeding shall serve copies of the petition or resolution on all of the included municipalities.

Sec. 59. Minnesota Statutes 2002, section 447.32, subdivision 3, is amended to read:

Subd. 3. [ELECTION NOTICES.] At least two weeks before the first day to file affidavits of candidacy, the clerk of the district shall publish a notice stating the first and last day on which affidavits of candidacy may be filed, the places for filing the affidavits and the closing time of the last day for filing. The clerk shall post a similar notice in at least one conspicuous place in each city and town in the district at least ten days before the first day to file affidavits of candidacy.

At least 53 days prior to every hospital district election, the hospital district clerk shall provide a written notice to the county auditor of each county in which the hospital district is located. The notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. At least 46 days before a hospital district election for which a notice is provided to the county auditor under this subdivision, the county auditor shall provide a notice to the secretary of state in a manner and including information prescribed by the secretary of state.

The notice of each election must be posted in at least one public and conspicuous place within each city and town included in the district at least ten days before the election. It must be published in the official newspaper of the district or, if a paper has not been designated, in a legal newspaper having general circulation within the district, at least two weeks before the election. Failure to give notice does not invalidate the election of an officer of the district. A voter may contest a hospital district election in accordance with chapter 209. Chapter 209 applies to hospital district elections.

Sec. 60. Minnesota Statutes 2002, section 447.32, subdivision 4, is amended to read:

Subd. 4. [CANDIDATES; BALLOTS; CERTIFYING ELECTION.] A person who wants to be a candidate for the hospital board shall file an affidavit of candidacy for the election either as member at large or as a member representing the city or town where the candidate resides. The affidavit of candidacy must be filed with the city or town clerk not more than ten weeks nor less than eight weeks before the Tuesday after the second Monday in September of the year in which the general election is held. The city or town clerk must forward the affidavits of candidacy to the clerk of the hospital district or, for the first election, the clerk of the most populous city or town immediately after the last day of the filing period. A candidate may withdraw from the election by filing an affidavit of withdrawal with the clerk of the district no later than 5:00 p.m. two days after the last day to file affidavits of candidacy.

Voting must be by secret ballot. The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers. Ballots must be printed on tan paper and prepared as provided in the rules of the secretary of state. The ballots must be marked and initialed by at least two judges as official ballots and used exclusively at the election. Any proposition to be voted on may be printed on the ballot provided for the election of officers. The hospital board may also authorize the use of voting systems subject to chapter 206. Enough election judges may be appointed to receive the votes at each polling place. The election judges shall act as clerks of election, count the ballots cast, and submit them to the board for canvass.

After canvassing the election, the board shall issue a certificate of election to the candidate who received the largest number of votes cast for each office. The clerk shall deliver the certificate to the person entitled to it in person or by certified mail. Each person certified shall file an acceptance and oath of office in writing with the clerk within 30 days after the date of delivery or mailing of the certificate. The board may fill any office as provided in subdivision 1 if the person elected fails to qualify within 30 days, but qualification is effective if made before the board acts to fill the vacancy."

Delete the title and insert:

"A bill for an act relating to elections; providing for acquisition and use of certain voting systems; conforming with the federal Help America Vote Act; making technical changes in election administration; appropriating money; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 201.021; 201.022; 201.061, subdivisions 1, 3, by adding subdivisions; 201.071, subdivisions 1, 3, by adding a subdivision; 201.091, subdivisions 1, 4, 5, by adding a subdivision; 201.121, subdivision 1; 201.13, subdivision 1; 201.15, as amended; 201.155; 201.161; 201.1611, subdivision 1; 201.171; 201.221, subdivisions 2, 3; 202A.14, subdivision 3; 203B.06, subdivision 4; 203B.08, subdivision 3; 203B.085; 203B.12, subdivision 2; 203B.125; 203B.16, by adding a subdivision; 203B.17; 203B.19; 203B.24, subdivision 2; 203B.26; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.14, subdivision 2; 204B.16, subdivision 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6; 204B.22, by adding a subdivision; 204B.36, subdivision 4; 204B.41; 204B.47; 204C.06, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.20, subdivision 2; 204C.24, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 204D.14, by adding a subdivision; 204D.27, subdivision 11; 205.02, subdivision 1; 205.075, by adding a subdivision; 205.16, subdivision 4, by adding a subdivision; 205.185, subdivisions 2, 3; 205A.02; 205A.07, by adding a subdivision; 206.57, by adding subdivisions; 206.81; 206.90, subdivision 6; 211A.02, by adding a subdivision; 351.01, subdivision 4; 365.51, subdivision 3; 367.12; 414.041, subdivision 1; 447.32, subdivisions 3, 4; Minnesota Statutes 2003 Supplement, sections 126C.17, subdivision 9; 205A.07, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 201; 204C; 204D."

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

The report was adopted.

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

H. F. No. 1821, A bill for an act relating to metropolitan government; authorizing the State Board of Investment to invest certain funds or assets of the Metropolitan Council upon request; amending Minnesota Statutes 2002, section 473.13, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1897, A bill for an act relating to water; providing for the consumptive use of groundwater.

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

The report was adopted.

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

H. F. No. 2016, A bill for an act relating to traffic regulations; specifying duty of care of bus drivers to passengers; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [169.2212] [BUS DRIVER DUTY OF CARE.]

The duty of care owed by a driver of a regular route transit bus to a passenger on that bus, including a passenger who is an elementary or secondary pupil, applies only when the passenger is on the bus or boarding or disembarking. The duty of care owed by a driver of a paratransit vehicle to a passenger on that vehicle, including a passenger who is an elementary or secondary pupil, applies only when the passenger is on the vehicle or boarding or disembarking, and as provided in the local passenger assistance policy. At all other times the passenger is a pedestrian and a driver's duty is limited to the duty of care owed by an operator of a motor vehicle to a pedestrian. For purposes of this section, "regular route transit" has the meaning given it in section 174.22, subdivision 8, and "paratransit" has the meaning given it in section 174.22, subdivision 6.

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

The report was adopted.

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

H. F. No. 2044, A bill for an act relating to state government; transferring tourism functions from Department of Employment and Economic Development to Explore Minnesota Tourism; appropriating money; amending Minnesota Statutes 2002, sections 116J.01, subdivision 5; 160.276, subdivision 5; Minnesota Statutes 2003

Supplement, sections 15.057; 15.75, subdivision 5; 116J.011; 116J.60; 161.20, subdivision 3; 270B.14, subdivision 13; proposing coding for new law as Minnesota Statutes, chapter 116U; repealing Minnesota Statutes 2002, sections 116J.01, subdivision 4; 116J.036; 116J.615; 116J.616; 116J.63, subdivision 4.

Reported the same back with the following amendments:

Page 9, delete lines 3 and 4

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

The report was adopted.

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

H. F. No. 2050, A bill for an act relating to health occupations; requiring certain foreign medical school graduates to use a credentials verification service; amending Minnesota Statutes 2002, section 147.037, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2002, section 147.01, is amended by adding a subdivision to read:

Subd. 7. [PHYSICIAN APPLICATION FEE.] The board may charge a physician application fee of \$200. The revenue generated from the fee must be deposited in an account in the state government special revenue fund."

Page 1, line 7, delete "Section 1." and insert "Sec. 2."

Page 2, line 1, delete everything after the comma and insert "the physician application fee may be less than \$200 but must not exceed the cost of administering this paragraph."

Page 2, delete line 2

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing a physician application fee;"

Page 1, line 5, delete "section" and insert "sections 147.01, by adding a subdivision;"

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.

