

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 FORTY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 19, 2005

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

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

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

The roll was called and the following members were present:

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

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Gazelka 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. 663 and H. F. No. 647, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Peterson, A., moved that S. F. No. 663 be substituted for H. F. No. 647 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1016 and H. F. No. 1084, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hansen moved that S. F. No. 1016 be substituted for H. F. No. 1084 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1095 and H. F. No. 1053, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Severson moved that the rules be so far suspended that S. F. No. 1095 be substituted for H. F. No. 1053 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1252 and H. F. No. 1327, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, S., moved that S. F. No. 1252 be substituted for H. F. No. 1327 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1315 and H. F. No. 2118, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Nelson, P., moved that the rules be so far suspended that S. F. No. 1315 be substituted for H. F. No. 2118 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1841 and H. F. No. 2042, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Cornish moved that the rules be so far suspended that S. F. No. 1841 be substituted for H. F. No. 2042 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1905 and H. F. No. 2040, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Magnus moved that S. F. No. 1905 be substituted for H. F. No. 2040 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1945 and H. F. No. 815, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kahn moved that S. F. No. 1945 be substituted for H. F. No. 815 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 894, A bill for an act relating to waters; modifying authority for public waters inventory; modifying public waters work permit and water use permit provisions; modifying enforcement authority; modifying a restriction on private land sale in Scott County; amending Minnesota Statutes 2004, sections 103G.201; 103G.2372, subdivision 1; 103G.245, subdivision 4; 103G.251, subdivision 2; 103G.301, subdivision 2; Laws 2003, First Special Session chapter 13, section 25.

Reported the same back with the following amendments:

Page 3, delete line 11 and insert "ground water quantity, wetlands, and public waters. The commissioner of"

Page 3, delete line 14 and insert "adversely affecting ground water quantity, a wetland, or public waters."

With the recommendation that when so amended the bill pass.

The report was adopted.

Ozment from the Committee on Agriculture, Environment and Natural Resources Finance 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 116H.

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. This does not include a video display device that is part of or contained in a motor vehicle; industrial, commercial, or medical equipment; or any appliance.

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

(a) On and after July 1, 2006, a retailer or manufacturer 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 retailer or manufacturer 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 retailer or manufacturer has reviewed the office's Web site specified in paragraph (i), and has determined that all new video display devices that the retailer or manufacturer is then offering for sale are labeled with manufacturers' 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. A retailer is not responsible for an unlawful sale under this paragraph if the registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the registration and the unlawful sale occurred within six months after the expiration or revocation.

(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 (n) 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) Each manufacturer who registers under this section must pay an annual fee which is deposited in an electronic waste account established in the environmental fund. The fee is equal to \$2,000 multiplied by the manufacturer's pro rata share of video display devices as determined under section 116H.55, subdivision 12. A manufacturer registered under this section whose pro rata share is less than 0.25 percent must pay a minimum fee of \$500. Money in the electronic waste account is appropriated to the office for the purpose of administering the program.

(g) The office shall develop procedures to administer and implement the program and shall present them to the legislature by January 15, 2006.

(h) 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.

(i) 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.

(j) 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.

(k) Persons who receive a video display device for recycling, refurbishment, or reuse pursuant to a registration may recycle, refurbish, or reuse, including resale of, 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.

(l) 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.

(m) 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.

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

(1) arrange for the pickup and recycling of a full truckload or 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, under procedures developed under paragraph (g). 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; and

(2) arrange for the pickup and recycling of the registrant's pro rata share of orphan waste by weight from intermediate consolidation points, pursuant to procedures developed under paragraph (g). 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 received from households in this state through the other methods.

(o) After receipt of the report required by paragraph (m) 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 (m). 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 this 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, under procedures developed under section 116H.60, paragraph (g), 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 (n), 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.

(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.

Sec. 4. [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. 5. [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. 6. [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. 7. [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."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means without further recommendation.

