

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

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 THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MARCH 30, 2005

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

Prayer was offered by Rabbi Dovid Greene, Rochester, 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	Heidgerken	Lanning	Nornes	Sertich
Anderson, B.	Dill	Hilstrom	Larson	Opatz	Severson
Anderson, I.	Dittrich	Hilty	Latz	Otremba	Sieben
Atkins	Dorn	Holberg	Lenczewski	Ozment	Simon
Beard	Eastlund	Hoppe	Lesch	Paulsen	Simpson
Bernardy	Eken	Hornstein	Liebling	Paymar	Slawik
Blaine	Ellison	Hortman	Lieder	Pelowski	Smith
Bradley	Emmer	Hosch	Lillie	Penas	Soderstrom
Brod	Entenza	Howes	Loeffler	Peppin	Sykora
Buesgens	Erhardt	Huntley	Magnus	Peterson, A.	Thao
Carlson	Erickson	Jaros	Mahoney	Peterson, N.	Thissen
Charron	Finstad	Johnson, J.	Mariani	Peterson, S.	Tingelstad
Clark	Fritz	Johnson, R.	Marquart	Poppe	Urdahl
Cornish	Garofalo	Johnson, S.	McNamara	Powell	Vandevor
Cox	Gazelka	Juhnke	Meslow	Rukavina	Wagenius
Cybart	Goodwin	Kahn	Moe	Ruth	Wardlow
Davids	Greiling	Kelliher	Mullery	Ruud	Welti
Davnie	Gunther	Klinzing	Murphy	Sailer	Westerberg
Dean	Hackbarth	Knoblach	Nelson, M.	Samuelson	Westrom
DeLaForest	Hamilton	Koenen	Nelson, P.	Scalze	Wilkin
Demmer	Hansen	Kohls	Newman	Seifert	Zellers

A quorum was present.

Abrams, Dorman, Hausman, Krinkie, Olson, Solberg, Walker and Sviggum were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peppin 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. 1535 and H. F. No. 1376, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hoppe moved that S. F. No. 1535 be substituted for H. F. No. 1376 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 6, A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage only a union between one man and one woman.

Reported the same back with the following amendments:

Page 1, line 11, delete everything after the period and insert "Any other relationship shall not be recognized as a marriage or its legal equivalent by the state or any of its political subdivisions."

Page 1, delete lines 12 and 13

Page 1, delete lines 17 to 21, and insert:

"Shall the Minnesota Constitution be amended to provide that the state and its political subdivisions shall recognize marriage or its legal equivalent as limited to only the union of one man and one woman?"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 434, A bill for an act relating to economic development; appropriating money for the joint partnership between the University of Minnesota and the Mayo Clinic for research in biotechnology and medical genomics.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 563, A bill for an act relating to insurance; permitting service cooperatives to provide group health coverage to private employers; proposing coding for new law in Minnesota Statutes, chapter 123A.

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

The report was adopted.

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

H. F. No. 898, A bill for an act relating to unemployment insurance; conforming various provisions to federal requirements; making technical and housekeeping changes; modifying appeal procedures; amending Minnesota Statutes 2004, sections 268.03, subdivision 1; 268.035, subdivisions 9, 13, 14, 20, 21, 26; 268.042, subdivision 1; 268.043; 268.044, subdivisions 1, 2, 3; 268.045, subdivision 1; 268.051, subdivisions 1, 4, 6, 7, by adding a subdivision; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivision 7; 268.065, subdivision 2; 268.069, subdivision 1; 268.07, subdivision 3b; 268.085, subdivisions 1, 2, 3, 5, 12; 268.086, subdivisions 2, 3; 268.095, subdivisions 1, 4, 7, 8, 10, 11; 268.101, subdivisions 1, 3a; 268.103, subdivision 2; 268.105; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 2b; 268.182, subdivision 2; 268.184, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2004, sections 268.045, subdivisions 2, 3, 4; 268.086, subdivision 4; Laws 1997, chapter 66, section 64, subdivision 1; Minnesota Rules, parts 3310.2926; 3310.5000; 3315.0910, subpart 9; 3315.1020; 3315.1301; 3315.1315, subparts 1, 2, 3; 3315.1650; 3315.2210; 3315.3210; 3315.3220.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

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

H. F. No. 913, A bill for an act relating to state employees; modifying state employee group insurance plan provisions; amending Minnesota Statutes 2004, sections 43A.23, subdivision 1; 43A.24, subdivision 2; 43A.27, subdivisions 3, 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 43A.23, subdivision 1, is amended to read:

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

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

Sec. 2. Minnesota Statutes 2004, section 43A.24, subdivision 2, is amended to read:

Subd. 2. [OTHER ELIGIBLE PERSONS.] The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the Board of Regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2:

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) an employee of the legislature or an employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session, as determined by the Legislative Coordinating Commission;

(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, or a judge of county municipal court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; an employee of the Office of the District Administrator that is not in the Second or Fourth Judicial District; a court administrator or employee of the court administrator in a judicial district under section 480.181, subdivision 1, paragraph (b), and a guardian ad litem program employee;

(d) a salaried employee of the Public Employees Retirement Association;

(e) a full-time military or civilian officer or employee in the unclassified service of the Department of Military Affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota Historical Society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) ~~notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota State Retirement System correctional employee retirement plan or the State Patrol retirement fund, who has at least 20 years of state service and retires, earlier than~~

~~required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program;~~

(+) an employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose positions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance;

(+) (i) employees of the state Board of Public Defense, with eligibility determined by the state Board of Public Defense in consultation with the commissioner of employee relations; and

(+) (j) employees of supporting organizations of Minnesota Technology, Inc., established after July 1, 2003, under section 116O.05, subdivision 4, as paid for by the supporting organization.

Sec. 3. Minnesota Statutes 2004, section 43A.27, subdivision 3, is amended to read:

Subd. 3. [RETIRED EMPLOYEES.] (a) A person may elect to purchase at personal expense individual and dependent hospital, medical, and dental coverages if the person is:

(1) a retired employee of the state or an organization listed in subdivision 2 or section 43A.24, subdivision 2, who, at separation of service:

(i) is immediately eligible to receive a retirement benefit under chapter 354B or an annuity under a retirement program sponsored by the state or such organization of the state;

(ii) immediately meets the age and service requirements in section 352.115, subdivision 1; and

(iii) has five years of service or meets the service requirement of the collective bargaining agreement or plan, whichever is greater; or

(2) a retired employee of the state who is at least 50 years of age and has at least 15 years of state service.

(b) The commissioner ~~shall~~ must offer at least one plan which is actuarially equivalent to those made available through collective bargaining agreements or plans established under section 43A.18 to employees in positions equivalent to that from which retired, and must offer at least one lower-cost plan.

(c) A spouse of a person eligible under paragraph (a) may purchase the coverage listed in this subdivision if the spouse was a dependent under the retired employee's coverage at the time of the retiree's death.

(d) Coverages must be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program. Until the retired employee reaches age 65, the retired employee and dependents must be pooled in the same group as active employees for purposes of establishing premiums and coverage for hospital, medical, and dental insurance. Coverage for retired employees and their dependents may not discriminate on the basis of evidence of insurability or preexisting conditions unless identical conditions are imposed on active employees in the group that the employee left. Appointing authorities shall provide notice to employees no later than the effective date of their retirement of the right to exercise the option provided in this subdivision. The retired employee must notify the commissioner or designee of the commissioner within 30 days after the effective date of the retirement of intent to exercise this option.