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

H. F. No. 2096, A bill for an act relating to finance; clarifying division of proceeds of sale of state bond financed property; amending Minnesota Statutes 2002, section 16A.695, subdivision 3.

Reported the same back with the following amendments:

Page 2, delete lines 14 to 16 and insert "entity, the amount to be attributed to the owner of the property shall be the fair market value of the property that was bettered by state bond proceeds at the time the betterment began."

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

The report was adopted.

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

H. F. No. 2127, A bill for an act relating to health; modifying requirements for outpatient surgical centers; requiring licensure of diagnostic imaging facilities; modifying procedures for the Board of Medical Practice; requiring rule amendments; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2; 144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 144.55, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE.] The state commissioner of health is hereby authorized to issue licenses to operate hospitals, sanitariums, outpatient surgical centers, diagnostic imaging facilities, or other institutions for the hospitalization or care of human beings, which are found to comply with the provisions of sections 144.50 to 144.56 and any reasonable rules promulgated by the commissioner, or Minnesota Rules, chapters 4650 and 4675. The commissioner shall not require an outpatient surgical center or a diagnostic imaging facility licensed as part of a hospital to obtain a separate outpatient surgical center or diagnostic imaging facility license. All decisions of the commissioner thereunder may be reviewed in the district court in the county in which the institution is located or contemplated.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 2. Minnesota Statutes 2002, section 144.55, is amended by adding a subdivision to read:

Subd. 1a. [LICENSE FEE.] The annual license fee for outpatient surgical centers and diagnostic imaging facilities is \$1,512.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 3. Minnesota Statutes 2002, section 144.55, is amended by adding a subdivision to read:

Subd. 1b. [STANDARDS FOR NURSING CARE.] Outpatient surgical centers, as a condition of licensure, must meet all Medicare and Joint Commission on the Accreditation of Health Care Organizations standards regarding the provision of nursing care in and around operating rooms.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date.

Sec. 4. Minnesota Statutes 2002, section 144.55, is amended by adding a subdivision to read:

Subd. 1c. [FINANCIAL, UTILIZATION, AND SERVICES DATA.] The commissioner shall require diagnostic imaging facilities, as a condition of licensure, to comply with the financial, utilization, and services data reporting requirements that apply to hospitals and outpatient surgical centers under Minnesota Rules, chapter 4650.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 5. Minnesota Statutes 2002, section 144.55, subdivision 2, is amended to read:

Subd. 2. ~~[DEFINITION DEFINITIONS.]~~ (a) For the purposes of this section, the following terms have the meanings given.

(b) "Diagnostic imaging facility" means a health care facility that provides diagnostic imaging services through the use of ionizing radiation or other imaging techniques including, but not limited to, magnetic resonance imaging (MRI) or computerized tomography (CT) scan, and for which revenues from these diagnostic services account for more than 50 percent of the facility's total revenue.

(c) "Joint commission" means the Joint Commission on Accreditation of Hospitals.

(d) "Outpatient surgical center" or "center" means a freestanding facility organized for the specific purpose of providing elective outpatient surgery for preexamined, prediagnosed, low-risk patients. Admissions are limited to procedures that utilize general anesthesia or conscious sedation and that do not require overnight inpatient care. An outpatient surgical center is not organized to provide regular emergency medical services and does not include a physician's or dentist's office or clinic for the practice of medicine or the delivery of primary care.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 6. Minnesota Statutes 2002, section 144.55, subdivision 3, is amended to read:

Subd. 3. [STANDARDS FOR LICENSURE.] (a) Notwithstanding the provisions of section 144.56, for the purpose of hospital licensure, the commissioner of health shall use as minimum standards the hospital certification regulations promulgated pursuant to Title XVIII of the Social Security Act, United States Code, title 42, section 1395, et seq. The commissioner may use as minimum standards changes in the federal hospital certification

regulations promulgated after May 7, 1981, if the commissioner finds that such changes are reasonably necessary to protect public health and safety. The commissioner shall also promulgate in rules additional minimum standards for new construction.

(b) Each hospital and outpatient surgical center shall establish policies and procedures to prevent the transmission of human immunodeficiency virus and hepatitis B virus to patients and within the health care setting. The policies and procedures shall be developed in conformance with the most recent recommendations issued by the United States Department of Health and Human Services, Public Health Service, Centers for Disease Control. The commissioner of health shall evaluate a hospital's compliance with the policies and procedures according to subdivision 4.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date.

Sec. 7. Minnesota Statutes 2002, section 144.55, subdivision 5, is amended to read:

Subd. 5. [COORDINATION OF INSPECTIONS.] Prior to conducting routine inspections of hospitals, outpatient surgical centers, and diagnostic imaging facilities, a state agency shall notify the commissioner of its intention to inspect. The commissioner shall then determine whether the inspection is necessary in light of any previous inspections conducted by the commissioner, any other state agency, or the joint commission. The commissioner shall notify the agency of the determination and may authorize the agency to conduct the inspection. No state agency may routinely inspect any hospital, outpatient surgical center, or diagnostic imaging facility without the authorization of the commissioner. The commissioner shall coordinate, insofar as is possible, routine inspections conducted by state agencies, so as to minimize the number of inspections to which hospitals, outpatient surgical centers, and diagnostic imaging facilities are subject.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 8. Minnesota Statutes 2002, section 144.55, subdivision 6, is amended to read:

Subd. 6. [SUSPENSION, REVOCATION, AND REFUSAL TO RENEW] (a) The commissioner may refuse to grant or renew, or may suspend or revoke, a license on any of the following grounds:

- (1) Violation of any of the provisions of sections 144.50 to 144.56 or the rules or standards issued pursuant thereto, or Minnesota Rules, chapters 4650 and 4675;
- (2) Permitting, aiding, or abetting the commission of any illegal act in the institution;
- (3) Conduct or practices detrimental to the welfare of the patient; or
- (4) Obtaining or attempting to obtain a license by fraud or misrepresentation.

(b) The commissioner shall not renew a license for a boarding care bed in a resident room with more than four beds.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 9. Minnesota Statutes 2002, section 144.55, subdivision 7, is amended to read:

Subd. 7. [HEARING.] Prior to any suspension, revocation or refusal to renew a license, the licensee shall be entitled to notice and a hearing as provided by sections 14.57 to 14.69. At each hearing, the commissioner shall have the burden of establishing that a violation described in subdivision 6 has occurred.

If a license is revoked, suspended, or not renewed, a new application for license may be considered by the commissioner if the conditions upon which revocation, suspension, or refusal to renew was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may then be granted after proper inspection has been made and all provisions of sections 144.50 to 144.56 and any rules promulgated thereunder, or Minnesota Rules, chapters 4650 and 4675, have been complied with and recommendation has been made by the inspector as an agent of the commissioner.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 10. Minnesota Statutes 2002, section 144.651, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, "patient" means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. "Patient" also means a person who receives health care services at an outpatient surgical center or a diagnostic imaging facility licensed under section 144.55. "Patient" also means a minor who is admitted to a residential program as defined in section 253C.01. For purposes of subdivisions 1, 3 to 16, 18, 20 and 30, "patient" also means any person who is receiving mental health treatment on an outpatient basis or in a community support program or other community-based program. "Resident" means a person who is admitted to a nonacute care facility including extended care facilities, nursing homes, and boarding care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age. For purposes of all subdivisions except subdivisions 28 and 29, "resident" also means a person who is admitted to a facility licensed as a board and lodging facility under Minnesota Rules, parts 4625.0100 to 4625.2355, or a supervised living facility under Minnesota Rules, parts 4665.0100 to 4665.9900, and which operates a rehabilitation program licensed under Minnesota Rules, parts 9530.4100 to 9530.4450.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 11. [144.6521] [DISCLOSURE OF FINANCIAL INTEREST.]

