

## STATE OF MINNESOTA

## EIGHTY-FIRST SESSION — 2000

## EIGHTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 2, 2000

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

Prayer was sung by the Bemidji High School A Cappella Choir under the direction of Christopher Fettig, Bemidji, 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	Dorn	Holsten	Lindner	Ozment	Stang
Abrams	Entenza	Howes	Luther	Paulsen	Storm
Anderson, B.	Erhardt	Huntley	Mahoney	Pawlenty	Swapinski
Anderson, I.	Erickson	Jaros	Mares	Paymar	Swenson
Bakk	Finseth	Jennings	Mariani	Pelowski	Sykora
Bishop	Folliard	Johnson	Marko	Peterson	Tingelstad
Boudreau	Fuller	Juhnke	McCollum	Pugh	Tomassoni
Bradley	Gerlach	Kahn	McElroy	Rest	Trimble
Broecker	Gleason	Kalis	McGuire	Reuter	Tuma
Buesgens	Goodno	Kelliher	Milbert	Rhodes	Tunheim
Carlson	Gray	Kielkucki	Molnau	Rifenberg	Vandever
Carruthers	Greenfield	Knoblach	Mulder	Rostberg	Wagenius
Cassell	Greiling	Koskinen	Mullery	Rukavina	Wejcmán
Chaudhary	Gunther	Krinkie	Murphy	Schumacher	Wenzel
Clark, J.	Haake	Kubly	Ness	Seagren	Westerberg
Clark, K.	Haas	Kuisle	Nornes	Seifert, J.	Westfall
Daggett	Hackbarth	Larsen, P.	Olson	Seifert, M.	Westrom
Davids	Harder	Larson, D.	Opatz	Skoe	Wilkin
Dawkins	Hasskamp	Leighton	Orfield	Skoglund	Winter
Dehler	Hausman	Lenczewski	Osskopp	Smith	Wolf
Dempsey	Hilty	Leppik	Osthoff	Solberg	Workman
Dorman	Holberg	Lieder	Otremba	Stanek	Spk. Sviggum

A quorum was present.

Biernat was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Molnau 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 STANDING COMMITTEES

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

H. F. No. 304, A bill for an act relating to natural resources; allowing the possession of wild animals taken under the Red Lake Band's conservation code on Red Lake Reservation lands north of the 49th parallel; amending Minnesota Statutes 1998, section 97A.505, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 465, A bill for an act relating to public safety; establishing the board of firefighter training and education; establishing a firefighter training reimbursement program; authorizing rulemaking; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 299N.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [299N.01] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The terms used in this chapter have the meanings given them in this section.

Subd. 2. [FIRE DEPARTMENT.] "Fire department" means a regularly organized fire department, fire protection district, or fire company, as defined in the Uniform Fire Code adopted under section 299F.011, regularly charged with the responsibility of providing fire protection to the state or a local government and includes a private, nonprofit fire department directly serving a local government. It does not include industrial fire brigades.

Subd. 3. [FIREFIGHTER.] "Firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving a general population within the boundaries of the state.

Sec. 2. [299N.02] [BOARD OF FIREFIGHTER TRAINING AND EDUCATION.]

Subdivision 1. [PURPOSE.] The board of firefighter training and education is established. The purpose of the board is to (1) review the educational needs of firefighters and fire departments in the state, (2) make recommendations to educational institutions, fire education providers, and the legislature on ways to improve firefighter training and skills, (3) address changes in technology, (4) enhance the safety of firefighters through education and training, and (5) establish firefighter training standards.

Subd. 2. [MEMBERSHIP.] (a) Notwithstanding any provision of chapter 15 to the contrary, the board of firefighter training and education consists of the following members:

(1) five members representing the Minnesota state fire department association, four of whom must be volunteer firefighters and one of whom may be a career firefighter, appointed by the governor;

(2) two members representing the Minnesota state fire chiefs association, one of whom must be a volunteer fire chief, appointed by the governor;

(3) two members representing the Minnesota professional firefighters association, appointed by the governor;

(4) two members representing Minnesota home rule charter and statutory cities, appointed by the governor;

(5) two members representing Minnesota towns, appointed by the governor;

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

(7) one public member not affiliated or associated with any member or interest represented in clauses (1) to (6), appointed by the governor.

(b) The Minnesota state fire department association shall recommend five persons to be the members described in paragraph (a), clause (1); the Minnesota state fire chiefs association shall recommend two persons to be the members described in paragraph (a), clause (2); the Minnesota professional firefighters association shall recommend two persons to be the members described in paragraph (a), clause (3); the league of Minnesota cities shall recommend two persons to be the members described in paragraph (a), clause (4); and the Minnesota association of townships shall recommend two persons to be the members described in paragraph (a), clause (5). In making the appointments, the governor shall try to achieve representation from all geographic areas of the state.

Subd. 3. [TERMS; CHAIR; COMPENSATION.] Members of the board shall serve for terms of four years and annually elect a chair from among the members. Terms and filling of vacancies are subject to section 15.0575, subdivisions 3 to 5. Members serve without compensation.

Subd. 4. [POWERS AND DUTIES.] (a) The board shall:

(1) review fire service training needs and make recommendations on training to Minnesota fire service organizations;

(2) establish standards for educational programs for the fire service and develop procedures for continuing oversight of the programs; and

(3) establish qualifications for fire service training instructors in programs established under clause (2).

(b) The board may:

(1) contract for technical or professional services according to section 15.061;

(2) pay expenses necessary to carry out its duties;

(3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity may make to the board for the purposes of this chapter and may use any money given to it consistent with the terms and conditions under which the money was received and for the purposes stated;

(4) make recommendations to the legislature to improve the quality of firefighter training;

(5) collect and provide data, subject to section 13.03;

(6) conduct studies and surveys and make reports; and

(7) conduct other activities necessary to carry out its duties.

Sec. 3. [INITIAL TERMS OF BOARD MEMBERS.]

Of the members of the board of firefighter training and education initially appointed by the governor, five members must be appointed for two-year terms, five appointed for three-year terms, and five appointed for four-year terms.

Sec. 4. [REPEALER.]

Sections 1 to 3 are repealed effective December 31, 2004."

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 and 5 and insert "proposing"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 537, A bill for an act relating to health; regulating complementary and alternative health care practitioners; establishing civil penalties; amending Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; 147.09; 214.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 146A.

Reported the same back with the following amendments:

Page 4, line 26, after the period, insert "A complementary or alternative health care practitioner who is providing services to a child who is not receiving necessary medical care must make a report under section 626.556. A complementary or alternative health care provider is a mandated reporter under section 626.556, subdivision 3."

Page 7, line 35, after "person" insert "other than an unlicensed complementary and alternative health care practitioner on whom violations or alleged violations of this chapter are reported"

Page 8, line 6, delete "actual"

Page 14, line 14, delete everything after the period

Page 14, delete lines 15 to 17

Page 21, line 9, after the first comma, insert "athletic trainer,"

Amend the title as follows:

Page 1, line 6, after the first semicolon, insert "and"

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

The report was adopted.

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

H. F. No. 947, A bill for an act relating to health occupations; establishing licensing requirements for occupational therapists and occupational therapy assistants; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4666.0010; 4666.0020; 4666.0030; 4666.0040; 4666.0050; 4666.0060; 4666.0070; 4666.0080; 4666.0090; 4666.0100; 4666.0200; 4666.0300; 4666.0400; 4666.0500; 4666.0600; 4666.0700; 4666.0800; 4666.0900; 4666.1000; 4666.1100; 4666.1200; 4666.1300; and 4666.1400.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [148.6401] [SCOPE.]

Sections 148.6401 to 148.6450 apply to persons who are applicants for registration, who are registered, who use protected titles, or who represent that they are registered as occupational therapists or occupational therapy assistants.

Sec. 2. [148.6402] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purpose of sections 148.6401 to 148.6450, the following terms have the meaning given them.

Subd. 2. [ADVISORY COUNCIL.] "Advisory council" means the occupational therapy practitioners advisory council in section 148.6450.

Subd. 3. [BIENNIAL REGISTRATION PERIOD.] "Biennial registration period" means the two-year period for which registration is effective.

Subd. 4. [COMMISSIONER.] "Commissioner" means the commissioner of health or a designee.

Subd. 5. [CONTACT HOUR.] "Contact hour" means an instructional session of 60 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 6. [CREDENTIAL.] "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of occupational therapy issued by any authority.

Subd. 7. [CREDENTIALING EXAMINATION FOR OCCUPATIONAL THERAPIST.] "Credentialing examination for occupational therapist" means the examination sponsored by the National Board for Certification in Occupational Therapy for credentialing as an occupational therapist, registered.

Subd. 8. [CREDENTIALING EXAMINATION FOR OCCUPATIONAL THERAPY ASSISTANT.] "Credentialing examination for occupational therapy assistant" means the examination sponsored by the National Board for Certification in Occupational Therapy for credentialing as a certified occupational therapy assistant.

Subd. 9. [DELEGATE.] "Delegate" means to transfer to an occupational therapy assistant the authority to perform selected portions of an occupational therapy evaluation or treatment plan for a specific patient.

Subd. 10. [DIRECT SUPERVISION.] "Direct supervision" of an occupational therapy assistant using physical agent modalities means that the occupational therapist has evaluated the patient and determined a need for use of a particular physical agent modality in the occupational therapy treatment plan, has determined the appropriate physical agent modality application procedure, and is available for in-person intervention while treatment is provided.

Subd. 11. [ELECTRICAL STIMULATION DEVICE.] "Electrical stimulation device" means any device which generates pulsed, direct, or alternating electrical current for the purposes of rehabilitation of neuromusculoskeletal dysfunction.

Subd. 12. [ELECTROTHERAPY.] "Electrotherapy" means the use of electrical stimulation devices for a therapeutic purpose.

Subd. 13. [LICENSED HEALTH CARE PROFESSIONAL.] "Licensed health care professional" means a person licensed in good standing in Minnesota to practice medicine, osteopathy, chiropractic, podiatry, or dentistry.

Subd. 14. [OCCUPATIONAL THERAPIST.] "Occupational therapist" means an individual who meets the qualifications in sections 148.6401 to 148.6450 and is registered by the commissioner.

Subd. 15. [OCCUPATIONAL THERAPY.] "Occupational therapy" means the use of purposeful activity to maximize the independence and the maintenance of health of an individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or learning disability, or an adverse environmental condition. The practice encompasses evaluation, assessment, treatment, and consultation. Occupational therapy services may be provided individually, in groups, or through social systems. Occupational therapy includes those services described in section 148.6404.

Subd. 16. [OCCUPATIONAL THERAPY ASSISTANT.] "Occupational therapy assistant" means an individual who meets the qualifications for an occupational therapy assistant in sections 148.6401 to 148.6450 and is registered by the commissioner.

Subd. 17. [PHYSICAL AGENT MODALITIES.] "Physical agent modalities" mean modalities that use the properties of light, water, temperature, sound, or electricity to produce a response in soft tissue. The physical agent modalities referred to in sections 148.6404 and 148.6440 are superficial physical agent modalities, electrical stimulation devices, and ultrasound.

Subd. 18. [REGISTER OR REGISTERED.] "Register" or "registered" means the act or status of a natural person who meets the requirements of sections 148.6401 to 148.6450.

Subd. 19. [REGISTRANT.] "Registrant" means a person who meets the requirements of sections 148.6401 to 148.6450.

Subd. 20. [REGISTRATION BY EQUIVALENCY.] "Registration by equivalency" means a method of registration described in section 148.6412 by which an individual who possesses a credential from the National Board for Certification in Occupational Therapy may qualify for registration.

Subd. 21. [REGISTRATION BY RECIPROCITY.] "Registration by reciprocity" means a method of registration described in section 148.6415 by which an individual who possesses a credential from another jurisdiction may qualify for Minnesota registration.

Subd. 22. [SERVICE COMPETENCY.] "Service competency" of an occupational therapy assistant in performing evaluation tasks means the ability of an occupational therapy assistant to obtain the same information as the supervising occupational therapist when evaluating a client's function.

Service competency of an occupational therapy assistant in performing treatment procedures means the ability of an occupational therapy assistant to perform treatment procedures in a manner such that the outcome, documentation, and follow-up are equivalent to that which would have been achieved had the supervising occupational therapist performed the treatment procedure.

Service competency of an occupational therapist means the ability of an occupational therapist to consistently perform an assessment task or intervention procedure with the level of skill recognized as satisfactory within the appropriate acceptable prevailing practice of occupational therapy.

Subd. 23. [SUPERFICIAL PHYSICAL AGENT MODALITY.] "Superficial physical agent modality" means a therapeutic medium which produces temperature changes in skin and underlying subcutaneous tissues within a depth of zero to three centimeters for the purposes of rehabilitation of neuromusculoskeletal dysfunction. Superficial physical agent modalities may include, but are not limited to: paraffin baths, hot packs, cold packs, fluidotherapy, contrast baths, and whirlpool baths. Superficial physical agent modalities do not include the use of electrical stimulation devices, ultrasound, or quick icing.

Subd. 24. [TEMPORARY REGISTRATION.] "Temporary registration" means a method of registration described in section 148.6418, by which an individual who (1) has completed an approved or accredited education program but has not met the examination requirement; or (2) possesses a credential from another jurisdiction or the National Board for Certification in Occupational Therapy but who has not submitted the documentation required by section 148.6420, subdivisions 3 and 4, may qualify for Minnesota registration for a limited time period.

Subd. 25. [ULTRASOUND DEVICE.] "Ultrasound device" means a device intended to generate and emit high frequency acoustic vibrational energy for the purposes of rehabilitation of neuromusculoskeletal dysfunction.

Sec. 3. [148.6403] [REGISTRATION; PROTECTED TITLES AND RESTRICTIONS ON USE; EXEMPT PERSONS; SANCTIONS.]

Subdivision. 1. [PROTECTED TITLES AND RESTRICTIONS ON USE.] Use of the phrase "occupational therapy" or "occupational therapist," or the initials "O.T." alone or in combination with any other words or initials to form an occupational title, or to indicate or imply that the person is registered by the state as an occupational therapist or occupational therapy assistant, is prohibited unless that person is registered under sections 148.6401 to 148.6450.

Subd. 2. [USE OF "MINNESOTA REGISTERED."] Use of the term "Minnesota registered" in conjunction with titles protected under this section by any person is prohibited unless that person is registered under sections 148.6401 to 148.6450.

Subd. 3. [PERSONS LICENSED OR CERTIFIED IN OTHER STATES.] A person who is registered in Minnesota and licensed or certified in another state may use the designation "licensed" or "certified" with a protected title only if the state of licensure or certification is clearly indicated.

Subd. 4. [EXEMPT PERSONS.] This section does not apply to:

(1) a person employed as an occupational therapist or occupational therapy assistant by the government of the United States or any agency of it. However, use of the protected titles under those circumstances is allowed only in connection with performance of official duties for the federal government;

(2) a student participating in supervised fieldwork or supervised coursework that is necessary to meet the requirements of section 148.6408, subdivision 1, or 148.6410, subdivision 1, if the person is designated by a title which clearly indicates the person's status as a student trainee. Any use of the protected titles under these circumstances is allowed only while the person is performing the duties of the supervised fieldwork or supervised coursework; or

(3) a person performing occupational therapy services in the state, if the services are performed no more than 30 days in a calendar year in association with an occupational therapist registered under sections 148.6401 to 148.6450, and

(i) the person is credentialed under the law of another state which has credentialing requirements at least as stringent as the requirements of sections 148.6401 to 148.6450; or

(ii) the person meets the requirements for certification as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA), established by the National Board for Certification in Occupational Therapy.

Subd. 5. [SANCTIONS.] A person who holds out as an occupational therapist or occupational therapy assistant by or through the use of any title described in subdivision 1 without prior registration according to sections 148.6401 to 148.6450 is subject to sanctions or action against continuing the activity according to section 148.6448, chapter 214, or other statutory authority.

Sec. 4. [148.6404] [SCOPE OF PRACTICE.]

The practice of occupational therapy by an occupational therapist or occupational therapy assistant includes, but is not limited to, intervention directed toward:

(1) assessment and evaluation, including the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements, to identify areas for occupational therapy services;

(2) providing for the development of sensory integrative, neuromuscular, or motor components of performance;

(3) providing for the development of emotional, motivational, cognitive, or psychosocial components of performance;

(4) developing daily living skills;

(5) developing feeding and swallowing skills;

(6) developing play skills and leisure capacities;

(7) enhancing educational performance skills;

(8) enhancing functional performance and work readiness through exercise, range of motion, and use of ergonomic principles;

(9) designing, fabricating, or applying rehabilitative technology, such as selected orthotic and prosthetic devices, and providing training in the functional use of these devices;

(10) designing, fabricating, or adapting assistive technology and providing training in the functional use of assistive devices;

(11) adapting environments using assistive technology such as environmental controls, wheelchair modifications, and positioning;

(12) employing physical agent modalities, in preparation for or as an adjunct to purposeful activity, within the same treatment session or to meet established functional occupational therapy goals, consistent with the requirements of section 148.6440; and

(13) promoting health and wellness.

## Sec. 5. [148.6405] [REGISTRATION REQUIREMENTS; PROCEDURES AND QUALIFICATIONS.]

(a) An applicant for registration must comply with the general registration procedures in section 148.6420. To qualify for registration, an applicant must satisfy one of the requirements in paragraphs (b) to (f) and not be subject to denial of registration under section 148.6448.

(b) A person who applies for registration as an occupational therapist and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in section 148.6408.

(c) A person who applies for registration as an occupational therapy assistant and who has not been credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must meet the requirements in section 148.6410.

(d) A person who is certified by the National Board for Certification in Occupational Therapy may apply for registration by equivalency and must meet the requirements in section 148.6412.

(e) A person who is credentialed in another jurisdiction may apply for registration by reciprocity and must meet the requirements in section 148.6415.

(f) A person who applies for temporary registration must meet the requirements in section 148.6418.

## Sec. 6. [148.6408] [QUALIFICATIONS FOR OCCUPATIONAL THERAPIST.]

Subdivision 1. [EDUCATION REQUIRED.] (a) An applicant who has received professional education in the United States or its possessions or territories must successfully complete all academic and fieldwork requirements of an educational program for occupational therapists approved or accredited by the Accreditation Council for Occupational Therapy Education.

(b) An applicant who has received professional education outside the United States or its possessions or territories must successfully complete all academic and fieldwork requirements of an educational program for occupational therapists approved by a member association of the World Federation of Occupational Therapists.

Subd. 2. [QUALIFYING EXAMINATION SCORE REQUIRED.] (a) An applicant must achieve a qualifying score on the credentialing examination for occupational therapist.

(b) The commissioner shall determine the qualifying score for the credentialing examination for occupational therapist. In determining the qualifying score, the commissioner shall consider the cut score recommended by the National Board for Certification in Occupational Therapy, or other national credentialing organization approved by the commissioner, using the modified Angoff method for determining cut score or another method for determining cut score that is recognized as appropriate and acceptable by industry standards.

(c) The applicant is responsible for:

(1) making arrangements to take the credentialing examination for occupational therapist;

(2) bearing all expenses associated with taking the examination; and

(3) having the examination scores sent directly to the commissioner from the testing service that administers the examination.

Sec. 7. [148.6410] [QUALIFICATIONS FOR OCCUPATIONAL THERAPY ASSISTANTS.]

Subdivision 1. [EDUCATION REQUIRED.] An applicant must successfully complete all academic and fieldwork requirements of an occupational therapy assistant program approved or accredited by the Accreditation Council for Occupational Therapy Education.

Subd. 2. [QUALIFYING EXAMINATION SCORE REQUIRED.] (a) An applicant for registration must achieve a qualifying score on the credentialing examination for occupational therapy assistants.

(b) The commissioner shall determine the qualifying score for the credentialing examination for occupational therapy assistants. In determining the qualifying score, the commissioner shall consider the cut score recommended by the National Board for Certification in Occupational Therapy, or other national credentialing organization approved by the commissioner, using the modified Angoff method for determining cut score or another method for determining cut score that is recognized as appropriate and acceptable by industry standards.

(c) The applicant is responsible for:

- (1) making all arrangements to take the credentialing examination for occupational therapy assistants;
- (2) bearing all expense associated with taking the examination; and
- (3) having the examination scores sent directly to the commissioner from the testing service that administers the examination.