Sec. 4. Minnesota Statutes 2004, section 43A.27, subdivision 4, is amended to read:

Subd. 4. [RETIRED JUDGES; FORMER LEGISLATORS.] (a) Retired judges or former legislators may elect to purchase coverage for themselves or their dependents at their own expense as provided in paragraphs (b) and (c).

(b) A retired judge of the state Supreme Court, the Court of Appeals, a district court, a county court, a county municipal court, or a probate court may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (c). The commissioner shall notify judges no later than the effective date of their retirement of their right to exercise the option provided in this subdivision. A retired judge must notify the commissioner or designee of the commissioner within 30 days after the effective date of retirement if the judge intends to exercise the option.

(c) A former member of the legislature may elect to purchase coverage provided persons listed in section 43A.24, subdivision 2, clause (a), under conditions provided in this paragraph.

(1) The commissioner must notify a member of the legislature no later than the effective date of the member leaving office of the person's rights to exercise the options provided under this subdivision when leaving office and in future years. A former member of the legislature must notify the commissioner within 30 days after leaving office if the former member intends to exercise the option to purchase coverage upon leaving office.

(2) If a former member of the legislature does not exercise the option to purchase coverage upon leaving office under clause (1), the former legislator may later elect to purchase the coverage only during an open enrollment period, generally applicable to state employees, prescribed by the commissioner of employee relations. The commissioner may prescribe the manner for making an election under this clause during an open enrollment period. Before the start of each open enrollment period, the commissioner must send a notice by United States mail to the last known address of the former member. The notice must inform the former member of the person's rights during the open enrollment period. A former member of the legislature who wishes to be eligible to purchase coverage after leaving office must give the Legislative Coordinating Commission a current mailing address. The Legislative Coordinating Commission must supply the commissioner with a list of the mailing addresses of former legislators.

(3) A former member of the legislature who purchases coverage under this subdivision may discontinue the coverage during an open enrollment period by giving notice in the manner prescribed by the commissioner of employee relations. A former member who discontinues coverage under this clause may purchase coverage again during a subsequent open enrollment period by giving notice in a manner prescribed by the commissioner.

(4) A former member of the legislature who purchases coverage under this subdivision, and who discontinues coverage at a time other than during an open enrollment period, may not purchase coverage again.

(5) A person who left legislative service before the effective date of this section is subject to clauses (2) to (4), except as follows:

(i) if the former legislator is not purchasing coverage on the effective date of this section, the person may purchase coverage once after that date at any time, notwithstanding the requirement of clause (2) that coverage be purchased during an open enrollment period; and

(ii) clause (4) does not prevent a former legislator who discontinued coverage at any time before the effective date of this section from purchasing coverage under this clause or under clause (2).

Sec. 5. [NOTICE.]

As soon as possible after the effective date of section 4, the Legislative Coordinating Commission must: (1) attempt to notify persons who left legislative service before the effective date of section 4 of changes in law made by section 4; and (2) give the commissioner of employee relations a list of all addresses of former legislators that the Legislative Coordinating Commission has compiled.

Sec. 6. [EFFECTIVE DATE.]

Sections 4 and 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring notice to former legislators;"

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

The report was adopted.

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

H. F. No. 1272, A bill for an act relating to professional firms; including marriage and family therapy in the definition of professional services; allowing marriage and family therapists to practice professional services in combination; amending Minnesota Statutes 2004, sections 319B.02, subdivision 19; 319B.40.

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

The report was adopted.

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

H. F. No. 1391, A bill for an act relating to environment; providing for the recovery and recycling of waste electronic products; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116H.55] [DEFINITIONS.]

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

Subd. 2. [CATHODE RAY TUBE OR CRT.] "Cathode ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image. It is composed primarily of glass, and is the video display component of a television or computer monitor, and includes other items integrally attached to the CRT.

Subd. 3. [COMPUTER MONITOR.] "Computer monitor" means an electronic device that is a cathode ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet. Computer monitor includes a laptop computer.

Subd. 4. [FULL TRUCKLOAD.] "Full truckload" means a quantity weighing 25,000 pounds or more of video display devices.

Subd. 5. [HENNEPIN COUNTY STUDY.] "Hennepin County study" means the Hennepin County Consumer Electronics Brand Tally, published January 2005.

Subd. 6. [HOUSEHOLD.] "Household" means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a video display device at a dwelling unit primarily for personal use.

Subd. 7. [INTERMEDIATE CONSOLIDATION POINT.] "Intermediate consolidation point" means a facility in the state approved by the Office of Environmental Assistance pursuant to section 116H.65, paragraph (d), clause (3), where local governments and households can deliver for consolidation video display devices generated by households and destined for recycling, refurbishment, or reuse. The facility may be operated by a private entity or a local unit of government, and must be capable of consolidating a full truckload of video display devices from households in accordance with all applicable federal, state, and local laws, rules, regulations, and ordinances.

Subd. 8. [MANUFACTURER.] "Manufacturer" means a person who: (1) manufactures video display devices to be sold under its own brand as identified by its own brand label; or (2) sells video display devices manufactured by others under its own brand as identified by its own brand label.

Subd. 9. [MANUFACTURER'S BRANDS.] "Manufacturer's brands" means a manufacturer's name, brand name, or brand label, and all manufacturer's names, brand names, and brand labels for which the manufacturer has legal responsibility, including those manufacturer's names, brand names, and brand labels of companies that have been acquired by the manufacturer.

Subd. 10. [OFFICE.] "Office" means the Office of Environmental Assistance.

Subd. 11. [ORPHAN WASTE.] "Orphan waste" means a video display device covered by this section for which (1) no manufacturer can be identified, or (2) the manufacturer no longer exists and no successor can be identified.

Subd. 12. [PRO RATA SHARE.] "Pro rata share" means the percentage that is the proportion, multiplied by 100, of the total weight of video display devices, of the manufacturer's brands registered by a registrant, as required by section 116H.60, paragraph (e), received at intermediate consolidation points divided by the total weight of video display devices received at intermediate consolidation points, as determined by the sampling program at intermediate consolidation points pursuant to section 116H.65, paragraph (d), clause (1). The pro rata share for the first program year shall be based on the Hennepin County study.



Subd. 13. [REGISTRANT.] "Registrant" means a manufacturer that submits the registration required by section 116H.60, paragraph (a), or an independent party that submits the registration required by section 116H.60, paragraph (a), in lieu of a manufacturer.

Subd. 14. [SELL OR SALE.] "Sell" or "sale" means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means either inside or outside of the state, by a person who conducts the transaction and controls the delivery of a video display device to a consumer in the state, but does not include a wholesale transaction with a distributor or a retailer.

Subd. 15. [TELEVISION.] "Television" means an electronic device that is a cathode ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.

Subd. 16. [VIDEO DISPLAY DEVICE.] "Video display device" means a computer monitor or television with a screen size greater than eight inches measured diagonally.

Sec. 2. [116H.60] [REGISTRATION PROGRAM.]

(a) On and after July 1, 2006, a person may not sell or offer for sale a new video display device to any person in the state unless:

(1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and

(2) the video display device is subject to a registration filed by a registrant with the office according to this section, with the registration effective upon receipt by the office.