Subdivision 1. [PROVISION OF WRITTEN NOTICE.] (a) No health care provider with a financial or economic interest, that does not include employment, in an outpatient surgical center or diagnostic imaging facility licensed under section 144.55 shall refer a patient to that center or facility unless the health care provider provides written notice to the patient, in advance of the referral, of the existence of such an interest and obtains the signature of the patient or the patient's representative on a written disclosure form. The written disclosure form must be printed in letters of at least 12-point boldface type and must read as follows:

"Your health care provider is referring you to a facility or service in which there exists a direct financial or economic interest."

(b) The signed disclosure form shall be maintained in the files of the health care provider for at least three years.

Subd. 2. [POSTING OF NOTICE.] In addition to the written disclosure, each health care provider who makes referrals to an outpatient surgical center or diagnostic imaging facility in which the provider has a financial or economic interest, that does not include employment, shall post a notice of this interest in a patient reception area or waiting room or other conspicuous public location within the provider's facility.

Subd. 3. [DEFINITION.] For purposes of this section, "financial interest" means:

(1) an equity or debt security issued by an entity, including, but not limited to, shares of stock in a corporation, membership in a limited liability company, beneficial interest in a trust, units or other interests in a partnership, bonds, debentures, notes or other equity interests or debt instruments, or any contractual arrangements;

(2) any membership, proprietary interest, or co-ownership with an individual, group, or organization to which patients, clients, or customers are referred to; or

(3) any employer-employee or independent contractor relationship, including, but not limited to, those that may occur in a limited partnership, profit-sharing arrangement, or other similar arrangement with any facility to which patients are referred, including any compensation between a facility and a health care provider, the group practice of which the provider is a member or employee or a related party with respect to any of them.

[EFFECTIVE DATE.] This section is effective August 1, 2004.

Sec. 12. Minnesota Statutes 2002, section 144.653, subdivision 4, is amended to read:

Subd. 4. [WITHOUT NOTICE.] One or more unannounced inspections of each facility required to be licensed under the provisions of sections 144.50 to 144.58 or Minnesota Rules, chapter 4675, shall be made annually, except that diagnostic imaging facilities shall be inspected once every two years.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 13. Minnesota Statutes 2002, section 144.696, is amended by adding a subdivision to read:

Subd. 2a. [DIAGNOSTIC IMAGING FACILITY.] "Diagnostic imaging facility" means a health care facility that provides diagnostic imaging services through the use of ionizing radiation or other imaging techniques including, but not limited to, magnetic resonance imaging (MRI) or computerized tomography (CT) scan, and for which revenues from these diagnostic services account for more than 50 percent of the facility's total revenue.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 14. Minnesota Statutes 2002, section 144.698, subdivision 1, is amended to read:

Subdivision 1. [YEARLY REPORTS.] Each hospital and each outpatient surgical center, or diagnostic imaging facility, which has not filed the financial information required by this section with a voluntary, nonprofit reporting organization pursuant to section 144.702, shall file annually with the commissioner of health after the close of the fiscal year:

(1) a balance sheet detailing the assets, liabilities, and net worth of the hospital, outpatient surgical center, or diagnostic imaging facility;

- (2) a detailed statement of income and expenses;
- (3) a copy of its most recent cost report, if any, filed pursuant to requirements of Title XVIII of the United States Social Security Act;
- (4) a copy of all changes to articles of incorporation or bylaws;
- (5) information on services provided to benefit the community, including services provided at no cost or for a reduced fee to patients unable to pay, teaching and research activities, or other community or charitable activities;
- (6) information required on the revenue and expense report form set in effect on July 1, 1989, or as amended by the commissioner in rule; ~~and~~
- (7) information on changes in ownership or control; and
- (8) other information required by the commissioner in rule.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 15. Minnesota Statutes 2002, section 144.698, subdivision 2, is amended to read:

Subd. 2. [SEPARATE REPORTS FOR FACILITIES.] If more than one licensed hospital ~~or~~ outpatient surgical center, or diagnostic imaging facility is operated by the reporting organization, the commissioner of health may require that the information be reported separately for each hospital and each outpatient surgical center.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 16. Minnesota Statutes 2002, section 144.698, subdivision 3, is amended to read:

Subd. 3. [ATTESTATION.] The commissioner of health may require attestation by responsible officials of the hospital ~~or~~ outpatient surgical center, or diagnostic imaging facility that the contents of the reports are true.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 17. Minnesota Statutes 2002, section 144.698, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER'S RIGHT TO INSPECT RECORDS.] The commissioner of health shall have the right to inspect hospital ~~and~~ outpatient surgical center, and diagnostic imaging facility books, audits, and records as reasonably necessary to verify hospital ~~and~~ outpatient surgical center, and diagnostic imaging facility reports.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 18. Minnesota Statutes 2002, section 144.699, subdivision 1, is amended to read:

Subdivision 1. [ACUTE CARE COSTS.] The commissioner of health may:

(a) Undertake analyses and studies relating to acute care costs and to the financial status of any hospital ~~or~~, outpatient surgical center, or diagnostic imaging facility subject to the provisions of sections 144.695 to 144.703; and

(b) Publish and disseminate the information relating to acute care costs.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 19. Minnesota Statutes 2002, section 144.699, subdivision 2, is amended to read:

Subd. 2. [FOSTERING PRICE COMPETITION.] The commissioner of health shall:

(a) Encourage hospitals, outpatient surgical centers, diagnostic imaging facilities, home care providers, and professionals regulated by the health related licensing boards as defined in section 214.01, subdivision 2, and by the commissioner of health under section 214.13, to publish prices for procedures and services that are representative of the diagnoses and conditions for which citizens of this state seek treatment.

(b) Analyze and disseminate available price information and analyses so as to foster the development of price competition among hospitals, outpatient surgical centers, diagnostic imaging facilities, home care providers, and health professionals.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 20. Minnesota Statutes 2002, section 144.701, subdivision 1, is amended to read:

Subdivision 1. [CONSUMER INFORMATION.] The commissioner of health shall ensure that the total costs, total revenues, overall utilization, and total services of each hospital ~~and each~~, outpatient surgical center, and diagnostic imaging facility are reported to the public in a form understandable to consumers.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 21. Minnesota Statutes 2002, section 144.701, subdivision 2, is amended to read:

Subd. 2. [DATA FOR POLICY MAKING.] The commissioner of health shall compile relevant financial and accounting, utilization, and services data concerning hospitals ~~and~~, outpatient surgical centers, and diagnostic imaging facilities in order to have statistical information available for legislative policy making.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 22. Minnesota Statutes 2002, section 144.701, subdivision 3, is amended to read:

Subd. 3. [RATE SCHEDULE.] The commissioner of health shall obtain from each hospital ~~and~~ outpatient surgical center, and diagnostic imaging facility a current rate schedule. Any subsequent amendments or modifications of that schedule shall be filed with the commissioner of health on or before their effective date.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 23. Minnesota Statutes 2002, section 144.702, subdivision 1, is amended to read:

