

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 1999

 THIRTY-THIRD DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 25, 1999

The House of Representatives convened at 2:30 p.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Munger was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Schumacher moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 303 and H. F. No. 462, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

McGuire moved that the rules be so far suspended that S. F. No. 303 be substituted for H. F. No. 462 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 346 and H. F. No. 817, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Wagenius moved that the rules be so far suspended that S. F. No. 346 be substituted for H. F. No. 817 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 626 and H. F. No. 502, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osskopp moved that the rules be so far suspended that S. F. No. 626 be substituted for H. F. No. 502 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 727 and H. F. No. 1336, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Seifert, J., moved that the rules be so far suspended that S. F. No. 727 be substituted for H. F. No. 1336 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 836 and H. F. No. 384, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Anderson, B., moved that S. F. No. 836 be substituted for H. F. No. 384 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1012 and H. F. No. 673, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Solberg moved that S. F. No. 1012 be substituted for H. F. No. 673 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 509, A bill for an act relating to agriculture; providing for shared savings loans for demonstration projects of manure digester technology; requiring purchase of energy from manure waste methane recovery systems; providing rebates; appropriating money; amending Minnesota Statutes 1998, section 17.115, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 17.115, is amended by adding a subdivision to read:

Subd. 5. [MANURE PROCESS AND ODOR CONTROL TECHNOLOGY.] Notwithstanding subdivision 2, paragraphs (b) and (c), interest-free loans up to \$200,000 may be made under this section to any resident of Minnesota for demonstration projects of new technology for processing manure and odor control. Loans under this subdivision may be used as a match for federal loans or grants. Money from repayment of loans must be deposited in the revolving loan account for this program to be used for future projects.

Sec. 2. Minnesota Statutes 1998, section 216C.41, is amended to read:

216C.41 [RENEWABLE ENERGY PRODUCTION INCENTIVE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Qualified hydroelectric facility" means a hydroelectric generating facility in this state that:

(1) is located at the site of a dam, if the dam was in existence as of March 31, 1994; and

(2) begins generating electricity after July 1, 1994.

(c) "Qualified wind energy conversion facility" means a wind energy conversion system that:

(1) produces two megawatts or less of electricity as measured by nameplate rating and begins generating electricity after June 30, 1997, and before July 1, 1999; ~~or~~

(2) begins generating electricity after June 30, 1999, produces two megawatts or less of electricity as measured by nameplate rating, and is:

(i) located within one county and owned by a natural person who owns the land where the facility is sited;

(ii) owned by a Minnesota small business as defined in section 645.445;

(iii) owned by a nonprofit organization; or

(iv) owned by a tribal council if the facility is located within the boundaries of the reservation; or

(3) begins generating electricity after June 30, 1999, produces ten megawatts or less of electricity as measured by nameplate rating, and:

(i) is owned by a cooperative organized under chapter 308A; and

(ii) all shares and membership in the cooperative are held by natural persons or estates, at least 51 percent of whom reside in a county or contiguous to a county where the wind energy production facilities of the cooperative are located.

(d) "Qualified methane recovery facility" means a farm-located farm animal manure waste methane recovery system that is: (1) located in Minnesota; and (2) begins generating electricity after January 1, 1999.

(e) "Qualified poultry litter electricity facility" means a poultry litter and related biomass to electricity system that:

(1) produces 40 megawatts or less electricity;

(2) is designed to burn 500,000 tons of poultry litter and related biomass per year; and

(3) is located within the state.

Subd. 2. [INCENTIVE PAYMENT.] Incentive payments shall be made according to this section to the owner or operator of a qualified methane recovery facility, qualified poultry litter electricity facility, qualified hydropower facility, or qualified wind energy conversion facility for electric energy generated and sold by the facility. Payment may only be made upon receipt by the commissioner of finance of an incentive payment application that establishes that the applicant is eligible to receive an incentive payment and that satisfies other requirements the commissioner deems necessary. The application shall be in a form and submitted at a time the commissioner establishes. There is annually appropriated from the general fund sums sufficient to make the payments required under this section.