(b) A person who sells or offers for sale a new video display device to a consumer in this state must, before initial offer for sale of the device, submit to the office a certification that the person has reviewed the office's Web site specified in paragraph (h), and has determined that all new video display devices that the person is then offering for sale are labeled with manufacturer's brands that are subject to registration statements filed with the office. After the initial submittal, the certification must be submitted to the office annually by July 10 of each year, effective as of July 1 of each year.

(c) By February 1, 2006, a manufacturer of video display devices sold to a consumer in this state must submit a registration to the office that includes a certification that a registrant will participate in the intermediate consolidation point program as specified in paragraph (m) beginning July 1, 2006. A manufacturer who begins to sell or offer for sale video display devices after February 1, 2006, and has not filed a registration pursuant to this section must submit a registration to the office within ten days of beginning to sell or offer for sale video display devices to consumers in the state. The registration is effective upon receipt by the office.

(d) The registration must list the manufacturer's brands. The registration must be updated within ten days after a change in the manufacturer's brands, such as in the event of an acquisition, merger, or divestiture.

(e) A registrant may partner with one or more manufacturers or other parties, collectively a "registrant," to prepare and submit to the office a joint video display device recycling, refurbishment, or reuse program.

(f) The office must set a registration fee, not to exceed \$3,000 per year, the revenues from which are to be used only to pay administrative costs of the program. This fee-setting process is subject to rulemaking under section 14.389.

(g) The office must review each registration and notify the registrant if the registration does not include the information required by this section. Within 30 days of receipt of a notification from the office, the registrant must file with the office a revised registration providing the information noted by the office.

(h) The office must maintain on its Web site the names of the registrants and the manufacturers' brands that are listed in registrations filed with the office. The office must update the Web site information promptly upon receipt of a new registration or an updated registration.

(i) The obligations of a manufacturer or registrant apply only to video display devices received from households in this state and do not apply to video display devices received from owners other than households.

(j) Persons who receive a video display device for recycling, refurbishment, or reuse pursuant to a registration may recycle, refurbish, or reuse, including re-sell, the video display device. Except to the extent otherwise required by law, such persons have no responsibility for any data that may be on the video display device if an information storage device is included with the video display device.

(k) A city, county, or other public agency may not require households to use the intermediate consolidation point program to recycle their video display devices to the exclusion of other programs legally available. This chapter anticipates that video display device recycling programs, in addition to those provided by manufacturers and registrants under this section, will be available to households in the state. Nothing in this chapter prohibits or restricts any such programs or prohibits or restricts any persons from receiving, storing, transporting, or recycling video display devices.

(l) By October 1 of each year, each registrant must submit a report to the office that describes the implementation of the program during the preceding program year. The program year is July 1 through June 30. The first report must be submitted by October 1, 2007. The report must:

(1) identify the total weight of the video display devices that the registrant has arranged for pickup from intermediate consolidation points during the preceding year, and the total weight of video display devices that the registrant has received from households through other methods during the preceding year and for which the registrant has used such video display devices to satisfy all or a portion of its pro rata share responsibility during the preceding year; and

(2) describe the processes and methods used to recycle, refurbish, or reuse video display devices that the registrant has arranged for pickup from intermediate collection points during the preceding year and that the registrant has received from households through other methods, and for which the registrant has used such video display devices to satisfy all or a portion of its pro rata share responsibility during the preceding year; and, in particular, identify any disassembly, physical recovery operation including crushing, shredding, grinding, or glass to glass recycling, or any other operation that was used and describe where it took place. The report must also discuss whether these activities included procedures described in the United States Environmental Protection Agency's guidelines for the environmentally sound management of electronic equipment.

(m) Participation in the intermediate consolidation point program requires that a registrant must:

(1) arrange for the pickup and recycling of a full truckload load or full truckloads of computer monitor video display devices or television video display devices received by intermediate consolidation points after July 1, 2006, up to the registrant's pro rata share of computer monitor video display devices or television video display devices, from intermediate consolidation points, pursuant to rules adopted by the office under section 116H.65, paragraph (e). Registrants are responsible for the costs of pickup and recycling of the video display devices. A registrant may satisfy a portion or all of its pro rata share responsibility by receipt of video display devices from households through other methods if the registrant has not charged for the recycling, refurbishment, or reuse of the video display

devices that the registrant has received from households in this state through the other methods. A registrant who intends to satisfy a portion or all of its pro rata share responsibility by receipt of the video display devices from households through other methods must provide the office with a report of its receipt of video display devices through the other methods on a quarterly basis:

(2) until June 30, 2009, arrange for the pickup and recycling of a minimum of an additional 12.5 percent of the registrant's pro rata share of video display devices by weight from intermediate consolidation points, pursuant to rules adopted by the office under section 116H.65, paragraph (e). Registrants are responsible for the costs of pickup and recycling of the video display devices. A registrant may satisfy a portion or all of its additional pro rata share responsibility by receipt of video display devices from households through other methods if the registrant has not charged for the recycling, refurbishment, or reuse of the video display devices that the registrant received from households in this state through the other methods. Collectively, the registrants must arrange for the pickup and recycling of at least 50 percent of the orphan waste collected during this period.

(n) After receipt of the report required by paragraph (l) to be filed on October 1, 2009, the office must review the performance of the program and may issue performance standards related to the number of units collected per household.

Sec. 3. [116H.65] [DUTIES OF OFFICE.]

(a) The office must administer and enforce this chapter.

(b) The office must establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the office pursuant to section 116H.60; and

(2) making the statements and certifications easily available to registrants, manufacturers, distributors, retailers, and members of the public.

(c) On or before December 1, 2010, and every three years thereafter, the office must provide a report to the governor and the legislature on the implementation of this chapter. For each of the preceding three program years, the report must discuss the total weight of video display devices received by all registrants from intermediate consolidation points, the total weight of video display devices received by each registrant from intermediate consolidation points, the total weight of video display devices that the registrant has received from households through other methods during the preceding year and which the registrant has used to satisfy all or a portion of its pro rata share responsibility during the preceding year, and a summary of information in the report submitted by registrants pursuant to section 116H.60, paragraph (1). The report must also discuss the various collection programs used to collect video display devices and information received by the office regarding video display devices that are not being collected by the registrants. The report must include a description of enforcement actions under this chapter and information about video display devices, if any, being disposed of in landfills in this state. The office may include in its report other information received by the office regarding the implementation of the chapter.

(d) The office must administer the intermediate consolidation point program.

(1) The office must calculate pro rata shares for video display devices on an annual program year basis for each registrant. Pro rata shares for the first program year must be determined by the office by May 1, 2006, using the Hennepin County study. For each subsequent year, pro rata shares must be determined by May 1 of the preceding year based upon an annual sampling survey conducted by the office at intermediate consolidation points during that preceding year. The sampling survey must identify televisions and computer monitors separately, and calculate the weight of televisions and computer monitors separately. The office may provide registrants with projections or estimates of the amount by weight of video display devices for which the registrant may be responsible during a given program year.

(2) The office must establish by rule by May 1, 2006, a system to coordinate among registrants pickups from intermediate consolidation points after an intermediate consolidation point has notified the office that a full truckload of video display devices from households has been consolidated. The office must provide a program year accounting of the extent to which each registrant met its pro rata share responsibility as established pursuant to section 116H.60, paragraph (m), and methods for addressing amounts greater than or less than a registrant's pro rata share responsibility that were picked up and recycled by a registrant during the program year. The system must establish a procedure for allocating to local governments the responsibility for the recycling of video display devices that are not the responsibility of any registrant.