The report was adopted.

Pursuant to Joint Rule 2.03, H. F. No. 1391 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2229, A bill for an act relating to human services; changing the requirement for employment services for participants with children under 12 weeks old; amending Minnesota Statutes 2004, section 256J.561, subdivision 3.

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

The report was adopted.

Pursuant to Joint Rule 2.03, H. F. No. 2229 was re-referred to the Committee on Rules and Legislative Administration.

SECOND READING OF HOUSE BILLS

H. F. No. 894 was read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 663, 1016, 1095, 1252, 1315, 1841, 1905 and 1945 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Abrams and Lenczewski introduced:

H. F. No. 2447, A bill for an act relating to public finance; modifying requirements relating to financial statements; authorizing purchases of certain guaranteed investment contracts; authorizing a special levy; modifying the authority of cities and counties to finance purchases of computers and related items; extending the term of certain notes; clarifying the financing of conservation easements; extending sunsets on establishment of special service districts and housing improvement areas; providing for financing of certain improvements; extending the maximum maturity of certain bonds; revising time for certain notices of issues; exempting obligations issued to pay judgments from net debt limits; modifying the authority to finance street reconstruction; modifying limits on city capital improvement bonds and enabling certain towns to issue bonds under a capital improvement plan; amending Minnesota Statutes 2004, sections 80A.25, subdivision 3; 118A.05, subdivision 5; 275.70, subdivision 5; 373.01, subdivision 3; 373.40, subdivision 1; 410.32; 412.301; 428A.101; 428A.21; 429.031, by adding a subdivision; 429.051; 469.034, subdivision 2; 469.158; 474A.131, subdivision 1; 475.51, subdivision 4; 475.52, subdivisions 1, 3, 4; 475.521, subdivisions 1, 2, 3, 4; 475.58, subdivision 3b.

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

Bradley and Gunther introduced:

H. F. No. 2448, A bill for an act relating to human services; making forecast adjustments for human services programs.

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

Holberg introduced:

H. F. No. 2449, A bill for an act relating to highways; providing for interest paid on advances made by road authority to commissioner of transportation to expedite trunk highway construction; amending Minnesota Statutes 2004, section 161.361, subdivision 2.

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

Krinkie, Wilkin, Sviggum, Otremba and Anderson, I., introduced:

H. F. No. 2450, A bill for an act relating to health; creating a presumption directing nutrition and hydration sufficient to sustain life; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Vandever introduced:

H. F. No. 2451, A bill for an act relating to taxation; sales and use; retroactively clarifying the sales tax exemption for tree removal as part of land clearing contract; amending Minnesota Statutes 2004, sections 297A.61, subdivision 3; 297A.68, by adding a subdivision.

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

Lesch introduced:

H. F. No. 2452, A bill for an act relating to public employment labor relations; reenacting the addition of assistant city attorneys to the definition of essential employee.

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

Kahn, Mullery, Clark and Ellison introduced:

H. F. No. 2453, A bill for an act relating to retirement; modifying relief association financial requirements; amending provisions relating to the Minneapolis Police Relief Association; amending Minnesota Statutes 2004, sections 69.77, subdivision 4; 356.216; 423B.01, subdivision 12; 423B.09, subdivision 1, by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 423B.

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

Rukavina, Dorman and Sertich introduced:

H. F. No. 2454, A bill for an act relating to capital improvements; correcting an error in an appropriation for the Mesabi Trail; amending Laws 2005, chapter 20, article 1, section 7, subdivision 15.

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

Knoblach introduced:

H. F. No. 2455, A bill for an act relating to taxation; sales and use tax; providing a sales tax exemption for the construction of a new city hall and a new fire hall in the city of Rockville; amending Minnesota Statutes 2004, section 297A.71, by adding a subdivision.

