

STATE OF MINNESOTA

EIGHTY-THIRD SESSION — 2003

 THIRTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 14, 2003

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

Prayer was offered by Father Cletus Connors, St. Boniface Church, Cold Spring, 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	Dempsey	Holberg	Lesch	Ozment	Strachan
Abrams	Dill	Hoppe	Lieder	Paulsen	Swenson
Adolphson	Dorman	Hornstein	Lindgren	Paymar	Sykora
Anderson, B.	Dorn	Howes	Lindner	Pelowski	Thao
Anderson, I.	Eastlund	Huntley	Lipman	Penas	Thissen
Anderson, J.	Eken	Jacobson	Magnus	Peterson	Tingelstad
Atkins	Ellison	Jaros	Mahoney	Powell	Urdahl
Beard	Entenza	Johnson, J.	Mariani	Pugh	Vandever
Bernardy	Erhardt	Johnson, S.	Marquart	Rhodes	Wagenius
Blaine	Erickson	Juhnke	McNamara	Rukavina	Walker
Borrell	Finstad	Kahn	Meslow	Ruth	Walz
Boudreau	Fuller	Kelliher	Mullery	Samuelson	Wardlow
Bradley	Gerlach	Kielkucki	Murphy	Seagren	Wasiluk
Brod	Goodwin	Klinzing	Nelson, C.	Seifert	Westerberg
Buesgens	Greiling	Knoblach	Nelson, M.	Sertich	Westrom
Carlson	Gunther	Koenen	Nelson, P.	Severson	Wilkin
Clark	Haas	Kohls	Nornes	Sieben	Zellers
Cornish	Hackbarth	Krinkie	Olsen, S.	Simpson	Spk. Sviggum
Cox	Harder	Kuisle	Olson, M.	Slawik	
Davids	Hausman	Lanning	Opatz	Smith	
Davnie	Heidgerken	Larson	Osterman	Soderstrom	
DeLaForest	Hilstrom	Latz	Otremba	Solberg	
Demmer	Hilty	Lenczewski	Otto	Stang	

A quorum was present.

Biernat was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Demmer 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. 675 and H. F. No. 772, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Swenson moved that the rules be so far suspended that S. F. No. 675 be substituted for H. F. No. 772 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2003 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2003</i>	<i>Date Filed 2003</i>
293		11	3:45 p.m. April 9	April 9

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 29, A bill for an act relating to health; repealing MinnesotaCare provider taxes; requiring pass-through of savings to purchasers; providing for increases in cigarette and tobacco taxes; amending Minnesota Statutes 2002, sections 13.4963, subdivision 2; 62J.041, subdivision 1; 62Q.095, subdivision 6; 214.16, subdivisions 2, 3; 270B.14,

subdivision 1; 297F.05, subdivisions 1, 3, 4; 297F.08, subdivision 7; 297F.09, subdivision 2; 297F.10; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2002, sections 13.4967, subdivision 3; 144.1484, subdivision 2; 295.50; 295.51; 295.52; 295.53; 295.54; 295.55; 295.56; 295.57; 295.58; 295.581; 295.582; 295.59.

Reported the same back with the following amendments:

Page 1, line 28, delete "July 1, 2003" and insert "January 1, 2004"

Page 2, line 25, delete "July 1, 2003" and insert "January 1, 2004"

Page 3, lines 2, 19, and 31, delete "July 1, 2003" and insert "January 1, 2004"

Page 4, line 11, delete "July 1, 2003" and insert "January 1, 2004"

Page 5, line 29, delete "July 1, 2003" and insert "January 1, 2004"

Page 6, lines 6, 20, and 27, delete "July 1, 2003" and insert "January 1, 2004"

Page 7, lines 3 and 26, delete "July 1, 2003" and insert "January 1, 2004"

Page 8, lines 27 and 34, delete "July 1, 2003" and insert "January 1, 2004"

Page 9, line 5, delete "July 8, 2003" and insert "January 8, 2004"

Page 9, lines 8, 15, 24, and 35, delete "July 1, 2003" and insert "January 1, 2004"

Page 9, lines 10, 16, and 27, delete "August 1, 2003" and insert "February 1, 2004"

Page 10, lines 4 and 5, delete "June 30, 2003" and insert "December 31, 2004"

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

The report was adopted.

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

H. F. No. 41, A bill for an act relating to economic development; authorizing Kandiyohi county to exercise the powers of a city for the purposes of establishing an economic development authority; permitting the joint exercise of powers by Kandiyohi county and the city of Willmar; creating a special taxing district as a political subdivision of the state.

Reported the same back with the following amendments:

Page 1, line 25, after the period, insert "The maximum allowable levy limit for this special taxing district is the same levy limit as provided under section 469.107, subdivision 1, and, to the extent levied, shall replace the levy authorized under section 1 for Kandiyohi county and the city of Willmar."

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

The report was adopted.

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

H. F. No. 129, A bill for an act relating to elections; requiring an affidavit of candidacy to include the candidate's residence address; providing for rejection of an affidavit that indicates the candidate does not reside in the district from which election is sought; amending Minnesota Statutes 2002, section 204B.06, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. 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.

(b) 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.

(c) An affidavit of candidacy must state the candidate's residence address.

(d) 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)~~ (e) This subdivision does not apply to a candidate for president or vice-president of the United States.

ARTICLE 2

Section 1. Minnesota Statutes 2002, section 205.84, subdivision 1, is amended to read:

Subdivision 1. [GENERAL PROVISIONS.] (a) In a city electing council members by wards, wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. Each council member shall be a resident of the ward for which elected, but, except as otherwise provided by paragraph (b), a change in ward boundaries does not disqualify a council member from serving for the remainder of a term.

(b) Notwithstanding any home rule charter provision to the contrary, in a city of the first class where council members are elected by ward to serve for four years to terms that are not staggered, if the population of any ward varies by five percent or more from the average for all wards, all council members must be elected to new terms at the first municipal general election after ward boundaries are redefined under subdivision 2, provided, however, that if no municipal general election would otherwise occur in the year ending in "2," the year ending in "3," or the year ending in "4" the city must adopt one of the following options by ordinance or charter amendment:

(1) the city may provide for council members to serve the remainder of their terms, if the council members serve at large from the completion of redistricting to the time when their successors are elected and qualified; or

(2) the city may provide for an election of council members in the year ending in "2," the year ending in "3," or the year ending in "4." An ordinance or charter amendment that provides for an election under this clause must also address:

(i) whether council members will be elected initially to:

(A) a two-year term followed by two four-year terms; or

(B) a four-year term, a second four-year term, and a two-year term; and

(ii) whether council members whose terms would otherwise expire in a year after the year chosen for an election under this clause will serve at large or from the districts to which they were elected from the completion of redistricting to the time when their successors are elected and qualified.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to elections; requiring an affidavit of candidacy to include a candidate's residence address; providing for rejection of an affidavit that shows the candidate does not reside in the district for which election is sought; providing for elections of certain council members in cities of the first class elected by ward after reapportionment; amending Minnesota Statutes 2002, sections 204B.06, subdivision 1; 205.84, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 297, A bill for an act relating to health; directing the commissioner of health not to adopt certain rules; repealing certain data collection and research initiative provisions; amending Minnesota Statutes 2002, sections 43A.24, subdivision 2; 62J.04, subdivision 3; 62J.55; 270B.14, subdivision 11; repealing Minnesota Statutes 2002, sections 13.717, subdivisions 5, 6, 7, 8, 9; 62J.301; 62J.311; 62J.321; 62J.322; 62J.38; 62J.381; 62J.40; 62J.41; 62J.42; 62J.451; 62J.452; 144.335, subdivision 3b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [WITHDRAWAL OF RULES.]

The commissioner of health shall not adopt the rules relating to administrative billing data as proposed in the State Register, volume 27, page 243, August 19, 2002, or as subsequently modified. If the rules are adopted before the effective date of this act, the rules are repealed retroactive to the date of adoption.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; directing the commissioner of health not to adopt certain rules."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 386, A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on childhood sexual abuse; amending Minnesota Statutes 2002, section 541.073.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 541.073, is amended to read:

541.073 [ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE AGAINST A MINOR; SPECIAL PROVISIONS.]

Subdivision 1. [DEFINITION.] As used in this section, "sexual abuse" means conduct described in sections 609.342 to 609.345 committed against a minor.

Subd. 2. [LIMITATIONS PERIOD.] (a) The limitation period in this section applies to an action for damages based on personal injury caused by sexual abuse against a minor if the sexual abuse is reported to law enforcement. In such a case, an action must be commenced within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse five years after a report of sexual abuse is made to law enforcement, but not later than nine years after the sexual abuse occurs, except as follows:

(1) if the sexual abuse is reported to law enforcement while the victim is a minor, an action may be brought within 14 years after the plaintiff reaches the age of majority; or

(2) if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics, an action may be commenced against the person who committed sexual abuse against the plaintiff at any time.

(b) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

(c) The knowledge of a parent or guardian may not be imputed to a minor.

(d) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

Subd. 3. [APPLICABILITY.] This section applies to an action for damages commenced against a person who caused the plaintiff's personal injury either by (1) committing sexual abuse against the plaintiff, or (2) negligently permitting sexual abuse against the plaintiff to occur.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

This section is effective August 1, 2003, and applies to actions commenced on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 403, A bill for an act relating to the county of Itasca; authorizing issuance of bonds for construction of a nursing home facility.

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

The report was adopted.

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

H. F. No. 428, A bill for an act relating to cities; authorizing a city to collect unpaid emergency service charges by special assessment; proposing coding for new law in Minnesota Statutes, chapter 415.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 415.01, is amended to read:

415.01 [TOWN LAWS, APPLICATION; EXERCISE OF POWERS BY CITY.]

~~Nothing contained~~ Subdivision 1. [GENERAL.] A town must not exercise the powers conferred in chapters 365 to 368 ~~shall apply to~~ within the territory embraced within the limits of any city, but ~~each a city shall have~~ has and may exercise within its limits ~~all any of~~ the powers conferred by these chapters upon towns.

Subd. 2. [CHARGES FOR EMERGENCY SERVICES.] A city may exercise the power under sections 366.011 and 366.012 relating to charges for emergency services only if the city adopts an ordinance authorizing the manner and amount for charging for those services."

Delete the title and insert:

"A bill for an act relating to cities; specifying and clarifying the authority of cities to exercise certain town powers and to impose service charges for emergency services; amending Minnesota Statutes 2002, section 415.01."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 575, A bill for an act relating to state government; putting a limit on the amount to be spent on art in state-financed buildings; limiting administrative expenses; amending Minnesota Statutes 2002, section 16B.35, subdivision 1.

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

The report was adopted.

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

H. F. No. 582, A bill for an act relating to lake improvement districts; changing the percent of property owners necessary to petition for creation and termination of a district and for holding a referendum on creation; amending Minnesota Statutes 2002, sections 103B.521, subdivision 1; 103B.545, subdivision 1; 103B.581, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 26, delete "51" and strike "percent" and insert "a majority"

Page 2, delete section 2

Page 2, line 32, delete "51" and strike "percent" and insert "a majority"

Page 3, line 1, delete "to 3" and insert "and 2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 6 and 7, delete "103B.545, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 624, A bill for an act relating to state government; requiring local government impact notes; requiring a determination of the aggregate cost of complying with proposed rules; proposing coding for new law in Minnesota Statutes, chapter 14.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 3.987, subdivision 1, is amended to read:

Subdivision 1. [LOCAL IMPACT NOTES.] The commissioner of finance shall coordinate the development of a local impact note for any proposed legislation introduced after June 30, 1997, or any rule proposed after December 31, 1999, upon request of the chair or the ranking minority member of either legislative tax committee, the ways and means committee in the house, or the finance committee in the senate. Upon receipt of a request to prepare a local impact note, the commissioner must notify the authors of the proposed legislation or, for an administrative rule, the head of the relevant executive agency or department, that the request has been made. The local impact note must be made available to the public upon request. If the action is among the exceptions listed in section 3.988, a local impact note need not be requested nor prepared. The commissioner shall make a reasonable and timely estimate of the local fiscal impact on each type of political subdivision that would result from the proposed legislation. The commissioner of finance may require any political subdivision or the commissioner of an administrative agency of the state to supply in a timely manner any information determined to be necessary to determine local fiscal impact. The political subdivision, its representative association, or commissioner shall convey the requested information to the commissioner of finance with a signed statement to the effect that the information is accurate and complete to the best of its ability. The political subdivision, its representative association, or commissioner, when requested, shall update its determination of local fiscal impact based on actual cost or revenue figures, improved estimates, or both. Upon completion of the note, the commissioner must provide a copy to the authors of the proposed legislation or, for an administrative rule, to the head of the relevant executive agency or department."