Sec. 8. [148.6412] [REGISTRATION BY EQUIVALENCY.]

Subdivision 1. [PERSONS CERTIFIED BY NATIONAL BOARD FOR CERTIFICATION IN OCCUPATIONAL THERAPY BEFORE JUNE 17, 1996.] Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapist before June 17, 1996, may apply for registration by equivalency for occupational therapist. Persons certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant before June 17, 1996, may apply for registration by equivalency for occupational therapy assistant.

Subd. 2. [PERSONS CERTIFIED BY NATIONAL BOARD FOR CERTIFICATION IN OCCUPATIONAL THERAPY AFTER JUNE 17, 1996.] The commissioner may register any person certified by the National Board for Certification in Occupational Therapy as an occupational therapist after June 17, 1996, if the commissioner determines the requirements for certification are equivalent to or exceed the requirements for registration as an occupational therapist under section 148.6408. The commissioner may register any person certified by the National Board for Certification in Occupational Therapy as an occupational therapy assistant after June 17, 1996, if the commissioner determines the requirements for certification are equivalent to or exceed the requirements for registration as an occupational therapy assistant under section 148.6410. Nothing in this section limits the commissioner's authority to deny registration based upon the grounds for discipline in sections 148.6401 to 148.6450.

Subd. 3. [APPLICATION PROCEDURES.] Applicants for registration by equivalency must provide:

- (1) the application materials as required by section 148.6420, subdivisions 1, 3, and 4; and
- (2) the fees required by section 148.6445.

Sec. 9. [148.6415] [REGISTRATION BY RECIPROCITY.]

A person who holds a current credential as an occupational therapist in the District of Columbia or a state or territory of the United States whose standards for credentialing are determined by the commissioner to be equivalent to or exceed the requirements for registration under section 148.6408 may be eligible for registration by reciprocity

as an occupational therapist. A person who holds a current credential as an occupational therapy assistant in the District of Columbia or a state or territory of the United States whose standards for credentialing are determined by the commissioner to be equivalent to or exceed the requirements for registration under section 148.6410 may be eligible for registration by reciprocity as an occupational therapy assistant. Nothing in this section limits the commissioner's authority to deny registration based upon the grounds for discipline in sections 148.6401 to 148.6450. An applicant must provide:

- (1) the application materials as required by section 148.6420, subdivisions 1, 3, and 4;
- (2) the fees required by section 148.6445;
- (3) a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant;
- (4) a letter from the jurisdiction that issued the credential describing the applicant's qualifications that entitled the applicant to receive the credential; and
- (5) other information necessary to determine whether the credentialing standards of the jurisdiction that issued the credential are equivalent to or exceed the requirements for registration under sections 148.6401 to 148.6450.

Sec. 10. [148.6418] [TEMPORARY REGISTRATION.]

Subdivision 1. [APPLICATION.] The commissioner shall issue temporary registration as an occupational therapist or occupational therapy assistant to applicants who have applied for registration under section 148.6408, subdivisions 1 and 2; 148.6410, subdivisions 1 and 2; 148.6412; or 148.6415 and who are not the subject of a disciplinary action or past disciplinary action, nor disqualified on the basis of items listed in section 148.6448, subdivision 1.

Subd. 2. [PROCEDURES.] To be eligible for temporary registration, an applicant must submit the application materials required by section 148.6420, subdivision 1, the fees required by section 148.6445, and one of the following:

- (1) evidence of successful completion of the requirements in section 148.6408, subdivision 1, or 148.6410, subdivision 1;
- (2) a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant in another jurisdiction; or
- (3) a copy of a current and unrestricted certificate from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist or occupational therapy assistant.

Subd. 3. [ADDITIONAL DOCUMENTATION.] Persons who are credentialed by the National Board for Certification in Occupational Therapy or another jurisdiction must provide an affidavit with the application for temporary registration stating that they are not the subject of a pending investigation or disciplinary action and have not been the subject of a disciplinary action in the past.

Subd. 4. [SUPERVISION REQUIRED.] An applicant who has graduated from an accredited occupational therapy program, as required by section 148.6408, subdivision 1, or 148.6410, subdivision 1, and who has not passed the examination required by section 148.6408, subdivision 2, or 148.6410, subdivision 2, must practice under the supervision of a registered occupational therapist. The supervising therapist must, at a minimum, supervise the person working under temporary registration in the performance of the initial evaluation, determination of the appropriate treatment plan, and periodic review and modification of the treatment plan. The supervising therapist must observe the person working under temporary registration in order to assure service competency in carrying out evaluation, treatment planning, and treatment implementation. The frequency of face-to-face collaboration between

the person working under temporary registration and the supervising therapist must be based on the condition of each patient or client, the complexity of treatment and evaluation procedures, and the proficiencies of the person practicing under temporary registration. The occupational therapist or occupational therapy assistant working under temporary registration must provide verification of supervision on the application form provided by the commissioner.

Subd. 5. [EXPIRATION OF TEMPORARY REGISTRATION.] A temporary registration issued to a person pursuant to subdivision 2, clause (1), expires ten weeks after the next credentialing examination for occupational therapists and occupational therapy assistants or on the date the commissioner grants or denies registration, whichever occurs first. A temporary registration issued to a person pursuant to subdivision 2, clause (2) or (3), expires 90 days after it is issued. Upon application for renewal, a temporary registration shall be renewed once to persons who have not met the examination requirement under section 148.6408, subdivision 2, or 148.6410, subdivision 2, within the initial temporary registration period and who are not the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision 1. Upon application for renewal, a temporary registration shall be renewed once to persons who are able to demonstrate good cause for failure to meet the requirements for registration under section 148.6412 or 148.6415 within the initial temporary registration period and who are not the subject of a disciplinary action nor disqualified on the basis of items in section 148.6448, subdivision 1.

Sec. 11. [148.6420] [GENERAL REGISTRATION PROCEDURES.]

Subdivision 1. [APPLICATIONS FOR REGISTRATION.] An applicant for registration must:

(1) submit a completed application for registration on forms provided by the commissioner and must supply the information requested on the application, including:

(i) the applicant's name, business address and business telephone number, business setting, and daytime telephone number;

(ii) the name and location of the occupational therapy program the applicant completed;

(iii) a description of the applicant's education and training, including a list of degrees received from educational institutions;

(iv) the applicant's work history for the six years preceding the application, including the number of hours worked;

(v) a list of all credentials currently and previously held in Minnesota and other jurisdictions;

(vi) a description of any jurisdiction's refusal to credential the applicant;

(vii) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction;

(viii) information on any physical or mental condition or chemical dependency that impairs the person's ability to engage in the practice of occupational therapy with reasonable judgment or safety;

(ix) a description of any misdemeanor or felony conviction that relates to honesty or to the practice of occupational therapy;

(x) a description of any state or federal court order, including a conciliation court judgment or a disciplinary order, related to the individual's occupational therapy practice; and

(xi) a statement indicating the physical agent modalities the applicant will use and whether the applicant will use the modalities as an occupational therapist or an occupational therapy assistant under direct supervision;

(2) submit with the application all fees required by section 148.6445;

(3) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(4) sign a waiver authorizing the commissioner to obtain access to the applicant's records in this or any other state in which the applicant holds or previously held a credential for the practice of an occupation, has completed an accredited occupational therapy education program, or engaged in the practice of occupational therapy;

(5) submit additional information as requested by the commissioner; and

(6) submit the additional information required for registration by equivalency, registration by reciprocity, and temporary registration as specified in sections 148.6408 to 148.6418.

Subd. 2. [PERSONS APPLYING FOR REGISTRATION UNDER SECTION 148.6408 OR 148.6410.] Persons applying for registration under section 148.6408, subdivisions 1 and 2, or 148.6410, subdivisions 1 and 2, must submit the materials required in subdivision 1 and the following:

(1) a certificate of successful completion of the requirements in section 148.6408, subdivision 1, or 148.6410, subdivision 1; and

(2) the applicant's test results from the examining agency, as evidence that the applicant received a qualifying score on a credentialing examination meeting the requirements of section 148.6408, subdivision 2, or 148.6410, subdivision 2.

Subd. 3. [APPLICANTS WHO ARE CERTIFIED BY NATIONAL BOARD FOR CERTIFICATION IN OCCUPATIONAL THERAPY.] An applicant who is certified by the National Board for Certification in Occupational Therapy must provide the materials required in subdivision 1 and the following:

(1) verified documentation from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist, registered or certified occupational therapy assistant, the date certification was granted, and the applicant's certification number. The document must also include a statement regarding disciplinary actions. The applicant is responsible for obtaining this documentation by sending a form provided by the commissioner to the National Board for Certification in Occupational Therapy; and

(2) a waiver authorizing the commissioner to obtain access to the applicant's records maintained by the National Board for Certification in Occupational Therapy.

Subd. 4. [APPLICANTS CREDENTIALLED IN ANOTHER JURISDICTION.] In addition to providing the materials required in subdivision 1, an applicant credentialed in another jurisdiction must request that the appropriate government body in each jurisdiction in which the applicant holds or held an occupational therapy credential send a letter to the commissioner that verifies the applicant's credentials. Except as provided in section 148.6418, a registration shall not be issued until the commissioner receives letters verifying each of the applicant's credentials. Each letter must include the applicant's name, date of birth, credential number, date of issuance, a statement regarding investigations pending and disciplinary actions taken or pending against the applicant, current status of the credential, and the terms under which the credential was issued.

Subd. 5. [ACTION ON APPLICATIONS FOR REGISTRATION.] (a) The commissioner shall approve, approve with conditions, or deny registration. The commissioner shall act on an application for registration according to paragraphs (b) to (d).

(b) The commissioner shall determine if the applicant meets the requirements for registration. The commissioner, or the advisory council at the commissioner's request, may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The commissioner shall notify an applicant of action taken on the application and, if registration is denied or approved with conditions, the grounds for the commissioner's determination.

(d) An applicant denied registration or granted registration with conditions may make a written request to the commissioner, within 30 days of the date of the commissioner's determination, for reconsideration of the commissioner's determination. Individuals requesting reconsideration may submit information which the applicant wants considered in the reconsideration. After reconsideration of the commissioner's determination to deny registration or grant registration with conditions, the commissioner shall determine whether the original determination should be affirmed or modified. An applicant is allowed no more than one request in any one biennial registration period for reconsideration of the commissioner's determination to deny registration or approve registration with conditions.

Sec. 12. [148.6423] [REGISTRATION RENEWAL.]

Subdivision 1. [RENEWAL REQUIREMENTS.] To be eligible for registration renewal, a registrant must:

- (1) submit a completed and signed application for registration renewal on forms provided by the commissioner;
- (2) submit the renewal fee required under section 148.6445;
- (3) submit proof of having met the continuing education requirement of section 148.6443 on forms provided by the commissioner; and
- (4) submit additional information as requested by the commissioner to clarify information presented in the renewal application. The information must be submitted within 30 days after the commissioner's request.

Subd. 2. [RENEWAL DEADLINE.] (a) Except as provided in paragraph (c), registrations must be renewed every two years. Registrants must comply with the procedures in paragraphs (b) to (e).

(b) Each registration must state an expiration date. An application for registration renewal must be received by the department of health or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application shall be considered timely if received at least 21 calendar days before the expiration date.

(c) If the commissioner changes the renewal schedule and the expiration date is less than two years, the fee and the continuing education contact hours to be reported at the next renewal shall be prorated.

(d) An application for registration renewal not received within the time required under paragraph (b), but received on or before the expiration date, must be accompanied by a late fee in addition to the renewal fee specified by section 148.6445.

(e) Registration renewals received after the expiration date shall not be accepted and persons seeking registered status must comply with the requirements of section 148.6425.

Subd. 3. [REGISTRATION RENEWAL NOTICE.] At least 60 calendar days before the expiration date in subdivision 2, the commissioner shall mail a renewal notice to the registrant's last known address on file with the commissioner. The notice must include an application for registration renewal and notice of fees required for renewal. The registrant's failure to receive notice does not relieve the registrant of the obligation to meet the renewal deadline and other requirements for registration renewal.

Sec. 13. [148.6425] [RENEWAL OF REGISTRATION; AFTER EXPIRATION DATE.]

Subdivision 1. [REMOVAL OF NAME FROM LIST.] The names of registrants who do not comply with the registration renewal requirements of section 148.6423 on or before the expiration date shall be removed from the list of individuals authorized to use the protected titles in section 148.6403. The registrants must comply with the requirements of this section in order to regain registered status.

Subd. 2. [REGISTRATION RENEWAL AFTER REGISTRATION EXPIRATION DATE.] An individual whose application for registration renewal is received after the registration expiration date must submit the following:

(1) a completed and signed application for registration following lapse in registered status on forms provided by the commissioner;

(2) the renewal fee and the late fee required under section 148.6445;

(3) proof of having met the continuing education requirements since the individual's initial registration or last registration renewal; and

(4) additional information as requested by the commissioner to clarify information in the application, including information to determine whether the individual has engaged in conduct warranting disciplinary action as set forth in section 148.6448. The information must be submitted within 30 days after the commissioner's request.

Subd. 3. [REGISTRATION RENEWAL FOUR YEARS OR MORE AFTER REGISTRATION EXPIRATION DATE.] (a) An individual who requests registration renewal four years or more after the registration expiration date must submit the following:

(1) a completed and signed application for registration on forms provided by the commissioner;

(2) the renewal fee and the late fee required under section 148.6445;

(3) proof of having met the continuing education requirement for the most recently completed two-year continuing education cycle; and

(4) at the time of the next registration renewal, proof of having met the continuing education requirement, which shall be prorated based on the number of months registered during the biennial registration period.

(b) In addition to the requirements in paragraph (a), the applicant must submit proof of one of the following:

(1) verified documentation of successful completion of 160 hours of supervised practice approved by the commissioner as described in paragraph (c);

(2) verified documentation of having achieved a qualifying score on the credentialing examination for occupational therapists or the credentialing examination for occupational therapy assistants administered within the past year; or

(3) documentation of having completed a combination of occupational therapy courses or an occupational therapy refresher program that contains both a theoretical and clinical component approved by the commissioner. Only courses completed within one year preceding the date of the application or one year after the date of the application qualify for approval.

(c) To participate in a supervised practice as described in paragraph (b), clause (1), the applicant shall obtain limited registration. To apply for limited registration, the applicant shall submit the completed limited registration application, fees, and agreement for supervision of an occupational therapist or occupational therapy assistant practicing under limited registration signed by the supervising therapist and the applicant. The supervising occupational therapist shall state the proposed level of supervision on the supervision agreement form provided by the commissioner. The supervising therapist shall determine the frequency and manner of supervision based on the condition of the patient or client, the complexity of the procedure, and the proficiencies of the supervised occupational therapist. At a minimum, a supervising occupational therapist shall be on the premises at all times that the person practicing under limited registration is working; be in the room ten percent of the hours worked each week by the person practicing under provisional registration; and provide daily face-to-face collaboration for the purpose of observing service competency of the occupational therapist or occupational therapy assistant, discussing

treatment procedures and each client's response to treatment, and reviewing and modifying, as necessary, each treatment plan. The supervising therapist shall document the supervision provided. The occupational therapist participating in a supervised practice is responsible for obtaining the supervision required under this paragraph and must comply with the commissioner's requirements for supervision during the entire 160 hours of supervised practice. The supervised practice must be completed in two months and may be completed at the applicant's place of work.

(d) In addition to the requirements in paragraphs (a) and (b), the applicant must submit additional information as requested by the commissioner to clarify information in the application, including information to determine whether the applicant has engaged in conduct warranting disciplinary action as set forth in section 148.6448. The information must be submitted within 30 days after the commissioner's request.

Sec. 14. [148.6428] [CHANGE OF ADDRESS.]

A registrant who changes addresses must inform the commissioner, in writing, of the change of address within 30 days. All notices or other correspondence mailed to or served on a registrant by the commissioner at the registrant's address on file with the commissioner shall be considered as having been received by the registrant.

Sec. 15. [148.6430] [DELEGATION OF DUTIES; ASSIGNMENT OF TASKS.]

The occupational therapist is responsible for all duties delegated to the occupational therapy assistant or tasks assigned to direct service personnel. The occupational therapist may delegate to an occupational therapy assistant those portions of a client's evaluation, reevaluation, and treatment that, according to prevailing practice standards of the American Occupational Therapy Association, can be performed by an occupational therapy assistant. The occupational therapist may not delegate portions of an evaluation or reevaluation of a person whose condition is changing rapidly. Delegation of duties related to use of physical agent modalities to occupational therapy assistants is governed by section 148.6440, subdivision 6.

Sec. 16. [148.6432] [SUPERVISION OF OCCUPATIONAL THERAPY ASSISTANTS.]

Subdivision 1. [APPLICABILITY.] If the professional standards identified in section 148.6430 permit an occupational therapist to delegate an evaluation, reevaluation, or treatment procedure, the occupational therapist must provide supervision consistent with this section. Supervision of occupational therapy assistants using physical agent modalities is governed by section 148.6440, subdivision 6.

Subd. 2. [EVALUATIONS.] The occupational therapist shall determine the frequency of evaluations and reevaluations for each client. The occupational therapy assistant shall inform the occupational therapist of the need for more frequent reevaluation if indicated by the client's condition or response to treatment. Before delegating a portion of a client's evaluation pursuant to section 148.6430, the occupational therapist shall ensure the service competency of the occupational therapy assistant in performing the evaluation procedure and shall provide supervision consistent with the condition of the patient or client and the complexity of the evaluation procedure.

Subd. 3. [TREATMENT.] (a) The occupational therapist shall determine the frequency and manner of supervision of an occupational therapy assistant performing treatment procedures delegated pursuant to section 148.6430, based on the condition of the patient or client, the complexity of the treatment procedure, and the proficiencies of the occupational therapy assistant.

(b) Face-to-face collaboration between the occupational therapist and the occupational therapy assistant shall occur, at a minimum, every two weeks, during which time the occupational therapist is responsible for:

- (1) planning and documenting an initial treatment plan and discharge from treatment;
- (2) reviewing treatment goals, therapy programs, and client progress;

(3) supervising changes in the treatment plan;

(4) conducting or observing treatment procedures for selected clients and documenting appropriateness of treatment procedures. Clients shall be selected based on the occupational therapy services provided to the client and the role of the occupational therapist and the occupational therapy assistant in those services; and

(5) ensuring the service competency of the occupational therapy assistant in performing delegated treatment procedures.

(c) Face-to-face collaboration must occur more frequently than every two weeks if necessary to meet the requirements of paragraph (a) or (b).

(d) The occupational therapist shall document compliance with this subdivision in the client's file or chart.

Subd. 4. [EXCEPTION.] The supervision requirements of this section do not apply to an occupational therapy assistant who:

(1) works in an activities program; and

(2) does not perform occupational therapy services.

The occupational therapy assistant must meet all other applicable requirements of sections 148.6401 to 148.6450.

Sec. 17. [148.6435] [COORDINATION OF SERVICES.]

An occupational therapist shall:

(1) collect information necessary to ensure that the provision of occupational therapy services are consistent with the client's physical and mental health status. The information required to make this determination may include, but is not limited to, contacting the client's licensed health care professional for health history, current health status, current medications, and precautions;

(2) modify or terminate occupational therapy treatment of a client that is not beneficial to the client, not tolerated by the client, or refused by the client, and if treatment was terminated for a medical reason, notify the client's licensed health care professional by correspondence postmarked or delivered to the licensed health care professional within seven calendar days of the termination of treatment;

(3) refer a client to an appropriate health care, social service, or education practitioner if the client's condition requires services not within the occupational therapist's service competency or not within the practice of occupational therapy generally;

(4) participate and cooperate in the coordination of occupational therapy services with other related services, as a member of the professional community serving the client; and

(5) communicate, in writing, with the appropriate licensed health care professional an occupational therapy plan of care, postmarked or delivered to the licensed health care professional within 14 calendar days of the initiation of treatment. The occupational therapist must provide this written communication even if occupational therapy treatment is concluded in less than 14 consecutive days. The occupational therapist shall document modifications to the plan of care requested by the licensed health care professional following consultation with the licensed health care professional. Occupational therapists employed by a school system are exempt from the requirements of this clause in the performance of their duties within the school system.

Sec. 18. [148.6438] [RECIPIENT NOTIFICATION.]