Subdivision 1. [REPORTING THROUGH A REPORTING ORGANIZATION.] A hospital ~~or~~ outpatient surgical center, or diagnostic imaging facility may agree to submit its financial, utilization, and services reports to a voluntary, nonprofit reporting organization whose reporting procedures have been approved by the commissioner of health in accordance with this section. Each report submitted to the voluntary, nonprofit reporting organization under this section shall be accompanied by a filing fee.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 24. Minnesota Statutes 2002, section 144.702, subdivision 2, is amended to read:

Subd. 2. [APPROVAL OF ORGANIZATION'S REPORTING PROCEDURES.] The commissioner of health may approve voluntary reporting procedures consistent with written operating requirements for the voluntary, nonprofit reporting organization which shall be established annually by the commissioner. These written operating requirements shall specify reports, analyses, and other deliverables to be produced by the voluntary, nonprofit reporting organization, and the dates on which those deliverables must be submitted to the commissioner. These written operating requirements shall specify deliverable dates sufficient to enable the commissioner of health to process and report health care cost information system data to the commissioner of human services by August 15 of each year. The commissioner of health shall, by rule, prescribe standards for submission of data by hospitals ~~and~~ outpatient surgical centers, and diagnostic imaging facilities to the voluntary, nonprofit reporting organization or to the commissioner. These standards shall provide for:

(a) the filing of appropriate financial, utilization, and services information with the reporting organization;

(b) adequate analysis and verification of that financial, utilization, and services information; and

(c) timely publication of the costs, revenues, and rates of individual hospitals ~~and~~ outpatient surgical centers, and diagnostic imaging facilities prior to the effective date of any proposed rate increase. The commissioner of health shall annually review the procedures approved pursuant to this subdivision.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 25. Minnesota Statutes 2002, section 144.702, subdivision 3, is amended to read:

Subd. 3. [COST AND RATE INFORMATION; TIME LIMITS ON FILING.] Any voluntary, nonprofit reporting organization which collects information on costs, revenues, and rates of a hospital ~~or~~ outpatient surgical center, or diagnostic imaging facility located in this state shall file a copy of the information received for each

hospital ~~and~~, outpatient surgical center, and diagnostic imaging facility with the commissioner of health within 30 days of completion of the information collection process, together with a summary of the financial information acquired by the organization during the course of its review.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to diagnostic imaging facilities providing services or seeking initial licensure on or after that date.

Sec. 26. Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3, is amended to read:

Subd. 3. [FACILITY.] "Facility" means a hospital licensed under sections 144.50 to 144.58 or an outpatient surgical center or diagnostic imaging facility licensed under section 144.55.

[EFFECTIVE DATE.] This section is effective August 1, 2004, or on the date of full implementation of the adverse health care events reporting system as provided in Laws 2003, chapter 99, section 7, whichever is later.

Sec. 27. Minnesota Statutes 2002, section 147.091, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS LISTED.] The board may refuse to grant a license, may refuse to grant registration to perform interstate telemedicine services, or may impose disciplinary action as described in section 147.141 against any physician. The following conduct is prohibited and is grounds for disciplinary action:

(a) Failure to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements.

(b) Obtaining a license by fraud or cheating, or attempting to subvert the licensing examination process. Conduct which subverts or attempts to subvert the licensing examination process includes, but is not limited to: (1) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (2) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (3) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf.

(c) Conviction, during the previous five years, of a felony reasonably related to the practice of medicine or osteopathy. Conviction as used in this subdivision shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon.

(d) Revocation, suspension, restriction, limitation, or other disciplinary action against the person's medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or having been refused a license by any other state or jurisdiction.

(e) Advertising which is false or misleading, which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by another physician.

(f) Violating a rule promulgated by the board or an order of the board, a state, or federal law which relates to the practice of medicine, or in part regulates the practice of medicine including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law.

(g) Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare or safety of a patient; or medical practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(h) Failure to supervise a physician's assistant or failure to supervise a physician under any agreement with the board.

(i) Aiding or abetting an unlicensed person in the practice of medicine, except that it is not a violation of this paragraph for a physician to employ, supervise, or delegate functions to a qualified person who may or may not be required to obtain a license or registration to provide health services if that person is practicing within the scope of that person's license or registration or delegated authority.

(j) Adjudication as mentally incompetent, mentally ill or mentally retarded, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise.

(k) Engaging in unprofessional conduct. Unprofessional conduct shall include any departure from or the failure to conform to the minimal standards of acceptable and prevailing medical practice in which proceeding actual injury to a patient need not be established.

(l) Inability to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills.

(m) Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.

(n) Failure by a doctor of osteopathy to identify the school of healing in the professional use of the doctor's name by one of the following terms: osteopathic physician and surgeon, doctor of osteopathy, or D.O.

(o) Improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to section 144.335 or to furnish a medical record or report required by law.

(p) Fee splitting, including without limitation:

(1) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, or remuneration, directly or indirectly, primarily for the referral of patients or the prescription of drugs or devices;

(2) dividing fees with another physician or a professional corporation, unless the division is in proportion to the services provided and the responsibility assumed by each professional and the physician has disclosed the terms of the division;

(3) referring a patient to any health care provider as defined in section 144.335 in which the referring physician has a significant financial interest unless the physician has disclosed the physician's own financial interest; and

(4) dispensing for profit any drug or device, unless the physician has disclosed the physician's own profit interest.

The physician must make the disclosures required in this clause in advance and in writing to the patient and must include in the disclosure a statement that the patient is free to choose a different health care provider. This clause does not apply to the distribution of revenues from a partnership, group practice, nonprofit corporation, or professional corporation to its partners, shareholders, members, or employees if the revenues consist only of fees for services performed by the physician or under a physician's direct supervision, or to the division or distribution of prepaid or capitated health care premiums, or fee-for-service withhold amounts paid under contracts established under other state law.

(q) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.

(r) Becoming addicted or habituated to a drug or intoxicant.

(s) Prescribing a drug or device for other than medically accepted therapeutic or experimental or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in section 144.335 for services or tests not medically indicated at the time of referral.

(t) Engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient.

(u) Failure to make reports as required by section 147.111 or to cooperate with an investigation of the board as required by section 147.131.

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

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

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

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

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

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

(x) Practice of a board-regulated profession under lapsed or nonrenewed credentials.

(y) Failure to repay a state or federally secured student loan in accordance with the provisions of the loan.

(z) Providing interstate telemedicine services other than according to section 147.032.

(aa) Failure to provide notice of financial or economic interests in an outpatient surgical center or diagnostic imaging facility as required by section 144.6521.

[EFFECTIVE DATE.] This section is effective August 1, 2004.

Sec. 28. Minnesota Statutes 2002, section 256B.0644, is amended to read:

256B.0644 [PARTICIPATION REQUIRED FOR REIMBURSEMENT UNDER OTHER STATE HEALTH CARE PROGRAMS.]