Page 1, line 11, before "or" insert "soil and water conservation district,"

Page 2, line 34, before the colon, insert "the administrative law judge determines that"

Page 3, line 8, delete "all affected persons or entities" and insert "an affected person or entity"

Page 3, delete lines 9 and 10 and insert "proposed rule to an affected person or entity."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "amending Minnesota Statutes 2002, section 3.987, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 657, A bill for an act relating to counties; authorizing counties to require the dedication of land for public parks; amending Minnesota Statutes 2002, section 394.25, subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 394.25, subdivision 7, is amended to read:

Subd. 7. [SPECIFIC CONTROLS; OTHER SUBJECTS.] (a) Specific controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation and dedication of streets and land for other public purposes and the general design of physical improvement.

(b) The controls may require that a portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance.

(c) If a county adopts the ordinance required by paragraph (b), the county must adopt a capital improvement program and adopt a parks and open space plan or have a parks and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and in paragraphs (d) through (o).

(d) The county may choose to accept a per lot cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision.

(e) In establishing the portion to be dedicated or preserved or the per lot cash fee, the controls must consider the open space, park, recreational, or common areas and facilities that the applicant proposes to reserve for the subdivision.

(f) The county must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(g) The fees or dedication must be fair, reasonable, and proportionate to the need created.

(h) Any cash payments received must be placed by the county in a special fund to be used only for the purposes for which the money was obtained.

(i) Any cash payments received must be used only for the acquisition and development of parks, recreational facilities, playgrounds, trails, wetlands, or open space. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(j) The county must not deny the approval of a subdivision based on an inadequate supply of parks, open spaces, trails, or recreational areas within the county.

(k) The county must not condition the approval of any proposed subdivision or development on an agreement to waive the right to challenge the validity of a fee or dedication.

(l) The county must use the funds in accordance with the plan required in paragraph (c). In developing the plan, the county must consult with the cities and townships in the county. The plan must specify that funds collected under this subdivision will be used within the general area they are collected, county service area, or similar means of geographically allocating collected funds and developing parks facilities accessible to the population of the county. The county must annually report to cities and townships on where funds were collected and where expended in the past year.

(m) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per lot cash fee must apply only to the net increase of lots.

(n) A county must not require a dedication of a portion of a proposed subdivision or a payment in lieu of dedication in a town or city that has adopted a requirement to dedicate or a payment in place of dedication as a provision of the town or city's subdivision regulations under section 462.358, subdivision 2b, or chapter 366.

(o) A county may negotiate an agreement with a town or city to share the revenue generated by dedicating a portion of a proposed subdivision or a payment in place of dedication."

Delete the title and insert:

"A bill for an act relating to counties; authorizing counties to require the dedication of land for public parks; providing certain terms and conditions for the dedication; amending Minnesota Statutes 2002, section 394.25, subdivision 7."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 658, A bill for an act relating to traffic regulations; modifying restrictions on school zone speed limits; increasing surcharge for violations of school zone speed limits and dedicating revenue to a safe schools fund; appropriating money; amending Minnesota Statutes 2002, section 169.14, subdivision 5a; proposing coding for new law in Minnesota Statutes, chapter 174.

Reported the same back with the following amendments:

Page 2, line 20, delete the new language and reinstate the stricken language

Page 2, delete lines 21 and 22

Pages 2 and 3, delete section 2

Amend the title as follows:

Page 1, line 3, delete "increasing"

Page 1, delete lines 4 and 5

Page 1, line 6, delete "appropriating money;"

Page 1, line 7, delete everything after "5a"

Page 1, line 8, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 734, A bill for an act relating to lawful gambling; providing for linked bingo games; amending Minnesota Statutes 2002, sections 349.12, subdivisions 4, 18, by adding subdivisions; 349.151, subdivision 4; 349.153; 349.155, subdivision 3; 349.163, subdivision 3; 349.166, subdivisions 1, 2; 349.167, subdivision 6; 349.17, subdivisions 3, 6, 7, by adding a subdivision; 349.18, subdivision 1; 349.19, by adding a subdivision; 349.191, subdivisions 1, 1a; 349.211, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 349.

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

The report was adopted.

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

H. F. No. 739, A bill for an act relating to government data practices; providing for classification of certain data; amending Minnesota Statutes 2002, section 13.643, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 13.072, subdivision 1, is amended to read:

Subdivision 1. [OPINION; WHEN REQUIRED.] (a) Upon request of a ~~state agency, statewide system, or political subdivision~~ government entity, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a ~~state agency, statewide system, or political subdivision~~ government entity, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data.

(b) Upon request of a body subject to chapter 13D, the commissioner may give a written opinion on any question relating to the body's duties under chapter 13D. Upon request of a person who disagrees with the manner in which members of a governing body perform their duties under chapter 13D, the commissioner may give a written opinion on compliance with chapter 13D. A governing body or person requesting an opinion under this paragraph must pay the commissioner a fee of \$.....

(c) If the commissioner determines that no opinion will be issued, the commissioner shall give the ~~state agency, statewide system, political subdivision, government entity or body subject to chapter 13D~~ or person requesting the opinion notice of the decision not to issue the opinion within five days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request.

(d) For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline. The ~~state agency, statewide system, government entity or political subdivision~~ the members of a body subject to chapter 13D must be provided a reasonable opportunity to explain the reasons for its decision regarding the data or how they perform their duties under chapter 13D. The commissioner or the ~~state agency, statewide system, government entity or political subdivision~~ body subject to chapter 13D may choose to give notice to the subject of the data concerning the dispute regarding the data or compliance with chapter 13D.

~~(b)~~ (e) This section does not apply to a determination made by the commissioner of health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

~~(e)~~ (f) A written opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Sec. 2. Minnesota Statutes 2002, section 13.072, subdivision 2, is amended to read:

Subd. 2. [EFFECT.] Opinions issued by the commissioner under this section are not binding on the ~~state agency, statewide system, government entity or political subdivision~~ members of a body subject to chapter 13D whose data or performance of duties is the subject of the opinion, but an opinion described in subdivision 1, paragraph (a), must be given deference by a court in a proceeding involving the data. The commissioner shall arrange for public dissemination of opinions issued under this section. This section does not preclude a person from bringing any other action under this chapter or other law in addition to or instead of requesting a written opinion. A government entity, members of a body subject to chapter 13D, or person that acts in conformity with a written opinion of the commissioner issued to the government entity, members, or person or to another party is not liable for compensatory or exemplary damages or awards of attorneys fees in actions under section 13.08 or for a penalty under section 13.09 or for fines, awards of attorney fees, or any other penalty under chapter 13D. A member of a body subject to chapter 13D is not subject to forfeiture of office if the member was acting in reliance on an opinion.

Sec. 3. Minnesota Statutes 2002, section 13.08, subdivision 4, is amended to read:

Subd. 4. [ACTION TO COMPEL COMPLIANCE.] (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$300 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 13;
- (3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) sought an oral, written, or electronic opinion from the commissioner of administration related to the matter at issue and acted in conformity with that opinion or acted in conformity with an opinion issued under section 13.072 that was sought by another person; or
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

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

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

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

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

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

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

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

(b) Notwithstanding a person's refusal to accept a cookie on the person's computer, a government entity must allow the person to gain access to data or information, transfer data or information, or use government services by the government entity's computer.

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

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

Sec. 5. Minnesota Statutes 2002, section 13.32, is amended by adding a subdivision to read:

Subd. 4a. [NONPUBLIC SCHOOL STUDENTS.] Data collected by a public school on a child, or parent of a child, whose identity must be reported pursuant to section 120A.24 is private data which:

(1) shall not be designated directory information pursuant to subdivision 5 unless prior written consent is given by the child's parent or guardian; and

(2) may be disclosed only pursuant to subdivision 3, clause (a), (b), (c), or (f).

This provision does not apply to students who receive shared time educational services from a public agency or institution.

Sec. 6. Minnesota Statutes 2002, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, ~~and~~ photographs, if any; and parents' names, home addresses, and telephone numbers. Notwithstanding paragraphs (b) and (c), data relating to the student's alleged involvement in an offense on school property that would make the student subject to chapter 260B shall also be disclosed on request. For purposes of this subdivision, "school property" has the meaning given in section 609.66, subdivision 1d, paragraph (c), clause (4).

(b) In addition, the existence of the following data about a student may be disclosed under subdivision 3, clause (i):

- (1) use of a controlled substance, alcohol, or tobacco;
- (2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);
- (3) possession or use of weapons or look-alike weapons;
- (4) theft; or
- (5) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student.

(c) A principal or chief administrative officer of a school who receives a request to disclose information about a student to the juvenile justice system under paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the

information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.

(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.

(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.

(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.

(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09.

Sec. 7. [13.3215] [UNIVERSITY OF MINNESOTA DATA.]

Claims experience and all related information received from carriers and claims administrators participating in a University of Minnesota group health, dental, life, or disability insurance plan or the University of Minnesota workers' compensation program, and survey information collected from employees or students participating in these plans and programs, except when the university determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data not on individuals pursuant to section 13.02, subdivision 9.

Sec. 8. Minnesota Statutes 2002, section 13.37, subdivision 3, is amended to read:

Subd. 3. [DATA DISSEMINATION.] Crime prevention block maps and names, home addresses, and telephone numbers of volunteers who participate in community crime prevention programs may be disseminated to volunteers participating in crime prevention programs. The location of a National Night Out event is public data.

Sec. 9. Minnesota Statutes 2002, section 13.3805, subdivision 1, is amended to read:

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

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

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

(b) [DATA ON INDIVIDUALS.] (1) Health data are private data on individuals. Notwithstanding section 13.05, subdivision 9, health data may not be disclosed except as provided in this subdivision and section 13.04. Health data may also be disclosed to county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate services provided to those individuals.

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

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

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

Sec. 10. Minnesota Statutes 2002, section 13.3806, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] The sections referred to in subdivisions 2 to 20 are codified outside this chapter. Those sections classify data on public health as other than public, place restrictions on access to government data, or involve data sharing. Notwithstanding any contrary provision of law, public health data may be disclosed to county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate the services provided to those individuals.

Sec. 11. Minnesota Statutes 2002, section 13.384, subdivision 3, is amended to read:

Subd. 3. [CLASSIFICATION OF MEDICAL DATA.] Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data as provided in section 144.335, and shall not be disclosed to others except:

- (a) Pursuant to section 13.05;
- (b) Pursuant to section 253B.0921;
- (c) Pursuant to a valid court order;
- (d) To administer federal funds or programs;
- (e) To the surviving spouse, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred;
- (f) To communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; ~~or~~
- (g) To county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate the services provided to those individuals; or
- (h) As otherwise required by law.

Sec. 12. Minnesota Statutes 2002, section 13.43, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a state agency, statewide system or political subdivision or is a member of or an applicant for an advisory board or commission. Personnel data includes data submitted by an employee to a government entity as part of an organized self-evaluation effort by the government entity to request suggestions from all employees on ways to cut costs, make government more efficient, or improve the operation of government.