(3) By February 1, 2006, the office must receive applications for the establishment of intermediate consolidation points. The director must seek to receive at least 15 applications with at least ten of the applications from outside the metropolitan area. By April 30, 2006, the office must establish a list of approved intermediate consolidation points and must provide the list on its Web site. Manufacturers and registrants have no responsibility for any costs of the intermediate consolidation points. Applications for the establishment of intermediate consolidation points must specify any method that will be used to ensure that video display devices will be collected only from households or that video display devices from households will be segregated from other video display devices.

(e) The office may adopt rules for the purpose of administering and enforcing this chapter.

#### Sec. 4. [116H.70] [OTHER PROGRAMS.]

(a) A city, county, or other public agency may not adopt, implement, or enforce an ordinance, resolution, regulation, or rule establishing a video display device recycling program or a video display device recycling fee, including any fee of any type applied at time of purchase of a video display device, unless expressly authorized by this section.

(b) This section does not prohibit:

(1) the adoption, implementation, or enforcement of any local ordinance, resolution, regulation, or rule governing curbside or drop-off recycling programs operated by, or pursuant to a contract with, a city, county, or other public agency; or

(2) local programs operated under agreements with registrants that include fees for funding the programs, if the fees do not include a fee applied to the video display device at the time of purchase.

#### Sec. 5. [116H.75] [REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.]

(a) The Department of Administration must ensure that acquisitions of video display devices under chapter 16C are certified by the vendor to be in compliance with section 116H.60.

(b) The bid solicitation documents must specify that the prospective bidder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with paragraph (a) and section 116H.60.

(c) Any person awarded a contract under chapter 16C for purchase or lease of video display devices that is found to be in violation of paragraph (a) or section 116H.60 is subject to the following sanctions:

(1) the contract must be voided;

(2) the contractor is ineligible to bid on any state contract for a period of three years; and

(3) if the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating paragraph (a) or section 116H.60, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

Sec. 6. [116H.80] [REGULATION OF CRT DEVICES.]

Rules adopted by the office or by the Pollution Control Agency regarding the handling, storage, and treatment of cathode ray tube devices or video display devices being recycled may not be more restrictive than regulations adopted by the United States Environmental Protection Agency. If the United States Environmental Protection Agency adopts regulations under the Resource Conservation and Recovery Act regarding the handling, storage, or treatment of cathode ray tube devices or video display devices being recycled, those regulations are automatically effective in this state on the same date and supersede any rules previously adopted by the office or the Pollution Control Agency regarding the handling, storage, or treatment of cathode ray tube devices or video display devices being recycled.

Sec. 7. [116H.85] [ENFORCEMENT.]

This chapter shall be enforced in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072.

Sec. 8. [116H.90] [LIMITATIONS.]

This chapter expires if a federal law, or combination of federal laws, takes effect that is applicable to all video display devices sold in the United States and establishes a program for the collection and recycling or reuse of video display devices that is applicable to all video display devices discarded by households."

Delete the title and insert:

"A bill for an act relating to environment; providing for the recovery and recycling of waste electronic products; proposing coding for new law in Minnesota Statutes, chapter 116H."

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

The report was adopted.

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

H. F. No. 1412, A bill for an act relating to education finance; providing that agricultural land is not subject to certain school district debt service levies; amending Minnesota Statutes 2004, sections 123B.53, subdivision 5; 126C.01, subdivision 2.

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.

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

H. F. No. 1413, A bill for an act relating to education finance; allowing school boards to elect to levy debt service against referendum market value; amending Minnesota Statutes 2004, sections 123B.53, subdivision 4, by adding a subdivision; 123B.55; 123B.71, subdivision 9.

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.

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

H. F. No. 1414, A bill for an act relating to education finance; allowing school boards to elect to levy debt service against referendum market value; amending Minnesota Statutes 2004, sections 123B.53, subdivision 4, by adding a subdivision; 123B.55; 123B.71, subdivision 9; 126C.01, by adding a subdivision.

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.

Ozment from the Committee on Agriculture, Environment and Natural Resources Finance to which was referred:

H. F. No. 1470, A bill for an act relating to environment; authorizing annual adjustment of dry cleaner environmental fees; amending Minnesota Statutes 2004, section 115B.49, by adding a subdivision; repealing Minnesota Statutes 2004, section 115B.49, subdivision 4a.

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

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 1548, A bill for an act relating to economic development; appropriating money to the commissioner of employment and economic development for biotechnology and medical genomics research.

Reported the same back with the following amendments:

Page 1, line 16, delete "and" and insert a semicolon

Page 1, line 17, after "Committee" insert "; the senate Environment, Agriculture and Economic Development Budget Division; and the house Jobs and Economic Opportunity Policy and Finance Committee"

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

The report was adopted.

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

H. F. No. 1568, A bill for an act relating to crimes; authorizing a \$1 assessment fee on state identification cards and drivers' licenses to fund the Minnesota Financial Crimes Task Force; providing for the organization of regional districts; amending Minnesota Statutes 2004, section 299A.68, subdivisions 4, 6a, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [299A.681] [MINNESOTA FINANCIAL CRIMES OVERSIGHT COUNCIL.]

Subdivision 1. [OVERSIGHT COUNCIL ESTABLISHED.] The Minnesota Financial Crimes Oversight Council is established to provide guidance related to the investigation and prosecution of identity theft and financial crime.

Subd. 2. [MEMBERSHIP.] The council shall consist of the following individuals or their designees:

(1) the commissioner of public safety;

(2) the attorney general;

(3) two chiefs of police, selected by the Minnesota Chiefs of Police Association from police departments which participate in the Minnesota Financial Crimes Task Force;

(4) two sheriffs, selected by the Minnesota Sheriffs Association from sheriff departments which participate in the Minnesota Financial Crimes Task Force;

(5) the United States attorney for the district of Minnesota;

(6) one county attorney, selected by the Minnesota County Attorneys Association;

(7) a representative from the United States Postal Inspector's Office;

(8) a representative from a not-for-profit retail merchants industry;

(9) a representative from a not-for-profit banking and credit union industry;

(10) a representative from a not-for-profit association representing senior citizens;

(11) the statewide commander described in subdivision 4; and

(12) two additional members who shall be selected by the council.

The council may adopt procedures to govern its conduct as necessary and shall select a chair from among its members.

Subd. 3. [DUTIES.] The council shall develop an overall strategy to ameliorate the harm caused to the public by identity theft and financial crime within the state of Minnesota. This strategy may include the development of protocols and procedures to investigate financial crimes and a structure for best addressing these issues in a multijurisdictional manner. Additionally, the council shall:

(1) establish a multijurisdictional statewide Minnesota Financial Crimes Task Force to investigate major financial crimes;

(2) choose a statewide commander who shall serve at the pleasure of the council;

(3) assist the Department of Public Safety in developing an objective grant application and review process that is free from conflicts of interest;

(4) make funding recommendations to the commissioner of public safety on grants to support efforts to combat identity theft and financial crime;

(5) assist in developing a process to collect and share information to improve the investigation and prosecution of identity theft and financial crime;

(6) develop and approve an operational budget for the office of the statewide commander and the council;

(7) establish fiscal procedures with the Department of Public Safety on funding disbursements and allocation procedures for approved council and task force operations and grants which are funded under assessment fees collected in subdivision 9; and

(8) enter into such contracts as necessary to establish and maintain a relationship with the retailers, financial institutions, and other businesses to deal effectively with identity theft and financial crime.