Subdivision 1. [REQUIRED NOTIFICATION.] In the absence of a physician referral or prior authorization, and before providing occupational therapy services for remuneration or expectation of payment from the client, an occupational therapist must provide the following written notification in all capital letters of 12-point or larger bold-face type, to the client, parent, or guardian:

"Your health care provider, insurer, or plan may require a physician referral or prior authorization and you may be obligated for partial or full payment for occupational therapy services rendered."

Information other than this notification may be included as long as the notification remains conspicuous on the face of the document. A nonwritten disclosure format may be used to satisfy the recipient notification requirement when necessary to accommodate the physical condition of a client or client's guardian.

Subd. 2. [EVIDENCE OF RECIPIENT NOTIFICATION.] The occupational therapist is responsible for providing evidence of compliance with the recipient notification requirement of this section.

Sec. 19. [148.6440] [PHYSICAL AGENT MODALITIES.]

Subdivision 1. [GENERAL CONSIDERATIONS.] (a) Occupational therapists who use superficial physical agent modalities must comply with the requirements in subdivision 3. Occupational therapists who use electrotherapy must comply with the requirements in subdivision 4. Occupational therapists who use ultrasound devices must comply with the requirements in subdivision 5. Occupational therapy assistants who use physical agent modalities must comply with subdivision 6.

(b) Use of superficial physical agent modalities, electrical stimulation devices, and ultrasound devices must be on the order of a physician.

(c) The commissioner shall maintain a roster of persons registered under sections 148.6401 to 148.6450 who use physical agent modalities. Prior to using a physical agent modality, registrants must inform the commissioner of the physical agent modality they will use. Persons who use physical agent modalities must indicate on their initial and renewal applications the physical agent modalities that they use.

(d) Registrants are responsible for informing the commissioner of any changes in the information required in this section within 30 days of any change.

Subd. 2. [WRITTEN DOCUMENTATION REQUIRED.] Prior to use of physical agent modalities, an occupational therapist must provide to the commissioner documentation verifying that the occupational therapist has met the educational and clinical requirements described in subdivisions 3 to 5, depending on the modality or modalities used. Both theoretical training and clinical application objectives must be met for each modality used. Documentation must include the name and address of the individual or organization sponsoring the activity; the name and address of the facility at which the activity was presented; and a copy of the course, workshop, or seminar description, including learning objectives and standards for meeting the objectives. In the case of clinical application objectives, teaching methods must be documented, including actual supervised practice. Documentation must include a transcript or certificate showing successful completion of the coursework. Practitioners are prohibited from using physical agent modalities independently until granted approval as provided in subdivision 7.

Subd. 3. [EDUCATIONAL AND CLINICAL REQUIREMENTS FOR USE OF SUPERFICIAL PHYSICAL AGENT MODALITIES.] (a) An occupational therapist may use superficial physical agent modalities if the occupational therapist has received theoretical training and clinical application training in the use of superficial physical agent modalities.

(b) Theoretical training in the use of superficial physical agent modalities must:

- (1) explain the rationale and clinical indications for use of superficial physical agent modalities;
- (2) explain the physical properties and principles of the superficial physical agent modalities;
- (3) describe the types of heat and cold transference;
- (4) explain the factors affecting tissue response to superficial heat and cold;
- (5) describe the biophysical effects of superficial physical agent modalities in normal and abnormal tissue;
- (6) describe the thermal conductivity of tissue, matter, and air;
- (7) explain the advantages and disadvantages of superficial physical agent modalities; and
- (8) explain the precautions and contraindications of superficial physical agent modalities.

(c) Clinical application training in the use of superficial physical agent modalities must include activities requiring the practitioner to:

- (1) formulate and justify a plan for the use of superficial physical agents for treatment appropriate to its use and simulate the treatment;
- (2) evaluate biophysical effects of the superficial physical agents;
- (3) identify when modifications to the treatment plan for use of superficial physical agents are needed and propose the modification plan;
- (4) safely and appropriately administer superficial physical agents under the supervision of a course instructor or clinical trainer;
- (5) document parameters of treatment, patient response, and recommendations for progression of treatment for the superficial physical agents; and
- (6) demonstrate the ability to work competently with superficial physical agents as determined by a course instructor or clinical trainer.

Subd. 4. [EDUCATIONAL AND CLINICAL REQUIREMENTS FOR USE OF ELECTROTHERAPY.] (a) An occupational therapist may use electrotherapy if the occupational therapist has received theoretical training and clinical application training in the use of electrotherapy.

(b) Theoretical training in the use of electrotherapy must:

- (1) explain the rationale and clinical indications of electrotherapy, including pain control, muscle dysfunction, and tissue healing;
- (2) demonstrate comprehension and understanding of electrotherapeutic terminology and biophysical principles, including current, voltage, amplitude, and resistance;
- (3) describe the types of current used for electrical stimulation, including the description, modulations, and clinical relevance;

(4) describe the time-dependent parameters of pulsed and alternating currents, including pulse and phase durations and intervals;

(5) describe the amplitude-dependent characteristics of pulsed and alternating currents;

(6) describe neurophysiology and the properties of excitable tissue;

(7) describe nerve and muscle response from externally applied electrical stimulation, including tissue healing;

(8) describe the electrotherapeutic effects and the response of nerve, denervated and innervated muscle, and other soft tissue; and

(9) explain the precautions and contraindications of electrotherapy, including considerations regarding pathology of nerve and muscle tissue.

(c) Clinical application training in the use of electrotherapy must include activities requiring the practitioner to:

(1) formulate and justify a plan for the use of electrical stimulation devices for treatment appropriate to its use and simulate the treatment;

(2) evaluate biophysical treatment effects of the electrical stimulation;

(3) identify when modifications to the treatment plan using electrical stimulation are needed and propose the modification plan;

(4) safely and appropriately administer electrical stimulation under supervision of a course instructor or clinical trainer;

(5) document the parameters of treatment, case example (patient) response, and recommendations for progression of treatment for electrical stimulation; and

(6) demonstrate the ability to work competently with electrical stimulation as determined by a course instructor or clinical trainer.

Subd. 5. [EDUCATIONAL AND CLINICAL REQUIREMENTS FOR USE OF ULTRASOUND.] (a) An occupational therapist may use an ultrasound device if the occupational therapist has received theoretical training and clinical application training in the use of ultrasound.

(b) The theoretical training in the use of ultrasound must:

(1) explain the rationale and clinical indications for the use of ultrasound, including anticipated physiological responses of the treated area;

(2) describe the biophysical thermal and nonthermal effects of ultrasound on normal and abnormal tissue;

(3) explain the physical principles of ultrasound, including wavelength, frequency, attenuation, velocity, and intensity;

(4) explain the mechanism and generation of ultrasound and energy transmission through physical matter; and

(5) explain the precautions and contraindications regarding use of ultrasound devices.

(c) The clinical application training in the use of ultrasound must include activities requiring the practitioner to:

(1) formulate and justify a plan for the use of ultrasound for treatment appropriate to its use and stimulate the treatment;

(2) evaluate biophysical effects of ultrasound;

(3) identify when modifications to the treatment plan for use of ultrasound are needed and propose the modification plan;

(4) safely and appropriately administer ultrasound under supervision of a course instructor or clinical trainer;

(5) document parameters of treatment, patient response, and recommendations for progression of treatment for ultrasound; and

(6) demonstrate the ability to work competently with ultrasound as determined by a course instructor or clinical trainer.

Subd. 6. [OCCUPATIONAL THERAPY ASSISTANT USE OF PHYSICAL AGENT MODALITIES.] An occupational therapy assistant may set up and implement treatment using physical agent modalities if the assistant meets the requirements of this section, has demonstrated service competency for the particular modality used, and works under the direct supervision of an occupational therapist. An occupational therapy assistant who uses superficial physical agent modalities must meet the requirements of subdivision 3. An occupational therapy assistant who uses electrotherapy must meet the requirements of subdivision 4. An occupational therapy assistant who uses ultrasound must meet the requirements of subdivision 5. An occupational therapist may not delegate evaluation, reevaluation, treatment planning, and treatment goals for physical agent modalities to an occupational therapy assistant.

Subd. 7. [APPROVAL.] (a) The advisory council shall appoint a committee to review documentation under subdivisions 2 to 6 to determine if established educational and clinical requirements are met.

(b) Occupational therapists shall be advised of the status of their request for approval within 30 days. Occupational therapists must provide any additional information requested by the committee that is necessary to make a determination regarding approval or denial.

(c) A determination regarding a request for approval of training under this subdivision shall be made in writing to the occupational therapist. If denied, the reason for denial shall be provided.

(d) A registrant who was approved by the commissioner as a level two provider prior to July 1, 1999, shall remain on the roster maintained by the commissioner in accordance with subdivision 1, paragraph (c).

(e) To remain on the roster maintained by the commissioner, a registrant who was approved by the commissioner as a level one provider prior to July 1, 1999, must submit to the commissioner documentation of training and experience gained using physical agent modalities since the registrant's approval as a level one provider. The committee appointed under paragraph (a) shall review the documentation and make a recommendation to the commissioner regarding approval.

(f) An occupational therapist who received training in the use of physical agent modalities prior to July 1, 1999, but who has not been placed on the roster of approved providers may submit to the commissioner documentation of training and experience gained using physical agent modalities. The committee appointed under paragraph (a) shall review documentation and make a recommendation to the commissioner regarding approval.

Sec. 20. [148.6443] [CONTINUING EDUCATION REQUIREMENTS.]

Subdivision 1. [GENERAL REQUIREMENTS.] An occupational therapist applying for registration renewal must have completed a minimum of 24 contact hours of continuing education in the two years preceding registration renewal. An occupational therapy assistant applying for registration renewal must have completed a minimum of 18 contact hours of continuing education in the two years preceding registration renewal. Registrants who are issued registration for a period of less than two years shall prorate the number of contact hours required for registration renewal based on the number of months registered during the biennial registration period. Registrants shall receive contact hours for continuing education activities only for the biennial registration period in which the continuing education activity was performed.

To qualify as a continuing education activity, the activity must be a minimum of one contact hour. Contact hours must be earned and reported in increments of one contact hour or one-half contact hour for each continuing education activity. One-half contact hour means an instructional session of 30 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Each registrant is responsible for financing the cost of the registrant's continuing education activities.

Subd. 2. [STANDARDS FOR DETERMINING QUALIFIED CONTINUING EDUCATION ACTIVITIES.] Except as provided in subdivision 3, paragraph (f), in order to qualify as a continuing education activity, the activity must:

- (1) constitute an organized program of learning;
- (2) reasonably be expected to advance the knowledge and skills of the occupational therapy practitioner;
- (3) pertain to subjects that directly relate to the practice of occupational therapy;
- (4) be conducted by individuals who have education, training, and experience by reason of which the individuals should be considered experts on the subject matter of the activity; and
- (5) be presented by a sponsor who has a mechanism to verify participation and maintains attendance records for three years.

Subd. 3. [ACTIVITIES QUALIFYING FOR CONTINUING EDUCATION CONTACT HOURS.] (a) The activities in this subdivision qualify for continuing education contact hours if they meet all other requirements of this section.

(b) A registrant may obtain an unlimited number of contact hours in any two-year continuing education period through participation in the following:

(1) attendance at educational programs of annual conferences, lectures, panel discussions, workshops, in-service training, seminars, and symposiums;

(2) successful completion of college or university courses. The registrant must obtain a grade of at least a "C" or a pass in a pass or fail course in order to receive the following continuing education credits:

- (i) one semester credit equals 14 contact hours;
- (ii) one trimester credit equals 12 contact hours; and
- (iii) one quarter credit equals ten contact hours; and

(3) successful completion of home study courses that require the participant to demonstrate the participant's knowledge following completion of the course.

(c) A registrant may obtain a maximum of six contact hours in any two-year continuing education period for teaching continuing education courses that meet the requirements of this section. A registrant is entitled to earn a maximum of two contact hours as preparation time for each contact hour of presentation time. Contact hours may be claimed only once for teaching the same course in any two-year continuing education period. A course schedule or brochure must be maintained for audit.

(d) A registrant may obtain a maximum of two contact hours in any two-year continuing education period for continuing education activities in the following areas:

(1) business-related topics: marketing, time management, administration, risk management, government regulations, techniques for training professionals, computer skills, and similar topics;

(2) personal skill topics: career burnout, communication skills, human relations, and similar topics; and

(3) training that is obtained in conjunction with a registrant's employment, occurs during a registrant's normal workday, and does not include subject matter specific to the fundamentals of occupational therapy.

(e) An occupational therapy practitioner that utilizes leisure activities, recreational activities, or hobbies as part of occupational therapy services in the practitioner's current work setting may obtain a maximum of six contact hours in any two-year continuing education period for participation in courses teaching these activities.

(f) A registrant may obtain a maximum of six contact hours in any two-year continuing education period for supervision of occupational therapist or occupational therapy assistant students. A registrant may earn one contact hour for every eight hours of student supervision. Registrants must maintain a log indicating the name of each student supervised and the hours each student was supervised. Contact hours obtained by student supervision must be obtained by supervising students from an occupational therapy education program accredited by the Accreditation Council for Occupational Therapy Education.

Subd. 4. [ACTIVITIES NOT QUALIFYING FOR CONTINUING EDUCATION CONTACT HOURS.] No credit shall be granted for the following activities: hospital rounds, entertainment or recreational activities, employment orientation sessions, holding an office or serving as an organizational delegate, meetings for the purpose of making policy, noneducational association meetings, training related to payment systems, including covered services, coding, and billing.

Subd. 5. [REPORTING CONTINUING EDUCATION CONTACT HOURS.] At the time of registration renewal, each registrant shall submit verification that the registrant has met the continuing education requirements of this section on the continuing education report form provided by the commissioner. The continuing education report form may require the following information:

(1) title of continuing education activity;

(2) brief description of the continuing education activity;

(3) sponsor, presenter, or author;

(4) location and attendance dates;

(5) number of contact hours; and

(6) registrant's notarized affirmation that the information is true and correct.

Subd. 6. [AUDITING CONTINUING EDUCATION REPORTS.] (a) The commissioner may audit a percentage of the continuing education reports based on random selection. A registrant shall maintain all documentation required by this section for two years after the last day of the biennial registration period in which the contact hours were earned.

(b) All renewal applications that are received after the expiration date may be subject to a continuing education report audit.

(c) Any registrant against whom a complaint is filed may be subject to a continuing education report audit.

(d) The registrant shall make the following information available to the commissioner for auditing purposes:

(1) a copy of the completed continuing education report form for the continuing education reporting period that is the subject of the audit including all supporting documentation required by subdivision 5;

(2) a description of the continuing education activity prepared by the presenter or sponsor that includes the course title or subject matter, date, place, number of program contact hours, presenters, and sponsors;

(3) documentation of self-study programs by materials prepared by the presenter or sponsor that includes the course title, course description, name of sponsor or author, and the number of hours required to complete the program;

(4) documentation of university, college, or vocational school courses by a course syllabus, listing in a course bulletin, or equivalent documentation that includes the course title, instructor's name, course dates, number of contact hours, and course content, objectives, or goals; and

(5) verification of attendance by:

(i) a signature of the presenter or a designee at the continuing education activity on the continuing education report form or a certificate of attendance with the course name, course date, and registrant's name;

(ii) a summary or outline of the educational content of an audio or video educational activity to verify the registrant's participation in the activity if a designee is not available to sign the continuing education report form;

(iii) verification of self-study programs by a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program; or

(iv) verification of attendance at a university, college, or vocational course by an official transcript.

Subd. 7. [WAIVER OF CONTINUING EDUCATION REQUIREMENTS.] The commissioner may grant a waiver of the requirements of this section in cases where the requirements would impose an extreme hardship on the registrant. The request for a waiver must be in writing, state the circumstances that constitute extreme hardship, state the period of time the registrant wishes to have the continuing education requirement waived, and state the alternative measures that will be taken if a waiver is granted. The commissioner shall set forth, in writing, the reasons for granting or denying the waiver. Waivers granted by the commissioner shall specify, in writing, the time limitation and required alternative measures to be taken by the registrant. A request for waiver shall be denied if the commissioner finds that the circumstances stated by the registrant do not support a claim of extreme hardship, the requested time period for waiver is unreasonable, the alternative measures proposed by the registrant are not equivalent to the continuing education activity being waived, or the request for waiver is not submitted to the commissioner within 60 days after the expiration date.

Subd. 8. [PENALTIES FOR NONCOMPLIANCE.] The commissioner shall refuse to renew or grant, or shall suspend, condition, limit, or qualify the registration of any person who the commissioner determines has failed to comply with the continuing education requirements of this section. A registrant may request reconsideration of the commissioner's determination of noncompliance or the penalty imposed under this section by making a written request to the commissioner within 30 days of the date of notification to the applicant. Individuals requesting reconsideration may submit information that the registrant wants considered in the reconsideration.

Sec. 21. [148.6445] [FEES; SURCHARGE.]

Subdivision 1. [INITIAL REGISTRATION FEE.] The initial registration fee for occupational therapists is \$180. The initial registration fee for occupational therapy assistants is \$100. The commissioner shall prorate fees based on the number of quarters remaining in the biennial registration period.

Subd. 2. [REGISTRATION RENEWAL FEE.] The biennial registration renewal fee for occupational therapists is \$180. The biennial registration renewal fee for occupational therapy assistants is \$100.

Subd. 3. [LATE FEE.] The fee for late submission of a renewal application is \$25.

Subd. 4. [TEMPORARY REGISTRATION FEE.] The fee for temporary registration is \$50.

Subd. 5. [LIMITED REGISTRATION FEE.] The fee for limited registration is \$96.

Subd. 6. [FEE FOR COURSE APPROVAL AFTER LAPSE OF REGISTRATION.] The fee for course approval after lapse of registration is \$96.

Subd. 7. [CERTIFICATION TO OTHER STATES.] The fee for certification of registration to other states is \$25.

Subd. 8. [VERIFICATION TO INSTITUTIONS.] The fee for verification of registration to institutions is \$10.

Subd. 9. [SURCHARGE.] Until June 17, 2001, all registrants must pay a surcharge fee in addition to other applicable fees. Occupational therapists must pay a biennial surcharge fee of \$62 upon application for registration and registration renewal. Occupational therapy assistants must pay a biennial surcharge fee of \$36 upon application for registration and registration renewal.

Subd. 10. [NONREFUNDABLE FEES.] All fees are nonrefundable.

Sec. 22. [148.6448] [GROUNDS FOR DENIAL OF REGISTRATION OR DISCIPLINE; INVESTIGATION PROCEDURES; DISCIPLINARY ACTIONS.]

Subdivision 1. [GROUNDS FOR DENIAL OF REGISTRATION OR DISCIPLINE.] The commissioner may deny an application for registration, may approve registration with conditions, or may discipline a registrant using any disciplinary actions listed in subdivision 3 on proof that the individual has:

- (1) intentionally submitted false or misleading information to the commissioner or the advisory council;
- (2) failed, within 30 days, to provide information in response to a written request by the commissioner or advisory council;
- (3) performed services of an occupational therapist or occupational therapy assistant in an incompetent manner or in a manner that falls below the community standard of care;
- (4) failed to satisfactorily perform occupational therapy services during a period of provisional registration;
- (5) violated sections 148.6401 to 148.6450;

(6) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(7) been convicted of violating any state or federal law, rule, or regulation which directly relates to the practice of occupational therapy;

(8) aided or abetted another person in violating any provision of sections 148.6401 to 148.6450;

(9) been disciplined for conduct in the practice of an occupation by the state of Minnesota, another jurisdiction, or a national professional association, if any of the grounds for discipline are the same or substantially equivalent to those in sections 148.6401 to 148.6450;

(10) not cooperated with the commissioner or advisory council in an investigation conducted according to subdivision 2;

(11) advertised in a manner that is false or misleading;

(12) engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public;

(13) demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

(14) performed medical diagnosis or provided treatment, other than occupational therapy, without being registered to do so under the laws of this state;

(15) paid or promised to pay a commission or part of a fee to any person who contacts the occupational therapist for consultation or sends patients to the occupational therapist for treatment;

(16) engaged in an incentive payment arrangement, other than that prohibited by clause (15), that promotes occupational therapy overutilization, whereby the referring person or person who controls the availability of occupational therapy services to a client profits unreasonably as a result of client treatment;

(17) engaged in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

(18) obtained money, property, or services from a consumer through the use of undue influence, high pressure sales tactics, harassment, duress, deception, or fraud;

(19) performed services for a client who had no possibility of benefiting from the services;

(20) failed to refer a client for medical evaluation when appropriate or when a client indicated symptoms associated with diseases that could be medically or surgically treated;

(21) engaged in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

(22) violated a federal or state court order, including a conciliation court judgment, or a disciplinary order issued by the commissioner, related to the person's occupational therapy practice; or

(23) any other just cause related to the practice of occupational therapy.