A vendor of medical care, as defined in section 256B.02, subdivision 7, ~~and~~ a health maintenance organization, as defined in chapter 62D, and an outpatient surgical center or diagnostic imaging facility licensed under section 144.55, must participate as a provider or contractor in the medical assistance program, general assistance medical care program, and MinnesotaCare as a condition of participating as a provider in health insurance plans and programs or contractor for state employees established under section 43A.18, the public employees insurance program under section 43A.316, for health insurance plans offered to local statutory or home rule charter city, county, and school district employees, the workers' compensation system under section 176.135, and insurance plans provided through the Minnesota Comprehensive Health Association under sections 62E.01 to 62E.19. The limitations on insurance plans offered to local government employees shall not be applicable in geographic areas where provider participation is limited by managed care contracts with the Department of Human Services. For providers other than health maintenance organizations, participation in the medical assistance program means that (1) the provider accepts new medical assistance, general assistance medical care, and MinnesotaCare patients or (2) for providers other than dental service providers, at least 20 percent of the provider's patients are covered by medical assistance, general assistance medical care, and MinnesotaCare as their primary source of coverage, or (3) for dental service providers, at least ten percent of the provider's patients are covered by medical assistance, general assistance medical care, and MinnesotaCare as their primary source of coverage. Patients seen on a volunteer basis by the provider at a location other than the provider's usual place of practice may be considered in meeting this participation requirement. The commissioner shall establish participation requirements for health maintenance organizations. The commissioner shall provide lists of participating medical assistance providers on a quarterly basis to the commissioner of employee relations, the commissioner of labor and industry, and the commissioner of commerce. Each of the commissioners shall develop and implement procedures to exclude as participating providers in the program or programs under their jurisdiction those providers who do not participate in the medical assistance program. The commissioner of employee relations shall implement this section through contracts with participating health and dental carriers.

[EFFECTIVE DATE.] This section is effective August 1, 2004, and applies to outpatient surgical centers that submit applications for initial licensure or apply for renewal of an existing license on or after that date, and diagnostic imaging facilities providing services or seeking initial licensure on or after that date."

Delete the title and insert:

"A bill for an act relating to health; requiring licensure for outpatient surgical centers and diagnostic imaging facilities; providing for review and inspections; requiring certain disclosures; requiring reports; modifying disciplinary grounds for physicians; requiring participation in state health programs for certain reimbursements; amending Minnesota Statutes 2002, sections 144.55, subdivisions 1, 2, 3, 5, 6, 7, by adding subdivisions; 144.651, subdivision 2; 144.653, subdivision 4; 144.696, by adding a subdivision; 144.698, subdivisions 1, 2, 3, 5; 144.699, subdivisions 1, 2; 144.701, subdivisions 1, 2, 3; 144.702, subdivisions 1, 2, 3; 147.091, subdivision 1; 256B.0644; Minnesota Statutes 2003 Supplement, section 144.7063, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144."

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.

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

H. F. No. 2191, A bill for an act relating to education; modifying the membership of the Commission on National and Community Service; amending Minnesota Statutes 2003 Supplement, section 124D.385, subdivision 2; repealing Minnesota Statutes 2002, sections 124D.41; 124D.42, subdivisions 1, 2, 4, 5, 7; 124D.43; Minnesota Statutes 2003 Supplement, section 124D.42, subdivisions 3, 6.

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

The report was adopted.

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

H. F. No. 2210, A bill for an act relating to transportation; establishing Road User Fee Task Force.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [ROAD USER FEE TASK FORCE.]

Subdivision 1. [CREATION AND PURPOSE.] A Road User Fee Task Force is established to study the future of highway funding and alternatives to existing highway user tax mechanisms.

Subd. 2. [COMPOSITION.] (a) The Road User Fee Task Force is composed of:

(1) the commissioner of transportation or the commissioner's designee;

(2) the commissioner of public safety or the commissioner's designee;

(3) the commissioner of revenue or the commissioner's designee;

(4) six citizen members appointed by the governor, which must include:

(i) a representative of the motor carrier industry;

(ii) a representative of a transportation organization with both public and private members;

(iii) a representative of an association of high-technology companies;

(iv) a representative of the University of Minnesota Center for Transportation Studies; and

(v) two additional members;

(5) an elected city official appointed by the governor;

(6) a county board member appointed by the governor;

(7) an elected township officer appointed by the governor;

(8) three senators appointed by the Subcommittee on Committees of the Committee on Rules and Administration, of whom one must be the chair of the senate committee having jurisdiction over transportation policy and one of whom must be a member of the minority caucus; and

(9) three members of the house of representatives appointed by the speaker, of whom one must be the chair of the house committee having jurisdiction over transportation policy and one of whom must be a member of the minority caucus.

(b) Removal of task force members is as provided under Minnesota Statutes, section 15.059, subdivision 4. The task force shall elect a chair from among its members.

(c) Members of the task force shall receive compensation in accordance with Minnesota Statutes, section 15.059, subdivision 3.

(d) The Department of Transportation shall provide staff, administrative support, and funding to the task force.

Subd. 3. [DUTIES.] (a) The task force shall study:

(1) the adequacy of existing highway user tax mechanisms to fund present and future highway needs; and

(2) alternative highway user tax systems and mechanisms that tie highway user collections directly to road usage, including:

(i) present and future technology that would be used by such alternative systems, including:

(A) vehicle identification capability;

(B) ability of such systems to collect and report number of miles traveled by each vehicle and collect taxes or fees on the basis of such information; and

(C) suitability of such systems for one or more pilot projects;

(ii) revenue potential of such systems compared to the existing tax system;

(iii) public acceptance of such systems;

(iv) costs of implementation and administration of such systems;

(v) potential for tax evasion under such systems;

(vi) issues of tax equity; and

(vii) compatibility of such systems with tax systems in other states.

(b) The task force shall review available literature and other research as part of its study. Task force meetings must be open to the public.

Subd. 4. [TASK FORCE REPORT.] By January 15, 2007, the task force shall provide a final report to the chairs of the senate and house of representatives committees with jurisdiction over transportation policy and finance regarding its findings, conclusions, and recommendations.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2004, and expires December 31, 2006."

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

The report was adopted.

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

H. F. No. 2265, A bill for an act relating to waters; providing for administrative penalty orders; providing civil penalties; requiring an implementation plan; providing a rulemaking exemption; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reported the same back with the following amendments:

Page 4, line 23, delete everything after "order"

Page 4, delete line 24

Page 4, line 25, delete everything before the period

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

The report was adopted.

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

H. F. No. 2433, A bill for an act relating to natural resources; providing for certain rulemaking exemptions; granting authorities to the commissioner of natural resources; authorizing fees; modifying civil penalties; amending Minnesota Statutes 2002, sections 83A.02; 84.027, by adding a subdivision; 84.029, by adding a subdivision; 84.033; 84.0855, by adding a subdivision; 84.791, subdivision 2, by adding a subdivision; 84.86, subdivision 1; 84.8712, subdivision 2; 84.925, subdivision 1, by adding a subdivision; 84D.13, subdivision 5; 85.052, subdivisions 1, 2, by adding subdivisions; 85.055, subdivision 1a; 85.22, subdivision 3; 86A.05, subdivision 5; 86A.07, subdivision 3; 86A.21; 86B.321, subdivision 2; 86B.521, by adding a subdivision; 88.79, by adding a subdivision; 89.012; 89.018, subdivisions 1, 2, by adding a subdivision; 89.19; 89.21; 89.37, by adding a subdivision; 89.53, subdivision 1; 89.71, subdivision 1; 97A.101, subdivision 2; 97A.133, subdivision 3; 97A.135, subdivision 1; 97A.145, subdivision 1; 97B.015, by adding a subdivision; 97B.025; 103G.223; 103I.601, subdivision 3; 282.01, subdivision 3; Minnesota Statutes 2003 Supplement, sections 84.029, subdivision 1; 84.775, subdivision 1; 84.780.

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

The report was adopted.

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

H. F. No. 2564, A bill for an act relating to education; giving school districts full use of their pools for competitive high school diving; amending Minnesota Statutes 2003 Supplement, section 128C.05, subdivision 1a.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1821, 1897 and 2564 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1626, 1745, 1814, 1903 and 2063 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Dempsey; Olson, M.; Koenen and Rukavina introduced:

H. F. No. 2689, A bill for an act relating to taxation; prohibiting amendment of existing rules and adoption of new rules for determination of the value of electric utility property.