Sec. 13. Minnesota Statutes 2002, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) according to section 13.05;
- (2) according to court order;
- (3) according to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;
- (8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;
- (9) between the department of human services, the department of children, families, and learning, and the department of economic security for the purpose of monitoring the eligibility of the data subject for unemployment benefits, for any employment or training program administered, supervised, or certified by that agency, for the purpose of administering any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system, or to monitor and evaluate the Minnesota family investment program by exchanging data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;
- (10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential programs as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state according to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education services office to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

(17) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act, according to Code of Federal Regulations, title 7, section 272.1(c);

(18) the address, social security number, and, if available, photograph of any member of a household receiving food stamps shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food stamps may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518.575;

(21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

(22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

(23) to the department of children, families, and learning for the purpose of matching department of children, families, and learning student data with public assistance data to determine students eligible for free and reduced price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

(24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

(25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

(26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

(27) to monitor and evaluate the Minnesota family investment program by exchanging data between the departments of human services and children, families, and learning, on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the department of human services, department of revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), department of health, department of economic security, and other state agencies as is reasonably necessary to perform these functions; ~~or~~

(29) counties operating child care assistance programs under chapter 119B may disseminate data on program participants, applicants, and providers to the commissioner of children, families, and learning; or

(30) to county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate services provided to those individuals.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed according to the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b), but may be disclosed according to paragraph (a), clause (30).

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

Sec. 14. Minnesota Statutes 2002, section 13.461, subdivision 1, is amended to read:

Subdivision 1. [SCOPE.] The sections referred to in subdivisions 2 to 26 are codified outside this chapter. Those subdivisions classify human services data as other than public, place restrictions on access to government data, or involve data sharing. Notwithstanding any other provision of law to the contrary, data governed by subdivisions 2 to 26 may be disclosed to county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate services provided to those individuals.

Sec. 15. Minnesota Statutes 2002, section 13.462, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] The names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered by any political subdivision, state agency, or statewide system that are intended to assist with the purchase of ~~of~~ rehabilitation, or other purposes related to housing or other real property are classified as public data on individuals. If an applicant or recipient is a corporation, the names and addresses of the officers of the corporation are public data on individuals. If an applicant or recipient is a partnership, the names and addresses of the partners are public data on individuals. The amount or value of benefits, aid, or assistance received is public data.

Sec. 16. [13.468] [DATA SHARING WITHIN COUNTIES.]

County welfare, human services, corrections, public health, and veterans service units within a county may inform each other as to whether an individual or family currently is being served by the county unit, without the consent of the subject of the data. Data that may be shared are limited to the following: the name, telephone number, and last known address of the data subject; and the identification and contact information regarding personnel of the county unit responsible for working with the individual or family. If further information is necessary for the county unit to carry out its duties, each county unit may share additional data if the unit is authorized by state statute or federal law to do so or the individual gives written, informed consent.

Sec. 17. Minnesota Statutes 2002, section 13.643, is amended by adding a subdivision to read:

Subd. 5. [DATA RECEIVED FROM FEDERAL GOVERNMENT.] All data received by the department of agriculture from the United States Department of Health and Human Services, the Food and Drug Administration, and the Agriculture, Food Safety, and Inspection Service for the purpose of carrying out the department of agriculture's statutory food safety regulatory and enforcement duties are classified as nonpublic data under section 13.02, subdivision 9, and private data on individuals under section 13.02, subdivision 12.

Sec. 18. Minnesota Statutes 2002, section 13.746, subdivision 3, is amended to read:

Subd. 3. [STATE LOTTERY.] (a) [ACCESS TO CRIMINAL DATA.] The state lottery director's access to criminal history data on certain persons is governed by sections 349A.06, subdivision 4, and 349A.07, subdivision 2.

(b) [LOTTERY PRIZE WINNERS.] Certain data on lottery prize winners are classified under section 349A.08, subdivision 9.

(c) [ELECTRONIC TRANSMISSIONS.] Data on individuals requesting electronic transmissions from the lottery are classified in section 349A.08, subdivision 9.

Sec. 19. Minnesota Statutes 2002, section 13.785, subdivision 2, is amended to read:

Subd. 2. [DEPARTMENT OF VETERANS AFFAIRS.] (a) [CERTAIN VETERANS BENEFITS AND MILITARY CERTIFICATES OF DISCHARGE.] Access to military certificates of discharge and to files pertaining to claims for certain veterans benefits is governed by section 196.08.

(b) [AGENT ORANGE INFORMATION AND ASSISTANCE ACT.] Disclosure of summary data and of the identity of a veteran about whom information is received under sections 196.19 to 196.26, is governed by section 196.25.

Sec. 20. Minnesota Statutes 2002, section 13.85, subdivision 2, is amended to read:

Subd. 2. [CORRECTIONS AND DETENTION PRIVATE DATA.] Unless the data are summary data or arrest data, or a statute specifically provides a different classification, corrections and detention data on individuals are classified as private pursuant to section 13.02, subdivision 12, to the extent that the release of the data would either (a) disclose medical, psychological, or financial information, or personal information not related to their lawful confinement or detention or (b) endanger an individual's life. Private corrections and detention data may be disclosed to county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate services provided to those individuals.

Sec. 21. Minnesota Statutes 2002, section 16C.06, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION IN BIDS AND PROPOSALS.] Data relating to bids and proposals are governed by section 13.591.

Sec. 22. Minnesota Statutes 2002, section 16C.10, subdivision 7, is amended to read:

Subd. 7. [REVERSE AUCTION.] (a) For the purpose of this subdivision, "reverse auction" means a purchasing process in which vendors compete to provide goods at the lowest selling price in an open and interactive environment.

(b) The provisions of ~~section~~ sections 13.591, subdivision 3, and 16C.06, subdivisions subdivision 2 and 3, do not apply when the commissioner determines that a reverse auction is the appropriate purchasing process.

Sec. 23. Minnesota Statutes 2002, section 196.08, is amended to read:

196.08 [FILES AND RECORDS CONFIDENTIAL.]

(a) The contents of, and all files, records, reports, papers and documents pertaining to, any claim for the benefits of Laws 1943, chapter 420, whether pending or adjudicated, shall be deemed confidential and privileged and no disclosure thereof shall be made, without the consent in writing of the claimant who has not been adjudicated incompetent, except as follows:

(a) (1) To said claimant personally, a duly appointed guardian, an attorney in fact, or a duly authorized representative, and as to personal matters, when, in the judgment of the commissioner, such disclosure would not be injurious to the physical or mental health of the claimant.

(b) (2) To the representatives of veterans' organizations recognized by the United States government, not exceeding five from each such veterans' organizations, and when such representatives have been duly certified as such by the state department of any such veterans' organizations in the state of Minnesota.

(c) (3) In any court in the state of Minnesota which has jurisdiction of the parties to, and subject matter of, an action or proceeding therein pending, as found by said court, when required to be produced by the process of such court, and then only in open court, as evidence, in such action or proceeding after a judge thereof shall have ruled the same to be relevant and competent evidence in such action or proceeding according to the laws and statutes of said state.

(b) Notwithstanding section 382.16, and except as authorized in paragraph (c), no government entity may release the contents of, or any files, records, reports, papers, or documents pertaining to, United States government form DD214 or DD215 or any other certificate of discharge from military service to any person unless that person:

(1) provides proof of identity;

(2) demonstrates tangible interest; and

(3) completes the required release form prepared by the government entity.

(c) Nothing in this section shall prohibit release of forms DD214 and DD215 or other certificates of discharge from military service by an employee or official within a government entity to another employee or official within that government entity for purposes of performance of official duties.

(d) Forms DD214 and DD215 and certificates of discharge from military service filed with a government agency on or after January 1, 2004, are classified as private data on individuals under section 13.02, subdivision 12.

(e) Notwithstanding section 386.015, subdivision 5, no fee may be charged by a government entity for the release of information to a qualified person under this section.

(f) For purposes of paragraph (b), a person who has a tangible interest is:

(1) the subject of the record, report, paper, or document;

(2) the surviving spouse of the subject, if the subject is deceased;

(3) a surviving child of the subject, if the subject is deceased and there is no surviving spouse;

(4) a surviving parent of the subject, if the subject is deceased and there is no surviving spouse or surviving children; and

(5) a duly appointed guardian, an attorney in fact, or a duly authorized representative.

(g) For purposes of this section, the term "government entity" has the meaning given in section 13.02, subdivision 7a.

Sec. 24. Minnesota Statutes 2002, section 197.603, subdivision 2, is amended to read:

Subd. 2. Pursuant to chapter 13 the veterans service officer is the responsible authority with respect to all records in the officer's custody. The data on clients' applications for assistance is private data on individuals, as defined in section 13.02, subdivision 12. The data on clients' applications for assistance may be disclosed to county personnel, or entities under contract with the county, who provide welfare, public health, corrections, or veterans services and who require access to private data on individuals in order to coordinate services provided to those individuals.

Sec. 25. Minnesota Statutes 2002, section 268.19, is amended by adding a subdivision to read:

Subdivision 1a. [WAGE DETAIL DATA.] (a) Wage and employment data gathered pursuant to section 268.044 may be disseminated to and used, without the consent of the subject of the data, by an agency of another state that is designated as the performance accountability and consumer information agency for that state pursuant to Code of Federal Regulations, volume 20, part 663.510(c), in order to carry out the requirements of the Workforce Investment Act of 1998, United States Code, title 29, sections 2842 and 2871.

(b) The commissioner may enter into a data exchange agreement with an employment and training service provider under sections 116L.17, or the Workforce Investment Act of 1998, United States Code, title 29, section 2864, under which the commissioner, with the consent of the subject of the data, may furnish data on the quarterly wages paid and number of hours worked on those individuals who have received employment and training services from the provider. With the initial consent of the subject of the data, this data may be shared for up to three years after termination of the employment and training services provided to the individual without execution of an additional consent. This data shall be furnished solely for the purpose of evaluating the employment and training services provided. The data subject's ability to receive service is not affected by a refusal to give consent under this paragraph. The consent form must state this fact.

Sec. 26. Minnesota Statutes 2002, section 307.08, is amended by adding a subdivision to read:

Subd. 11. [BURIAL SITES DATA.] Burial sites locational and related data maintained by the office of the state archaeologist and accessible through the office's "Unplatted Burial Sites and Earthworks in Minnesota" Web site are security information for purposes of section 13.37. Persons who gain access to the data maintained on the site are subject to liability under section 13.08 and the penalty established by section 13.09 if they improperly use or further disseminate the data.

Sec. 27. Minnesota Statutes 2002, section 349A.08, subdivision 9, is amended to read:

Subd. 9. [PRIVACY.] (a) The phone number and street address of a winner of a lottery prize is private data on individuals under chapter 13.

(b) Data on an individual, including name, physical and electronic address, and telephone number, that are given to the lottery for direct marketing purposes are private data on individuals as defined in section 13.02. For purposes of this subdivision, "direct marketing" means marketing conducted by the lottery directly with the consumer.

Sec. 28. Minnesota Statutes 2002, section 386.20, subdivision 1, is amended to read:

Subdivision 1. [RECORDATION.] (a) Certificates of discharge from the United States army, the United States navy, and the United States marine corps and releases or transfers from active duty therein may be recorded in the office of the county recorder of any county in this state by the person to whom such discharge, release or transfer was issued without the payment of any fee to the county recorder for recording the same. Upon the request of the person having such instrument recorded, the county recorder shall not stamp, mark, or make any endorsement upon any such certificate of discharge, release or transfer, but after the recording thereof has been completed the recorder shall return the certificate of discharge, release, or transfer in the condition received.

(b) In any county where the compensation of the county recorder consists of fees only, the county recorder shall be entitled to a fee of 60 cents for recording such instrument, which shall be paid by the county upon presentation of a verified claim by the county recorder.

(c) The release of any information pertaining to military certificates of discharge is governed by section 196.08.

Sec. 29. [REPEALER.]

Minnesota Statutes 2002, section 13.6401, subdivision 4; 270B.03, subdivision 8; Laws 2001, First Special Session chapter 10, article 2, section 40, are repealed.

Sec. 30. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective August 1, 2003, and applies to actions commenced on and after that date.

Sections 7, 19, and 22 are effective January 1, 2004.