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

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 Tuesday, April 19, 2005:

H. F. Nos. 572 and 947; S. F. No. 692; H. F. Nos. 823, 847, 1320 and 1134; S. F. No. 453; and H. F. Nos. 1327 and 998.

CALENDAR FOR THE DAY

H. F. No. 947 was reported to the House.

Klinzing moved to amend H. F. No. 947, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [144.2151] [RECORD OF BIRTH RESULTING IN STILLBIRTH.]

Subdivision 1. [FILING.] A record of birth for each birth resulting in a stillbirth in this state, on or after August 1, 2005, for which a fetal death report is required under section 144.222, subdivision 1, shall be filed with the state registrar within five days after the birth if the parent or parents of the stillbirth request to have a record of birth resulting in stillbirth prepared.

Subd. 2. [INFORMATION TO PARENTS.] The party responsible for filing a fetal death report under section 144.222, subdivision 1, shall advise the parent or parents of a stillbirth:

(1) that they may request preparation of a record of birth resulting in stillbirth;

(2) that preparation of the record is optional; and

(3) how to obtain a certified copy of the record if one is requested and prepared.

Subd. 3. [PREPARATION.] (a) Within five days after delivery of a stillbirth, the parent or parents of the stillbirth may prepare and file the record with the state registrar if the parent or parents of the stillbirth, after being advised as provided in subdivision 2, request to have a record of birth resulting in stillbirth prepared.

(b) If the parent or parents of the stillbirth do not choose to provide a full name for the stillbirth, the parent or parents may choose to file only a last name.

(c) Either parent of the stillbirth or, if neither parent is available, another person with knowledge of the facts of the stillbirth shall attest to the accuracy of the personal data entered on the record in time to permit the filing of the record within five days after delivery.

Subd. 4. [RETROACTIVE APPLICATION.] Notwithstanding subdivisions 1 to 3, if a birth that occurred in this state at any time resulted in a stillbirth for which a fetal death report was required under section 144.222, subdivision 1, but a record of birth resulting in stillbirth was not prepared under subdivision 3, a parent of the stillbirth may submit to the state registrar, on or after August 1, 2005, a written request for preparation of a record of birth

resulting in stillbirth and evidence of the facts of the stillbirth in the form and manner specified by the state registrar. The state registrar shall prepare and file the record of birth resulting in stillbirth within 30 days after receiving satisfactory evidence of the facts of the stillbirth.

Subd. 5. [RESPONSIBILITIES OF STATE REGISTRAR.] The state registrar shall:

(1) prescribe the form of and information to be included on a record of birth resulting in stillbirth, which shall be as similar as possible to the form of and information included on a record of birth;

(2) prescribe the form of and information to be provided by the parent of a stillbirth requesting a record of birth resulting in stillbirth under subdivisions 3 and 4 and make this form available on the Department of Health's Web site;

(3) issue a certified copy of a record of birth resulting in stillbirth to a parent of the stillbirth that is the subject of the record if:

(i) a record of birth resulting in stillbirth has been prepared and filed under subdivision 3 or 4; and

(ii) the parent requesting a certified copy of the record submits the request in writing; and

(4) create and implement a process for entering, preparing, and handling stillbirth records identical or as close as possible to the processes for birth and fetal death records when feasible, but no later than the date on which the next reprogramming of the Department of Health's database for vital records is completed.

Sec. 2. Minnesota Statutes 2004, section 144.212, subdivision 8, is amended to read:

Subd. 8. [VITAL RECORD.] "Vital record" means a record or report of birth, stillbirth, death, marriage, dissolution and annulment, and data related thereto. The birth record is not a medical record of the mother or the child.