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

Rhodes introduced:

H. F. No. 2690, A bill for an act relating to education; including personal and family financial management and investment education as an elective for high school graduation; amending Minnesota Statutes 2003 Supplement, section 120B.024; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

Bradley introduced:

H. F. No. 2691, A bill for an act relating to human services; council on disability; permitting the council to meet by telephone or electronic means if certain conditions are met; amending Minnesota Statutes 2002, section 256.482, by adding a subdivision.

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

Johnson, J., introduced:

H. F. No. 2692, A bill for an act relating to taxation; property tax refund; authorizing early payment on returns filed electronically; amending Minnesota Statutes 2002, section 290A.07, by adding a subdivision.

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

Penas and Lieder introduced:

H. F. No. 2693, A bill for an act relating to capital improvements; appropriating money for remodeling and expansion projects at Northland Community and Technical College; authorizing issuance of state bonds.

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

Wilkin, Rhodes, Lipman and Solberg introduced:

H. F. No. 2694, A bill for an act relating to the Metropolitan Airports Commission; requiring confirmation of members; increasing the duties and compensation range of its chair; amending Minnesota Statutes 2002, sections 473.604, subdivision 1; 473.606, subdivision 2; Minnesota Statutes 2003 Supplement, section 15A.0815, subdivision 3; repealing Minnesota Statutes 2002, section 15A.0815, subdivision 4.

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

Tingelstad, Ozment, Cox and Peterson introduced:

H. F. No. 2695, A bill for an act relating to sewage; changing regulation of individual sewage treatment system programs in counties; creating an account; appropriating money; amending Minnesota Statutes 2002, sections 17.117, subdivision 13; 115.55, by adding subdivisions; 115.56, subdivision 2.

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

Hornstein introduced:

H. F. No. 2696, A bill for an act relating to taxation; income; providing a credit for carsharing; amending Minnesota Statutes 2002, section 290.06, by adding a subdivision.

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

Strachan, Abeler, Murphy, Smith and Huntley introduced:

H. F. No. 2697, A bill for an act relating to county jails; authorizing the purchase of prescription drugs from foreign nations for county jail inmates under certain circumstances; providing health care insurance coverage or health care services to county jail inmates; directing the commissioner of administration to issue a request for bids relating to providing health care insurance or health care services to county jail inmates; requiring a report to the legislature; amending Minnesota Statutes 2002, section 641.15, by adding a subdivision.

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

Klinzing introduced:

H. F. No. 2698, A bill for an act relating to traffic regulations; removing length limitation from definition of residential roadway; amending Minnesota Statutes 2002, section 169.01, subdivision 81.

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

Kuisle and Marquart introduced:

H. F. No. 2699, A bill for an act relating to taxation; aggregate removal; providing certain exceptions in the definition of operator; amending Minnesota Statutes 2003 Supplement, section 298.75, subdivision 1.

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

Lesch introduced:

H. F. No. 2700, A bill for an act relating to crime prevention; establishing new methamphetamine-related crimes; requiring courts to order restitution in certain situations involving controlled substances; creating a methamphetamine awareness and education account; imposing criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Dempsey and Abrams introduced:

H. F. No. 2701, A bill for an act relating to taxation; property; exempting certain property of an electric generation facility; amending Minnesota Statutes 2002, section 272.02, by adding a subdivision.

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

Otremba, Wilkin, Juhnke and Murphy introduced:

H. F. No. 2702, A bill for an act relating to health; allowing family planning agencies to refuse to accept the duty of offering certain family planning services; amending Minnesota Statutes 2002, section 145.925, subdivision 6.

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

Sertich and Rukavina introduced:

H. F. No. 2703, A bill for an act relating to counties; requiring a county to provide funding for a museum in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 373.

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

Ozment, Davids and Murphy introduced:

H. F. No. 2704, A bill for an act relating to public safety; requiring commissioner of public safety to adopt rules for fire-resistant standards for cigarettes and authorizing expedited process to adopt those rules; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Dorman introduced:

H. F. No. 2705, A bill for an act relating to sales and use taxes; authorizing the city of Albert Lea to impose a sales tax.

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

Hoppe introduced:

H. F. No. 2706, A bill for an act relating to environment; extending certain environmental advisory councils; amending Minnesota Statutes 2002, section 115A.12; Minnesota Statutes 2003 Supplement, section 115A.072, subdivision 1.

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

Boudreau introduced:

H. F. No. 2707, A bill for an act relating to taxation; property; providing that certain personal property of an electric generation facility is exempt from property taxation; amending Minnesota Statutes 2002, section 272.02, by adding a subdivision.

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

Tingelstad introduced:

H. F. No. 2708, A bill for an act relating to crime prevention; public safety; criminalizing certain acts related to the unlawful trafficking in persons; requiring restitution for victims of these offenses; providing for the forfeiture of certain property of the offender in these cases; imposing criminal penalties; amending Minnesota Statutes 2002, sections 609.531, subdivision 1; 609.5315, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Boudreau introduced:

H. F. No. 2709, A bill for an act relating to human services; providing coverage for optometric services under the MinnesotaCare limited benefit set; amending Minnesota Statutes 2003 Supplement, section 256L.035.

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

Nelson, P., introduced:

H. F. No. 2710, A bill for an act relating to sales and use tax; removing the sunset on certain portions of the prepared food definition; amending Laws 2002, chapter 377, article 3, section 4.

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

Nelson, P., introduced:

H. F. No. 2711, A bill for an act relating to retirement; including certain positions in the correctional plan; providing prior service credit payment amounts; transferring funds; amending Minnesota Statutes 2002, section 352.91, subdivision 3g, by adding subdivisions.

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

Nelson, P., introduced:

H. F. No. 2712, A bill for an act relating to traffic regulations; prohibiting operation of cellular telephone in moving motor vehicle by holder of provisional driver's license or instruction permit; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Blaine introduced:

H. F. No. 2713, A bill for an act relating to agriculture; eliminating a private manure applicator certification program; repealing Minnesota Statutes 2002, section 18C.433.

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

Wagenius, Cornish and Tingelstad introduced:

H. F. No. 2714, A bill for an act relating to capital investment; appropriating money for small scale municipal sewage treatment systems; authorizing the issuance of state general obligation bonds.

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

Koenen, Juhnke, Lieder, Otremba, Murphy, Eken and Peterson introduced:

H. F. No. 2715, A bill for an act relating to agriculture; appropriating money for the Agricultural Utilization Research Institute.

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

Koenen, Juhnke, Otremba, Lieder, Eken and Peterson introduced:

H. F. No. 2716, A bill for an act relating to agriculture; providing for payments to ethanol producers at the level required by statute; appropriating money.

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

Koenen; Juhnke; Lieder; Otremba; Anderson, I.; Murphy; Eken and Peterson introduced:

H. F. No. 2717, A bill for an act relating to appropriations; reinstating funding for Minnesota Technology, Inc.; amending Laws 2003, chapter 128, article 10, section 3.

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

Vandever, Westerberg, Wilkin, Mariani, Kuisle, Gerlach, Holberg, DeLaForest, Hackbarth, Abeler, Erhardt and Jacobson introduced:

H. F. No. 2718, A bill for an act relating to highways; allowing tolls to be collected on toll facilities only until all construction costs of the facility have been paid; amending Minnesota Statutes 2002, section 160.87, by adding a subdivision.