Sections 9 to 11, 13, 14, 18, 20, 24, and 27 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to government data practices; classifying and regulating use and release of certain government data; modifying certain attorney fees; authorizing the commissioner of administration to issue written opinions regarding compliance with the law; classifying certain data relating to electronic transmissions with the state lottery; amending Minnesota Statutes 2002, sections 13.072, subdivisions 1, 2; 13.08, subdivision 4; 13.32, subdivision 8, by adding a subdivision; 13.37, subdivision 3; 13.3805, subdivision 1; 13.3806, subdivision 1; 13.384, subdivision 3; 13.43, subdivision 1; 13.46, subdivision 2; 13.461, subdivision 1; 13.462, subdivision 2; 13.643, by adding a subdivision; 13.746, subdivision 3; 13.785, subdivision 2; 13.85, subdivision 2; 16C.06, by adding a subdivision; 16C.10, subdivision 7; 196.08; 197.603, subdivision 2; 268.19, by adding a subdivision; 307.08, by adding a subdivision; 349A.08, subdivision 9; 386.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2002, sections 13.6401, subdivision 4; 270B.03, subdivision 8; Laws 2001, First Special Session chapter 10, article 2, section 40."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 802, A bill for an act relating to Hennepin county; clarifying the authority of the county housing and redevelopment authority; amending Minnesota Statutes 2002, section 383B.77, subdivisions 1 and 2.

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

The report was adopted.

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

H. F. No. 817, A bill for an act relating to occupational safety and health; eliminating certain responsibilities of the commissioner of health; increasing penalty limits for certain violations; amending Minnesota Statutes 2002, sections 182.65, subdivision 2; 182.656, subdivision 1; 182.66, subdivision 2; 182.666, subdivisions 2, 2a.

Reported the same back with the following amendments:

Page 4, line 17, before "Notwithstanding" insert "(a)"

Page 4, line 25, delete "that" and insert "as provided in paragraph (b).

(b)"

Page 4, line 29, before the period, insert ". The commissioner may elect to waive the \$5,000 fine for any of the following four years if the employer received no citations in the preceding calendar year"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 854, A bill for an act relating to regulated occupations; requiring certain mechanical contractors to give bond to the state; authorizing a filing fee; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, line 17, delete "secretary of state" and insert "commissioner of administration"

Page 1, delete line 23 and insert "of \$25. The money must be deposited in the state government special revenue fund and is appropriated to the commissioner to cover the cost of administering the bond program."

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.

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

H. F. No. 958, A bill for an act relating to energy; declaring the goal of moving Minnesota to a hydrogen energy economy; providing incentive payments for producing qualified hydrogen; supporting research and development related to hydrogen energy; providing for energy innovation zones; amending Minnesota Statutes 2002, sections 116C.779; 216B.1691, subdivision 1; 216B.241, subdivisions 1, 2; 216B.2422, subdivision 1; 216C.41, subdivisions 1, 2, 3, 4, 5; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 2, line 2, delete "\$5,000,000" and insert "\$3,000,000"

Pages 7 to 11, delete sections 7 to 11

Page 12, delete line 1

Page 12, line 2, delete everything before "The" and insert paragraph coding

Page 12, line 3, delete "must develop a targeted program to" and insert "should"

Page 12, line 9, delete everything after the period

Page 12, delete lines 10 to 36

Page 13, delete lines 1 to 18

Page 13, line 20, delete everything after "(a)"

Page 13, delete line 21

Page 13, line 22, delete everything before "the" and insert "The University of Minnesota should promote"

Page 14, line 2, delete "11, 12, and 13" and insert "8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "providing"

Page 1, delete line 4

Page 1, line 6, delete everything after the semicolon

Page 1, line 7, delete "zones;"

Page 1, lines 9 and 10, delete "216C.41, subdivisions 1, 2, 3, 4, 5;"

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

The report was adopted.

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

H. F. No. 961, A bill for an act relating to human services; establishing hearing procedures; proposing coding for new law in Minnesota Statutes, chapter 256.

Reported the same back with the following amendments:

Page 2, line 35, delete "support the factual and" and insert "inform the person involved in the appeal of the evidence on which the agency relies and the"

Page 4, line 25, delete everything after "(2)"

Page 4, delete line 26

Page 4, line 27, delete "(3)"

Page 4, line 29, delete "(4)" and insert "(3)"

Page 4, line 33, delete "(5)" and insert "(4)"

Page 4, line 36, delete "(6)" and insert "(5)"

Page 5, line 2, delete "(7)" and insert "(6)"

Page 5, line 4, delete "(8)" and insert "(7)"

Page 5, line 26, delete everything after "department" and insert "and shall be served and enforced as provided in section 357.22 and the Minnesota Rules of Civil Procedure."

Page 5, delete lines 27 and 28

Page 5, line 29, delete "(c)"

Page 6, line 6, delete "participant" and insert "person"

Page 6, line 25, after the period, insert "Hearings under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), and (9), must be conducted in the county where the determination was made, unless an alternate location is mutually agreed upon before the hearing."

Page 9, line 7, before the period, insert ", but not constitutional claims beyond the jurisdiction of the fair hearing"

Page 10, line 8, delete everything after "identify" and insert "and develop in the"

Page 10, line 23, after "involved" insert "and the agency"

Page 12, line 33, delete ". A person" and insert "and"

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.

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

H. F. No. 973, A bill for an act relating to veterans affairs; permitting the commissioner of veterans affairs access to taxpayer identification information to notify veterans of health hazards that might affect them; amending Minnesota Statutes 2002, section 270B.14, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 980, A bill for an act relating to crimes; prohibiting use of electronic scanning devices to capture encoded information from a credit or other financial transaction card, and placing it on another card, with intent to defraud; prohibiting merchants who accept credit cards from printing more than the last five digits of the card; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapters 325F; 609.

Reported the same back with the following amendments:

Page 3, line 16, delete "January" and insert "July"

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

The report was adopted.

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

H. F. No. 1036, A bill for an act relating to corrections; requiring regular meals to be provided to inmates; proposing coding for new law in Minnesota Statutes, chapter 243.

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

The report was adopted.

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

H. F. No. 1044, A bill for an act relating to professions; providing clarification of costs and penalties that may be collected in disciplinary proceedings by the boards of nursing home administrators, optometry, chiropractic examiners, physical therapy, dietetics and nutrition practice, dentistry, podiatric medicine, pharmacy, and veterinary medicine; providing for civil penalties; amending Minnesota Statutes 2002, sections 148.10, subdivision 3; 148.603; 148.631; 150A.08, subdivision 3, by adding a subdivision; 151.06, by adding a subdivision; 153.22, subdivisions 1, 5; 156.127, subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapters 144A; 148.

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

The report was adopted.

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

H. F. No. 1080, A bill for an act relating to the military; extending certain tuition reimbursement; deleting a reporting requirement; amending Minnesota Statutes 2002, section 192.501, subdivision 2.

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

The report was adopted.

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

H. F. No. 1082, A bill for an act relating to the state auditor; changing outdated language; modifying duties of the state auditor; clarifying accrued liability determination; amending Minnesota Statutes 2002, sections 6.71; 6.74; 69.772, subdivision 2; 115A.929; 306.95; 458D.17, subdivision 5; 471.696; 477A.014, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 6; repealing Minnesota Statutes 2002, sections 3.971, subdivision 8; 6.77; 149A.97, subdivision 8; 163.10; 306.97.

Reported the same back with the following amendments:

Page 6, after line 28, insert:

"Sec. 11. [EFFECTIVE DATE.]

Section 3 and the repeal of Minnesota Statutes 2002, section 3.971, subdivision 8, are effective July 1, 2004."

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.

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

H. F. No. 1090, A bill for an act relating to agriculture; recodifying and clarifying plant pest, pest control, and seed laws; changing certain procedures, requirements, and fees; imposing penalties; appropriating money; amending Minnesota Statutes 2002, sections 21.81, subdivision 8, by adding subdivisions; 21.82; 21.83, subdivision 2; 21.84; 21.85, subdivisions 11, 13; 21.86; 21.88; 21.89, subdivisions 2, 4; 21.90, subdivisions 2, 3; 21.901; proposing coding for new law in Minnesota Statutes, chapter 21; proposing coding for new law as Minnesota Statutes, chapters 18G; 18H; 18J; repealing Minnesota Statutes 2002, sections 18.012; 18.021; 18.022; 18.0223; 18.0225; 18.0227; 18.0228; 18.0229; 18.023; 18.024; 18.041; 18.051; 18.061; 18.071; 18.081; 18.091; 18.101; 18.111; 18.121; 18.131; 18.141; 18.151; 18.161; 18.331; 18.332; 18.333; 18.334; 18.335; 18.44; 18.45; 18.46; 18.47; 18.48; 18.49; 18.50; 18.51; 18.52; 18.525; 18.53; 18.54; 18.55; 18.56; 18.57; 18.59; 18.60; 18.61; 21.85, subdivisions 1, 3, 4, 5, 6, 7, 8, 9.

Reported the same back with the following amendments:

Page 6, line 22, delete "human activity."

Page 9, line 20, delete "or people's normal activities"

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

The report was adopted.

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

H. F. No. 1111, A bill for an act relating to state government; department of administration; updating references; increasing the threshold project amount for designer selection board approval; modifying building code language; eliminating a report; amending Minnesota Statutes 2002, sections 16B.054; 16B.055, subdivision 3; 16B.24, subdivisions 1, 5; 16B.33, subdivision 3; 16B.61, subdivision 1a; 16B.62, subdivision 1; 327A.01, subdivision 2; repealing Minnesota Statutes 2002, section 16C.18, subdivision 1.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 2

Page 7, line 13, after "ordinance" insert "and with permission of the township board"

Page 8, after line 18, insert:

"Sec. 7. Minnesota Statutes 2002, section 16C.08, subdivision 4, is amended to read:

Subd. 4. [REPORTS.] (a) The commissioner shall submit to the governor, the chairs of the house ways and means and senate finance committees, and the legislative reference library a yearly listing of all contracts for professional or technical services executed. The report must identify the contractor, contract amount, duration, and services to be provided. The commissioner shall also issue yearly reports summarizing the contract review activities of the department by fiscal year.

(b) The fiscal year report must be submitted by September 1 of each year and must:

(1) be sorted by agency and by contractor;

(2) show the aggregate value of contracts issued by each agency and issued to each contractor;

(3) distinguish between contracts that are being issued for the first time and contracts that are being extended;

(4) state the termination date of each contract; ~~and~~

(5) identify services by commodity code, including topics such as contracts for training, contracts for research and opinions, and contracts for computer systems; and

(6) identify which contracts were awarded without following the solicitation process in this chapter because it was determined that there was only a single source for the services.

(c) Within 30 days of final completion of a contract over \$40,000 covered by this subdivision, the head of the agency entering into the contract must submit a one-page report to the commissioner who must submit a copy to the legislative reference library. The report must:

- (1) summarize the purpose of the contract, including why it was necessary to enter into a contract;
- (2) state the amount spent on the contract; ~~and~~
- (3) explain why this amount was a cost-effective way to enable the agency to provide its services or products better or more efficiently; and
- (4) if the contract was awarded without following the solicitation process in this chapter because it was determined that there was only a single source for the services, explain why the agency determined there was only a single source for the services.

Sec. 8. Minnesota Statutes 2002, section 16C.10, subdivision 5, is amended to read:

Subd. 5. [SPECIFIC PURCHASES.] The solicitation process described in this chapter is not required for acquisition of the following:

- (1) merchandise for resale purchased under policies determined by the commissioner;
- (2) farm and garden products which, as determined by the commissioner, may be purchased at the prevailing market price on the date of sale;
- (3) goods and services from the Minnesota correctional facilities;
- (4) goods and services from rehabilitation facilities and ~~sheltered workshops~~ extended employment providers that are certified by the commissioner of economic security;
- (5) goods and services for use by a community-based facility operated by the commissioner of human services;
- (6) goods purchased at auction or when submitting a sealed bid at auction provided that before authorizing such an action, the commissioner consult with the requesting agency to determine a fair and reasonable value for the goods considering factors including, but not limited to, costs associated with submitting a bid, travel, transportation, and storage. This fair and reasonable value must represent the limit of the state's bid; and
- (7) utility services where no competition exists or where rates are fixed by law or ordinance.