Sec. 3. Minnesota Statutes 2004, section 144.222, subdivision 1, is amended to read:

Subdivision 1. [~~FETAL DEATH REPORT REQUIRED.~~] ~~Each fetal death which occurs in this state shall be reported within five days to the state registrar as prescribed by rule by the commissioner. A fetal death report must be filed within five days of the death of a fetus for whom 20 or more weeks of gestation have elapsed, except for abortions defined under section 145.4241. A fetal death report must be prepared in a format prescribed by the state registrar and filed in accordance with Minnesota Rules, parts 4601.0100 to 4601.2600 by:~~

(1) a person in charge of an institution or that person's authorized designee if a fetus is delivered in the institution or en route to the institution;

(2) a physician, certified nurse midwife, or other licensed medical personnel in attendance at or immediately after the delivery if a fetus is delivered outside an institution; or

(3) a parent or other person in charge of the disposition of the remains if a fetal death occurred without medical attendance at or immediately after the delivery.

Sec. 4. Minnesota Statutes 2004, section 144.226, subdivision 1, is amended to read:

Subdivision 1. [WHICH SERVICES ARE FOR FEE.] The fees for the following services shall be the following or an amount prescribed by rule of the commissioner:

(a) The fee for the issuance of a certified vital record or a certification that the vital record cannot be found is \$8. No fee shall be charged for a certified birth, stillbirth, or death record that is reissued within one year of the original issue, if an amendment is made to the vital record and if the previously issued vital record is surrendered.

(b) The fee for the replacement of a birth record for all events, except when filing a recognition of parentage pursuant to section 257.73, subdivision 1, is \$20.

(c) The fee for the filing of a delayed registration of birth, stillbirth, or death is \$20.

(d) The fee for the amendment of any vital record when requested more than 45 days after the filing of the vital record is \$20. No fee shall be charged for an amendment requested within 45 days after the filing of the vital record.

(e) The fee for the verification of information from vital records is \$8 when the applicant furnishes the specific information to locate the vital record. When the applicant does not furnish specific information, the fee is \$20 per hour for staff time expended. Specific information includes the correct date of the event and the correct name of the registrant. Fees charged shall approximate the costs incurred in searching and copying the vital records. The fee shall be payable at the time of application.

(f) The fee for issuance of a copy of any document on file pertaining to a vital record or statement that a related document cannot be found is \$8.

Sec. 5. Minnesota Statutes 2004, section 144.226, subdivision 3, is amended to read:

Subd. 3. [BIRTH RECORD SURCHARGE.] In addition to any fee prescribed under subdivision 1, there shall be a nonrefundable surcharge of \$3 for each certified birth or stillbirth record and for a certification that the vital record cannot be found. The local or state registrar shall forward this amount to the commissioner of finance for deposit into the account for the children's trust fund for the prevention of child abuse established under section 119A.12. This surcharge shall not be charged under those circumstances in which no fee for a certified birth or stillbirth record is permitted under subdivision 1, paragraph (a). Upon certification by the commissioner of finance that the assets in that fund exceed \$20,000,000, this surcharge shall be discontinued.

Sec. 6. Minnesota Statutes 2004, section 144.226, subdivision 4, is amended to read:

Subd. 4. [VITAL RECORDS SURCHARGE.] In addition to any fee prescribed under subdivision 1, there is a nonrefundable surcharge of \$2 for each certified and noncertified birth, stillbirth, or death record, and for a certification that the record cannot be found. The local or state registrar shall forward this amount to the commissioner of finance to be deposited into the state government special revenue fund. This surcharge shall not be charged under those circumstances in which no fee for a birth, stillbirth, or death record is permitted under subdivision 1, paragraph (a).

Sec. 7. [REPEALER.]

Minnesota Rules, part 4601.2200, subpart 1, is repealed."

Amend the title as follows:

Page 1, line 4, delete everything after the first comma

Page 1, delete lines 5 and 6 and insert "sections 144.212, subdivision 8; 144.222, subdivision 1; 144.226, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Rules, part 4601.2200, subpart 1."

Page 1, delete line 7

The motion prevailed and the amendment was adopted.