Subd. 3. [ELIGIBILITY WINDOW.] Payments may be made under this section only for electricity generated:

(a) from a qualified hydroelectric facility that is operational and generating electricity before January 1, 2001; or

(b) from a qualified wind energy conversion facility that is operational and generating electricity before January 1, 2005;

(c) from a qualified methane recovery facility that is operational and generating electricity before January 1, 2010; or

(d) from a qualified poultry litter electricity facility that is operational and generating electricity before January 1, 2010.

Subd. 4. [PAYMENT PERIOD.] A facility may receive payments under this section for a ten-year period. No payment under this section may be made for electricity generated:

(a) by a qualified hydroelectric facility after December 31, 2010; or

(b) by a qualified wind energy conversion facility after December 31, 2015;

(c) by a qualified methane recovery facility after December 31, 2020; or

(d) by a qualified poultry litter electricity facility after December 31, 2020.

The payment period begins and runs consecutively from the first year in which electricity generated from the facility is eligible for incentive payment.

Subd. 5. [AMOUNT OF PAYMENT.] (a) An incentive payment is based on the number of kilowatt hours of electricity generated. The amount of the payment is 1.5 cents per kilowatt hour.

(b) For electricity generated by qualified wind energy conversion facilities, the incentive payment under this section is limited to no more than 100 megawatts of nameplate capacity. During any period in which qualifying claims for incentive payments exceed 100 megawatts of nameplate capacity, the payments must be made to producers in the order in which the production capacity was brought into production.

(c) For electricity generated by a qualified methane recovery facility, the incentive payment under this section is limited to no more than 15 megawatts of capacity.

(d) For electricity generated by a qualified poultry litter electricity facility, the incentive payment under this section is limited to no more than 40 megawatts of capacity.

Sec. 3. [APPROPRIATION; MANURE AND ODOR CONTROL.]

\$2,000,000 is appropriated from the general fund to the commissioner of agriculture for fiscal year 2000 to be used for loans under section 1."

Delete the title and insert:

"A bill for an act relating to agriculture; providing for shared savings loans for demonstration projects of manure processing and odor control technology; providing incentives for the purchase of energy generated by wind energy conversion facilities, manure waste methane recovery systems, and poultry litter; appropriating money; amending Minnesota Statutes 1998, sections 17.115, by adding a subdivision; and 216C.41."

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

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 566, A bill for an act relating to health plans; regulating network shadow contracting; providing a remedy; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

The report was adopted.

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

H. F. No. 595, A bill for an act relating to economic development; imposing a specific standard of proof for certain petrofund reimbursement reductions; providing reimbursement for certain bulk petroleum plants upgrading or closing aboveground storage tanks; regulating the cleanup of contaminated land; amending Minnesota Statutes 1998, sections 115C.08, subdivision 4; 115C.09, subdivision 3, and by adding a subdivision; 116J.562, subdivision 2; and 116J.567.

Reported the same back with the following amendments:

Page 7, after line 32, insert:

"Sec. 6. [299F.014] [ABOVEGROUND TANKS; TANK VEHICLES.]

(a) Any rule of the commissioner of public safety that adopts provisions of the Uniform Fire Code relating to aboveground tanks is superseded by Minnesota Rules, chapter 7151, in regard to: secondary containment, substance transfer areas, tank and piping standards, overfill protection, corrosion protection, leak detection, fencing, labeling, monitoring, maintenance, recordkeeping, and decommissioning.

(b) A motorized tank vehicle used to transport petroleum products may be parked within 500 feet of a residence if the vehicle is parked at an aboveground tank facility used for dispensing petroleum into cargo tanks for sale at another location."

Page 7, line 33, delete "6" and insert "7"

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "modifying the application of the Uniform Fire Code to aboveground tanks;"

Page 1, line 10, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 299F"

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

The report was adopted.

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

H. F. No. 791, A bill for an act relating to tax expenditures; requiring preparation of certain information for proposed tax expenditures; regulating business subsidies; requesting a study by the legislative auditor; appropriating money; amending Minnesota Statutes 1998, section 270.067, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 3; and 116J; repealing Minnesota Statutes 1998, section 116J.991.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116J.993] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 116J.993 to 116J.996, the terms defined in this section have the meanings given them.