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

Mahoney, Pelowski, Dorn, Carlson, Osterman and Clark introduced:

H. F. No. 2719, A bill for an act relating to economic development; providing state support for endowed chairs in the biosciences; appropriating money.

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

Heidgerken and Juhnke introduced:

H. F. No. 2720, A bill for an act relating to insurance; amending the Insurance Guaranty Association Act to improve coverage for political subdivisions of this state when their insurance company becomes insolvent; amending Minnesota Statutes 2003 Supplement, section 60C.09, subdivision 2.

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

Dorn introduced:

H. F. No. 2721, A bill for an act relating to education finance; restoring the former method of determining class size ratios and allocating class size reduction revenue; amending Minnesota Statutes 2002, section 126C.12, subdivisions 2, 3, 4.

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

Cox and Tingelstad introduced:

H. F. No. 2722, A bill for an act relating to the environment; natural resources; wetlands; wetland delineations; providing specifications for review and waivers of 401 certification under the federal Clean Water Act; modifying environmental review to take into account relevant local plans; appropriating money; amending Minnesota Statutes 2002, sections 103G.2242, subdivision 2; 115.03, subdivision 4a; 116D.02, subdivision 2; 116D.04, subdivision 5a, by adding a subdivision.

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

Mahoney; Carlson; Dorn; Nelson, M., and Osterman introduced:

H. F. No. 2723, A bill for an act relating to economic development; providing for a partnership between the Minnesota State Colleges and Universities and the biosciences industries; appropriating money.

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

Abeler introduced:

H. F. No. 2724, A bill for an act relating to human services; making changes affecting counties, human services policy, mental health, continuing care for the elderly; amending Minnesota Statutes 2002, sections 119B.02, subdivision 4; 119B.03, subdivision 6; 119B.09, subdivision 4; 119B.21, subdivision 5; 144A.071, subdivision 1a; 245.462, subdivision 18; 245.464, by adding a subdivision; 256B.431, subdivision 37; 256D.02, subdivision 17; 256D.06, subdivision 5; 256J.67, subdivisions 1, 3; 257.85, subdivisions 2, 3; 259.23, subdivisions 1, 2; 259.41, subdivision 3; 259.79, subdivision 1; 260C.001, subdivision 3; 260C.007, subdivisions 7, 8, 18, 22, 27; 260C.151, subdivision 6; 260C.178; 260C.201, subdivisions 1, 2, 6, 10, 11; 260C.312; 260C.317, subdivision 3; 626.556, subdivisions 1, 10f, 11c, by adding subdivisions; Minnesota Statutes 2003 Supplement, sections 119B.025, subdivision 1; 119B.125, subdivisions 1, 2; 256.01, subdivision 2; 256B.0622, subdivision 8; 256B.431, subdivision 38; 256J.40; 256J.425, subdivision 7; 256J.46, subdivision 1; 256J.521, subdivision 2; 256J.626, subdivisions 6, 7; 256J.95, subdivisions 10, 12; 260.012; 626.556, subdivisions 2, 3, 10, 10b, 10e, 10i, 11; repealing Minnesota Statutes 2002, sections 626.5551, subdivisions 1, 2, 3, 4, 5; Minnesota Statutes 2003 Supplement, sections 256D.06, subdivision 7; 256J.57, subdivision 2; Laws 2001, First Special Session chapter 9, article 9, section 52; Minnesota Rules, part 9560.0220, subpart 6, item B.

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

Dorn introduced:

H. F. No. 2725, A bill for an act relating to education finance; authorizing school districts subject to the health and safety management cost cap to recoup the cost of defibrillators under the health and safety revenue program; amending Minnesota Statutes 2003 Supplement, section 123B.57, subdivision 6.

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

Mahoney; Bernardy; Nelson, M.; Goodwin and Clark introduced:

H. F. No. 2726, A bill for an act relating to manufactured home parks; requiring certain notices before the sale of a park; proposing coding for new law in Minnesota Statutes, chapter 327.

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

Abeler and Clark introduced:

H. F. No. 2727, A bill for an act relating to employment; restoring funding cuts for a program of supported employment for persons with severe and persistent mental illness; appropriating money.

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

Mariani, Mahoney and Beard introduced:

H. F. No. 2728, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money to construct a permanent flood control perimeter dike along the east and south edges of the St. Paul Downtown Airport/Holman Field.

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

Dorn introduced:

H. F. No. 2729, A bill for an act relating to taxation; providing for the exemption from sales and use taxation of purchases for certain electric generation facilities; amending Minnesota Statutes 2002, section 297A.71, by adding a subdivision.

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

Kahn and Greiling introduced:

H. F. No. 2730, A bill for an act relating to education; requiring a school board to lease to an eligible charter school sponsor or charter school board of directors the real and personal property of an existing school facility the school board elects to close; amending Minnesota Statutes 2002, section 124D.10, subdivision 5.

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

Sieben; Mahoney; Walker; Atkins; Hornstein; Entenza; Greiling; Slawik; Huntley; Thissen; Johnson, S.; Biernat; Thao; Bernardy; Latz; Wagenius; Kelliher; Rukavina; Sertich; Kahn; Goodwin; Jaros; Hausman; Rhodes; Paymar; Lesch; Wasiluk; Hilty; Mariani; Carlson; Davnie; Hilstrom and Dorn introduced:

H. F. No. 2731, A bill for an act relating to prevention of abortion, unintended pregnancies, and sexually transmitted infection; increasing access to family planning services; expanding educational efforts to prevent unintended pregnancies; increasing wholesome after-school activities for youth; requiring development of a plan to

ensure comprehensive family life and sexuality education; creating after-school enrichment programs; requiring the provision of contraceptive information; creating a family planning Web site; modifying the ENABL program; establishing regional training sites for comprehensive family life and sexuality education in schools; requiring family planning information be provided to MFIP recipients; appropriating money; amending Minnesota Statutes 2002, section 145.925, subdivision 9; Minnesota Statutes 2003 Supplement, sections 145.4243; 145.9255, subdivisions 1, 4; 256J.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 124D; 145.

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

Sieben, Atkins and Nelson, M., introduced:

H. F. No. 2732, A bill for an act relating to employment; making permanent a law requiring public employers to provide certain paid leave of absence to organ donors; repealing Minnesota Statutes 2002, section 181.9455, subdivision 6.

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

Sieben introduced:

H. F. No. 2733, A bill for an act relating to insurance; prohibiting discrimination against certain medical supplies and equipment providers; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Cox; Beard; Peterson; Urdahl; Otremba; Finstad; Seifert; Hoppe; Johnson, S., and Juhnke introduced:

H. F. No. 2734, A bill for an act relating to energy; requiring a study on the effect of importation of Manitoba hydropower on the development of renewable energy sources and related economic development in Minnesota; appropriating money.

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

Peterson, Koenen, Otremba, Mahoney and Eken introduced:

H. F. No. 2735, A bill for an act relating to job opportunity building zones; authorizing designation of additional zones for small cities; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Beard introduced:

H. F. No. 2736, A bill for an act relating to liquor; providing for conformity in license fees and production levels for brewpubs and small brewers; amending Minnesota Statutes 2003 Supplement, section 340A.301, subdivision 6.

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

Beard, Dill and Borrell introduced:

H. F. No. 2737, A bill for an act relating to municipal airports; prohibiting closure without approval of the legislature; proposing coding for new law in Minnesota Statutes, chapter 360.