Sec. 9. Minnesota Statutes 2002, section 16C.15, is amended to read:

16C.15 ~~[SHELTERED WORKSHOPS AND SERVICES WORK ACTIVITY PROGRAMS REHABILITATION FACILITIES AND EXTENDED EMPLOYMENT PROVIDERS.]~~

The commissioner, in consultation with the commissioner of economic security, shall prepare a list containing products and services of ~~state-certified~~ certified rehabilitation facilities, ~~sheltered workshops, and work activity programs~~ and extended employment providers as described in chapter 268A for acquisition by state agencies and institutions.

Sec. 10. Minnesota Statutes 2002, section 16C.16, subdivision 7, is amended to read:

Subd. 7. [ECONOMICALLY DISADVANTAGED AREAS.] (a) Except as otherwise provided in paragraph (b), the commissioner may award up to a six percent preference in the amount bid on state procurement to small businesses located in an economically disadvantaged area.

(b) The commissioner may award up to a four percent preference in the amount bid on state construction to small businesses located in an economically disadvantaged area.

(c) A business is located in an economically disadvantaged area if:

(1) the owner resides in or the business is located in a county in which the median income for married couples is less than 70 percent of the state median income for married couples;

(2) the owner resides in or the business is located in an area designated a labor surplus area by the United States Department of Labor; or

(3) the business is a certified rehabilitation facility or ~~work activity program~~ extended employment provider as described in chapter 268A.

(d) The commissioner may designate one or more areas designated as targeted neighborhoods under section 469.202 or as enterprise zones under section 469.167 as economically disadvantaged areas for purposes of this subdivision if the commissioner determines that this designation would further the purposes of this section. If the owner of a small business resides or is employed in a designated area, the small business is eligible for any preference provided under this subdivision.

(e) The department of revenue shall gather data necessary to make the determinations required by paragraph (c), clause (1), and shall annually certify counties that qualify under paragraph (c), clause (1). An area designated a labor surplus area retains that status for 120 days after certified small businesses in the area are notified of the termination of the designation by the United States Department of Labor."

Page 8, line 27, delete "section" and insert "sections 16A.151, subdivision 5; and" and delete "is" and insert "are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 2 and 3, delete "department of administration;"

Page 1, line 5, after the second semicolon, insert "modifying state procurement provisions; making permanent litigation proceeds settlement law;"

Page 1, line 7, delete "16B.055, subdivision 3;"

Page 1, line 9, after "1;" insert "16C.08, subdivision 4; 16C.10, subdivision 5; 16C.15; 16C.16, subdivision 7;"

Page 1, line 11, delete "section" and insert "sections 16A.151, subdivision 5;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1119, A bill for an act relating to elections; changing certain deadlines, procedures, requirements, and provisions; amending Minnesota Statutes 2002, sections 201.171; 202A.14, subdivision 3; 204B.14, subdivision 2; 204B.16, subdivision 1; 204B.21, subdivision 1; 204B.25, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, subdivision 2; 204C.07, subdivision 4; 204C.19, subdivision 1; 204C.35, by adding a subdivision; 204C.36, by adding a subdivision; 205.10, subdivision 3; 205.13, subdivision 1a; 205.16, subdivision 4; 205A.05, subdivision 1; 205A.06, subdivision 1a; 205A.07, subdivision 3; 206.58, subdivision 1; 211A.02, by adding a subdivision; 447.32, subdivisions 2, 3, 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"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. [5.31] [SURVEYS.]

The secretary of state is authorized to conduct surveys and other research related to elections. County auditors and municipal clerks shall respond to surveys sent to them within two weeks of receipt.

Sec. 3. 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. 4. 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. 5. 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. 6. 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. 7. 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. 8. 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 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. 9. 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. 10. Minnesota Statutes 2002, 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 levy amount must be based upon the dollar amount, local tax rate, or amount per resident marginal cost pupil unit, that was stated to be the basis for the initial authorization. Revenue approved by the voters of the district pursuant to paragraph (a) must be received 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. 11. 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 registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove 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 document approved by the secretary of state as proper identification;

(3) showing a current student identification card that contains the student's valid address in the precinct, a current student fee statement that contains the student's valid address in the precinct, or a copy of a current student registration card that contains the student's valid address in the precinct;

(4) showing one of the following:

(i) a current valid student identification card from a post-secondary 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)~~ (5) 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)~~ (6) 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. 12. 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 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 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 card is not deficient for lack of a telephone number.

Sec. 13. 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. The forms must contain spaces for ~~the all information required in section 201.071, subdivision 1, and applicable rules of~~ collected by voter registration cards 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. 14. 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."

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

Sec. 15. 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. 16. Minnesota Statutes 2002, section 201.275, is amended to read:

201.275 [INVESTIGATIONS; PROSECUTIONS.]

A county attorney who is notified of an alleged violation of this chapter shall promptly investigate. If there is probable cause for instituting a prosecution, the county attorney shall proceed by complaint or present the charge, with whatever evidence has been found, to the grand jury. A county attorney who refuses or intentionally fails to faithfully perform this or any other duty imposed by this chapter is guilty of a misdemeanor and upon conviction shall forfeit office. The county attorney, under the penalty of forfeiture of office, shall prosecute all violations of this chapter except violations of this section; if, however, a complainant withdraws an allegation under this chapter, the county attorney is not required to proceed with the prosecution. After each state general election, the county attorney shall report activities under this section, if any, to the secretary of state.

Sec. 17. 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. 18. 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. 19. Minnesota Statutes 2002, section 203B.11, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Each full-time municipal clerk who has authority under section 203B.05 to administer absentee voting laws shall designate election judges to deliver absentee ballots in accordance with this section. The county auditor may also designate election judges to perform the duties in this section. A ballot may be delivered only to an eligible voter who is a temporary or permanent resident or patient in a health care facility or hospital located in the municipality in which the voter maintains residence. If the eligible voter appears on a list of residents of that institution that has been prepared and certified by the chief administrator of that institution to the municipal clerk or county auditor by the day before the delivery of ballots, the proof of residency requirements of section 201.061, subdivision 3, have been satisfied. The ballots shall be delivered by two election judges, each of whom is affiliated with a different major political party. When the election judges deliver or return ballots as provided in this section, they shall travel together in the same vehicle. Both election judges shall be present when an applicant completes the certificate of eligibility and marks the absentee ballots, and may assist an applicant as provided in section 204C.15. The election judges shall deposit the return envelopes containing the marked absentee ballots in a sealed container and return them to the clerk on the same day that they are delivered and marked.

Sec. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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. 25. Minnesota Statutes 2002, section 204B.13, subdivision 6, is amended to read:

Subd. 6. [VACANCY AFTER DEADLINE.] If a candidate withdraws after the 16th day before the general election but before ~~four~~ seven days before the general election, the secretary of state shall instruct the election judges to strike the name of the withdrawn candidate from the general election ballot and shall substitute no other candidate's name. Filing officers may not accept a nomination certificate for filing to fill a vacancy in nomination resulting from the filing of an affidavit of withdrawal by a candidate after the 14th day before the general election. Vacancies occurring through death or catastrophic illness after the 16th day before the general election are governed by section 204B.41.

Sec. 26. 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. 27. 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. 28. 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. 29. 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. 30. 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. 31. Minnesota Statutes 2002, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT LISTS; DUTIES OF POLITICAL PARTIES AND COUNTY AUDITOR.] On ~~July~~ May 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters ~~to act~~ who have stated in writing an interest in seeking appointment as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By ~~July~~ May 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 32. Minnesota Statutes 2002, section 204B.21, subdivision 2, is amended to read:

Subd. 2. [APPOINTING AUTHORITY; POWERS AND DUTIES.] Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. If no lists have been furnished or if additional election judges are required after all listed names have been

exhausted, the appointing authority may appoint any other individual to serve as an election judge subject to the same requirements and qualifications. The appointments shall be made at least 25 days before the election at which the election judges will serve. The name and party designation of election judges appointed for any election must be made available to the public upon request and is public data, notwithstanding section 13.43.

Sec. 33. 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. 34. Minnesota Statutes 2002, section 204B.34, subdivision 3, is amended to read:

Subd. 3. [JUDICIAL ELECTIONS.] When one or more justices of the supreme court or judges of the court of appeals or of a district court are to be nominated at the same primary or elected at the same general election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected and the seat number assigned to each office.

Sec. 35. 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. 36. 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. 37. 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 designee of any of these 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 present written authorization and a 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;
- (4) interview a voter within the polling place; or
- (5) photograph a voter who has not provided a signed release to the media representative.

Sec. 38. 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, 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 shall, before the applicant signs the roster, confirm the applicant's identity by requiring a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, and may confirm the applicant's name, address, and date of birth. If an applicant does not have a card or document described by this section, the applicant may sign the roster after executing an affidavit before the judge. The affidavit must state:

- (1) the name of the applicant;

(2) that the applicant does not have a picture identification card or document issued by the United States or Minnesota or an identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, Department of the Interior, that contains the name, address, signature, and picture of the applicant; and

(3) that the applicant swears or affirms that the applicant is the same individual whose name is listed on the roster for this precinct.

(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. 39. 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. 40. 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. 41. Minnesota Statutes 2002, section 204C.28, subdivision 1, is amended to read:

Subdivision 1. [COUNTY AUDITOR.] Every county auditor shall remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes and to report the results by entry into or transmission to the election night reporting system of the secretary of state until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Sec. 42. 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. 43. 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. 44. 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. 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 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. 45. 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. 46. 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. 47. 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. 48. [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. 49. 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. 50. 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. 51. 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. 52. 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. 53. 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. 54. 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. 55. 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~~ 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. 56. Minnesota Statutes 2002, section 205A.02, is amended to read:

205A.02 [ELECTION LAW APPLICABLE.]

Except as expressly 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. 57. Minnesota Statutes 2002, 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 children, families, and learning and prior to actual initiation of the election.

Sec. 58. Minnesota Statutes 2002, section 205A.07, is amended by adding a subdivision to read:

Subd. 3a. [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. 59. Minnesota Statutes 2002, section 206.58, subdivision 1, is amended to read:

Subdivision 1. [MUNICIPALITIES.] The governing body of a municipality, at a regular meeting or at a special meeting called for the purpose, may provide for the use of an electronic voting system in one or more precincts and at all elections in the precincts, ~~subject to approval by the county auditor.~~ If the use of an electronic voting system is approved, only a system approved by the secretary of state for standard and uniform statewide use may be purchased, adopted, or used. The governing body shall disseminate information to the public about the use of a new voting system at least 60 days prior to the election and shall provide for instruction of voters with a demonstration voting system in a public place for the six weeks immediately prior to the first election at which the new voting system will be used.

~~No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57.~~

Sec. 60. Minnesota Statutes 2002, section 206.81, is amended to read:

206.81 [ELECTRONIC VOTING SYSTEMS; EXPERIMENTAL USE.]

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

(b) The secretary of state must license 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 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. The secretary of state must not adopt any direct electronic recording voting system inconsistent with section 301(a)(2) of the Help America Vote Act of 2002, Public Law 107-252. The secretary of state may experimentally use the system at any election held at the same time as the state primary or general election or at any municipal election.

(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. 61. 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. 62. 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. 63. 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. 64. 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. 65. 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. 66. 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. 67. 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. 68. 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.

Sec. 69. [EMERGENCY PROCEDURES.]

The secretary of state shall develop alternate methods for handling absentee ballots during periods of declared national or state emergency as described by Minnesota Statutes, section 12.31, and shall report to the legislature on the methods by January 15, 2004.

Sec. 70. [EFFECTIVE DATE.]

2003 Senate File No. 112, article 2, sections 2 and 3, are effective August 1, 2004. This provision supersedes any inconsistent provision of S. F. No. 112 or other law regardless of the order of enactment of this provision and such inconsistent provision of S. F. No. 112 or other law."