The task force described in clause (1) may consist of members from local law enforcement agencies, federal law enforcement agencies, state and federal prosecutor offices and representatives from elderly victims, retail, and financial institutions as described in subdivision 2, clauses (8), (9), and (10).

Subd. 4. [STATEWIDE COMMANDER.] The current task force commander, serving under section 299A.68 shall transition the current task force and remain in place as commander under the council until July 1, 2008, at which time the commissioner of public safety, upon the recommendation of the council, shall appoint a statewide commander as chosen by the council. The current commander shall be reappointed. The commander serving in the unclassified service shall:

(1) coordinate and monitor all multijurisdictional identity theft and financial crime enforcement activities;

(2) facilitate local efforts and ensure statewide coordination with efforts to combat identity theft and financial crime;

(3) facilitate training for personnel;

(4) monitor compliance with investigative protocols;

(5) implement an outcome evaluation and data quality control process;

(6) be responsible for selection and removal for cause of assigned task force investigators who are designated participants under a memorandum of understanding and/or who receive grant funding;

(7) provide supervision of task force investigators assigned;



(8) submit a task force operational budget to the council for approval; and

(9) submit quarterly task force activity reports to the council.

Subd. 5. [PARTICIPATING OFFICERS; EMPLOYMENT STATUS.] All law enforcement officers selected to participate in the Minnesota Financial Crimes Task Force must be licensed peace officers as defined in section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Participating officers remain employees of the same entity that employed them before joining any multijurisdictional entity established under this section. Participating officers are not employees of the state.

Subd. 6. [JURISDICTION AND POWERS.] Law enforcement officers participating in any multijurisdictional entity established under this section have statewide jurisdiction to conduct criminal investigations and have the same powers of arrest as those possessed by a sheriff. The task force shall retain the assigned originating reporting number for case reporting purposes according to section 299A.68 and transferred to this section effective July 1, 2005.

Subd. 7. [GRANTS AUTHORIZED.] The commissioner of public safety, upon recommendation of the council, shall make grants to state and local units of government to combat identity theft and financial crime. The commander, as funding permits, may prepare a budget to establish four regional districts and funding grant allocations programs outside the counties of Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget shall be reviewed and approved by the council and recommended to the commissioner of public safety to support these efforts. The council account shall be transferred on or before each fiscal accounting calendar quarter during each year on a recurring basis to its fiscal agent under subdivision 3, clause (7).

Subd. 8. [FINANCIAL CRIMES OVERSIGHT COUNCIL FUNDING ACCOUNT.] The Minnesota Financial Crimes Oversight Council funding account is created in the state treasury. Money received from assessments under subdivision 9 is deposited into the account. Money in the account is earmarked for the council and must be used for investigation of identity theft and financial crimes. All fees collected by the commissioner of public safety under this subdivision must be deposited in the state treasury and credited to the Minnesota Financial Crimes Oversight Council funding account within the Department of Public Safety. Money in the account is appropriated to the council to administer this section. Assessment of the funds shall begin July 1, 2005.

Subd. 9. [ASSESSMENT FEES.] (a) Each Minnesota state identification card or driver's license issued by the state of Minnesota shall be assessed a fee of \$1. A fee of \$1 shall also be assessed for renewal, replacement, or reinstatement cards or licenses. The persons collecting assessments shall remit all assessments to the commissioner of public safety for deposit into a special account earmarked for the Minnesota Financial Crimes Oversight Council. The council account shall be transferred on or before each fiscal accounting calendar quarter during each year on a recurring basis to its fiscal agent established under subdivision 3, clause (7).

(b) The assessment fee increase generated under paragraph (a) must be transmitted to the commissioner of public safety who shall transfer funds generated, including any interest accrued, into the special account earmarked for the Minnesota Financial Crimes Oversight Council. This money, including interest, shall be allocated quarterly to the Minnesota Financial Crimes Oversight Council for appropriations and released to the designated Minnesota Financial Crimes Task Force approved fiscal agent account for its use under this section. The Minnesota Financial Crimes Oversight Council shall use any remaining money available at the end of the year to award grants in this section.

Subd. 10. [VICTIMS' ASSISTANCE PROGRAM.] (a) The council may establish a victims' assistance program to assist victims of economic crimes and provide prevention and awareness programs. The council may retain outside services of not-for-profit organizations to assist in the development of delivery systems to aid victims of financial crimes. Services to victims shall not include any financial assistance to victims, but are limited to helping

victims obtain police assistance and giving direction to victims for protecting personal accounts and identities. Services include a victim 1-800 number, facsimile number, Web site, telephone service Monday through Friday, e-mail response, and interfaces to other helpful Web sites. Information about victims gathered by the victim task force assistance program shall be covered by the Data Privacy Act under chapter 13.

(b) The council may post or communicate through public service announcements in newspapers, radio, television, cable access, billboards, Internet, Web sites, and other normal advertising channels a financial reward of up to \$2,000 for tips leading to the apprehension and successful prosecution of individuals committing economic crimes. All rewards must meet the Minnesota Financial Crimes Oversight Council standards. The release of funds shall be made to an individual whose information leads to the apprehension and prosecution of offenders committing economic or financial crimes against citizens or businesses in the state of Minnesota. All rewards paid to an individual shall be reported to the Department of Revenue along with the individual's Social Security number.

Subd. 11. [COUNCIL AND TASK FORCE ARE PERMANENT.] Notwithstanding section 15.059, this section does not expire.

Subd. 12. [FUNDING.] The Minnesota Financial Crimes Oversight Council may accept lawful grants and in-kind contributions from any federal source or legal business or individual not funded by this section for general operation support, including personnel costs. These grants or in-kind contributions are not to be directed toward the case of a particular victim or business. The council fiscal agent shall handle all funds approved by the council including in-kind contributions.

Subd. 13. [FORFEITURE.] Property seized by the task force established by the council is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The council shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

Subd. 14. [TRANSFER EQUIPMENT FROM CURRENT MINNESOTA FINANCIAL CRIMES TASK FORCE.] All current equipment shall be transferred from the Minnesota Financial Crimes Task Force established under section 299A.68 to the Minnesota Financial Crimes Oversight Council established under this section for use by the Minnesota Financial Crimes Task Force formed under this section, effective July 1, 2005.

Sec. 2. [REPEALER.]

Minnesota Statutes 2004, section 299A.68, is repealed."

Delete the title and insert:

"A bill for an act relating to crimes; establishing Minnesota Financial Crimes Oversight Council and Minnesota Financial Crimes Task Force to combat identity theft and investigate multijurisdictional financial crimes; providing for the organization, duties, and membership of the council; providing for forfeiture of seized property; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2004, section 299A.68."

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

The report was adopted.

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

H. F. No. 1732, A bill for an act relating to agriculture; changing certain loan provisions; establishing a loan program; changing certain livestock zoning regulations; paying for town road repairs; appropriating money; amending Minnesota Statutes 2004, sections 41B.046, subdivision 5; 41B.049, subdivision 2; 174.52, subdivisions 4, 5; 394.25, subdivision 3c; 462.355, subdivision 4; 462.358, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2004, section 41B.046, subdivision 3.