Subd. 2. [INVESTIGATION OF COMPLAINTS.] The commissioner, or the advisory council when authorized by the commissioner, may initiate an investigation upon receiving a complaint or other oral or written communication that alleges or implies that a person has violated sections 148.6401 to 148.6450. In the receipt, investigation, and hearing of a complaint that alleges or implies a person has violated sections 148.6401 to 148.6450, the commissioner shall follow the procedures in section 214.10.

Subd. 3. [DISCIPLINARY ACTIONS.] If the commissioner finds that an occupational therapist or occupational therapy assistant should be disciplined according to subdivision 1, the commissioner may take any one or more of the following actions:

- (1) refuse to grant or renew registration;
- (2) approve registration with conditions;
- (3) revoke registration;
- (4) suspend registration;
- (5) any reasonable lesser action including, but not limited to, reprimand or restriction on registration; or
- (6) any action authorized by statute.

Subd. 4. [EFFECT OF SPECIFIC DISCIPLINARY ACTION ON USE OF TITLE.] Upon notice from the commissioner denying registration renewal or upon notice that disciplinary actions have been imposed and the person is no longer entitled to use the occupational therapy and registered titles, the person shall cease to use titles protected by sections 148.6401 to 148.6450, and to represent to the public that the person is registered by the commissioner.

Subd. 5. [REINSTATEMENT REQUIREMENTS AFTER DISCIPLINARY ACTION.] A person who has had registration suspended may request and provide justification for reinstatement following the period of suspension specified by the commissioner. The requirements of sections 148.6423 and 148.6425 for renewing registration and any other conditions imposed with the suspension must be met before registration may be reinstated.

Sec. 23. [148.6450] [OCCUPATIONAL THERAPY PRACTITIONERS ADVISORY COUNCIL.]

Subdivision 1. [MEMBERSHIP.] The commissioner shall appoint seven persons to an occupational therapy practitioners advisory council consisting of the following:

(1) two public members, as defined in section 214.02. The public members shall be either persons who have received occupational therapy services or family members of or caregivers to such persons;

(2) two members who are occupational therapists and two occupational therapy assistants registered under sections 148.6401 to 148.6450, each of whom is employed in a different practice area including, but not limited to, long-term care, school therapy, early intervention, administration, gerontology, industrial rehabilitation, cardiac rehabilitation, physical disability, pediatrics, mental health, home health, and hand therapy. Three of the four occupational therapy practitioners who serve on the advisory council must be currently, and for the three years preceding the appointment, engaged in the practice of occupational therapy or employed as an administrator or an instructor of an occupational therapy program. At least one of the four occupational therapy practitioners who serves on the advisory council must be employed in a rural area; and

(3) one member who is a licensed or registered health care practitioner, or other credentialed practitioner, who works collaboratively with occupational therapy practitioners.

Subd. 2. [DUTIES.] At the commissioner's request, the advisory council shall:

- (1) advise the commissioner regarding the occupational therapy practitioner registration standards;
- (2) advise the commissioner on enforcement of sections 148.6401 to 148.6450;
- (3) provide for distribution of information regarding occupational therapy practitioners registration standards;
- (4) review applications and make recommendations to the commissioner on granting or denying registration or registration renewal;
- (5) review reports of investigations relating to individuals and make recommendations to the commissioner as to whether registration should be denied or disciplinary action taken against the person; and
- (6) perform other duties authorized for advisory councils by chapter 214, as directed by the commissioner.

Sec. 24. [REPEALER.]

Minnesota Rules, parts 4666.0010; 4666.0020; 4666.0030; 4666.0040; 4666.0050; 4666.0060; 4666.0070; 4666.0080; 4666.0090; 4666.0100; 4666.0200; 4666.0300; 4666.0400; 4666.0500; 4666.0600; 4666.0700; 4666.0800; 4666.0900; 4666.1000; 4666.1100; 4666.1200; 4666.1300; and 4666.1400, are repealed.

Sec. 25. [EFFECTIVE DATE.]

Sections 1 to 24 are effective August 1, 2000."

Delete the title and insert:

"A bill for an act relating to health occupations; establishing registration requirements for occupational therapists and occupational therapy assistants; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4666.0010; 4666.0020; 4666.0030; 4666.0040; 4666.0050; 4666.0060; 4666.0070; 4666.0080; 4666.0090; 4666.0100; 4666.0200; 4666.0300; 4666.0400; 4666.0500; 4666.0600; 4666.0700; 4666.0800; 4666.0900; 4666.1000; 4666.1100; 4666.1200; 4666.1300; and 4666.1400."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2382, A bill for an act relating to Indians; recognizing the Sandy Lake Band of Mississippi Chippewa as a state recognized Indian tribe.

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

The report was adopted.

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

H. F. No. 2505, A bill for an act relating to natural resources; modifying effective period of state park permits; amending Minnesota Statutes 1998, section 85.053, subdivisions 1 and 4.

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

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 2570, A bill for an act relating to the state building code; providing for certain energy code rules to remain in effect; repealing Laws 1999, chapter 135, section 9; Minnesota Rules, chapters 7672; and 7674.

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

The report was adopted.

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

H. F. No. 2585, A bill for an act relating to the legislature; authorizing a legislative commission on Minnesota-Ontario matters; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Reported the same back with the following amendments:

Page 1, line 16, after "transportation," insert "economic development."

Page 2, after line 2, insert:

"Subd. 3. [TERMS.] Minnesota legislative members shall serve for the term of the legislative office to which they were elected. The terms, compensation, and removal of the nonlegislative members of the commission shall be as provided in section 15.059. Notwithstanding section 15.059, subdivision 5, the commission shall continue to exist.

Subd. 4. [OFFICERS.] There must be co-chairs of the commission. The Ontario section must have a chair and the Minnesota section must have a chair. The Ontario chair must conduct meetings held in Canada and the Minnesota chair must conduct meetings held in the United States.

There must be vice-chairs of the respective sections. There must be elected one secretary from the commission at large.

Subd. 5. [STAFF.] The commission may hire the staff necessary to carry out its duties."

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 and Human Services Policy to which was referred:

H. F. No. 2623, A bill for an act relating to health; including medium chain acyl-CoA dehydrogenase deficiency in the testing and follow-up program for inborn metabolic defects in infants; directing the commissioner of health to amend rules; appropriating money; amending Minnesota Statutes 1998, sections 144.126; and 144.128.

Reported the same back with the following amendments:

Page 2, delete lines 8 to 25 and insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective January 1, 2001."

Amend the title as follows:

Page 1, delete line 5

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce to which was referred:

H. F. No. 2656, A bill for an act relating to consumer protection; regulating auto glass repair and replacement; restricting certain rebates and incentives; requiring prompt payment; amending Minnesota Statutes 1998, section 72A.201, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 72A.201, subdivision 6, is amended to read:

Subd. 6. [STANDARDS FOR AUTOMOBILE INSURANCE CLAIMS HANDLING, SETTLEMENT OFFERS, AND AGREEMENTS.] In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) if an automobile insurance policy provides for the adjustment and settlement of an automobile total loss on the basis of actual cash value or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) comparable and available replacement automobile, with all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to the transfer or evidence of ownership of the automobile paid, at no cost to the insured other than the deductible amount as provided in the policy;

(b) a cash settlement based upon the actual cost of purchase of a comparable automobile, including all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to transfer of evidence of ownership, less the deductible amount as provided in the policy. The costs must be determined by:

(i) the cost of a comparable automobile, adjusted for mileage, condition, and options, in the local market area of the insured, if such an automobile is available in that area; or

(ii) one of two or more quotations obtained from two or more qualified sources located within the local market area when a comparable automobile is not available in the local market area. The insured shall be provided the information contained in all quotations prior to settlement; or

(iii) any settlement or offer of settlement which deviates from the procedure above must be documented and justified in detail. The basis for the settlement or offer of settlement must be explained to the insured;

(2) if an automobile insurance policy provides for the adjustment and settlement of an automobile partial loss on the basis of repair or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) to assume all costs, including reasonable towing costs, for the satisfactory repair of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden damage as caused by the claim incident. This assumption of cost may be reduced by applicable policy provision; or

(b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle. Satisfactory repair includes repair of obvious and hidden damage caused by the claim incident, and includes reasonable towing costs;

(3) regardless of whether the loss was total or partial, in the event that a damaged vehicle of an insured cannot be safely driven, failing to exercise the right to inspect automobile damage prior to repair within five business days following receipt of notification of claim. In other cases the inspection must be made in 15 days;

(4) regardless of whether the loss was total or partial, requiring unreasonable travel of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate, to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made pursuant to policy requirements, or to have the automobile repaired;

(5) regardless of whether the loss was total or partial, if loss of use coverage exists under the insurance policy, failing to notify an insured at the time of the insurer's acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage, including the policy terms and conditions affecting the coverage and the manner in which the insured can apply for this coverage;

(6) regardless of whether the loss was total or partial, failing to include the insured's deductible in the insurer's demands under its subrogation rights. Subrogation recovery must be shared at least on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered by the insured, except that when an insurer is recovering directly from an uninsured third party by means of installments, the insured must receive the full deductible share as soon as that amount is collected and before any part of the total recovery is applied to any other use. No deduction for expenses may be made from the deductible recovery unless an attorney is retained to collect the recovery, in which case deduction may be made only for a pro rata share of the cost of retaining the attorney. An insured is not bound by any settlement of its insurer's subrogation claim with respect to the deductible amount, unless the insured receives, as a result of the subrogation settlement, the full amount of the deductible. Recovery by the insurer and receipt by the insured of less than all of the insured's deductible amount does not affect the insured's rights to recover any unreimbursed portion of the deductible from parties liable for the loss;

(7) requiring as a condition of payment of a claim that repairs to any damaged vehicle must be made by a particular contractor or repair shop or that parts, other than window glass, must be replaced with parts other than original equipment parts;

(8) where liability is reasonably clear, failing to inform the claimant in an automobile property damage liability claim that the claimant may have a claim for loss of use of the vehicle;

(9) failing to make a good faith assignment of comparative negligence percentages in ascertaining the issue of liability;

(10) failing to pay any interest required by statute on overdue payment for an automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda, all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to ~~assume all reasonable costs sufficient to~~ pay the insured's chosen vendor for the repair or replacement of comparable window glass. If the insurer disputes the amount charged by the vendor, the insurer is obligated to pay the average cost of repair. The average cost of repair is determined by adding together three estimates obtained by the insurer from glass repair vendors within the insured's county of residence that are able to effect the repair promptly and in accordance with industry standards, and then dividing the resulting sum by three. If there are fewer than three such glass repair vendors within that county, the insurer shall supplement the estimates available from vendors within that county by obtaining additional estimates from glass repair vendors not located within that county, but located within 50 miles of the insured's residence, to the extent necessary to yield a total of three estimates. Only one of the three estimates may be obtained from a vendor with whom the insurer has a contractual or preferred vendor relationship. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor;

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by otherwise limiting the ability of the insured to select the place, shop, or entity to repair or replace the motor vehicle glass and related products and services; or

(16) engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular company or location to provide the motor vehicle glass repair or replacement services or products. For purposes of this section, a warranty shall not be considered an inducement or incentive.

## Sec. 2. [325F.783] [AUTO GLASS REPAIR OR REPLACEMENT.]

(a) No person who provides retail auto glass products or services paid for in whole or in part, directly or indirectly, by an insurer regarding an insurance claim may:

(1) waive, forgive, or pay all or any part of an applicable insurance deductible; or

(2) as an inducement to the sale of goods or services to an insured, advertise or give any rebate, gift, prize, bonus, coupon, credit, referral fee, trade-in or trade-in payment, advertising or other fee or payment, or any other tangible thing or item of monetary value, directly or indirectly, to an insured or any other person not in the employ of the seller that has a value of more than \$35. Any permissible inducement must be given within seven business days of the completion of the work and must have a redeemable cash value of no more than 50 percent of the retail value of the inducement offered.

(b) The attorney general may pursue the penalties and remedies available to the attorney general under section 8.31 against any person who violates this section.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective July 1, 2000, and apply to claims submitted on or after that date."

Amend the title as follows:

Page 1, line 4, delete "requiring prompt payment;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2751, A bill for an act relating to crime prevention; limiting the liability of financial institutions that provide information in good faith on stolen, forged, or fraudulent checks in the course of an investigation; making it a crime to falsely report stolen checks to a financial institution or to possess, sell, receive, or transfer stolen or counterfeit checks; providing criminal penalties and forfeiture remedies for such conduct; expanding the racketeering crime to include organized criminal activity involving stolen or counterfeit checks; making technical corrections to certain penalties; amending Minnesota Statutes 1998, section 299A.61, subdivision 3; Minnesota Statutes 1999 Supplement, sections 609.527, subdivision 3; 609.531, subdivision 1; and 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 1, after line 29, insert:

"Sec. 2. Minnesota Statutes 1998, section 571.71, is amended to read:

571.71 [GARNISHMENT; WHEN AUTHORIZED.]

As an ancillary proceeding to a civil action for the recovery of money, a creditor may issue a garnishment summons as provided in this chapter against any third party in the following instances:

(1) at the time the civil action is commenced or at any time after the commencement of the civil action, but before the entry of a judgment, if the court orders the issuance of the garnishment summons pursuant to section 571.93;

(2) at any time 40 days or more after service of the summons and complaint upon the debtor in the civil action when a judgment by default could have, but has not, been entered pursuant to Rule 55.01(a) of the Minnesota Rules of Civil Procedure for the District Courts and the complaint includes the demand for service charges and civil

penalties in the collection of dishonored checks. No filing of a pleading or other documents by the creditor is required to issue a garnishment summons under this clause; however, the creditor must comply with the service requirement of section 571.72, subdivision 4; or

(3) at any time after entry of a money judgment in the civil action."

Page 5, line 31, delete "6" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete "section" and insert "sections"

Page 1, line 14, after the semicolon, insert "and 571.71;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2768, A bill for an act relating to taxes; establishing time limit for certain revenue recapture claims; amending Minnesota Statutes 1999, section 270A.03, subdivision 7.

Reported the same back with the following amendments:

Page 2, line 10, delete everything after "debt" and insert a period

Page 2, delete lines 11 and 12

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before the semicolon and insert "providing for notice of revenue recapture to a spouse who does not owe the debt"

Page 1, line 4, delete "1999" and insert "1998"

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

The report was adopted.

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

H. F. No. 2809, A bill for an act relating to human services; clarifying admissions criteria for the Ah-Gwah-Ching center; requiring the center to provide information on and promote the use of the geriatric rapid assessment stabilization program; proposing coding for new law in Minnesota Statutes, chapter 251.

Reported the same back with the following amendments:

Page 1, line 23, after "(GRASP)" insert "or emergency admittance programs"

Page 1, line 25, delete "this program" and insert "these programs"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2846, A bill for an act relating to the building code; modifying requirements of bleacher safety; amending Minnesota Statutes 1999 Supplement, section 16B.616, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 16B.616, subdivision 3, is amended to read:

Subd. 3. [SAFETY REQUIREMENTS.] In places of public accommodation using bleacher seating, all bleachers or bleacher open spaces over ~~30~~ 55 inches above grade or the floor below, and all bleacher guardrails if any part of the guardrail is over 55 inches above grade or the floor below must conform to the following safety requirements:

(1) the open space between bleacher footboards, seats, and guardrails must not exceed four inches, unless approved safety nets are installed, except that bleachers already in existence as of August 1, 2001, with open spaces not exceeding nine inches, are exempt from the requirement of this clause;

(2) bleachers must have vertical perimeter guardrails with no more than four-inch rail spacing between vertical rails or other approved guardrails that address climbability and are designed to prevent accidents; and

(3) the state building official shall determine whether the safety nets and guardrail climbability meet the requirements of the alternate design section of the State Building Code. All new bleachers manufactured, installed, sold, or distributed after ~~January~~ August 1, 2001, must comply with the State Building Code in effect and ~~clauses (1), (2), and (3) this subdivision.~~

Sec. 2. Minnesota Statutes 1999 Supplement, section 16B.616, subdivision 4, is amended to read:

Subd. 4. [ENFORCEMENT.] (a) A statutory or home rule charter city that is not covered by the code because of action taken under section 16B.72 or 16B.73 is responsible for enforcement in the city of the code's requirements for bleacher safety. In all other areas where the code does not apply because of action taken under section 16B.72 or 16B.73, the county is responsible for enforcement of those requirements.

(b) Municipalities that have not adopted the code may enforce the code requirements for bleacher safety by either entering into a joint powers agreement for enforcement with another municipality that has adopted the code or contracting for enforcement with a qualified and certified building official or state licensed design professional to enforce the code.

(c) Municipalities, school districts, organizations, individuals, and other persons operating or owning places of public accommodation with bleachers that are subject to the safety requirements in subdivision 3 shall provide a signed certification of compliance to the commissioner by January 1, ~~2001~~ 2002. The certification shall be prepared by a qualified and certified building official or state licensed design professional and shall certify that the bleachers

have been inspected and are in compliance with the requirements of this section and are structurally sound. For bleachers owned by a school district, the person the district designates to be responsible for buildings and grounds may make the certification.

Sec. 3. Laws 1999, chapter 250, article 1, section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.]

(a) Section 41 is effective January 1, 2001. Section 43 is effective July 1, 2000, with respect to preparation of the model policies and procedures by the commissioner of administration, and January 1, 2001, with respect to the other provisions of section 43.

(b) Sections 62 to 64 and 93 are effective ~~January~~ August 1, 2001.

(c) Sections 94 to 100 are effective the day following final enactment.

(d) Sections 47, 49, 55, and 115, paragraphs (d) and (g), are effective July 1, 2001.

(e) Section 61 is effective the day following final enactment and applies only to contracts executed on or after that date.

(f) The commissioner of employee relations may not implement the long-term care insurance plan under section 78 until April 1, 2000."

Amend the title as follows:

Page 1, line 4, delete "subdivision" and insert "subdivisions" and after "3" insert "and 4; Laws 1999, chapter 250, article 1, section 116"

With the recommendation that the bill be amended and without further recommendation.

The report was adopted.

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

H. F. No. 2935, A bill for an act relating to health; clarifying that certain disclosure and consumer protection requirements apply for dental services; requiring certain disclosures of dental benefits; amending Minnesota Statutes 1998, sections 62J.70, subdivision 3; and 62Q.51, subdivision 1; Minnesota Statutes 1999 Supplement, section 62Q.68, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [62Q.75] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 62Q.75 to 62Q.78, the terms defined in this section have the meanings given them.

Subd. 2. [DENTAL CARE SERVICES.] "Dental care services" means services performed by a licensed dentist or any person working under the dentist's supervision as permitted under chapter 150A, which an enrollee might reasonably require to maintain good dental health, including preventive services, diagnostic services, emergency dental care, and restorative services.

Subd. 3. [DENTAL PLAN.] "Dental plan" means a policy, contract, or certificate offered by a dental organization for the coverage of dental care services. Dental plan means individual or group coverage.

Subd. 4. [DENTIST.] "Dentist" means a person licensed to practice dentistry under chapter 150A.

Subd. 5. [EMERGENCY DENTAL CARE.] "Emergency dental care" means the provision of dental care services for a sudden, acute dental condition that would lead a prudent layperson to reasonably expect that the absence of immediate care would result in serious impairment to the dentition or would place the person's oral health in serious jeopardy.

Subd. 6. [ENROLLEE.] "Enrollee" means an individual covered by a dental organization and includes an insured, policyholder, subscriber, contract holder, member, covered person, or certificate holder.

Subd. 7. [DENTAL ORGANIZATION.] "Dental organization" means a health insurer licensed under chapter 60A; a health service plan corporation licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a community integrated service network licensed under chapter 62N; or a third party administrator that:

- (i) provides, either directly or through contracts with providers or other persons, dental care services;
- (ii) arranges for the provision of these services to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee; or
- (iii) administers dental plans.