Delete the title and insert:

"A bill for an act relating to elections; changing certain deadlines, procedures, requirements, and provisions; amending Minnesota Statutes 2002, sections 5.08; 15.0597, subdivisions 2, 3, 4, 5, 6, 7; 15.0599, subdivision 4; 126C.17, subdivision 9; 201.061, subdivision 3; 201.071, subdivision 3; 201.161; 201.171; 201.221, subdivision 3;

201.275; 202A.14, subdivision 3; 203B.085; 203B.11, subdivision 1; 203B.125; 204B.06, subdivision 1; 204B.07, subdivision 2; 204B.09, subdivisions 1, 3; 204B.13, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivision 3; 204B.18, subdivision 1; 204B.19, subdivisions 1, 6; 204B.21, subdivisions 1, 2; 204B.22, by adding a subdivision; 204B.34, subdivision 3; 204B.36, subdivision 4; 204B.41; 204C.06, by adding a subdivision; 204C.10; 204C.12, subdivision 4; 204C.20, subdivision 2; 204C.28, subdivision 1; 204C.33, subdivision 1; 204C.35, by adding a subdivision; 204C.36, subdivisions 1, 3, by adding a subdivision; 204C.361; 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, subdivision 3, by adding a subdivision; 206.58, subdivision 1; 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; proposing coding for new law in Minnesota Statutes, chapters 5; 204D."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1128, A bill for an act relating to human services; modifying provisions to state-operated services; amending Minnesota Statutes 2002, sections 245.0312; 246.014; 246.015, subdivision 3; 246.018, subdivisions 2, 3, 4; 246.13; 246.15; 246.16; 246.57, subdivisions 1, 4, 6; 246.71, subdivisions 4, 5; 246B.02; 246B.03; 246B.04; 252.025, subdivision 7; 252.06; 253.015, subdivision 1; 253.017; 253.20; 253.26; 253B.02, subdivision 18a; 253B.09, subdivision 1; repealing Minnesota Statutes 2002, sections 246.017, subdivision 2; 246.022; 246.06; 246.07; 246.08; 246.11; 246.19; 246.42; 252.025, subdivisions 1, 2, 4, 5, 6; 252.032; 252.10; 253.015, subdivisions 2, 3; 253.10; 253.19; 253.201; 253.202; 253.25; 253.27; 256.05; 256.06; 256.08; 256.09; 256.10; 268A.08.

Reported the same back with the following amendments:

Page 2, lines 21 and 26, delete "may" and insert "shall"

Page 2, line 24, delete "or" and insert "and"

Page 12, line 23, strike everything after the comma and insert "state-operated services facilities"

Page 12, line 24, strike "homes"

Page 12, line 29, after the stricken period, insert "State-operated services facilities providing dental services must ensure adequate geographic access to these services."

Page 13, line 19, reinstate the stricken language

Page 13, line 20, delete "treatment facilities" and insert "shall be"

Page 14, line 21, before "and" insert "in Cambridge"

Page 17, line 24, before the period, insert ", but does not include services or programs administered by the secure treatment facility outside a secure environment"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1167, A bill for an act relating to victims; increasing parental liability owed to a victim for acts of certain juvenile offenders; amending certain laws to enhance victim rights; amending Minnesota Statutes 2002, sections 260B.163, subdivision 1; 260B.171, subdivision 4; 540.18, subdivision 1; 611A.01.

Reported the same back with the following amendments:

Page 4, delete section 3

Page 4, line 24, delete "4" and insert "3"

Amend the title as follows:

Page 1, line 7, delete "540.18, subdivision 1;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1174, A bill for an act relating to state government; modifying expiration dates for advisory committees; amending Minnesota Statutes 2002, sections 11A.08, subdivision 4; 15.059, subdivision 5; 16B.053; 16B.181, subdivision 2; 16B.27, subdivision 3; 16B.76, subdivision 1; 16C.17, subdivision 2; 17.136; 18B.305, subdivision 3; 21.112, subdivision 2; 31.95, subdivision 3a; 43A.318, subdivision 1; 79A.02, subdivision 1; 115.41, subdivision 1; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 115A.072, subdivision 1; 115A.12; 115A.9651, subdivisions 2, 8, 9, 11; 119A.35, subdivision 1; 124D.10, subdivision 2a; 124D.84, subdivision 2; 124D.892, subdivision 3; 134.31, by adding a subdivision; 147B.05, subdivision 2; 147C.35, subdivision 2; 147D.25, subdivision 2; 155A.06, subdivision 5; 175.008; 178.02, subdivision 2; 182.656, subdivision 3; 242.56, subdivision 1; 256.482, subdivision 8; 256B.093, subdivision 1; 326.841; 611A.02, subdivisions 2, 3; 611A.07, subdivision 1; 611A.32, subdivision 2; 611A.33; 611A.35; 611A.36, subdivision 1; 611A.55; 629.342, subdivision 2; repealing Minnesota Statutes 2002, sections 16B.055; 43A.317, subdivision 4; 43A.318, subdivision 3; 62J.15, subdivision 1; 62J.692, subdivision 2; 82B.02, subdivision 6; 82B.05; 82B.06; 84.0887, subdivision 4; 115.54; 115A.9651, subdivision 5; 119A.42, subdivision 4; 124D.80; 136A.031, subdivision 5; 145A.16; 161.1419, subdivision 8; 174.55; 176.102, subdivision 3; 242.56, subdivision 3; 245.71, subdivision 2; 252.282, subdivision 4; 254A.04; 256B.0629; 256B.55, subdivision 5; 268.361, subdivision 3; 268.363; 299A.293; 326.41; 326.85; 611A.201, subdivision 3; 611A.202; 611A.25; 611A.34; 611A.345; 611A.361; 611A.675; 611A.70; 611A.71; 626.8441, subdivision 2; 626.9513; Laws 2001 First Special Session chapter 3, article 4, section 2.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Page 19, delete section 30

Page 22, after line 2, insert:

"Sec. 38. Minnesota Statutes 2002, section 214.32, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

Page 22, after line 13, insert:

"Sec. 40. Minnesota Statutes 2002, section 254A.035, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP TERMS, COMPENSATION, REMOVAL AND EXPIRATION.] The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper

Sioux Indian Reservation; International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian advisory council members shall be as provided in section 15.059. ~~The council expires June 30, 2001.~~

Sec. 41. Minnesota Statutes 2002, section 254A.04, is amended to read:

254A.04 [CITIZENS ADVISORY COUNCIL.]

There is hereby created an alcohol and other drug abuse advisory council to advise the department of human services concerning the problems of alcohol and other drug dependency and abuse, composed of ten members. Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The terms, compensation and removal of members shall be as provided in section 15.059. ~~The council expires June 30, 2001.~~ The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years."

Page 28, after line 14, insert:

"Sec. 53. Minnesota Statutes 2002, section 611A.675, is amended to read:

611A.675 [FUND FOR EMERGENCY NEEDS OF CRIME VICTIMS.]

Subdivision 1. [GRANTS AUTHORIZED.] ~~The crime victim and witness advisory council~~ commissioner of public safety shall make grants to prosecutors and victim assistance programs for the purpose of providing emergency assistance to victims. As used in this section, "emergency assistance" includes but is not limited to:

- (1) replacement of necessary property that was lost, damaged, or stolen as a result of the crime;
- (2) purchase and installation of necessary home security devices;
- (3) transportation to locations related to the victim's needs as a victim, such as medical facilities and facilities of the criminal justice system;
- (4) cleanup of the crime scene; and
- (5) reimbursement for reasonable travel and living expenses the victim incurred to attend court proceedings that were held at a location other than the place where the crime occurred due to a change of venue.

Subd. 2. [APPLICATION FOR GRANTS.] A city or county attorney's office or victim assistance program may apply to the ~~council~~ commissioner for a grant for any of the purposes described in subdivision 1 or for any other emergency assistance purpose approved by the council. The application must be on forms and pursuant to procedures developed by the ~~council~~ commissioner. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the ~~council~~ commissioner.

Subd. 3. [REPORTING BY LOCAL AGENCIES REQUIRED.] A city or county attorney's office or victim assistance program that receives a grant under this section shall file an annual report with the ~~council~~ commissioner itemizing the expenditures made during the preceding year, the purpose of those expenditures, and the ultimate disposition, if any, of each assisted victim's criminal case.

~~Subd. 4. [REPORT TO LEGISLATURE.] On or before February 1, 1999, the council shall report to the chairs of the senate crime prevention and house of representatives judiciary committees on the implementation, use, and administration of the grant program created under this section."~~

Page 29, line 10, after the semicolon, insert "28A.20, subdivision 6;"

Page 29, line 14, after "124D.80;" insert "124D.84, subdivision 2;"

Page 29, line 16, delete "245.71, subdivision 2;"

Page 29, line 17, delete "254A.04;"

Page 29, line 20, delete "611A.675;"

Page 29, line 24, delete "53" and insert "55"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "11A.08, subdivision 4;"

Page 1, line 14, delete everything after the first semicolon

Page 1, line 19, after the first semicolon, insert "214.32, subdivision 1;" and after the second semicolon, insert "254A.035, subdivision 2; 254A.04;"

Page 1, line 23, after the third semicolon, insert "611A.675;"

Page 1, line 25, after the first semicolon, insert "28A.20, subdivision 6;"

Page 1, line 29, after the third semicolon, insert "124D.84, subdivision 2;"

Page 1, line 32, delete everything before "252.282"

Page 1, line 33, delete "254A.04;"

Page 1, line 36, delete "611A.675;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1278, A bill for an act relating to crime prevention; defining terms in the predatory offender registration law; allowing crime victims to have input earlier in the plea agreement process; imposing conditions on the disclosure of videotaped interviews of child abuse victims; clarifying the rape examination law; amending Minnesota Statutes 2002, sections 13.821; 243.166, subdivision 4a; 609.35; 611A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 611A; 634.

Reported the same back with the following amendments:

Page 2, line 18, after the semicolon, insert "and"

Page 2, delete lines 19 and 20

Page 2, line 21, delete "(iii)" and insert "(ii)"

Page 4, line 11, delete "agreement"

Page 4, line 19, delete "AGREEMENT"

Page 4, line 21, delete "agreement"

Page 4, line 28, delete "additional" and insert "more than two"

Page 4, lines 32 and 35, delete "tape" and insert "tapes"

Page 5, lines 3, 6, 7, 8, 9, 10, and 11, delete "tape" and insert "tapes"

Page 5, line 16, delete "tape" and insert "tapes" in both places

Amend the title as follows:

Page 1, line 4, delete "agreement"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1384, A bill for an act relating to health; modifying definition of cremation; amending Minnesota Statutes 2002, section 149A.02, subdivision 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 149A.02, is amended by adding a subdivision to read:

Subd. 1a. [ALKALINE HYDROLYSIS.] "Alkaline hydrolysis" means the reduction of a dead human body to essential elements through exposure to a combination of heat and alkaline hydrolysis and the repositioning or movement of the body during the process to facilitate reduction, the processing of the remains after removal from the alkaline hydrolysis chamber, placement of the processed remains in a remains container, and release of the remains to an appropriate party. Alkaline hydrolysis is a form of final disposition.

Sec. 2. [149A.55] [ALKALINE HYDROLYSIS.]

For purposes of this chapter, the disposal of a dead human body through the process of alkaline hydrolysis shall be subject to the same licensing requirements and regulations that apply to cremation, crematories, and cremated remains as described in this chapter. The licensing requirements and regulations of this chapter shall also apply to the entities where the process of alkaline hydrolysis occurs and to the remains that result from the alkaline hydrolysis process."

Delete the title and insert:

"A bill for an act relating to health; providing for regulation of alkaline hydrolysis as a means of final disposition of human bodies; amending Minnesota Statutes 2002, section 149A.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 149A."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1396, A bill for an act relating to local government; providing for special assessments for reinspections; amending Minnesota Statutes 2002, section 429.101, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 2, delete "conducted" and insert "which find noncompliance"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1449, A bill for an act relating to transportation; modifying transit assistance provisions for annually appropriating money for transit operations; abolishing property tax replacement aid program; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 16A.88, subdivision 1; 174.24, subdivisions 1, 3b; 275.71, subdivision 5; repealing Minnesota Statutes 2002, section 174.242.

Reported the same back with the following amendments:

Page 3, line 6, after the period, insert "For calendar years 2004 and 2005, to enable public transit systems to meet the provisions of this section the commissioner may adjust payments of financial assistance to recipients that were under a contract with the department on January 1, 2003."