Reported the same back with the following amendments:

Page 4, line 8, delete everything after "management" and insert a period

Page 4, delete lines 9 to 18

Page 5, line 27, strike "Township Officers" and after "Association" insert "of Townships"

Page 8, line 34, delete "462.358" and insert "462.357"

Page 8, line 36, delete "2d" and insert "9"

Amend the title as follows:

Page 1, line 9, delete "462.358" and insert "462.357"

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

The report was adopted.

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

H. F. No. 1748, A bill for an act relating to state employees; modifying grievance appeal procedures; eliminating a medical examination requirement; amending Minnesota Statutes 2004, sections 43A.33, subdivisions 3, 4; 43A.34, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 14, reinstate the stricken "(c)"

Page 2, line 21, after the stricken period, insert "Within ten days of receipt of the employee's written notice of appeal, the commissioner of the Bureau of Mediation Services shall provide both parties with a list of potential arbitrators according to the rules of the Bureau of Mediation Services to hear the appeal. The process of selecting the arbitrator from the list shall be determined by the plan.

The hearing shall be conducted pursuant to the rules of the Bureau of Mediation Services. If the arbitrator finds, based on the hearing record, that the action appealed was not taken by the appointing authority for just cause, the employee shall be reinstated to the position, or an equal position in another division within the same agency, without loss of pay. If the arbitrator finds that there exists sufficient grounds for institution of the appointing authority's action but the hearing record establishes extenuating circumstances, the arbitrator may reinstate the employee, with full, partial, or no pay, or may modify the appointing authority's action. The appointing authority shall bear the costs of the arbitrator for hearings provided for in this section."

Pages 2 and 3, delete section 2

Page 3, line 27, strike "or be required"

Page 4, after line 12, insert:

"Sec. 3. [REPEALER.]

Minnesota Statutes 2004, section 43A.33, subdivision 4, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivisions 3, 4" and insert "subdivision 3"

Page 1, line 6, before the period, insert "; repealing Minnesota Statutes 2004, section 43A.33, subdivision 4"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1802, A bill for an act relating to state employment; ratifying certain labor agreements, arbitration awards, compensation plans, and salary increases.

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

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 1829, A bill for an act relating to employment; appropriating money for grants to encourage women to enter nontraditional careers.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

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

H. F. No. 1953, A bill for an act relating to state employment; creating a postretirement employment option; authorizing a voluntary hours reduction plan.

Reported the same back with the following amendments:

Page 1, line 6, after "1." insert "[43A.346]"

Page 1, line 11, after "2." insert "[43A.347]"

Page 1, line 12, delete "(a)" and insert "Subdivision 1. [ELIGIBILITY.]"

Page 2, line 8, delete "(b)" and insert "Subd. 2. [UNCLASSIFIED SERVICE.]"

Page 2, line 12, delete "(c)" and insert "Subd. 3. [ANNUITY REDUCTION NOT APPLICABLE.]"

Page 2, line 18, delete "(d)" and insert "Subd. 4. [APPOINTING AUTHORITY DISCRETION.]"

Page 2, line 28, delete "(e)" and insert "Subd. 5. [DURATION.]"

Page 3, line 6, delete "(f)" and insert "Subd. 6. [COPY TO MSRS.]"

Page 3, line 9, delete "(g)" and insert "Subd. 7. [NO SERVICE CREDIT.]"

Page 3, line 16, delete "(h)" and insert "Subd. 8. [INSURANCE CONTRIBUTION.]"

Page 3, line 27, delete "(i)" and insert "Subd. 9. [SUBSEQUENT EMPLOYMENT.]"

Amend the title as follows:

Page 1, line 4, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 43A"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1955, A bill for an act relating to public utilities; transferring power plant siting and routing, wind energy conversion system, and pipeline authority from the Environmental Quality Board to the Public Utilities Commission; amending Minnesota Statutes 2004, sections 116C.52, subdivision 2; 116C.53, subdivision 2; 116C.57, subdivisions 1, 2c, by adding a subdivision; 116C.575, subdivision 5; 116C.577; 116C.58; 116C.69, subdivisions 2, 2a; 216B.243, subdivisions 4, 5; 216C.052.

Reported the same back with the following amendments:

Page 5, line 8, after the period, insert "Section 16A.1283 does not apply to establishment of this fee."

Page 5, line 33, after the period, insert "Section 16A.1283 does not apply to establishment of this fee."

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

The report was adopted.

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

H. F. No. 1964, A bill for an act relating to state government; establishing an energy savings program; authorizing the Department of Administration to use energy forward pricing mechanisms for budget risk reduction; amending Minnesota Statutes 2004, section 16C.144; proposing coding for new law in Minnesota Statutes, chapter 16C.

Reported the same back with the following amendments:

Page 1, line 20, delete "Department of Administration" and insert "commissioner"

Page 1, line 26, after "period" insert ", which shall not exceed 24 months"

Page 2, lines 4 and 5, delete "Department of Administration" and insert "commissioner"

Delete page 2, line 9, to page 4, line 15, and insert:

"16C.144 [GUARANTEED ENERGY SAVINGS ~~CONTRACTS~~ PROGRAM.]

Subdivision 1. [DEFINITIONS.] The following definitions apply to this section.

(a) "Utility" means electricity, natural gas, or other energy resource, water, and wastewater.

(b) "Utility cost savings" means the difference between ~~the utility costs under the precontract conditions and the utility costs after the changes have been made under the contract.~~ Such savings shall be calculated in comparison to an established baseline of utility costs installation of the utility cost-savings measures pursuant to the guaranteed energy savings agreement and the baseline utility costs after baseline adjustments have been made.

(c) ~~"Established baseline" means the precontract utilities, operations, and maintenance costs.~~

~~(d) "Baseline" means the preagreement utilities, operations, and maintenance costs.~~

(d) "Utility cost-savings measure" means a measure that produces utility cost savings and/or operation and maintenance cost savings.

(e) "Operation and maintenance cost savings" means a measurable decrease in difference between operation and maintenance costs after the installation of the utility cost-savings measures pursuant to the guaranteed energy savings agreement and the baseline operation and maintenance costs that is a direct result of the implementation of one or more utility cost-savings measures but does after inflation adjustments have been made. Operation and maintenance costs savings shall not include savings from in-house staff labor. Such savings shall be calculated in comparison to an established baseline of operation and maintenance costs.

(f) "Guaranteed energy savings contract agreement" means a contract an agreement for the evaluation, recommendation, and installation of one or more utility cost-savings measures that includes the qualified provider's guarantee as required under subdivision 2. The contract must provide that all payments are to be made over time but not to exceed ten years from the date of final installation, and the savings are guaranteed to the extent necessary to make payments for the utility cost savings measures.

(g) "Baseline adjustments" means adjusting the established utility cost savings baselines in paragraphs (b) and (d) annually for changes in the following variables:

(1) utility rates;

- (2) number of days in the utility billing cycle;
- (3) square footage of the facility;
- (4) operational schedule of the facility;
- (5) facility temperature set points;
- (6) weather; and
- (7) amount of equipment or lighting utilized in the facility.

(h) "Inflation adjustment" means adjusting the operation and maintenance cost-savings baseline annually for inflation.