Sec. 2. [62Q.76] [TERMS OF COVERAGE DISCLOSURE.]

A dental organization shall make available to an enrollee, upon request, a clear and concise description of the following terms of coverage:

- (1) the dental care services and other benefits to which the enrollee is entitled under the dental plan;
- (2) any exclusions or limitation on the services, kind of services, benefits, or kinds of benefits to be provided, including any deductible or copayment features and any requirements for referrals to specialists;
- (3) a description as to how services, including emergency dental care and out-of-area service, may be obtained;
- (4) a general description of payment and copayment amounts, if any, for dental care services, which the enrollee is obligated to pay; and
- (5) a telephone number by which the enrollee may obtain additional information regarding coverage.

Sec. 3. [62Q.77] [DENTAL BENEFIT PLAN REQUIREMENTS.]

Subdivision 1. [UTILIZATION PROFILING.] (a) A dental organization that uses utilization profiling as a method of differentiating provider reimbursement or as a requirement for continued participation in the organization's provider network shall, upon request, make available to participating dentists the following information:

- (i) a description of the methodology used in profiling so that dentists can clearly understand why and how they are affected; and

(ii) a list of the codes measured, a dentist's personal frequency data within each code so that the accuracy of the data can be verified, and individual dentist's representation of scoring in each profiling measurement category to assist the dentist in qualifying or retaining qualification.

(b) A dental organization that uses utilization profiling as a method of differentiating provider reimbursement or as a requirement for continued participation in the organization's provider network shall, upon request, provide a clear and concise description of the impact of the utilization profiling on dental benefits to group purchasers and enrollees.

(c) A dental organization shall not be considered to be engaging in the practice of dentistry pursuant to chapter 150A, to the extent it releases utilization profiling information as required by sections 62Q.75 to 62Q.78.

Subd. 2. [REIMBURSEMENT CODES.] (a) Unless the federal government requires the use of other procedural codes, for all dental care services in which a procedural code is used by the dental organization to determine coverage or reimbursement, the organization must use the most recent American Dental Association current dental terminology code that is available, within a year of its release. Current dental terminology codes must be used as specifically defined, must be listed separately, and must not be altered or changed by either the dentist or the dental organization.

(b) Enrollee benefits must be determined on the basis of individual codes subject to provider and group contracts.

(c) This subdivision does not prohibit or restrict dental organizations from setting reimbursement and pricing with groups, purchasers, and participating providers.

Subd. 3. [TREATMENT OPTIONS.] No contractual provision between a dental organization and a dentist shall in any way prohibit or limit a dentist from discussing all clinical options for treatment with the patient.

Sec. 4. [62Q.78] [LIMITATIONS.]

(a) The provisions contained in section 62Q.76 shall not require a dental organization to disclose information which the dental organization is already obligated to disclose under applicable Minnesota law governing the operation of the dental organization.

(b) Any information a dental organization is required to disclose or communicate under this section to its subscribers, enrollees, participating providers, contracting groups, or dentists may be accomplished by electronic communication including, but not limited to, e-mail, the Internet, Web sites, and employer electronic bulletin boards.

Sec. 5. [EFFECTIVE DATE.]

Section 62Q.77, subdivision 2 is effective August 1, 2001."

Delete the title and insert:

"A bill for an act relating to health; regulating dental benefit plans; proposing coding for new law in Minnesota Statutes, chapter 62Q."

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

The report was adopted.

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

H. F. No. 2991, A bill for an act relating to natural resources; adding to and deleting from state parks; amending Minnesota Statutes 1998, section 85.012, subdivision 32a.

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

The report was adopted.

Davids from the Committee on Commerce to which was referred:

H. F. No. 3001, A bill for an act relating to insurance; fire; regulating failure to provide timely proof of loss; amending Minnesota Statutes 1998, section 65A.01, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 65A.01, subdivision 3.

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

The report was adopted.

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

H. F. No. 3003, A bill for an act relating to corrections; authorizing creation of a fugitive apprehension unit in the department of corrections; prescribing duties for the unit; amending Minnesota Statutes 1999 Supplement, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 241.

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

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3057, A bill for an act relating to business subsidies; providing clarification; amending Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 116J.994, subdivisions 1, 3, 4, 5, 6, 7, 8, and 9; and 116J.995.

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

The report was adopted.

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

H. F. No. 3110, A bill for an act relating to education; repealing a provision relating to participation in Minnesota amateur sports commission exhibitions; repealing Minnesota Statutes 1999 Supplement, section 128C.02, subdivision 3a.

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

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3152, A bill for an act relating to municipalities; removing governmental units from certain procurement requirements; increasing certain dollar limits in the Uniform Municipal Contracting Law; providing an exemption for certain cooperative purchasing; authorizing county purchases on credit cards; amending Minnesota Statutes 1998, sections 16B.181, subdivision 1; and 471.345, subdivisions 3, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 375.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, delete line 24

Page 1, line 25, delete "other law to the contrary," and insert paragraph coding

Page 1, line 27, after the period, insert "If a county officer or employee makes a purchase by credit card that is not approved by the county board, the officer or employee is personally liable for the amount of the purchase."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 7, after the semicolon, insert "providing for personal liability for county officers and employees for unauthorized credit card purchases;"

Page 1, line 8, delete "sections 16B.181, subdivision 1; and" and insert "section"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3208, A bill for an act relating to property; clarifying treatment of certain residential real estate held in trust; making certain appeal periods consistent; changing provisions of the Uniform Probate Code; amending Minnesota Statutes 1998, sections 501B.21; 524.2-513; 524.3-1203, subdivision 5; and 525.712; Minnesota Statutes 1999 Supplement, section 273.124, subdivision 1.

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

The report was adopted.

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

H. F. No. 3213, A bill for an act relating to natural resources; providing for the establishment of heritage forest areas in specified counties; modifying timber provisions; requiring certain rule changes for public use of recreational areas; amending Minnesota Statutes 1998, sections 84.944, subdivision 2; 90.121; 90.14; 90.151, subdivisions 1 and 4; 90.161, subdivisions 1 and 2; 90.162; 90.173; 90.181; 90.201, subdivision 2, and by adding a subdivision; 90.252; and 90.281; proposing coding for new law in Minnesota Statutes, chapters 89; and 90.

Reported the same back with the following amendments:

Pages 1 to 4, delete sections 1 to 3

Amend the title as follows:

Page 1, lines 2 to 4, delete "providing for the establishment of heritage forest areas in specified counties;"

Page 1, line 7, delete "84.944, subdivision 2;"

Page 1, line 11, delete "chapters 89;" and insert "chapter"

Page 1, line 12, delete "and"

With the recommendation that when so amended the bill pass.

The report was adopted.

Finseth from the Committee on Agriculture Policy to which was referred:

H. F. No. 3214, A bill for an act relating to agriculture; limiting the applicability of the partition fence law; proposing coding for new law in Minnesota Statutes, chapter 344.

Reported the same back with the following amendments:

Page 1, delete section 2

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3250, A bill for an act relating to vulnerable adults; specifying rights for reconsideration and review of determinations regarding maltreatment; amending Minnesota Statutes 1998, section 626.557, subdivisions 9d and 12b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 13.99, is amended by adding a subdivision to read:

Subd. 74d. [VULNERABLE ADULT MALTREATMENT REVIEW PANEL.] Data of the vulnerable adult maltreatment review panel are classified under section 2.

Sec. 2. [256.021] [VULNERABLE ADULT MALTREATMENT REVIEW PANEL.]

Subdivision 1. [CREATION.] (a) The commissioner of human services shall establish a review panel for purposes of reviewing lead agency determinations regarding maltreatment of a vulnerable adult in response to requests received under section 626.557, subdivision 9d, paragraph (b). The panel shall hold quarterly meetings for purposes of conducting reviews under this section.

(b) The review panel consists of:

(1) the commissioners of health and human services or their designees;

(2) the ombudsperson for older Minnesotans and ombudsperson for mental health and mental retardation, or their designees; and

(3) a member of the board on aging, appointed by the board.

Subd. 2. [REVIEW PROCEDURE.] (a) If a vulnerable adult or an interested person acting on behalf of the vulnerable adult requests a review under this section, the panel shall review the request at its next quarterly meeting. If the next quarterly meeting is within ten days of the panel's receipt of the request for review, the review may be delayed until the next subsequent meeting. The panel shall review the request and the investigation memorandum and may review any other data on the investigation maintained by the lead agency that are pertinent and necessary to its review of the final disposition. If more than one person requests a review under this section with respect to the same final disposition, the review panel shall combine the requests into one review.

(b) Within 30 days of the review under this section, the panel shall notify the lead agency and the vulnerable adult or interested person who requested the review as to whether the panel agrees with the final disposition or whether the lead agency must reconsider the final disposition. If the panel determines that the lead agency must reconsider the final disposition, the panel must make specific investigative recommendations to the agency. Within 30 days the lead agency shall conduct a review and report back to the panel with its determination and the specific rationale for its final disposition.

Subd. 3. [REPORT.] By January 15 of each year, the panel shall submit a report to the committees of the legislature with jurisdiction over section 626.557 regarding the number of requests for review it receives under this section, the number of cases where the panel requires the lead agency to reconsider its final disposition, and the number of cases where the final disposition is changed, and any recommendations to improve the review or investigative process.

Subd. 4. [DATA.] Data of the review panel created as part of a review under this section are private data on individuals as defined in section 13.02.

Sec. 3. Minnesota Statutes 1998, section 626.557, subdivision 9c, is amended to read:

Subd. 9c. [LEAD AGENCY; NOTIFICATIONS, DISPOSITIONS, AND DETERMINATIONS.] (a) Upon request of the reporter, the lead agency shall notify the reporter that it has received the report, and provide information on the initial disposition of the report within five business days of receipt of the report, provided that the notification will not endanger the vulnerable adult or hamper the investigation.

(b) Upon conclusion of every investigation it conducts, the lead agency shall make a final disposition as defined in section 626.5572, subdivision 8.

(c) When determining whether the facility or individual is the responsible party for substantiated maltreatment, the lead agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were in accordance with, and followed the terms of, an erroneous physician order, prescription, resident care plan, or directive. This is not a mitigating factor when the facility or caregiver is responsible for the issuance of the erroneous order, prescription, plan, or directive or knows or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) the comparative responsibility between the facility, other caregivers, and requirements placed upon the employee, including but not limited to, the facility's compliance with related regulatory standards and factors such as the adequacy of facility policies and procedures, the adequacy of facility training, the adequacy of an individual's participation in the training, the adequacy of caregiver supervision, the adequacy of facility staffing levels, and a consideration of the scope of the individual employee's authority; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

(d) The lead agency shall complete its final disposition within 60 calendar days. If the lead agency is unable to complete its final disposition within 60 calendar days, the lead agency shall notify the following persons provided that the notification will not endanger the vulnerable adult or hamper the investigation: (1) the vulnerable adult or the vulnerable adult's legal guardian, when known, if the lead agency knows them to be aware of the investigation and (2) the facility, where applicable. The notice shall contain the reason for the delay and the projected completion date. If the lead agency is unable to complete its final disposition by a subsequent projected completion date, the lead agency shall again notify the vulnerable adult or the vulnerable adult's legal guardian, when known if the lead agency knows them to be aware of the investigation, and the facility, where applicable, of the reason for the delay and the revised projected completion date provided that the notification will not endanger the vulnerable adult or hamper the investigation. A lead agency's inability to complete the final disposition within 60 calendar days or by any projected completion date does not invalidate the final disposition.

(e) Within ten calendar days of completing the final disposition, the lead agency shall provide a copy of the public investigation memorandum under subdivision 12b, paragraph (b), clause (1), when required to be completed under this section, to the following persons: (1) the vulnerable adult, or the vulnerable adult's legal guardian, if known unless the lead agency knows that the notification would endanger the well-being of the vulnerable adult; (2) the reporter, if the reporter requested notification when making the report, provided this notification would not endanger the well-being of the vulnerable adult; (3) the alleged perpetrator, if known; (4) the facility; and (5) the ombudsman for older Minnesotans, or the ombudsman for mental health and mental retardation, as appropriate.

(f) The lead agency shall notify the vulnerable adult who is the subject of the report or the vulnerable adult's legal guardian, if known, and any person or facility determined to have maltreated a vulnerable adult, of their appeal or review rights under this section or section 2.

(g) The lead agency shall routinely provide investigation memoranda for substantiated reports to the appropriate licensing boards. These reports must include the names of substantiated perpetrators. The lead agency may not provide investigative memoranda for inconclusive or false reports to the appropriate licensing boards unless the lead agency's investigation gives reason to believe that there may have been a violation of the applicable professional practice laws. If the investigation memorandum is provided to a licensing board, the subject of the investigation memorandum shall be notified and receive a summary of the investigative findings.

(h) In order to avoid duplication, licensing boards shall consider the findings of the lead agency in their investigations if they choose to investigate. This does not preclude licensing boards from considering other information.

(i) The lead agency must provide to the commissioner of human services its final dispositions, including the names of all substantiated perpetrators. The commissioner of human services shall establish records to retain the names of substantiated perpetrators.

Sec. 4. Minnesota Statutes 1998, section 626.557, subdivision 9d, is amended to read:

Subd. 9d. [ADMINISTRATIVE RECONSIDERATION OF FINAL DISPOSITION; REVIEW PANEL.] (a) Any individual or facility which a lead agency determines has maltreated a vulnerable adult, or the vulnerable adult or ~~vulnerable adult's designee~~ an interested person acting on behalf of the vulnerable adult, regardless of the lead agency's determination, who contests the lead agency's final disposition of an allegation of maltreatment, may request the lead agency to reconsider its final disposition. The request for reconsideration must be submitted in writing to the lead agency within 15 calendar days after receipt of notice of final disposition or, if the request is made by an interested person who is not entitled to notice, within 15 days after receipt of the notice by the vulnerable adult or the vulnerable adult's legal guardian.

(b) If the lead agency denies the request or fails to act upon the request within 15 calendar days after receiving the request for reconsideration, the person or facility entitled to a fair hearing under section 256.045, may submit to the commissioner of human services a written request for a hearing under that statute. The vulnerable adult, or an interested person acting on behalf of the vulnerable adult, may request a review by the vulnerable adult maltreatment review panel under section 2 if the lead agency denies the request or fails to act upon the request, or if the vulnerable adult or interested person contests a reconsidered disposition. The lead agency shall notify persons who request reconsideration of their rights under this paragraph. The request must be submitted in writing to the review panel and a copy sent to the lead agency within 30 calendar days of receipt of notice of a denial of a request for reconsideration or of a reconsidered disposition. The request must specifically identify the aspects of the agency determination with which the person is dissatisfied.

(c) If, as a result of ~~the~~ a reconsideration or review, the lead agency changes the final disposition, it shall notify the parties specified in subdivision 9c, paragraph (d).

(d) For purposes of this subdivision, "interested person acting on behalf of the vulnerable adult" means a person designated in writing by the vulnerable adult to act on behalf of the vulnerable adult, or a legal guardian or conservator or other legal representative, a proxy or health care agent appointed under chapter 145B or 145C, or an individual who is related to the vulnerable adult, as defined in section 245A.02, subdivision 13.

Sec. 5. Minnesota Statutes 1998, section 626.557, subdivision 12b, is amended to read:

Subd. 12b. [DATA MANAGEMENT.] (a) [COUNTY DATA.] In performing any of the duties of this section as a lead agency, the county social service agency shall maintain appropriate records. Data collected by the county social service agency under this section are welfare data under section 13.46. Notwithstanding section 13.46, subdivision 1, paragraph (a), data under this paragraph that are inactive investigative data on an individual who is a vendor of services are private data on individuals, as defined in section 13.02. The identity of the reporter may only be disclosed as provided in paragraph (c).

Data maintained by the common entry point are confidential data on individuals or protected nonpublic data as defined in section 13.02. Notwithstanding section 138.163, the common entry point shall destroy data three calendar years after date of receipt.

(b) [LEAD AGENCY DATA.] The commissioners of health and human services shall prepare an investigation memorandum for each report alleging maltreatment investigated under this section. During an investigation by the commissioner of health or the commissioner of human services, data collected under this section are confidential data on individuals or protected nonpublic data as defined in section 13.02. Upon completion of the investigation, the data are classified as provided in clauses (1) to (3) and paragraph (c).

(1) The investigation memorandum must contain the following data, which are public:

- (i) the name of the facility investigated;
- (ii) a statement of the nature of the alleged maltreatment;
- (iii) pertinent information obtained from medical or other records reviewed;
- (iv) the identity of the investigator;
- (v) a summary of the investigation's findings;
- (vi) statement of whether the report was found to be substantiated, inconclusive, false, or that no determination will be made;
- (vii) a statement of any action taken by the facility;
- (viii) a statement of any action taken by the lead agency; and
- (ix) when a lead agency's determination has substantiated maltreatment, a statement of whether an individual, individuals, or a facility were responsible for the substantiated maltreatment, if known.

The investigation memorandum must be written in a manner which protects the identity of the reporter and of the vulnerable adult and may not contain the names or, to the extent possible, data on individuals or private data listed in clause (2).

(2) Data on individuals collected and maintained in the investigation memorandum are private data, including:

- (i) the name of the vulnerable adult;
- (ii) the identity of the individual alleged to be the perpetrator;
- (iii) the identity of the individual substantiated as the perpetrator; and
- (iv) the identity of all individuals interviewed as part of the investigation.

(3) Other data on individuals maintained as part of an investigation under this section are private data on individuals upon completion of the investigation.

(c) [IDENTITY OF REPORTER.] The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by a court that the report was false and there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure, except that where the identity of the reporter is relevant to a criminal prosecution, the district court shall do an in-camera review prior to determining whether to order disclosure of the identity of the reporter.

(d) [DESTRUCTION OF DATA.] Notwithstanding section 138.163, data maintained under this section by the commissioners of health and human services must be destroyed under the following schedule:

- (1) data from reports determined to be false, two years after the finding was made;
- (2) data from reports determined to be inconclusive, four years after the finding was made;

- (3) data from reports determined to be substantiated, seven years after the finding was made; and
- (4) data from reports which were not investigated by a lead agency and for which there is no final disposition, two years from the date of the report.
- (e) [SUMMARY OF REPORTS.] The commissioners of health and human services shall each annually prepare a summary of the number and type of reports of alleged maltreatment involving licensed facilities reported under this section.
- (f) [RECORD RETENTION POLICY.] Each lead agency must have a record retention policy.
- (g) [EXCHANGE OF INFORMATION.] Lead agencies, prosecuting authorities, and law enforcement agencies may exchange not public data, as defined in section 13.02, if the agency or authority requesting the data determines that the data are pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation under this section. Data collected under this section must be made available to prosecuting authorities and law enforcement officials, local county agencies, and licensing agencies investigating the alleged maltreatment under this section. The lead agency shall exchange not public data with the vulnerable adult maltreatment review panel established in section 2 if the data are pertinent and necessary for a review requested under that section. Upon completion of the review, not public data received by the review panel must be returned to the lead agency.
- (h) [COMPLETION TIME.] Each lead agency shall keep records of the length of time it takes to complete its investigations.
- (i) [NOTIFICATION OF OTHER AFFECTED PARTIES.] A lead agency may notify other affected parties and their authorized representative if the agency has reason to believe maltreatment has occurred and determines the information will safeguard the well-being of the affected parties or dispel widespread rumor or unrest in the affected facility.
- (j) [FEDERAL REQUIREMENTS.] Under any notification provision of this section, where federal law specifically prohibits the disclosure of patient identifying information, a lead agency may not provide any notice unless the vulnerable adult has consented to disclosure in a manner which conforms to federal requirements."

Delete the title and insert:

"A bill for an act relating to vulnerable adults; establishing a vulnerable adult review panel; requiring a report to the legislature; classifying data; amending Minnesota Statutes 1998, section 626.557, subdivisions 9c, 9d, and 12b; Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256."

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

The report was adopted.

Finseth from the Committee on Agriculture Policy to which was referred:

H. F. No. 3271, A bill for an act relating to agriculture; requiring full disclosure of the obligations of an applicant for a feedlot permit; requiring timely issuance of feedlot permits; providing remedies for a permit denied; amending Minnesota Statutes 1998, section 116.07, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Policy.

The report was adopted.