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

Nelson, P.; Eastlund; Anderson, B., and Erickson introduced:

H. F. No. 2738, A bill for an act relating to local government; providing for an alternative annexation process; proposing coding for new law in Minnesota Statutes, chapter 414; repealing Minnesota Statutes 2002, sections 414.031; 414.033.

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

Abeler, Westerberg, Tingelstad and Bernardy introduced:

H. F. No. 2739, A bill for an act relating to the Anoka County Regional Railroad Authority; authorizing the Anoka County Regional Railroad Authority to exercise economic development authority powers.

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

Boudreau introduced:

H. F. No. 2740, A bill for an act relating to human services; adding sign language interpreter services for medical assistance coverage; amending Minnesota Statutes 2002, section 256B.0625, subdivision 18a.

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

Larson introduced:

H. F. No. 2741, A bill for an act relating to motor vehicles; allowing deputy motor vehicle registrars to accept credit and debit card payment of motor vehicle taxes and fees; amending Minnesota Statutes 2002, section 168.33, by adding a subdivision.

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

Larson introduced:

H. F. No. 2742, A bill for an act relating to human services; changing an eligibility provision in the prescription drug discount program; amending Minnesota Statutes 2003 Supplement, section 256.954, subdivisions 4, 6, 10; repealing Minnesota Statutes 2003 Supplement, section 256.954, subdivision 12.

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

Swenson, Finstad and Demmer introduced:

H. F. No. 2743, A bill for an act relating to agriculture; changing certain restrictions on farming by business organizations; amending Minnesota Statutes 2002, section 500.24, subdivisions 2, 3a.

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

Hilstrom introduced:

H. F. No. 2744, A bill for an act relating to civil commitment; requiring the state to give counties a one-year notice prior to releasing a level 3 sex offender; amending Minnesota Statutes 2002, section 253B.185, by adding a subdivision.

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

Kahn and Krinkie introduced:

H. F. No. 2745, A bill for an act relating to political subdivisions; requiring a referendum on pension deficit bonding; requiring draft legislation for 2005 session; amending Minnesota Statutes 2002, section 475.58, subdivision 1.

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

CONSENT CALENDAR

Paulsen moved that the Consent Calendar be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Wilkin moved that the name of Kielkucki be stricken and the name of Powell be added as an author on H. F. No. 352. The motion prevailed.

Kahn moved that her name be stricken as an author on H. F. No. 1166. The motion prevailed.

Klinzing moved that the names of McNamara and Hoppe be added as authors on H. F. No. 1801. The motion prevailed.

Klinzing moved that the name of McNamara be added as an author on H. F. No. 1915. The motion prevailed.

Klinzing moved that the name of McNamara be added as an author on H. F. No. 1916. The motion prevailed.

Bernardy moved that the name of Walker be added as an author on H. F. No. 1931. The motion prevailed.

DeLaForest moved that the name of Bernardy be added as an author on H. F. No. 1941. The motion prevailed.

Brod moved that the name of Lipman be added as an author on H. F. No. 1977. The motion prevailed.

Fuller moved that the names of Nornes and Ruth be added as authors on H. F. No. 1989. The motion prevailed.

Pugh moved that the name of Tingelstad be added as an author on H. F. No. 1996. The motion prevailed.

Clark moved that the name of Walker be added as an author on H. F. No. 1997. The motion prevailed.

Koenen moved that his name be stricken as an author on H. F. No. 2065. The motion prevailed.

Cornish moved that the name of Ruth be added as an author on H. F. No. 2100. The motion prevailed.

Powell moved that the name of Walker be added as an author on H. F. No. 2112. The motion prevailed.

Slawik moved that the name of Osterman be added as an author on H. F. No. 2114. The motion prevailed.

Lieder moved that his name be stricken as an author on H. F. No. 2128. The motion prevailed.

Kelliher moved that her name be stricken as an author on H. F. No. 2128. The motion prevailed.

Entenza moved that his name be stricken as an author on H. F. No. 2128. The motion prevailed.

Walker moved that her name be stricken as an author on H. F. No. 2128. The motion prevailed.

Hornstein moved that his name be stricken as an author on H. F. No. 2128. The motion prevailed.

Latz moved that his name be stricken as an author on H. F. No. 2128. The motion prevailed.

Magnus moved that the name of Soderstrom be added as an author on H. F. No. 2200. The motion prevailed.

Huntley moved that the name of Clark be added as an author on H. F. No. 2280. The motion prevailed.

Abeler moved that his name be stricken as an author on H. F. No. 2312. The motion prevailed.

Osterman moved that the name of Abeler be added as an author on H. F. No. 2325. The motion prevailed.

Dorman moved that the name of Abeler be added as an author on H. F. No. 2331. The motion prevailed.

Abeler moved that the names of Rhodes and Mariani be added as authors on H. F. No. 2349. The motion prevailed.

Davnie moved that the name of Walker be added as an author on H. F. No. 2398. The motion prevailed.

Tingelstad moved that the names of Opatz and Hackbarth be added as authors on H. F. No. 2405. The motion prevailed.

Lenczewski moved that the name of Abeler be added as an author on H. F. No. 2412. The motion prevailed.

Rukavina moved that the name of Latz be added as an author on H. F. No. 2440. The motion prevailed.

Heidgerken moved that the name of Abeler be added as an author on H. F. No. 2441. The motion prevailed.

Slawik moved that the name of Latz be added as an author on H. F. No. 2463. The motion prevailed.

Cornish moved that the name of Penas be added as an author on H. F. No. 2527. The motion prevailed.

Hilstrom moved that the name of Soderstrom be added as an author on H. F. No. 2534. The motion prevailed.

Abeler moved that the name of Demmer be added as an author on H. F. No. 2564. The motion prevailed.

Tingelstad moved that the name of Walker be added as an author on H. F. No. 2631. The motion prevailed.

Gunther moved that the name of Swenson be added as an author on H. F. No. 2633. The motion prevailed.

Abrams moved that the names of Ruth and Erhardt be added as authors on H. F. No. 2643. The motion prevailed.

Abrams moved that the names of Ruth and Erhardt be added as authors on H. F. No. 2644. The motion prevailed.

Abrams moved that the names of Johnson, J.; Ruth and Erhardt be added as authors on H. F. No. 2645. The motion prevailed.

Tingelstad moved that the names of Lesch and Greiling be added as authors on H. F. No. 2652. The motion prevailed.

Swenson moved that the name of Gunther be added as an author on H. F. No. 2658. The motion prevailed.

Knoblach moved that H. F. No. 1667, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

Knoblach moved that H. F. No. 1670, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

Erickson moved that H. F. No. 1810 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Health and Human Services Policy. The motion prevailed.

Buesgens moved that S. F. No. 1815 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and together with H. F. No. 1821, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Paulsen moved that H. F. No. 1846 be recalled from the Committee on Education Policy and be re-referred to the Committee on Education Finance. The motion prevailed.

Thao moved that H. F. No. 2095 be recalled from the Committee on Civil Law and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Haas moved that H. F. No. 2437 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Haas moved that H. F. No. 2462 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

Westrom moved that H. F. No. 2497 be recalled from the Committee on Civil Law and be re-referred to the Committee on Health and Human Services Policy. The motion prevailed.

Gerlach moved that H. F. No. 2526 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Dauids moved that H. F. No. 2640 be recalled from the Committee on Commerce, Jobs and Economic Development and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy. The motion prevailed.

Buesgens moved that H. F. No. 2670 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Commerce, Jobs and Economic Development. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 4, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 3:00 p.m., Thursday, March 4, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