~~(h)~~ (i) "Lease purchase contract agreement" means a contract an agreement obligating the state to make regular lease payments to satisfy the lease costs of the utility cost-savings measures until the final payment, after which time the utility cost-savings measures become the sole property of the state of Minnesota.

~~(i)~~ (j) "Qualified provider" means a person or business experienced in the design, implementation, and installation of utility cost-savings measures.

~~(j)~~ (k) "Engineering report" means a report prepared by a professional engineer licensed by the state of Minnesota summarizing estimates of all costs of installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, and estimates of the amounts by which utility and operation and maintenance costs will be reduced.

~~(k)~~ (l) "Capital cost avoidance" means money expended by a state agency to pay for utility cost-savings measures with a guaranteed savings contract agreement so long as the measures that are being implemented to achieve the utility, operation, and maintenance cost savings are a significant portion of an overall project as determined by the commissioner.

~~(l)~~ (m) "Guaranteed energy savings contracting program guidelines" means policies, procedures, and requirements of guaranteed savings contracts agreements established by the Department of Administration upon enacting this legislation."

Page 6, after line 12, insert:

"Sec. 3. [EFFECTIVE DATE.]

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

With the recommendation that when so amended the bill pass.

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 6, 563, 1748, 1953 and 1964 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. No. 1535 was read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Tingelstad, Mahoney and Samuelson introduced:

H. F. No. 2192, A bill for an act relating to adoption; requiring the commissioner of human services to adopt certain rules.

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

Cox, Moe, Kahn, Ozment, Tingelstad and Mariani introduced:

H. F. No. 2193, A bill for an act relating to environment; imposing limits on mercury emissions for coal-fired electric generating facilities; creating a grant program to research mercury reduction technologies for taconite processing; amending Minnesota Statutes 2004, sections 116.915, subdivision 3; 116.925, subdivision 2; 216B.1692, subdivisions 1, 8; proposing coding for new law in Minnesota Statutes, chapters 116; 298.

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

Mariani introduced:

H. F. No. 2194, A bill for an act relating to environment; imposing limits on mercury emissions for coal-fired electric generating facilities; creating a grant program to research mercury reduction technologies for taconite processing; amending Minnesota Statutes 2004, sections 116.915, subdivision 3; 116.925, subdivision 2; 216B.1692, subdivisions 1, 8; proposing coding for new law in Minnesota Statutes, chapters 116; 298.

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

Nelson, P., introduced:

H. F. No. 2195, A bill for an act relating to transportation; requiring motor vehicle headlamps and taillamps to be illuminated at all times vehicle is operated on highway; amending Minnesota Statutes 2004, section 169.48.

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



Charron and Smith introduced:

H. F. No. 2196, A bill for an act relating to retirement; general employees retirement plan of the Public Employees Retirement Association; authorizing the purchase of service credit for a period of prior employment as a public defender.

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

Vandevveer introduced:

H. F. No. 2197, A bill for an act relating to levy limits; imposing levy limits on counties and certain cities; amending Minnesota Statutes 2004, section 275.71, subdivisions 2, 4, 5; repealing section 275.71, subdivision 3.

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

Mariani, Greiling, Hornstein, Walker, Wardlow, Meslow, Heidgerken and Urdahl introduced:

H. F. No. 2198, A bill for an act relating to education finance; modifying the pupil transportation formulas for charter schools; amending Minnesota Statutes 2004, sections 124D.10, subdivision 16; 124D.11, subdivision 2.

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

Johnson, R.; Dorn; Moe; Greiling; Sailer and Goodwin introduced:

H. F. No. 2199, A bill for an act relating to health; appropriating money for the suicide prevention program.

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

Sertich introduced:

H. F. No. 2200, A bill for an act relating to highways; exempting Floodwood safety rest area from restriction on food and beverage sales.

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

Thissen introduced:

H. F. No. 2201, A bill for an act relating to eminent domain; classifying certain appraisals as private or nonpublic data; amending provisions relating to appraisals; specifying when a party may challenge public purpose, necessity, or authority; clarifying relocation benefits; specifying procedures for use of eminent domain to acquire property for transfer to nongovernmental entities without the power of eminent domain; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 117.036; 117.055; 117.075, by adding a subdivision; 117.52, subdivision 1; 117.521, subdivision 1; 163.12, subdivisions 1a, 1b; 469.012, subdivision 1g; proposing coding for new law in Minnesota Statutes, chapter 469.

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

Hilty, Kahn, Lesch, Mahoney, Simon and Slawik introduced:

H. F. No. 2202, A bill for an act relating to elections; prohibiting certain public officials from serving as officers of principal campaign committees or candidate committees; amending Minnesota Statutes 2004, section 10A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 211A.

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

Samuelson, Abeler, Powell, Walker and Otremba introduced:

H. F. No. 2203, A bill for an act relating to human services; implementing the recommendations of the tripartisan Long-Term Care Task Force; reducing excess capacity of nursing facility beds; allocating resultant savings to home and community-based services for elderly persons and family caregivers; expanding home and community-based services for elderly persons and family caregivers; establishing a demonstration project.

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

Ruth, Cybart, Kahn, Cox, Mullery and Cornish introduced:

H. F. No. 2204, A bill for an act relating to taxes; individual income; allowing a subtraction for active military service compensation; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

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

Ruth; Gunther; Cornish; Johnson, R., and Dorn introduced:

H. F. No. 2205, A bill for an act relating to transportation; appropriating money for rural transit services in southern Minnesota; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Bernardy, Goodwin, Westerberg, Tingelstad and Hortman introduced:

H. F. No. 2206, A bill for an act relating to capital improvements; appropriating money to redevelop the Springbrook Nature Center in the city of Fridley; authorizing the sale of state bonds.

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

Lenczewski introduced:

H. F. No. 2207, A bill for an act relating to taxation; requiring withholding; conforming with certain federal income tax changes; prohibiting government contracts with certain vendors; providing for taxation of liquor and rented vehicles; modifying certain sales tax exemptions; defining "direct business" for purposes of insurance taxes; modifying the homestead market value credit; appropriating money; amending Minnesota Statutes 2004, sections 16C.03, by adding a subdivision; 273.1384, subdivision 1; 289A.02, subdivision 7; 289A.20, subdivision 2; 290.01,

subdivisions 19, as amended, 19a, 19b, 19c, 19d, 31; 290.032, subdivisions 1, 2; 290.06, subdivision 2c; 290.067, subdivision 2a; 290.091, subdivision 2; 290.92, by adding a subdivision; 290A.03, subdivisions 3, 15; 297A.68, subdivisions 2, 5; 297I.01, by adding a subdivision; 471.345, by adding a subdivision; Laws 2001, First Special Session chapter 5, article 12, section 95; proposing coding for new law in Minnesota Statutes, chapter 295.

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

Lenczewski introduced:

H. F. No. 2208, A bill for an act relating to retirement; Minneapolis Employees Retirement Fund; permitting a service credit purchase for prior city employment as a permit employee.

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

McNamara introduced:

H. F. No. 2209, A bill for an act relating to education finance; repealing the requirement that certain school districts reserve revenue for cooperative programs; repealing Minnesota Statutes 2004, section 123A.27.