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

H. F. No. 3278, A bill for an act relating to human services; expanding the SAIL program and requiring additional SAIL initiatives; modifying the administration of the congregate housing services projects; appropriating money; amending Minnesota Statutes 1998, sections 256.9751; and 256B.0917, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 256.9751, is amended to read:

256.9751 [~~CONGREGATE HOUSING~~ ON-SITE COORDINATION (OSC) SERVICES PROJECTS.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them.

(a) [~~CONGREGATE HOUSING.~~] "Congregate housing" means federally or locally subsidized housing and nonsubsidized low- and moderate-income multifamily housing units which may not have common areas for activities and for serving food, designed for the elderly, consisting of private apartments and common areas which can be used for activities and for serving meals.

(b) [~~CONGREGATE HOUSING ON-SITE COORDINATION SERVICES PROJECTS.~~] "Congregate housing On-site coordination services project" means a project in which services are or could be made available to older persons age 55 or older who live in subsidized housing a designated service area and which helps delay or prevent nursing home placement them remain independent. To be considered ~~a congregate housing an on-site coordination~~ services project, a project must have: (1) an on-site coordinator, ~~and~~; (2) a plan for assuring the availability of one meal per day, seven days a week, for each elderly participant ~~in need who needs a meal to continue to live independently;~~ and (3) an approved designated service area.

(c) [~~ON-SITE COORDINATOR.~~] "On-site coordinator" means a person who works on-site in a ~~building or buildings~~ designated service area and who serves as a contact for older persons who need services, support, and assistance in order to ~~delay or prevent nursing home placement help them remain independent.~~

(d) [~~CONGREGATE HOUSING ON-SITE COORDINATION SERVICES PROJECT PARTICIPANTS OR PROJECT PARTICIPANTS.~~] "Congregate housing On-site coordination services project participants" or "project participants" means elderly persons ~~60~~ 55 years old or older; who are currently residents of; or who are ~~applying for residence in housing sites; planning to move into a designated service area~~ and who need support services to remain independent.

(e) [~~DESIGNATED SERVICE AREA OR DSA.~~] "Designated service area" or "DSA" means the congregate housing site or sites, and surrounding neighborhoods and communities that have a concentration of persons age 55 or older that is higher than the state average, in which on-site coordination services will be provided.

Subd. 3. [GRANT PROGRAM.] ~~The Minnesota board on aging commissioner shall establish a congregate housing an on-site coordination services grant program which that is coordinated with county government programs and services for elderly persons and, in counties where they exist, with seniors' agenda for independent living (SAIL) projects as defined in section 256B.0917, that will enable communities and neighborhoods to provide on-site coordinators to serve as a contact for older persons who need services and support, and or need assistance to access in accessing services, in order to delay or prevent nursing home placement and remain independent.~~

Subd. 4. [USE OF GRANT FUNDS.] Grant funds shall be used to develop and fund on-site coordinator positions. Grant funds shall not be used to duplicate existing funds, to modify buildings, or to purchase equipment.

Subd. 5. [GRANT ELIGIBILITY.] A public or nonprofit agency or housing unit may apply for funds to provide a coordinator for ~~congregate housing on-site coordination~~ services to an identified population of frail elderly persons in a ~~subsidized multiunit apartment building or buildings in a community designated service area~~. The ~~board commissioner~~ shall give preference to applicants that meet the requirements of this section, and that have a common dining site in the designated service area. A local match may shall be required. State money received may also be used to match federal money allocated for ~~congregate housing on-site coordination~~ services. Grants shall be awarded to urban and rural sites.

Subd. 6. [CRITERIA FOR SELECTION.] The ~~Minnesota board on aging~~ commissioner shall select projects under this section according to the following criteria:

- (1) the extent to which the proposed project assists older persons to age-in-place to prevent or delay nursing home placement;
- (2) the extent to which the proposed project identifies the needs of project participants;
- (3) the extent to which the proposed project identifies how the on-site coordinator will help meet the needs of project participants;
- (4) the extent to which the proposed project plan assures the availability of one meal a day, seven days a week, for each elderly participant in need in the designated service area;
- (5) the extent to which the proposed project demonstrates involvement of participants, communities, and family members in the project; and
- (6) the extent to which the proposed project demonstrates involvement coordination of ~~housing providers~~ community agencies and public and private service agencies, including area agencies on aging.

The commissioner shall consult with the county board of the county in which the project would be implemented, and shall not select any project without approval of the county board. A designated service area with a senior dining program may be given preference.

Subd. 7. [GRANT APPLICATIONS.] The ~~Minnesota board on aging~~ commissioner shall request proposals for grants and award grants using the criteria in subdivision 6. Grant applications shall include:

- (1) documentation of the need for ~~congregate on-site coordination~~ services in the DSA so the residents can remain independent;
- (2) a description of the resources, such as social services and health services, that will be available in the DSA community to provide the necessary support services;
- (3) a description of the target population, as defined in subdivision 1, paragraph (d);
- (4) a performance plan that includes written performance objectives, outcomes, timelines, and the procedure the grantee will use to document and measure success in meeting the objectives; and
- (5) letters of support from appropriate public and private agencies and organizations, such as area agencies on aging and county human service departments that demonstrate an intent to ~~work with~~ collaborate and coordinate with the agency requesting a grant.

Subd. 8. [REPORT.] ~~By January 1, 1993, the Minnesota board on aging shall submit a report to the legislature evaluating the programs. The report must document the project costs and outcomes that helped delay or prevent nursing home placement. The report must describe steps taken for quality assurance and must also include recommendations based on the project findings. The commissioner shall collect data on a quarterly basis on the~~

number of persons served and other factors relating to the goals, activities, and accomplishments of the projects. The commissioner shall provide this data in summary form to the legislature in annual reports, due January 1, 2001, and each January 1 thereafter. The annual reports must also include recommendations based on project findings.

Subd. 9. [TECHNICAL ASSISTANCE.] The commissioner may provide technical assistance to sponsors of on-site coordination services programs or may contract or delegate the provision of technical assistance.

Subd. 10. [OTHER AGENCIES.] The commissioner may delegate, use, or employ any federal, state, regional, or local public or private agency or organization, including organizations of physically handicapped persons, upon terms the commissioner deems necessary or desirable, to assist in the exercise of any of the powers granted in this section.

Sec. 2. [INSTRUCTION TO REVISOR.]

The revisor, in the next edition of Minnesota Statutes, shall recodify section 256.9751 as section 256.9731, and make any necessary changes in cross-references."

Delete the title and insert:

"A bill for an act relating to human services; modifying the administration of the congregate housing services projects; amending Minnesota Statutes 1998, section 256.9751."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3280, A bill for an act relating to state government; requiring certain purchases of products with recovered materials; requiring the commissioner of administration to establish a process for consideration of environmental factors in state purchasing; amending Minnesota Statutes 1998, sections 16B.121; and 16B.122, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 16C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 16B.121, is amended to read:

16B.121 [PURCHASE OF RECYCLED, REPAIRABLE, AND DURABLE MATERIALS.]

The commissioner shall take the recycled content and recyclability of commodities to be purchased into consideration in bid specifications. When feasible and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the commissioner, and state agencies when purchasing under delegated authority, shall purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the commissioner, and state agencies when purchasing under delegated authority, may also use other appropriate procedures to acquire recycled materials at the most economical cost to the state.

The commissioner shall regularly consult with the office of environmental assistance, state agencies, and other interested parties to update the department's specifications for recycled content and other environmentally preferable products, consistent with other state procurement requirements. In updating its specifications, the department shall take into account the United States Environmental Protection Agency's Comprehensive Procurement Guidelines.

Each year the department shall issue a public report listing procurement specifications for recycled content and other environmentally preferable products, identifying any changes made in the last 12 months, establishing benchmarks for recycled content or other environmentally preferable products, and discussing progress by the state and other agencies in achieving the benchmarks.

When purchasing commodities and services, the commissioner, and state agencies when purchasing under delegated authority, shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. The commissioner, and state agencies when purchasing under delegated authority, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the state resource recovery program and the extent to which the commodity or product contains postconsumer material."

Delete the title and insert:

"A bill for an act relating to state government; requiring the commissioner of administration to consult with interested parties before updating specifications for environmental factors in state purchasing; requiring a report; amending Minnesota Statutes 1998, section 16B.121."

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.

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

H. F. No. 3327, A bill for an act relating to local government; removing the sunset on provisions for authorizing local governments to petition to amend or repeal a rule; amending Minnesota Statutes 1999 Supplement, section 14.091.

Reported the same back with the following amendments:

Page 3, line 33, reinstate the stricken "(h) This section expires July 31," and after "~~2001~~" insert "2006" and reinstate the stricken period

Amend the title as follows:

Page 1, line 2, delete "removing" and insert "changing"

With the recommendation that when so amended the bill pass.

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3433, A bill for an act relating to the St. Paul port authority; changing the powers and jurisdiction with respect to recreation facilities and recreation purposes; amending Minnesota Statutes 1998, section 469.084, subdivisions 1 and 4.

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

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3481, A bill for an act relating to local government; changing the authorized number of members of housing and redevelopment authorities; increasing a member per diem limit; amending Minnesota Statutes 1998, sections 469.003, subdivision 5; 469.006, subdivisions 1 and 2; and 469.011, subdivision 4.

Reported the same back with the following amendments:

Page 3, line 7, before the period, insert "except that no more than \$55 may be paid for a meeting of less than four hours duration"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3517, A bill for an act relating to family law; clarifying and rearranging certain child support provisions; changing time for filing a notice to remove; eliminating certain requirements; amending Minnesota Statutes 1998, section 542.16, subdivision 1; Minnesota Statutes 1999 Supplement, sections 518.171, subdivision 1; and 518.551, subdivision 5; repealing Minnesota Statutes 1998, sections 518.147; and 518.583.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 542.16, subdivision 1, is amended to read:

Subdivision 1. [INITIAL DISQUALIFICATION.] Any party, or the party's attorney, to a cause pending in a district court, ~~within one day after it is ascertained which judge is to preside at the trial or hearing thereof, or at the hearing of any motion or order to show cause, except for a proceeding under section 484.702,~~ may make and file with the court administrator in which the action is pending and serve on the opposite party a notice to remove. The notice must be served and filed within ten days after the party receives notice of which judge or judicial officer is to preside at the trial or hearing, or, if no notice of a hearing is served with the summons, then within the time to answer the summons, whichever is later. Thereupon without any further act or proof, the chief judge of the judicial district shall assign any other judge of any court within the district to preside at the trial of the cause or the hearing of the motion or order to show cause, and the cause shall be continued on the calendar, until the assigned judge can be present. In criminal actions the notice to remove shall be made and filed with the court administrator by the defendant, or the defendant's attorney, not less than two days before the expiration of the time allowed by law to prepare for trial and in any of those cases the presiding judge shall be incapacitated to try the cause. In criminal cases, the chief judge, for the purpose of securing a speedy trial, may change the place of trial to another county.

Sec. 2. [MEDICAL SUPPORT RECOMMENDATIONS.]

The commissioner of human services, in consultation with the commissioner's advisory committee, shall study and make recommendations for changes to the medical support statutes under Minnesota Statutes, chapter 518. The commissioner shall consider the medical support recommendations from the federal medical support workgroup created in the Federal Child Support Performance and Incentive Act of 1998, Public Law Number 105-200, section 401.

The commissioner shall submit legislative recommendations to the chairs of the senate judiciary committee and the house civil law committee by January 15, 2001.

Sec. 3. [REPEALER.]

Minnesota Statutes 1998, sections 144.225; 518.147; and 518.583, are repealed."

Delete the title and insert:

"A bill for an act relating to family law; changing the time for filing a notice to remove; requiring a study of medical support statutes; eliminating certain requirements; amending Minnesota Statutes 1998, section 542.16, subdivision 1; repealing Minnesota Statutes 1998, sections 144.225; 518.147; and 518.583."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3519, A bill for an act relating to family law; modifying provisions under the expedited child support process; amending Minnesota Statutes 1999 Supplement, section 518.5513, subdivisions 1 and 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 518.5513, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] ~~The public authority may use the provisions of~~ This section applies in cases in which support rights are assigned under section 256.741, subdivision 2, or where the public authority is providing services under an application for child support services.

Sec. 2. Minnesota Statutes 1999 Supplement, section 518.5513, subdivision 3, is amended to read:

Subd. 3. [~~PREPARATION OF FINANCIAL WORKSHEET~~ CONTENTS OF PLEADINGS.] (a) In cases involving establishment or modification of a child support order, ~~a nonattorney employee of the public authority shall prepare a financial worksheet that contains~~ the initiating party shall include the following information, if known, in the pleadings:

- (1) names ~~and~~, addresses, and dates of birth of the parties;
- (2) Social Security numbers of the parties and the minor children of the parties, which information shall be considered private information and shall be available only to the parties, the court, and the public authority;
- (3) ~~number of members in household of each party and dependents of the parties~~ other support obligations of the obligor;
- (4) names and addresses of the parties' employers;
- (5) net income of the parties as defined in section 518.551, subdivision 5, with the authorized deductions itemized;
- (6) amounts and sources of any other earnings and income of the parties;
- (7) health insurance coverage of parties; ~~and~~

(8) types and amounts of public assistance received by the parties, including Minnesota family investment plan, child care assistance, medical assistance, MinnesotaCare, title IV-E foster care, or other form of assistance as defined in section 256.741, subdivision 1; and

(9) any other information relevant to the determination of child or medical support under section 518.171 or 518.551, subdivision 5.

(b) In preparing the financial worksheet For all matters scheduled in the expedited process, whether or not initiated by the public authority, the nonattorney employee of the public authority shall obtain any income file with the court and serve on the parties the following information:

(1) information pertaining to the income of the parties available to the public authority from the department of economic security and serve this information on;

(2) a statement of the monthly amount of child support, medical support, child care, and arrearages currently being charged the obligor on Minnesota IV-D cases;

(3) a statement of the types and amount of any public assistance, as defined in section 256.741, subdivision 1, received by the parties; and

(4) any other information relevant to the determination of support that is known to the public authority and that has not been otherwise provided by the parties.

The information must be filed with the court or child support magistrate at least five days before any hearing involving child support, medical support, or child care reimbursement issues.

Sec. 3. [INSTRUCTION TO THE REVISOR.]

The revisor of statutes shall change the headnote for Minnesota Statutes, section 518.5513, to "Procedures for child and medical support orders and parentage orders in the expedited process."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3534, A bill for an act relating to agriculture; changing certain requirements and enforcement procedures for agricultural contracts; amending Minnesota Statutes 1998, sections 17.90, by adding a subdivision; and 17.91; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 4, line 25, delete "readability or"

Page 4, line 26, delete "understandability of the" and after "contract" insert "being easy to read and understand"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3557, A bill for an act relating to appropriations; modifying certain state government provisions; amending Minnesota Statutes 1999 Supplement, section 16A.129, subdivision 3; Laws 1999, chapter 250, article 1, sections 11 and 14, subdivision 3; repealing Laws 1999, chapter 250, article 1, section 15, subdivision 4.

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

The report was adopted.

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

H. F. No. 3632, A bill for an act relating to state employees; revising the advisory group for long-term care insurance and revising its duties; postponing implementation of the long-term care insurance program to permit input from the revised advisory group; amending Minnesota Statutes 1999 Supplement, section 43A.318, subdivision 3; Laws 1999, chapter 250, article 1, section 116.

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.

Seagren from the Committee on K-12 Education Finance to which was referred:

H. F. No. 3668, A bill for an act relating to education finance; dampening the annual changes in the sales ratio study; amending Minnesota Statutes 1998, section 127A.48, subdivision 1.

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

The report was adopted.

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

H. F. No. 3679, A bill for an act relating to state government; education; authorizing the board of government innovation and cooperation to consider appeals of decisions affecting charter schools; amending the charter school approval process; amending Minnesota Statutes 1999 Supplement, sections 124D.10, subdivision 4; and 465.797, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on K-12 Education Finance.

The report was adopted.

Davids from the Committee on Commerce to which was referred:

H. F. No. 3683, A bill for an act relating to insurance; removing certain state involvement with the state fund mutual insurance company; repealing Minnesota Statutes 1998, sections 79.371; 176A.01; 176A.02; 176A.03; 176A.04; 176A.05; 176A.06; 176A.07; 176A.08; 176A.09; 176A.10; 176A.11; and 176A.12.

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

The report was adopted.

Finseth from the Committee on Agriculture Policy to which was referred:

H. F. No. 3692, A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c, and by adding a subdivision; and 116.0713; Minnesota Statutes 1999 Supplement, section 116.07, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 18B; and 18C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [18B.432] [MANURE APPLICATOR EDUCATION AND TRAINING.]

Subdivision 1. [EDUCATION AND TRAINING.] (a) The commissioner shall develop, in conjunction with the University of Minnesota extension service, innovative educational and training programs addressing manure applicator concerns, including water quality protection and the development of manure management plans.

(b) The commissioner shall appoint educational planning committees which must include representatives of industry.

(c) Specific current regulatory concerns must be discussed and, if appropriate, incorporated into each training session.

(d) The commissioner may approve programs from private industry and nonprofit organizations that meet minimum requirements for education, training, and certification.

Subd. 2. [TRAINING MANUAL AND EXAMINATION DEVELOPMENT.] The commissioner, in conjunction with the University of Minnesota extension service, shall continually revise and update manure applicator training manuals and examinations. Questions in the examinations must be determined by the responsible agencies. Manuals and examinations must include manure management practices that discuss prevention of manure occurrence in waters of the state.

Sec. 2. [18C.433] [PRIVATE MANURE APPLICATOR CERTIFICATION.]

Subdivision 1. [REQUIREMENT.] Beginning January 1, 2004, except for a commercial animal waste technician, only a certified private manure applicator may apply animal waste from a feedlot that is registered under rules of the pollution control agency to produce an agricultural commodity.

Subd. 2. [CERTIFICATION.] (a) The commissioner shall prescribe certification requirements and provide training. The training may be done in cooperation with other government agencies and must be at least three hours long.

(b) A person must apply to the commissioner for certification as a private manure applicator. The certification expires March 1 of the third calendar year after the initial year of certification.

(c) The commissioner shall issue a private manure applicator card to a certified private manure applicator.

Subd. 3. [FEES.] (a) A person applying to be certified as a private manure applicator must pay a nonrefundable \$10 application fee.

(b) A \$5 fee must be paid for the issuance of a duplicate private manure applicator card.

Sec. 3. Minnesota Statutes 1998, section 116.06, is amended by adding a subdivision to read:

Subd. 4a. [ANIMAL UNIT.] "Animal unit" means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot, manure storage area, or pasture calculated by multiplying the number of animals of each type in clauses (1) to (9) by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors apply:

(1) one mature dairy cow, whether milked or dry:

(i) over 1,000 pounds, 1.4 animal units; or

(ii) under 1,000 pounds, 1.0 animal unit;

(2) one cow and calf pair, 1.2 units;

(3) one calf, 0.2 unit;

(4) one slaughter steer, 1.0 animal unit;

(5) head of feeder cattle or heifer, 0.7 unit;

(6) one head of swine:

(i) over 300 pounds, 0.4 animal unit;

(ii) between 55 pounds and 300 pounds, 0.25 animal unit; and

(iii) under 55 pounds, 0.05 animal unit;

(7) one horse, 1.0 animal unit;

(8) one sheep or lamb, 0.1 animal unit;

(9) one chicken:

(i) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or

(ii) one chicken if the facility has a dry manure system:

(A) over five pounds, 0.005 animal unit; or

(B) under five pounds, 0.003 animal unit;

(10) one turkey:

(i) over five pounds, 0.018 animal unit; or

(ii) under five pounds, 0.005 animal unit;

(11) one duck, 0.01 animal unit; and

(12) for animals not listed in clauses (1) to (8), the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Sec. 4. Minnesota Statutes 1999 Supplement, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.] Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14. For permit applications filed after July 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a county pursuant to this subdivision.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Natural Resources Conservation Service and the Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. Except as required by federal rule or regulation, a feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas in any buildings and on any grounds where livestock were kept or housed at any time before December 31, 1999. A livestock feedlot permit does not become required solely because of a change in the ownership of the buildings, grounds, or feedlot. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) Any new rules or amendments to existing rules proposed under the authority granted in this subdivision, or to implement new fees on animal feedlots, must be submitted to the members of legislative policy and finance committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

(m) After the proposed rules published in the State Register, volume 24, number 25, are finally adopted, the agency may not impose additional conditions as a part of a feedlot permit, unless specifically required by law or agreed to by the feedlot operator.