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 129, 297, 386, 428, 575, 582, 624, 657, 658, 734, 739, 817, 973, 1036, 1044, 1080, 1111, 1119, 1128, 1167, 1174, 1278, 1384 and 1396 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 675 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Ozment introduced:

H. F. No. 1528, A bill for an act relating to taxation; aggregate materials tax; providing a definition for borrow; amending Minnesota Statutes 2002, section 298.75, subdivision 1.

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

Ellison, Hornstein, Hilty and Kahn introduced:

H. F. No. 1529, A bill for an act relating to state government; forbidding state agencies from spending public funds to investigate persons for the purpose of discrediting them; proposing coding for new law in Minnesota Statutes, chapter 15.

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

Otremba introduced:

H. F. No. 1530, A bill for an act relating to commerce; regulating outdoor power and sport equipment dealerships; providing for terminations, cancellations, and transfers; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Thissen and Larson introduced:

H. F. No. 1531, A bill for an act relating to the city of Richfield; authorizing the creation of a redevelopment tax increment financing district.

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

Fuller introduced:

H. F. No. 1532, A bill for an act relating to attorneys-at-law; establishing a surcharge on attorney license fees to be used for the public defender system; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 481.

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

Westrom, Juhnke, Urdahl, Peterson and Heidgerken introduced:

H. F. No. 1533, A bill for an act relating to taxation; extending the construction date requirement applicable to a property tax exemption for a biomass electric generation facility; amending Minnesota Statutes 2002, section 272.02, subdivision 47.

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

Mariani; Lesch; Hausman; Walker; Wasiluk; Koenen; Johnson, S.; Ellison; Thao; Hornstein and Hilty introduced:

H. F. No. 1534, A bill for an act relating to business corporations; imposing liability on a corporation and its board for damages caused to the public interest; prescribing criminal penalties and civil penalties and remedies; amending Minnesota Statutes 2002, section 302A.251.

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

Knoblach introduced:

H. F. No. 1535, A bill for an act relating to appropriations; appropriating money, authorizing bonding, and transferring or canceling appropriations made for fiscal year 2003; amending Minnesota Statutes 2002, section 127A.45, subdivision 7a; Laws 2001, First Special Session chapter 9, article 17, section 10, subdivision 1; Laws 2002, chapter 220, article 13, section 9, subdivision 2, as amended.

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

Erhardt introduced:

H. F. No. 1536, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5; allowing general obligation bonds to be issued for highways.

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

Murphy introduced:

H. F. No. 1537, A bill for an act relating to state employment; modifying salary provisions for certain officials; amending Minnesota Statutes 2002, sections 11A.07, subdivision 1; 15A.0815, subdivisions 2, 3; 352.03, subdivision 4; 353.03, subdivision 3a; 354.06, subdivision 2.

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

Mullery; Carlson; Eken; Lieder; Anderson, I., and Hilstrom introduced:

H. F. No. 1538, A bill for an act relating to higher education; providing certain tuition benefits to veterans of the war in Iraq; appropriating money.

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

Sieben; Mullery; Carlson; Lieder; Anderson, I.; Eken; Hilstrom; Juhnke; Nelson, M., and Pugh introduced:

H. F. No. 1539, A bill for an act relating to taxation; individual income; providing for members of the military in active service to be considered nonresidents for income tax purposes; amending Minnesota Statutes 2002, section 290.01, subdivision 7.

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

Mullery; Carlson; Lieder; Anderson, I.; Sieben; Eken; Juhnke; Nelson, M., and Pugh introduced:

H. F. No. 1540, A bill for an act relating to taxation; individual income; providing for members of the Minnesota National Guard to be considered nonresidents for income tax purposes while in active service; amending Minnesota Statutes 2002, section 290.01, subdivision 7.

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

Otremba introduced:

H. F. No. 1541, A bill for an act relating to counties; clarifying county powers; restricting their mandates to those expressly retained and those now or hereafter reenacted; making a general repeal of most mandates with certain exceptions; limiting county liability in certain circumstances; proposing coding for new law as Minnesota Statutes, chapter 369.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

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

H. F. No. 647, A bill for an act relating to human services; providing an exception to the nursing home construction moratorium; modifying special provisions for moratorium exceptions; amending Minnesota Statutes 2002, sections 144A.071, by adding a subdivision; 256B.431, subdivision 17.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Swenson moved that the House concur in the Senate amendments to H. F. No. 647 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 647, A bill for an act relating to human services; providing an exception to the nursing home construction moratorium; modifying special provisions for moratorium exceptions; authorizing an appropriation carryforward; amending Minnesota Statutes 2002, sections 144A.071, by adding a subdivision; 256B.431, subdivision 17.

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

The question was taken on the repassage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

MOTION TO FIX TIME TO CONVENE

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 16, 2003. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1095 was reported to the House.

Thissen and Hilty moved to amend S. F. No. 1095 as follows:

Page 2, delete lines 7 to 10

Page 2, line 11, delete everything before the period and insert "residing in the state and not for any temporary purpose"

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

S. F. No. 1095, A bill for an act relating to veterans affairs; clarifying that certain benefits are limited to state residents; amending Minnesota Statutes 2002, section 197.05.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1099 was reported to the House.

Gerlach moved that S. F. No. 1099 be continued on the Consent Calendar. The motion prevailed.

S. F. No. 768, A bill for an act relating to the capitol area architectural and planning board; revising the text of its enabling law to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without changing meaning; making conforming changes; providing revisor instructions; amending Minnesota Statutes 2002, section 15.50.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Adolphson	Buesgens	Kielkucki	Krinkie	Olson, M.
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The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, April 14, 2003:

H. F. Nos. 351, 547, 276, 768, 1112, 850, 859, 1214, 1317 and 894.

CALENDAR FOR THE DAY

H. F. No. 351, A bill for an act relating to education; redefining middle school to include a minimum of two grades instead of three grades; amending Minnesota Statutes 2002, section 120A.05, subdivision 11.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 547 was reported to the House.

Davids moved to amend H. F. No. 547, the first engrossment, as follows:

Page 1, line 12, before the period, insert "in which the farm equipment dealer has complied with the reasonable policies and procedures contained in the farm equipment manufacturer's warranty"

The motion prevailed and the amendment was adopted.

H. F. No. 547, A bill for an act relating to commerce; regulating payment for certain warranty work by farm implement dealers; changing the definition of heavy and utility equipment; amending Minnesota Statutes 2002, section 325E.068, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hilstrom	Lieder	Ozment	Stang
Abrams	Dill	Hilty	Lindgren	Paulsen	Strachan
Anderson, I.	Dorman	Hornstein	Lindner	Paymar	Swenson
Anderson, J.	Dorn	Howes	Lipman	Pelowski	Sykora
Atkins	Eastlund	Huntley	Magnus	Penas	Thao
Beard	Eken	Jaros	Mahoney	Peterson	Thissen
Bernardy	Ellison	Johnson, J.	Mariani	Powell	Tingelstad
Blaine	Entenza	Johnson, S.	Marquart	Pugh	Urdahl
Borrell	Erhardt	Juhnke	McNamara	Rhodes	Wagenius
Boudreau	Erickson	Kahn	Meslow	Rukavina	Walker
Bradley	Finstad	Kelliher	Mullery	Ruth	Walz
Brod	Fuller	Kielkucki	Murphy	Samuelson	Wardlow
Buesgens	Gerlach	Knoblach	Nelson, C.	Seagren	Wasiluk
Carlson	Goodwin	Koenen	Nelson, M.	Seifert	Westrom
Clark	Greiling	Kohls	Nelson, P.	Sertich	Zellers
Cornish	Gunther	Kuisle	Nornes	Severson	Spk. Sviggum
Cox	Haas	Lanning	Olsen, S.	Sieben	
Davids	Hackbarth	Larson	Opatz	Simpson	
Davnie	Harder	Latz	Osterman	Slawik	
DeLaForest	Hausman	Lenczewski	Otremba	Soderstrom	
Demmer	Heidgerken	Lesch	Otto	Solberg	

Those who voted in the negative were:

Adolphson	Holberg	Jacobson	Krinking	Smith	Westerberg
Anderson, B.	Hoppe	Klinzing	Olson, M.	Vanderveer	Wilkin

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

H. F. No. 276 was reported to the House.

Thissen and Wagenius moved to amend H. F. No. 276, the first engrossment, as follows:

Page 5, after line 6, insert:

"Sec. 2. [1031.237] [REAL PROPERTY SALE; TEST RESULTS PROVIDED TO BUYER.]

Subdivision 1. [PROVISION OF TEST RESULTS.] Before signing an agreement to sell or transfer real property, the seller must provide to the buyer, for each well connected to the potable water system of a building intended for human habitation or occupancy, the results of a well test for nitrate plus nitrite, total coliform

bacteria, and arsenic performed by an environmental laboratory certified for those analytes under Minnesota Rules, part 4740.2040, subparts 2, item B, and 3, item B. The test must have been performed within one year preceding the date of delivery of the test results to the buyer. The test results or accompanying documentation must indicate whether the results are within acceptable limits for nitrate plus nitrite, total coliform bacteria, and arsenic as established by the commissioner.

Subd. 2. [EXCLUSIONS.] This section does not apply to the transfer of real property where no consideration is given, or to the sale, exchange, or transfer of real property:

(1) that consists solely of a sale or transfer of severed mineral interests; or

(2) that consists of an individual condominium unit as described in chapters 515 and 515B.

Subd. 3. [EFFECT OF FAILURE TO COMPLY.] Failure to comply with a requirement of this section does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this section.

Sec. 3. [103I.243] [MODEL NOTICE RECOMMENDING PERIODIC WELL TESTING.]

Subdivision 1. [CONTENT OF MODEL NOTICE.] The commissioner shall create a model notice recommending periodic well testing for all wells connected to the potable water system of a building intended for human habitation or occupancy. The notice must contain at least the following information:

(1) the potential hazards of using water from wells for drinking and food preparation, why wells should be regularly tested for total coliform bacteria and nitrate plus nitrite, and why wells in certain areas of the state should be tested for arsenic;

(2) recommendations that wells be tested at least annually for total coliform bacteria and nitrate plus nitrite;

(3) recommendations that wells be tested once for arsenic in areas of the state in which, because of the geology of the area, arsenic may be present in well water;

(4) instructions on taking water samples from wells and submitting samples to water testing laboratories for testing;

(5) the estimated costs of having well water tested for total coliform bacteria, nitrate plus nitrite, and arsenic; and

(6) what further steps to take if a test indicates the presence of total coliform bacteria, nitrate plus nitrite, or arsenic, including the importance of testing for pesticides as defined in section 18B.01, subdivision 18, if total coliform bacteria or nitrate plus nitrite is present in well water.

Subd. 2. [DISSEMINATION OF MODEL NOTICE; OTHER INFORMATION.] (a) The commissioner shall provide a copy of the model notice to each city, county, and town in the state that has private wells connected to the potable water system of a building intended for human habitation or occupancy. Each city, county, and town is encouraged to annually provide the model notice to all households in its jurisdiction that use such wells or to

otherwise provide to the households all the information in the model notice. A local government may provide the notice to households by any means convenient, including distribution at public meetings, posting in public places, or enclosing the notice in mailings made for any other purpose.

(b) The commissioner shall post the following information on the department's Web site:

(1) a copy of the model notice created according to subdivision 1;

(2) links to other Web sites that address children's health issues; and

(3) a map of the state indicating areas in which, because of the geology of the area, arsenic may be present in well water."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Lipman raised a point of order pursuant to rule 3.21 that the Thissen and Wagenius amendment was not in order. The Speaker ruled the point of order not well taken and the Thissen and Wagenius amendment in order.