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

Peterson, A.; Koenen; Otremba; Juhnke and Eken introduced:

H. F. No. 2210, A bill for an act relating to agriculture; providing a mechanism for farmers to reserve seed from an agricultural crop for purposes of planting in subsequent crop years; authorizing a fee; imposing a penalty; amending Minnesota Statutes 2004, sections 21.81, by adding subdivisions; 21.87; proposing coding for new law in Minnesota Statutes, chapter 21.

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

Peterson, A., introduced:

H. F. No. 2211, A bill for an act relating to water; requiring the Department of Natural Resources to obtain permits for construction activities in watershed districts; amending Minnesota Statutes 2004, section 103D.345, by adding a subdivision.

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

Tingelstad, Loeffler, Severson and Kahn introduced:

H. F. No. 2212, A bill for an act relating to the Minnesota sesquicentennial; establishing a Sesquicentennial Commission; appropriating money.

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

Carlson, Goodwin and Loeffler introduced:

H. F. No. 2213, A bill for an act relating to health; requiring disclosures of certain payments; requiring disclosure of and limiting certain charges to the uninsured; limiting provider recourse; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Emmer introduced:

H. F. No. 2214, A bill for an act relating to public safety; requiring commissioner of public safety to adopt rules to protect victims of identity theft from invalid criminal suspicion; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Marquart introduced:

H. F. No. 2215, A bill for an act relating to education finance; creating a funding mechanism for rewarding excellent education results; appropriating money; amending Minnesota Statutes 2004, section 126C.10, subdivision 1, by adding a subdivision.

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

Thissen introduced:

H. F. No. 2216, A bill for an act relating to notaries public; raising maximum notary fees; amending Minnesota Statutes 2004, section 357.17.

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

Howes introduced:

H. F. No. 2217, A bill for an act relating to local lodging taxes; allowing Hubbard County to impose the local lodging tax and prohibiting municipalities located within the county from imposing a separate tax.

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

Davids introduced:

H. F. No. 2218, A bill for an act relating to commerce; regulating the compensation of licensees; requiring disclosures; amending Minnesota Statutes 2004, section 72A.20, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 60K.

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

Fritz introduced:

H. F. No. 2219, A bill for an act relating to retirement; authorizing purchase of service credit from the public employees police and fire fund.

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

McNamara and Rukavina introduced:

H. F. No. 2220, A bill for an act relating to taxation; establishing an aggregate resource preservation property tax program; providing a classification for property containing certain unmined aggregate; amending Minnesota Statutes 2004, section 273.13, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 273.

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

Dorman and Peterson, N., introduced:

H. F. No. 2221, A bill for an act relating to sales and use tax; eliminating the exemption for clothing; repealing Minnesota Statutes 2004, section 297A.67, subdivision 8.

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

Thissen introduced:

H. F. No. 2222, A bill for an act relating to state government; encouraging state agencies to use open-source software; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

Cornish introduced:

H. F. No. 2223, A bill for an act relating to public safety; appropriating money to the commissioner of public safety to fund the Criminal Gang Strike Force.

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

Nornes introduced:

H. F. No. 2224, A bill for an act relating to higher education; amending the Minnesota academic excellence scholarship; clarifying tuition benefits for senior citizens; amending Minnesota Statutes 2004, sections 135A.30, subdivisions 1, 4; 135A.52, subdivisions 1, 2; 136F.32, subdivision 2.

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

Cox, Carlson, Wardlow and Davnie introduced:

H. F. No. 2225, A bill for an act relating to education finance; limiting a resident school district's obligation to charter schools for unreimbursed special education costs; requiring the state to pay 70 percent of a charter school's remaining special education costs; amending Minnesota Statutes 2004, sections 124D.11, subdivision 5; 125A.11, subdivision 1, by adding a subdivision; 125A.79, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 125A.

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

Lanning and Slawik introduced:

H. F. No. 2226, A bill for an act relating to elections; extending the deadline for submitting voter registration applications; clarifying documents acceptable to prove residence; specifying form of voter registration application; authorizing registered voters to withhold their name from the public information list; requiring notice to individuals whose civil rights have been restored; regulating conduct and requiring training of polling place challengers; adding to the Voter's Bill of Rights; allowing ex-felons to leave a polling place and return; amending Minnesota Statutes 2004, sections 201.061, subdivisions 1, 3, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 4; 201.155; 204C.06, subdivision 2; 204C.07, subdivision 4, by adding a subdivision; 204C.08, subdivision 1a; 204C.12, subdivisions 2, 4.

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

### **CONSENT CALENDAR**

Seifert moved that the Consent Calendar be continued. The motion prevailed.

### **MOTIONS AND RESOLUTIONS**

Kelliher moved that the name of Dittrich be added as an author on H. F. No. 629. The motion prevailed.

Bernardy moved that the name of Lenczewski be added as an author on H. F. No. 726. The motion prevailed.

Vandevveer moved that the name of Klinzing be added as an author on H. F. No. 890. The motion prevailed.

Beard moved that the name of Brod be added as an author on H. F. No. 914. The motion prevailed.

Powell moved that the name of Loeffler be added as an author on H. F. No. 1087. The motion prevailed.

Powell moved that his name be stricken as an author on H. F. No. 1125. The motion prevailed.

Hornstein moved that his name be stricken as an author on H. F. No. 1298. The motion prevailed.

Paymar moved that the name of Lenczewski be added as an author on H. F. No. 1311. The motion prevailed.

Beard moved that the names of Heidgerken and Urdahl be added as authors on H. F. No. 1319. The motion prevailed.

Carlson moved that the name of Latz be added as an author on H. F. No. 1359. The motion prevailed.

Jaros moved that the name of Latz be added as an author on H. F. No. 1362. The motion prevailed.

Smith moved that the name of Kelliher be added as an author on H. F. No. 1615. The motion prevailed.

Hoppe moved that the name of Heidgerken be added as an author on H. F. No. 1639. The motion prevailed.

Clark moved that the name of Sieben be added as an author on H. F. No. 2068. The motion prevailed.

Smith moved that his name be stricken as an author on H. F. No. 2071. The motion prevailed.

Beard moved that the name of Westerberg be added as an author on H. F. No. 2086. The motion prevailed.

Smith moved that the names of Lesch; Johnson, J., and Hilty be added as authors on H. F. No. 2110. The motion prevailed.

Sykora moved that the name of Bernardy be added as an author on H. F. No. 2128. The motion prevailed.

Lenczewski moved that the name of Abrams be added as an author on H. F. No. 2130. The motion prevailed.

Ellison moved that the name of Loeffler be added as an author on H. F. No. 2140. The motion prevailed.

Tingelstad moved that the name of Westerberg be added as an author on H. F. No. 2171. The motion prevailed.

Abeler moved that the name of Juhnke be added as an author on H. F. No. 2175. The motion prevailed.

Krinkie moved that the names of Juhnke, Rukavina, Jaros, Heidgerken and Erickson be added as authors on H. F. No. 2178. The motion prevailed.

Holberg moved that H. F. No. 2064 be recalled from the Committee on Public Safety Policy and Finance and be re-referred to the Committee on Civil Law and Elections. The motion prevailed.

Gunther moved that H. F. No. 2155 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Commerce and Financial Institutions. The motion prevailed.

#### ADJOURNMENT

Seifert moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, March 31, 2005. The motion prevailed.

Seifert moved that the House adjourn. The motion prevailed, and Speaker pro tempore Davids declared the House stands adjourned until 3:00 p.m., Thursday, March 31, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