(n) For the purposes of feedlot permitting, land-applied manure or a manure stockpile that is managed according to agency rule must not be considered a discharge into waters of the state.

(o) Notwithstanding other law to the contrary, amended livestock feedlot rules proposed by the agency and published in the State Register, volume 24, number 25, if adopted, do not apply to feedlots with 400 animal units or less.

(p) The agency may not require a feedlot operator to upgrade an existing feedlot with less than 500 animal units for a total cost of more than \$3,000 to the operator, unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade.

Sec. 5. Minnesota Statutes 1998, section 116.07, subdivision 7c, is amended to read:

Subd. 7c. [NPDES PERMITTING REQUIREMENTS.] (a) The agency must issue National Pollutant Discharge Elimination System permits for feedlots with 1,000 animal units or more and that meet the definition of a "concentrated animal feeding operation" in Code of Federal Regulations, title 40, section 122.23, based on the following schedule:

~~(1) for applications received after April 22, 1998, a permit for a newly constructed or expanded animal feedlot with 2,000 or more animal units must be issued as an individual permit;~~

~~(2) for applications received after January 1, 1999, a permit for a newly constructed or expanded animal feedlot with between 1,000 and 2,000 animal units that is identified as a priority by the commissioner, using criteria established under paragraph ~~(e)~~ (d), must be issued as an individual permit; and~~

~~(3) (2) after January 1, 2001, all an existing feedlots with 1,000 or more animal units feedlot that is identified as a priority by the commissioner, using criteria established under paragraph (e) must be issued as an individual or general National Pollutant Discharge Elimination System permit; and~~

~~(b) By October 1, 1999, (3) the agency must issue a general National Pollutant Discharge Elimination System permit for animal feedlots with between 1,000 and 2,000 animal units that are not identified under paragraph (a), clause (1) or (2).~~

~~(b)~~ (b) Prior to the issuance of a general National Pollutant Discharge Elimination System permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

~~(c)~~ (c) To the extent practicable, the agency must include a public notice and comment period for an individual National Pollutant Discharge Elimination System permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

~~(d)~~ By January 1, 1999, ~~(d)~~ The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required under paragraph (a), clause ~~(2)~~; for an animal feedlot with between 1,000 and 2,000 animal units (1). The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.

~~(e)~~ By January 1, 2000, ~~(e)~~ The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required for an existing animal feedlot, under paragraph (a), clause ~~(3)~~ (2). The criteria must be based on violations and other compliance problems at the facility.

(f) The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining when an individual National Pollutant Discharge Elimination System permit is transferred from individual to general permit status.

(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the commissioner may issue an individual National Pollutant Discharge Elimination System permit for an animal feedlot. After the general permit is issued and the criteria under paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph that do not fit the criteria for an individual permit under the applicable provisions of paragraph (d) or (e) must be transferred to general permit status.

(h) The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining which feedlots are required to apply for and obtain a National Pollutant Discharge Elimination System permit or a state disposal system permit based upon the actual or potential to discharge.

Sec. 6. Minnesota Statutes 1998, section 116.07, is amended by adding a subdivision to read:

Subd. 7d. [EXCLUSION.] In regulating livestock or animal feedlots under subdivisions 7 to 7c, a county or the commissioner must not include manure runoff containment areas that are less than 6,000 cubic feet in the definition of an open-air clay, earthen, or flexible membrane-lined swine waste lagoon.

Sec. 7. Minnesota Statutes 1998, section 116.0713, is amended to read:

116.0713 [LIVESTOCK ODOR.]

(a) The pollution control agency must:

(1) monitor and identify potential livestock facility violations of the state ambient air quality standards for hydrogen sulfide, using a protocol for responding to citizen complaints regarding feedlot odor and its hydrogen sulfide component, including the appropriate use of portable monitoring equipment that enables monitoring staff to follow plumes;

(2) when livestock production facilities are found to be in violation of ambient hydrogen sulfide standards, take appropriate actions necessary to ensure compliance, utilizing appropriate technical assistance and enforcement and penalty authorities provided to the agency by statute and rule.

(b) Livestock production facilities are exempt from state ambient air quality standards while manure is being removed and for seven days after manure is removed from barns or manure storage facilities.

(c) For a livestock production facility having greater than 1,000 animal units, the maximum cumulative exemption in a calendar year under paragraph (b) is 21 days for the removal process.

(d) The operator of a livestock production facility that claims exemption from state ambient air quality standards under paragraph (b) must provide notice of that claim to either the pollution control agency or the county feedlot officer delegated under section 116.07.

(e) State ambient air quality standards are applicable at the property boundary of a farm or a parcel of agricultural land on which a livestock production facility is located, except that if the owner or operator of the farm or parcel obtains an air quality easement from the owner of land adjoining such farm or parcel, the air quality standards must be applicable at the property boundary of the adjoining land to which the easement pertains. The air quality easement must be for no more than five years, must be in writing, and must be available upon request by the agency or the county feedlot officer. Notwithstanding the provisions of this paragraph, state ambient air quality standards are applicable at locations to which the general public has access. The "general public" does not include employees, trespassers, or other categories of people who have been directly authorized by the property owner to enter or remain on the property for a limited period of time and for a specific purpose.

(f) The agency may not require air emission modeling for a type of livestock system that has not had a hydrogen sulfide emission violation.

Sec. 8. Minnesota Statutes 1999 Supplement, section 116.072, subdivision 13, is amended to read:

Subd. 13. [FEEDLOT ADMINISTRATIVE PENALTY ORDERS.] (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, the agency staff who will determine if a penalty is appropriate and who will determine the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) Notwithstanding subdivision 5, for serious feedlot law or rule violations for which an administrative penalty order is issued under this section, not less than 75 percent of the penalty may must be forgiven if:

(1) the abated penalty is used for approved measures to mitigate the violation for which the administrative penalty order was issued or for environmental improvements to the farm; and

(2) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Sec. 9. [RULES FOR ANIMAL FEEDLOTS AND STORAGE, TRANSPORTATION, AND UTILIZATION OF MANURE.]

(a) The pollution control agency shall amend the proposed permanent rules relating to animal feedlots and storage, transportation, and utilization of manure, published in the State Register, volume 24, number 25, pages 848 to 884, December 20, 1999, according to this section.

(b) The agency shall remove the following provisions of the proposed rules:

(1) restrictions on the pasturing of animals;

(2) manure management plan requirements, except in the case of feedlots with over 1,000 animal units or a feedlot construction permit;

(3) manure that is produced by animals that are not owned or managed by the person from the animal unit definition; and

(4) the requirement that a feedlot must include a pollution prevention plan as part of their feedlot permit application.

(c) In the rules, the agency shall not require:

(1) a feedlot operator to remove manure packs and mounding, except as necessary to prevent pollution;

(2) information on the permit application that is not specifically required in the rules, unless the feedlot operator will be using a new technology;

(3) more than the following information on the newspaper notification of proposed construction or expansion:

(i) name of the owner or owners;

(ii) name of the facility;

(iii) location of the facility by county, township, section, or quarter-section;

(iv) species of livestock and total animal units; and

(v) type of building and manure storage system;

(4) the regulation of process-generated wastewater, unless it contains manure;

(5) that a feedlot must be issued an individual state disposal system permit, unless the feedlot meets the criteria established for individual permits under Minnesota Statutes, section 116.07, subdivision 7c; and

(6) registration or a permit for a livestock facility located on state or county fairgrounds.

(d) In the rules, the agency shall:

(1) include a registration notice provision requiring the permitting authority to notify feedlot operators at least 90 days prior to the reregistration deadline;

(2) include a provision requiring that a receipt of registration be sent back to the feedlot operator within 30 days of receipt of the registration by the agency or the delegated county;

(3) provide that feedlot permits remain in effect until a new permit is issued by the agency or a county;

(4) provide that location restrictions for schools and child care centers apply only to licensed child care centers, the public schools defined in Minnesota Statutes, section 120A.05, and private schools, excluding home school sites;

(5) allow for compliance with interim corrective measures for eligible open lots by October 1, 2005, and final compliance by October 1, 2010;

(6) allow direct notification of a feedlot permit application in lieu of the newspaper notification as provided in Minnesota Statutes, section 116.07, subdivision 7a;

(7) allow an extension of a short-term stockpile site because growing crops or crop removal prohibit land application of manure;

(8) include only a general reference that the rules do not preempt the adoption or enforcement of zoning ordinances or plans by counties, townships, or cities;

(9) allow manure storage facility specifications that are proposed by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee and that meet federal and state discharge and water quality restrictions;

(10) include an exemption from the prohibition on reuse of a short-term stockpiling site in the preceding or following calendar years for a site where manure is stockpiled for less than ten days and the site is not used as a stockpile site for more than six times in a calendar year; and

(11) provide that the management of nutrients from manure can be consistent with guidelines, definitions, or recommendations published by the University of Minnesota or another land grant college in a contiguous state.

Sec. 10. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 9, delete "section" and insert "sections" and after "7;" insert "and 116C.072, subdivision 13;"

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

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3786, A bill for an act relating to local government; authorizing Wright county to convey certain county ditches to the cities of St. Michael and Albertville.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Policy.

The report was adopted.

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

H. F. No. 3811, A bill for an act relating to human services; allowing alternative rate-setting methodologies for day training and habilitation vendors; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 252.

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

The report was adopted.

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

H. F. No. 3824, A bill for an act relating to health; reducing the contributing member assessment of the Minnesota comprehensive health association; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1998, section 62E.02, subdivision 13, is amended to read:

Subd. 13. [ELIGIBLE PERSON.] (a) "Eligible person" means an individual who:

(1) is currently and has been a resident of Minnesota for the six months immediately preceding the date of receipt by the association or its writing carrier of a completed certificate of eligibility;

(2) meets the enrollment requirements of section 62E.14; and

(3) is not otherwise ineligible under this subdivision.

For purposes of eligibility under section 62E.14, subdivision 4c, paragraph (b), this definition is modified as provided in that paragraph.

(b) No individual is eligible for coverage under ~~a qualified or a Medicare supplement~~ any plan issued by the association for whom a premium is paid or reimbursed by the medical assistance program or general assistance medical care program as of the first day of any term for which a premium amount is paid or reimbursed.

(c) "Eligible person" does not include any person whose premium, deductible, copayment, or coinsurance is paid for by the state of Minnesota or any of its departments, agencies, programs, instrumentalities, or political subdivisions.

Sec. 2. Minnesota Statutes 1998, section 62E.08, is amended to read:

62E.08 [STATE PLAN PREMIUM.]

Subdivision 1. [ESTABLISHMENT.] The association shall establish the following maximum premiums to be charged for membership in the comprehensive health insurance plan:

(a) the premium for the number one qualified plan shall range from a minimum of 101 percent to a maximum of 125 percent of the weighted average of rates charged by those insurers and health maintenance organizations with individuals enrolled in:

(1) ~~number one~~ \$1,000 annual deductible individual ~~qualified~~ plans of insurance in force in Minnesota;

(2) individual health maintenance organization contracts of coverage with a \$1,000 annual deductible which are in force in Minnesota ~~and which are, or are adjusted to be, actuarially equivalent to number one individual qualified plans;~~ and

~~(3) individual policies and individual health maintenance organization contracts of coverage which are in force in Minnesota, are not qualified under section 62E.06, are, or are adjusted to be, actuarially equivalent to number one individual qualified plans, and do not fall under clause (2)~~

(3) other plans of coverage similar to plans offered by the association based on generally accepted actuarial principles;

(b) the premium for the number two qualified plan shall range from a minimum of 101 percent to a maximum of 125 percent of the weighted average of rates charged by those insurers and health maintenance organizations with individuals enrolled in:

(1) ~~number two~~ \$500 annual deductible individual ~~qualified~~ plans of insurance in force in Minnesota;

(2) individual health maintenance organization contracts of coverage with a \$500 annual deductible which are in force in Minnesota ~~and which are, or are adjusted to be, actuarially equivalent to number two individual qualified plans;~~ and

~~(3) individual policies and individual health maintenance organization contracts of coverage which are in force in Minnesota, are not qualified under section 62E.06, are, or are adjusted to be, actuarially equivalent to number two individual qualified plans, and do not fall under clause (2)~~

(3) other plans of coverage similar to plans offered by the association based on generally accepted actuarial principles;

(c) the premium for the plan with a \$2,000 annual deductible shall range from a minimum of 101 percent to a maximum of 125 percent of the weighted average of rates charged by those insurers and health maintenance organizations with individuals enrolled in:

(1) \$2,000 annual deductible individual plans in force in Minnesota; and

(2) individual health maintenance organization contracts of coverage with a \$2,000 annual deductible which are in force in Minnesota; or

(3) other plans of coverage similar to plans offered by the association based on generally accepted actuarial principles.

(d) The premium for each type of ~~qualified~~ Medicare supplement plan required to be offered by the association pursuant to section 62E.12 shall range from a minimum of 101 percent to a maximum of 125 percent of the weighted average of rates charged by those insurers and health maintenance organizations with individuals enrolled in:

(1) ~~qualified~~ Medicare supplement plans in force in Minnesota;

(2) health maintenance organization Medicare supplement contracts of coverage which are in force in Minnesota ~~and which are, or are adjusted to be, actuarially equivalent to qualified Medicare supplement plans;~~ and

~~(3) Medicare supplement policies and health maintenance organization Medicare supplement contracts of coverage which are in force in Minnesota, are not qualified under section 62E.07, are, or are adjusted to be, actuarially equivalent to qualified Medicare supplement plans, and do not fall under clause (2) other plans of coverage similar to plans offered by the association based on generally accepted actuarial principles; and~~

~~(d)~~ (e) the charge for health maintenance organization coverage shall be based on generally accepted actuarial principles.

The list of insurers and health maintenance organizations whose rates are used to establish the premium for coverage offered by the association pursuant to paragraphs (a) to ~~(c)~~ (d) shall be established by the commissioner on the basis of information which shall be provided to the association by all insurers and health maintenance organizations annually at the commissioner's request. This information shall include the number of individuals covered by each type of plan or contract specified in paragraphs (a) to ~~(c)~~ (d) that is sold, issued, and renewed by the insurers and health maintenance organizations, including those plans or contracts available only on a renewal basis. The information shall also include the rates charged for each type of plan or contract.

In establishing premiums pursuant to this section, the association shall utilize generally accepted actuarial principles, provided that the association shall not discriminate in charging premiums based upon sex. In order to compute a weighted average for each type of plan or contract specified under paragraphs (a) to ~~(c)~~ (d), the association shall, using the information collected pursuant to this subdivision, list insurers and health maintenance organizations in rank order of the total number of individuals covered by each insurer or health maintenance organization. The association shall then compute a weighted average of the rates charged for coverage by all the insurers and health maintenance organizations by:

- (1) multiplying the numbers of individuals covered by each insurer or health maintenance organization by the rates charged for coverage;
- (2) separately summing both the number of individuals covered by all the insurers and health maintenance organizations and all the products computed under clause (1); and
- (3) dividing the total of the products computed under clause (1) by the total number of individuals covered.

The association may elect to use a sample of information from the insurers and health maintenance organizations for purposes of computing a weighted average. ~~If the association so elects, the sample of information from insurers and health maintenance organizations shall, at a minimum, include information from those insurers and health maintenance organizations which, according to their order of ranking from the largest number of individuals covered to the smallest number, account for at least the first 51 percent of all individuals covered.~~ In no case, however, may a sample used by the association to compute a weighted average include information from fewer than the two insurers or health maintenance organizations highest in rank order.

Subd. 2. [SELF-SUPPORTING.] Subject to subdivision 1, the schedule of premiums for coverage under the comprehensive health insurance plan shall be designed to be self-supporting and based on generally accepted actuarial principles.

Subd. 3. [DETERMINATION OF RATES.] Premium rates under this section must be determined annually. These rates are effective July 1 of each year and must be based on a survey of approved rates of insurers and health maintenance organizations in effect, or to be in effect, on April 1 of the same calendar year. These rates may be trended to July 1 in order to reflect economic and inflationary changes.

Subd. 4. [SMOKERS RATES.] The association may establish smoker and nonsmoker premium rates that are based on generally accepted actuarial principles.

Sec. 3. Minnesota Statutes 1999 Supplement, section 62E.12, is amended to read:

62E.12 [MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.]

(a) The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan and a number two qualified plan, except that the maximum lifetime benefit on these plans shall be \$2,800,000; and an extended basic Medicare supplement plan and a basic Medicare supplement plan as described in sections 62A.31 to 62A.44 ~~and 62E.07.~~ The association may also offer a plan that is identical to a number one and number two qualified plan except that it has a \$2,000 annual deductible and a \$2,800,000 maximum lifetime benefit.

(b) The requirement that a policy issued by the association must be a qualified plan is satisfied if the association contracts with a preferred provider network and the level of benefits for services provided within the network satisfies the requirements of a qualified plan. If the association uses a preferred provider network, payments to nonparticipating providers must meet the minimum requirements of section 72A.20, subdivision 15. ~~They~~

(c) The association shall offer health maintenance organization contracts in those areas of the state where a health maintenance organization has agreed to make the coverage available and has been selected as a writing carrier.

(d) Notwithstanding the provisions of section 62E.06 and unless those charges are billed by a provider that is part of the association's preferred provider network, the state plan shall exclude coverage of services of a private duty nurse other than on an inpatient basis and any charges for treatment in a hospital located outside of the state of Minnesota in which the covered person is receiving treatment for a mental or nervous disorder, unless similar treatment for the mental or nervous disorder is medically necessary, unavailable in Minnesota and provided upon referral by a licensed Minnesota medical practitioner.

Sec. 4. Minnesota Statutes 1998, section 62E.13, subdivision 2, is amended to read:

Subd. 2. [SELECTION OF WRITING CARRIER.] The association may select policies and contracts, or parts thereof, submitted by a member or members of the association, or by the association or others, to develop specifications for bids from any entity which wishes to be selected as a writing carrier to administer the state plan. The selection of the writing carrier shall be based upon criteria established by the board of directors of the association and approved by the commissioner. The criteria shall outline specific qualifications that an entity must satisfy in order to be selected and, at a minimum, shall include the entity's proven ability to handle large group accident and health insurance cases, efficient claim paying capacity, and the estimate of total charges for administering the plan. The association may select separate writing carriers for the two types of qualified plans and the \$2,000 deductible plan, the qualified medicare supplement plan, and the health maintenance organization contract.

Sec. 5. Minnesota Statutes 1998, section 62E.14, subdivision 1, is amended to read:

Subdivision 1. [CERTIFICATE, CONTENTS.] The comprehensive health insurance plan shall be open for enrollment by eligible persons. An eligible person shall enroll by submission of a certificate of eligibility to the writing carrier. The certificate shall provide the following:

(a) Name, address, age, list of residences for the immediately preceding six months and length of time at current residence of the applicant;

(b) Name, address, and age of spouse and children if any, if they are to be insured;

(c) Evidence of rejection, a requirement of restrictive riders, a rate up, or a preexisting conditions limitation on a qualified plan, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least one two association ~~member~~ members within six months of the date of the certificate, or other eligibility requirements adopted by rule by the commissioner which are not inconsistent with this chapter and which evidence that a person is unable to obtain coverage substantially similar to that which may be obtained by a person who is considered a standard risk;

(d) If the applicant has been terminated from individual health coverage which does not provide replacement coverage, evidence that no replacement coverage that meets the requirements of section 62D.121 was offered, and evidence of termination of individual health coverage by an insurer, nonprofit health service plan corporation, or health maintenance organization provided that the contract or policy has been terminated for reasons other than (1) failure to pay the charge for health care coverage; (2) failure to make copayments required by the health care plan; (3) enrollee moving out of the area served; or (4) a materially false statement or misrepresentation by the enrollee in the application for membership; and

(e) A designation of the coverage desired.

An eligible person may not purchase more than one policy from the state plan. Upon ceasing to be a resident of Minnesota a person is no longer eligible to purchase or renew coverage under the state plan.

Sec. 6. Minnesota Statutes 1998, section 62E.15, is amended by adding a subdivision to read:

Subd. 2a. [ANNUAL VERIFICATION.] The association may annually verify the uninsurability of each policyholder to insure that only eligible persons are enrolled in the plan.