H. F. No. 947, A bill for an act relating to health; providing for an optional record of birth resulting in stillbirth; amending Minnesota Statutes 2004, sections 144.212, subdivision 8; 144.222, subdivision 1; 144.226, subdivisions 1, 3, 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Rules, part 4601.2200, subpart 1.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 692, A bill for an act relating to natural resources; deleting land from the Mississippi Recreational River Land Use District in Wright and Sherburne Counties.

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 87 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Buesgens	Cybart	Dempsey	Eken
Anderson, B.	Blaine	Charron	Davids	Dill	Emmer
Anderson, I.	Bradley	Cornish	Dean	Dorman	Erhardt
Atkins	Brod	Cox	Demmer	Eastlund	Erickson

Finstad	Hortman	Marquart	Paulsen	Samuelson	Vanderveer
Fritz	Howes	McNamara	Pelowski	Seifert	Wardlow
Garofalo	Huntley	Meslow	Penas	Sertich	Welti
Gazelka	Johnson, J.	Moe	Peppin	Severson	Westerberg
Gunther	Klinzing	Murphy	Peterson, N.	Simon	Westrom
Hackbarth	Knoblach	Nelson, P.	Peterson, S.	Simpson	Wilkin
Hamilton	Kohls	Newman	Poppe	Smith	Zellers
Heidgerken	Krinkie	Nornes	Powell	Soderstrom	Spk. Sviggum
Hilty	Lanning	Olson	Rukavina	Sykora	
Holberg	Lieder	Otremba	Ruth	Tingelstad	
Hoppe	Magnus	Ozment	Sailer	Urdahl	

Those who voted in the negative were:

Abrams	Ellison	Hosch	Larson	Mariani	Sieben
Bernardy	Entenza	Jaros	Latz	Mullery	Slawik
Carlson	Goodwin	Johnson, R.	Lenczewski	Nelson, M.	Solberg
Clark	Greiling	Johnson, S.	Lesch	Opatz	Thao
Davnie	Hansen	Juhnke	Liebling	Paymar	Thissen
DeLaForest	Hausman	Kahn	Lillie	Peterson, A.	Wagenius
Dittrich	Hilstrom	Kelliher	Loeffler	Ruud	Walker
Dorn	Hornstein	Koenen	Mahoney	Scalze	

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

Sailer moved that the name of Bernardy be added as an author on H. F. No. 131. The motion prevailed.

Bradley moved that the name of Hansen be added as an author on H. F. No. 775. The motion prevailed.

Hoppe moved that the name of Tingelstad be added as an author on H. F. No. 1320. The motion prevailed.

Davnie moved that the name of Sieben be added as an author on H. F. No. 1943. The motion prevailed.

Murphy moved that the name of Scalze be added as an author on H. F. No. 1991. The motion prevailed.

Murphy moved that the name of Scalze be added as an author on H. F. No. 1992. The motion prevailed.

Lanning moved that the names of Urdahl; Eastlund; Nelson, P., and Heidgerken be added as authors on H. F. No. 2357. The motion prevailed.

Meslow moved that the name of Peterson, S., be added as an author on H. F. No. 2434. The motion prevailed.

Lenczewski moved that the name of Peterson, S., be added as an author on H. F. No. 2435. The motion prevailed.

Brod moved that the name of Hamilton be added as an author on H. F. No. 2436. The motion prevailed.

Abeler moved that the name of Peterson, S., be added as an author on H. F. No. 2439. The motion prevailed.

Davids moved that the name of Demmer be added as an author on H. F. No. 2441. The motion prevailed.

Gunther moved that the name of Peterson, S., be added as an author on H. F. No. 2446. The motion prevailed.

Johnson, J., moved that S. F. No. 51 be recalled from the Committee on Public Safety Policy and Finance and together with H. F. No. 572, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

Gunther moved that H. F. No. 1973, now on the General Register, be re-referred to the Committee on Taxes. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, April 20, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Wednesday, April 20, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