The question recurred on the Thissen and Wagenius amendment and the roll was called. There were 95 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Lindgren	Otto	Soderstrom
Abrams	Eastlund	Huntley	Mahoney	Ozment	Solberg
Anderson, I.	Eken	Jacobson	Mariani	Paulsen	Strachan
Anderson, J.	Ellison	Jaros	Marquart	Paymar	Sykora
Atkins	Entenza	Johnson, S.	McNamara	Penas	Thao
Bernardy	Erhardt	Juhnke	Meslow	Peterson	Thissen
Blaine	Goodwin	Kahn	Mullery	Pugh	Tingelstad
Brod	Greiling	Kelliher	Murphy	Rhodes	Urdahl
Carlson	Gunther	Knoblach	Nelson, C.	Ruth	Vandever
Clark	Haas	Koenen	Nelson, M.	Samuelson	Wagenius
Cornish	Hausman	Lanning	Nelson, P.	Seagren	Walker
Cox	Heidgerken	Larson	Nornes	Seifert	Walz
Davids	Hilstrom	Latz	Olsen, S.	Severson	Wasiluk
Davnie	Hilty	Lenczewski	Opatz	Sieben	Westerberg
Demmer	Hoppe	Lesch	Osterman	Simpson	Westrom
Dorman	Hornstein	Lieder	Otremba	Slawik	

Those who voted in the negative were:

Adolphson	Borrell	Buesgens	Dill	Fuller	Harder
Anderson, B.	Boudreau	DeLaForest	Erickson	Gerlach	Holberg
Beard	Bradley	Dempsey	Finstad	Hackbarth	Johnson, J.

Kielkucki	Krinkie	Lipman	Powell	Stang	Wilkin
Klinzing	Kuisle	Magnus	Rukavina	Swenson	Zellers
Kohls	Lindner	Olson, M.	Smith	Wardlow	Spk. Sviggum

The motion prevailed and the amendment was adopted.

The Speaker called Abrams to the Chair.

Knoblach moved that H. F. No. 276, as amended, be re-referred to the Committee on Ways and Means.

A roll call was requested and properly seconded.

The question was taken on the Knoblach motion and the roll was called. There were 81 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abrams	DeLaForest	Heidgerken	Lindner	Penas	Sykora
Adolphson	Demmer	Holberg	Lipman	Powell	Tingelstad
Anderson, B.	Dempsey	Hoppe	Magnus	Rhodes	Urdahl
Anderson, J.	Dorman	Howes	Marquart	Ruth	Vandever
Atkins	Eastlund	Jacobson	McNamara	Samuelson	Walz
Beard	Erhardt	Johnson, J.	Meslow	Seagren	Wardlow
Blaine	Erickson	Kielkucki	Nelson, P.	Seifert	Westerberg
Borrell	Finstad	Klinzing	Nornes	Severson	Westrom
Boudreau	Fuller	Knoblach	Olsen, S.	Simpson	Wilkin
Bradley	Gerlach	Kohls	Olson, M.	Smith	Zellers
Brod	Gunther	Krinkie	Osterman	Soderstrom	Spk. Sviggum
Buesgens	Haas	Kuisle	Otto	Stang	
Cornish	Hackbarth	Lanning	Ozment	Strachan	
Davids	Harder	Lindgren	Paulsen	Swenson	

Those who voted in the negative were:

Abeler	Eken	Huntley	Lenczewski	Opatz	Slawik
Anderson, I.	Ellison	Jaros	Lesch	Otremba	Solberg
Bernardy	Entenza	Johnson, S.	Lieder	Paymar	Thao
Carlson	Goodwin	Juhnke	Mahoney	Pelowski	Thissen
Clark	Greiling	Kahn	Mariani	Peterson	Wagenius
Cox	Hausman	Kelliher	Mullery	Pugh	Walker
Davnie	Hilstrom	Koenen	Murphy	Rukavina	Wasiluk
Dill	Hilty	Larson	Nelson, C.	Sertich	
Dorn	Hornstein	Latz	Nelson, M.	Sieben	

The motion prevailed and H. F. No. 276, as amended, was re-referred to the Committee on Ways and Means.

H. F. No. 768, A bill for an act relating to veterans; classifying military certificates of discharge as private data on individuals; providing procedures for their release; amending Minnesota Statutes 2002, sections 13.785, subdivision 2; 196.08; 386.20, subdivision 1.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Pugh was excused for the remainder of today's session.

H. F. No. 1112, A bill for an act relating to veterans affairs; providing authority to the Department of Veterans Affairs to access certain state databases to verify eligibility; amending Minnesota Statutes 2002, section 13.461, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 197.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, B.	Atkins	Blaine	Bradley	Carlson
Abrams	Anderson, I.	Beard	Borrell	Brod	Clark
Adolphson	Anderson, J.	Bernardy	Boudreau	Buesgens	Cornish

Cox	Greiling	Kahn	Mahoney	Paymar	Stang
Davids	Gunther	Kelliher	Mariani	Pelowski	Strachan
Davnie	Haas	Kielkucki	Marquart	Penas	Swenson
DeLaForest	Hackbarth	Klinzing	McNamara	Peterson	Sykora
Demmer	Harder	Knoblach	Meslow	Powell	Thao
Dempsey	Hausman	Koenen	Mullery	Rhodes	Thissen
Dill	Heidgerken	Kohls	Murphy	Rukavina	Tingelstad
Dorman	Hilstrom	Krinkie	Nelson, C.	Ruth	Urdahl
Dorn	Hilty	Kuisle	Nelson, M.	Samuelson	Vandev eer
Eastlund	Holberg	Lanning	Nelson, P.	Seagren	Wagenius
Eken	Hoppe	Larson	Nornes	Seifert	Walker
Ellison	Hornstein	Latz	Olsen, S.	Sertich	Walz
Entenza	Howes	Lenczewski	Olson, M.	Severson	Wardlow
Erhardt	Huntley	Lesch	Opatz	Sieben	Wasiluk
Erickson	Jacobson	Lieder	Osterman	Simpson	Westerberg
Finstad	Jaros	Lindgren	Otremba	Slawik	Westrom
Fuller	Johnson, J.	Lindner	Otto	Smith	Wilkin
Gerlach	Johnson, S.	Lipman	Ozment	Soderstrom	Zellers
Goodwin	Juhnke	Magnus	Paulsen	Solberg	Spk. Sviggum

The bill was passed and its title agreed to.

H. F. No. 850, A bill for an act relating to natural resources; providing for a land conveyance in Sibley county.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

The Speaker resumed the Chair.

Hilstrom was excused for the remainder of today's session.

H. F. No. 859, A bill for an act relating to natural resources; modifying provisions for the sale of state timber; providing criminal penalties; amending Minnesota Statutes 2002, sections 90.01, by adding a subdivision; 90.101; 90.121; 90.14; 90.151, subdivisions 1, 2; 90.161, subdivision 1; 90.173; 90.191, subdivisions 3, 4; 90.251, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 90.

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

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hausman	Lesch	Otremba	Stang
Abrams	Demmer	Heidgerken	Lieder	Otto	Strachan
Adolphson	Dempsey	Holberg	Lindgren	Ozment	Swenson
Anderson, B.	Dill	Hoppe	Lindner	Paulsen	Sykora
Anderson, I.	Dorman	Howes	Lipman	Pelowski	Thissen
Anderson, J.	Dorn	Huntley	Magnus	Penas	Tingelstad
Atkins	Eastlund	Jacobson	Marquart	Peterson	Urdahl
Beard	Eken	Johnson, J.	McNamara	Powell	Vandever
Blaine	Ellison	Kielkucki	Meslow	Rhodes	Walz
Borrell	Erhardt	Klinzing	Mullery	Ruth	Wardlow
Boudreau	Erickson	Knoblach	Murphy	Samuelson	Westerberg
Bradley	Finstad	Koenen	Nelson, C.	Seagren	Westrom
Brod	Fuller	Kohls	Nelson, M.	Seifert	Wilkin
Buesgens	Gerlach	Krinkie	Nelson, P.	Sertich	Zellers
Carlson	Greiling	Kuisle	Nornes	Severson	Spk. Sviggum
Cornish	Gunther	Lanning	Olsen, S.	Simpson	
Cox	Haas	Larson	Olson, M.	Slawik	
Davids	Hackbarth	Latz	Opatz	Smith	
Davnie	Harder	Lenczewski	Osterman	Soderstrom	

Those who voted in the negative were:

Bernardy	Hornstein	Juhnke	Mariani	Sieben	Walker
Entenza	Jaros	Kahn	Paymar	Thao	Wasiluk
Goodwin	Johnson, S.	Kelliher	Rukavina	Wagenius	

The bill was passed and its title agreed to.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mullery moved that the name of Otremba be added as an author on H. F. No. 11. The motion prevailed.

Ellison moved that the name of Bernardy be added as an author on H. F. No. 218. The motion prevailed.

Samuelson moved that the name of Strachan be added as an author on H. F. No. 326. The motion prevailed.

Erickson moved that the name of Tingelstad be added as an author on H. F. No. 602. The motion prevailed.

Stang moved that the name of Heidgerken be added as an author on H. F. No. 642. The motion prevailed.

Slawik moved that the name of Tingelstad be added as an author on H. F. No. 658. The motion prevailed.

Abeler moved that the name of Tingelstad be added as an author on H. F. No. 692. The motion prevailed.

Gunther moved that the name of Brod be added as an author on H. F. No. 892. The motion prevailed.

Krinkie moved that the name of Lanning be added as an author on H. F. No. 958. The motion prevailed.

Lenczewski moved that the name of Otto be added as an author on H. F. No. 983. The motion prevailed.

Brod moved that the name of Erhardt be added as an author on H. F. No. 1044. The motion prevailed.

Severson moved that the name of Lanning be added as an author on H. F. No. 1143. The motion prevailed.

Pugh moved that the name of Severson be added as an author on H. F. No. 1209. The motion prevailed.

Hornstein moved that the names of Rhodes, Gerlach and Erickson be added as authors on H. F. No. 1317. The motion prevailed.

Finstad moved that the name of Penas be added as an author on H. F. No. 1361. The motion prevailed.

Klinzing moved that the names of Samuelson and Urdahl be added as authors on H. F. No. 1375. The motion prevailed.

Klinzing moved that the name of Samuelson be added as an author on H. F. No. 1376. The motion prevailed.

Ozment moved that the name of Tingelstad be added as an author on H. F. No. 1520. The motion prevailed.

Nornes moved that the names of Lindgren and Simpson be added as authors on H. F. No. 1521. The motion prevailed.

Gunther moved that H. F. No. 831, now on the General Register, be re-referred to the Committee on Ways and Means. The motion prevailed.

PROTEST AND DISSENT

Pursuant to Article IV, Section 11, of the Constitution of the State of Minnesota, we are filing a formal Protest and Dissent in response to the public remarks of Representative Loren A. Solberg on Thursday, April 3 in the House Ways and Means Committee.

During discussion of House File No. 261, the Minnesota Personal Protection Act, Representative Solberg, in a condescending attempt at humor, stated that a former legislator would not have qualified under the provisions of the bill because "he probably would have fallen through under the mental illness exemption."

We believe it is never appropriate to refer to mental illness in a joking manner. Representative Solberg's rude and insensitive remark was deeply offensive and uttered in total disregard for those who suffer from mental illness. As a legislator of 21 years, and the lead DFL member of the Ways and Means Committee, Representative Solberg should have known better.

Furthermore, we believe that Representative Solberg's comments violate the Minnesota House of Representatives' Code of Conduct. Representative Solberg's comments fail to treat everyone with the respect, fairness and courtesy required under the Code of Conduct.

We also are disturbed that such behavior took place just 24 days after Representative Solberg himself was a signatory to a protest and dissent lodged against a member for comments Representative Solberg deemed offensive. This "do as I say, not as I do" attitude is hypocritical, and frankly - amazingly inconsistent.

Rather than working to make positive change in the lives of individuals suffering from mental illness, Representative Solberg's comments perpetuated the discriminatory stereotypes of those who, through no fault of their own, suffer from mental illness.

The disparaging remarks of Representative Solberg were inappropriate and demeaning and do not reflect the views of the Republican Caucus in the Minnesota House of Representatives.

Signed:

LYNDA BOUDREAU

FRAN BRADLEY

ADJOURNMENT

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, April 16, 2003.

EDWARD A. BURDICK, Chief Clerk, House of Representatives