Sec. 7. Minnesota Statutes 1998, section 62E.18, is amended to read:

62E.18 [HEALTH INSURANCE FOR RETIRED EMPLOYEES NOT ELIGIBLE FOR MEDICARE.]

A Minnesota resident who is age 65 or over and is not eligible for the health insurance benefits of the federal Medicare program is entitled to purchase the benefits of a qualified plan, one or two, or the \$2,000 annual deductible plan if available, offered by the Minnesota comprehensive health association without any of the limitations set forth in section 62E.14, subdivision 1, paragraph (c), and subdivision 3.

Sec. 8. [STUDY OF MCHA PREMIUM RATES.]

The comprehensive health association shall submit to the legislature, by February 1, 2001, a study regarding the impact of increasing the maximum premium range of the plans that the association offers to above 125 percent of the weighted average of rates charged in the individual market for similar plans. The study must also include an analysis of the feasibility of establishing a sliding scale premium program for policyholders."

Page 1, line 6, delete "Section 1." and insert "Sec. 9."

Page 1, after line 14, insert:

"Sec. 10. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2001. Sections 2 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; the Minnesota comprehensive health association; regulating coverages and rates; reducing the contributing member assessment; requiring a study of premium rates; appropriating money; amending Minnesota Statutes 1998, sections 62E.02, subdivision 13; 62E.08; 62E.13, subdivision 2; 62E.14, subdivision 1; 62E.15, by adding a subdivision; and 62E.18; Minnesota Statutes 1999 Supplement, section 62E.12."

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

The report was adopted.

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

H. F. No. 3853, A bill for an act relating to governmental operations; requiring certain budgetary information and reports on internal service funds; amending Minnesota Statutes 1998, sections 16A.11, subdivision 3; 16A.126, subdivision 2; 16B.052; 16B.48, subdivision 4; and 16B.485.

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

The report was adopted.

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

H. F. No. 3889, A bill for an act relating to state government; requiring accelerated implementation of certain governmental accounting standards.

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

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 3903, A bill for an act relating to cooperatives; amending provisions on the financing and distribution of income for cooperatives; amending Minnesota Statutes 1998, section 308A.705, subdivision 3; Minnesota Statutes 1999 Supplement, section 80A.15, subdivision 2; repealing Minnesota Statutes 1998, sections 308A.031; and 308A.161.

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

The report was adopted.

Larsen, P., from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3936, A bill for an act relating to metropolitan government; establishing a task force to study legislative proposals relating to metropolitan government structure and to make recommendations by January 1, 2001.

Reported the same back with the following amendments:

Page 2, line 8, delete "15" and insert "17"

Page 2, after line 28, insert:

"(8) two current members of the metropolitan council, appointed by the chair of the council;"

Page 2, line 30, delete "(8)" and insert "(9)"

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

The report was adopted.

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

House Resolution No. 16, A house resolution giving consent to certain persons to pursue a legal action during the legislative session.

Reported the same back without recommendation.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 304, 465, 947, 2382, 2505, 2570, 2623, 2656, 2751, 2809, 2846, 2991, 3001, 3003, 3110, 3152, 3213, 3214, 3278, 3327, 3433, 3481, 3517, 3519, 3534, 3557, 3683, 3853 and 3903 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Rest introduced:

H. F. No. 4007, A bill for an act relating to taxation; civil penalties; modifying penalty for failure to pay tax; amending Minnesota Statutes 1998, section 289A.60, subdivision 1.

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

Smith introduced:

H. F. No. 4008, A bill for an act relating to courts; removing appellate jurisdiction from district courts after statutory appeal period; amending Minnesota Statutes 1998, section 484.01, subdivision 1.

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

Goodno, Finseth, Davids, Kuisle, Daggett, Cassell and Winter introduced:

H. F. No. 4009, A bill for an act relating to taxation; increasing the amount of local government aid payable to cities; amending Minnesota Statutes 1998, section 477A.013, subdivision 9; Minnesota Statutes 1999 Supplement, section 477A.03, subdivision 2.

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

Jennings introduced:

H. F. No. 4010, A bill for an act relating to taxation; sales and use; exempting certain machinery and equipment for ski areas; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

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

Rifenberg introduced:

H. F. No. 4011, A bill for an act relating to education finance; enhancing equity by adding a small school enhanced equity revenue component to general education revenue; amending Minnesota Statutes 1998, section 126C.10, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 126C.10, subdivision 1.

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

Holberg introduced:

H. F. No. 4012, A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Lakeville Area Arts Center.

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

Westfall introduced:

H. F. No. 4013, A bill for an act relating to agriculture; establishing an agroforestry loan program administered by the rural finance authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 41B.

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

Chaudhary introduced:

H. F. No. 4014, A bill for an act relating to education; increasing the pupil units for a pupil in grade 6; reserving revenue for successful programs; amending Minnesota Statutes 1999 Supplement, section 126C.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126C.

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

McCullum introduced:

H. F. No. 4015, A bill for an act relating to human services; requiring the commissioner of human services to place individual names on graves at regional treatment center cemeteries; appropriating money.

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

Larsen, P.; Broecker; Seagren and Pelowski introduced:

H. F. No. 4016, A bill for an act relating to education; establishing a no interest loan program for students training to become teachers; providing for rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 122A.

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

Koskinen, Pugh, Luther, McCollum, Schumacher, Entenza, Tomassoni, Leighton and Solberg introduced:

H. F. No. 4017, A bill for an act relating to data practices; conforming Minnesota Statutes with federal law; amending Minnesota Statutes 1998, sections 168.346; and 171.12, subdivision 7.

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

Winter, Peterson, Leighton and Pugh introduced:

H. F. No. 4018, A resolution memorializing the United States Congress to immediately begin the process of repealing and rewriting the Freedom to Farm Act, putting in place economic safety nets and export tools designed to protect small and mid-sized agricultural producers from low commodity prices and weather-related disasters.

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

Trimble introduced:

H. F. No. 4019, A bill for an act relating to liquor; authorizing exclusive liquor stores to conduct wine tastings under certain restrictions; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Molnau introduced:

H. F. No. 4020, A bill for an act relating to transportation; appropriating money for transfer to the transportation revolving loan fund; appropriating money to the commissioner of transportation for state trunk highways; establishing an intergovernmental cooperative facilities loan fund; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Reuter introduced:

H. F. No. 4021, A bill for an act relating to commerce; regulating certain motor vehicle sales; amending Minnesota Statutes 1998, section 168.275.

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

Jennings introduced:

H. F. No. 4022, A bill for an act relating to human services; increasing a facility's property-related payment rate to reflect bed decertification; amending Minnesota Statutes 1998, section 256B.434, by adding a subdivision.

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

Juhnke introduced:

H. F. No. 4023, A bill for an act relating to highways; extending consent requirement for state highways to towns with a population of 2,500 or more; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Knoblach introduced:

H. F. No. 4024, A bill for an act relating to taxation; increasing local government aid paid to certain towns in calendar year 2000 only.

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

McElroy introduced:

H. F. No. 4025, A bill for an act relating to boxing; providing for the sunset of the board of boxing; requiring the department of health to regulate boxing in keeping with federal requirements; appropriating money; amending Laws 1999, chapter 223, article 2, section 81, as amended; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Finseth, Kalis, Jennings, Westfall and Ozment introduced:

H. F. No. 4026, A bill for an act relating to natural resources; allowing the use of external sources of funding for certain drainage projects; amending Minnesota Statutes 1998, section 103E.011, by adding a subdivision.

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

Gunther, Trimble, Davids, McElroy and Leighton introduced:

H. F. No. 4027, A bill for an act relating to occupations and professions; merging regulation of cosmetology and barbering under one board; amending Minnesota Statutes 1998, sections 154.01; 154.02; 154.03; 154.04; 154.06; 154.07, as amended; 154.08; 154.11; 154.12; 154.161, subdivisions 2, 4, 5, and 7; 154.19; 154.21; 154.22; 154.23; 154.24; 154.25; 155A.01; 155A.02; 155A.03, subdivisions 1, 2, 7, and by adding a subdivision; 155A.05; 155A.07, subdivisions 2 and 8; 155A.08, subdivisions 2 and 3; 155A.09; 155A.095; 155A.10; 155A.135; 155A.14; 155A.15; 155A.16; 214.01, subdivision 3; and 214.04, subdivision 3; Minnesota Statutes 1999 Supplement, section 116J.70, subdivision 2a; repealing Minnesota Statutes 1998, sections 155A.03, subdivisions 11 and 13; 155A.04; and 155A.06.

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

Anderson, B., introduced:

H. F. No. 4028, A bill for an act relating to taxation; authorizing the imposition of a sales and use tax and an excise tax and the issuance of bonds by the city of Buffalo to finance the acquisition and betterment of a health and education center.

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

Howes introduced:

H. F. No. 4029, A bill for an act relating to community development; providing funding to complete a village of Federal Dam sewer project; appropriating money.

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

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2722, A bill for an act relating to the county of Kittson; granting the county board limited authority to initiate the dissolution of towns in the county having a certain population.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2888, A bill for an act relating to natural resources; authorizing the marking of canoe and boating routes on certain rivers; amending Minnesota Statutes 1998, section 85.32, subdivision 1, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Peterson moved that the House refuse to concur in the Senate amendments to H. F. No. 2888, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 3355, 2465, 2570, 613 and 2725.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

S. F. No. 3645.

PATRICE DWORAK, First Assistant Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 3355, A bill for an act relating to state government; authorizing electronic disbursement of port authority funds; amending Minnesota Statutes 1998, section 469.051, subdivision 4.

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

S. F. No. 2465, A bill for an act relating to elections; allowing party treasurers to sign certain political contribution refund receipt forms; amending Minnesota Statutes 1999 Supplement, section 290.06, subdivision 23.

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

S. F. No. 2570, A bill for an act relating to St. Louis county; increasing the authorized number for a position in the unclassified service; amending Minnesota Statutes 1998, section 383C.035.

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

S. F. No. 613, A bill for an act relating to animals; increasing certain penalties for cruelty to animals; defining acts or omissions constituting cruelty or abuse; imposing criminal penalties; amending Minnesota Statutes 1998, sections 343.20, subdivision 3, and by adding a subdivision; 343.21, subdivisions 2, 3, 7, 10, and by adding a subdivision; 343.25; and 343.26; repealing Minnesota Statutes 1998, section 343.21, subdivisions 1 and 9.

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

S. F. No. 2725, A bill for an act relating to public defense; limiting representation by public defenders and court-appointed counsel to minors who are ten years of age or older; amending Minnesota Statutes 1998, section 611.26, subdivision 6; Minnesota Statutes 1999 Supplement, sections 260C.163, subdivision 3; and 611.14.

The bill was read for the first time.

Bishop moved that S. F. No. 2725 and H. F. No. 3119, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3645, A resolution memorializing the United States Congress to immediately begin the process of repealing and rewriting the Freedom to Farm Act, putting in place improved economic safety nets and export tools designed to protect small and mid-sized agricultural producers from low commodity prices and weather-related disasters.

The bill was read for the first time.

**SUSPENSION OF RULES**

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Winter moved that the rule therein be suspended and an urgency be declared so that S. F. No. 3645 be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

## LAY ON THE TABLE

Pawlenty moved that the Winter motion be laid on the table.

A roll call was requested and properly seconded.

## POINT OF ORDER

Pawlenty raised a point of order pursuant to section 250 of "Mason's Manual of Legislative Procedure," relating to the Purpose of a Parliamentary Inquiry. The Speaker ruled the point of order well taken.

The question recurred on the Pawlenty motion and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	McElroy	Rifenberg	Vandever
Abrams	Dorman	Holberg	Molnau	Rostberg	Westerberg
Anderson, B.	Erhardt	Holsten	Mulder	Seagren	Westfall
Bishop	Erickson	Howes	Ness	Seifert, J.	Westrom
Boudreau	Finseth	Kielkucki	Nornes	Seifert, M.	Wilkin
Bradley	Fuller	Knoblach	Olson	Smith	Wolf
Broecker	Gerlach	Krinkie	Osskopp	Stanek	Workman
Buesgens	Goodno	Kuisle	Ozment	Stang	Spk. Sviggum
Clark, J.	Gunther	Larsen, P.	Paulsen	Swenson	
Daggett	Haake	Leppik	Pawlenty	Sykora	
Davids	Haas	Lindner	Reuter	Tingelstad	
Dehler	Hackbarth	Mares	Rhodes	Tuma	

Those who voted in the negative were:

Anderson, I.	Gleason	Juhnke	Mahoney	Otremba	Storm
Bakk	Gray	Kahn	Mariani	Paymar	Swapinski
Carlson	Greenfield	Kalis	Marko	Pelowski	Tomassoni
Carruthers	Greiling	Kelliher	McCollum	Peterson	Trimble
Cassell	Hasskamp	Koskinen	McGuire	Pugh	Tunheim
Chaudhary	Hausman	Kubly	Milbert	Rest	Wagenius
Clark, K.	Hilty	Larson, D.	Mullery	Rukavina	Wejzman
Dawkins	Huntley	Leighton	Murphy	Schumacher	Wenzel
Dorn	Jaros	Lenczewski	Opatz	Skoe	Winter
Entenza	Jennings	Lieder	Orfield	Skoglund	
Folliard	Johnson	Luther	Osthoff	Solberg	

The motion prevailed and the Winter motion was laid on the table.

S. F. No. 3645 was referred to the Committee on Agriculture Policy.

### CONSENT CALENDAR

S. F. No. 2485 was reported to the House.

Broecker moved that S. F. No. 2485 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 3109 was reported to the House.

Entenza moved that H. F. No. 3109 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 3332 was reported to the House.

Swenson moved that H. F. No. 3332 be continued on the Consent Calendar. The motion prevailed.

H. F. No. 3633, A bill for an act relating to state observances; designating Mighty Eighth Air Force Week; proposing coding for new law in Minnesota Statutes, chapter 10.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Luther	Paulsen	Swapinski
Abrams	Entenza	Huntley	Mahoney	Pawlenty	Swenson
Anderson, B.	Erhardt	Jaros	Mares	Paymar	Sykora
Anderson, I.	Erickson	Jennings	Mariani	Pelowski	Tingelstad
Bakk	Finseth	Johnson	Marko	Peterson	Tomassoni
Bishop	Folliard	Juhnke	McCollum	Pugh	Trimble
Boudreau	Fuller	Kahn	McElroy	Rest	Tuma
Bradley	Gerlach	Kalis	McGuire	Reuter	Tunheim
Broecker	Gleason	Kelliher	Milbert	Rhodes	Vandever
Buesgens	Goodno	Kielkucki	Molnau	Rifenberg	Wagenius
Carlson	Gray	Knoblach	Mulder	Rukavina	Wejzman
Carruthers	Greenfield	Koskinen	Mullery	Schumacher	Wenzel
Cassell	Gunther	Krinkie	Murphy	Seagren	Westerberg
Chaudhary	Haake	Kubly	Ness	Seifert, J.	Westfall
Clark, J.	Haas	Kuisle	Nornes	Seifert, M.	Westrom
Clark, K.	Hackbarth	Larsen, P.	Olson	Skoe	Wilkin
Daggett	Harder	Larson, D.	Opatz	Skoglund	Winter
Davids	Hasskamp	Leighton	Orfield	Smith	Wolf
Dawkins	Hausman	Lenczewski	Osskopp	Solberg	Workman
Dehler	Hilty	Leppik	Osthoff	Stanek	Spk. Sviggum
Dempsey	Holberg	Lieder	Otremba	Stang	
Dorman	Holsten	Lindner	Ozment	Storm	

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND  
LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately following the remaining bills on the Calendar for the Day, for Thursday, March 2, 2000:

S. F. Nos. 2554 and 2692; H. F. No. 3047; S. F. No. 2346; and H. F. Nos. 3169, 3510, 2803, 2838, 3229, 3436, 3113, 2927 and 1590.

**CALENDAR FOR THE DAY**

Pawlenty moved that the Calendar for the Day be continued. The motion prevailed.

**MOTIONS AND RESOLUTIONS**

Reuter moved that the name of Osskopp be shown as chief author on H. F. No. 1834. The motion prevailed.

Goodno moved that the name of Erickson be added as an author on H. F. No. 2699. The motion prevailed.

Rostberg moved that the name of Erickson be added as an author on H. F. No. 2762. The motion prevailed.

Rostberg moved that the name of Erickson be added as an author on H. F. No. 2763. The motion prevailed.

Rostberg moved that the name of Erickson be added as an author on H. F. No. 2836. The motion prevailed.

Bakk moved that the name of Hasskamp be added as an author on H. F. No. 2886. The motion prevailed.

Rostberg moved that the name of Erickson be added as an author on H. F. No. 2920. The motion prevailed.

Rostberg moved that the name of Erickson be added as an author on H. F. No. 2921. The motion prevailed.

Larsen, P., moved that the name of Olson be added as an author on H. F. No. 2935. The motion prevailed.

Erickson moved that the name of Olson be added as an author on H. F. No. 3503. The motion prevailed.

Rostberg moved that the name of Anderson, B., be shown as chief author on H. F. No. 3554. The motion prevailed.

Bishop moved that the name of Tingelstad be added as an author on H. F. No. 3637. The motion prevailed.

Molnau moved that the name of Storm be added as an author on H. F. No. 3723. The motion prevailed.

Workman moved that the name of Storm be added as an author on H. F. No. 3724. The motion prevailed.

Sviggum moved that the name of Tingelstad be added as an author on H. F. No. 3725. The motion prevailed.

Rest moved that the name of Carruthers be added as an author on H. F. No. 3728. The motion prevailed.

Kielkucki moved that the name of Erickson be added as an author on H. F. No. 3768. The motion prevailed.

Vandever moved that the name of Carruthers be added as an author on H. F. No. 3887. The motion prevailed.

Vandever moved that the names of Swenson and Olson be added as authors on H. F. No. 3967. The motion prevailed.

Bakk moved that his name be stricken as an author on H. F. No. 3996. The motion prevailed.

Pawlenty moved that the name of Paulsen be added as an author on H. F. No. 4000. The motion prevailed.

Boudreau moved that H. F. No. 2837 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Health and Human Services Policy. The motion prevailed.

Molnau moved that H. F. No. 2891 be recalled from the Committee on Transportation Policy and be re-referred to the Committee on Transportation Finance. The motion prevailed.

Tuma moved that H. F. No. 3497, now on the General Register, be re-referred to the Committee on State Government Finance. The motion prevailed.

Ness moved that H. F. No. 3579 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on K-12 Education Finance. The motion prevailed.

Tingelstad moved that H. F. No. 3667 be recalled from the Committee on Environment and Natural Resources Finance and be re-referred to the Committee on Agriculture and Rural Development Finance. The motion prevailed.

Krinkie moved that H. F. No. 3937 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Judiciary Finance. The motion prevailed.

Holsten moved that S. F. No. 1288 be recalled from the Committee on Ways and Means and be re-referred to the Committee on Environment and Natural Resources Finance. The motion prevailed.

Pursuant to rule 4.30, Larsen, P., moved that H. F. No. 2613 be recalled from the Committee on Local Government and Metropolitan Affairs, be given its second reading, and be placed on the General Register. The motion prevailed.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 2613 was read for the second time.

## **MOTIONS AND RESOLUTIONS, Continued**

House Resolution No. 16 was reported to the House.

## HOUSE RESOLUTION NO. 16

A house resolution giving consent to certain persons to pursue a legal action during the legislative session.

*Whereas*, Minnesota Statutes, section 3.16, provides that "no cause or proceeding...in court...in which a member or officer of, or an attorney employed by, the legislature is a party, attorney, or witness shall be tried or heard during a session of the legislature ..."; and

*Whereas*, the section also provides that the member, officer, or attorney may waive this privilege with the consent of the body and that the case or proceeding may then be tried or heard; *Now, Therefore*,

*Be It Resolved* by the House of Representatives of the State of Minnesota that it gives consent to the persons involved in the action entitled Philip B. Krinkie et al. v. Jesse Ventura et al. to waive the privilege of having the action continued until the legislature has adjourned. Those involved may pursue the action during the legislative session.

Krinkie moved that House Resolution No. 16 be now adopted. The motion prevailed and House Resolution No. 16 was adopted.

## ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, March 6, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, March 6, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