Subd. 2. [BENEFIT DATE.] "Benefit date" means the date that the recipient receives the business subsidy. If the business subsidy involves the purchase, lease, or donation of physical equipment, then the benefit date begins when the recipient puts the equipment into service. If the business subsidy is for improvements to property, then the benefit date refers to the earliest date of either:

(1) when the improvements are finished for the entire project; or

(2) when a business occupies the property. If a business occupies the property and the subsidy grantor expects that other businesses will also occupy the same property, the grantor may assign a separate benefit date for each business when it first occupies the property.

Subd. 3. [BUSINESS SUBSIDY.] "Business subsidy" or "subsidy" means a state or local government agency grant, contribution of personal property, real property, infrastructure, the principal amount of a loan at rates below those commercially available to the recipient, any reduction or deferral of any tax or any fee, any guarantee of any payment under any loan, lease, or other obligation, or any preferential use of government facilities given to a business.

The following forms of financial assistance are not a business subsidy:

(1) assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;

(2) public improvements to buildings or lands owned by the state or local government that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;

(3) redevelopment of blighted buildings or property polluted by contaminants as defined in section 116J.552, subdivision 3;

(4) assistance provided for the sole purpose of renovating or bringing up to code old or decaying building stock and when the assistance is matched by the business using private sources;

(5) assistance provided to organizations whose primary mission is to provide job readiness and training services if the sole purpose of the assistance is to provide those services;

(6) assistance for housing;

(7) assistance for pollution control or abatement;

(8) assistance for energy conservation;

(9) assistance awarded through direct and specific legislation;

(10) tax reductions resulting from conformity with federal tax law;

(11) workers' compensation and unemployment compensation;

(12) benefits derived from regulation;

(13) indirect benefits derived from assistance to educational institutions;

(14) funds from bonds allocated under chapter 474A;

(15) assistance for a collaboration between a Minnesota higher education institution and a business; and

(16) a business subsidy of less than \$25,000.

Subd. 4. [GRANTOR.] "Grantor" means any state or local government agency with the authority to grant a business subsidy.

Subd. 5. [LOCAL GOVERNMENT AGENCY.] "Local government agency" includes a statutory or home rule charter city, housing and redevelopment authority, town, county, port authority, economic development authority, community development agency, nonprofit entity created by a local government agency, or any other entity created by or authorized by a local government with authority to provide business subsidies. "Local government agency" does not include the St. Paul port authority or a seaway port authority.

Subd. 6. [RECIPIENT.] "Recipient" means any for-profit or nonprofit business entity that receives a business subsidy. Only nonprofit entities with a ratio of highest to lowest paid employee, determined on the basis of full-time equivalent positions, exceeding ten to one are included in this definition.

Subd. 7. [STATE GOVERNMENT AGENCY.] "State government agency" means any state agency that has the authority to award business subsidies. State government agency includes the St. Paul port authority and a seaway port authority.

Sec. 2. [116J.994] [REGULATING LOCAL AND STATE BUSINESS SUBSIDIES.]

Subdivision 1. [PUBLIC PURPOSE.] A business subsidy must meet a public purpose other than increasing the tax base. Job retention may only be used as a public purpose in cases where job loss is imminent and demonstrable.

Subd. 2. [DEVELOPING A SET OF CRITERIA.] A business subsidy may not be granted until the grantor has adopted criteria after a public hearing for awarding business subsidies that comply with this section. The criteria must include a policy regarding the wages to be paid for the jobs created. The commissioner of trade and economic development may assist local government agencies in developing criteria.

Subd. 3. [SUBSIDY AGREEMENT.] (a) A recipient must enter into a subsidy agreement with the grantor of the subsidy that includes:

- (1) a description of the subsidy, including the amount and type of subsidy;
- (2) a statement of the public purposes for the subsidy;
- (3) goals for the subsidy;
- (4) a description of the financial obligation of the recipient if the goals are not met;
- (5) a statement of why the subsidy is needed;
- (6) a commitment to continue operations at the site where the subsidy is used for at least five years after the benefit date;
- (7) the name and address of the parent corporation of the recipient, if any; and
- (8) a list of all financial assistance by all grantors for the project.

(b) Business subsidies in the form of grants must be structured as forgivable loans. If a business subsidy is not structured as a forgivable loan, the agreement must state the fair market value of the subsidy to the recipient, including the value of conveying property at less than a fair market price, or other in-kind benefits to the recipient.

(c) If a business subsidy benefits more than one recipient, the grantor must assign a proportion of the business subsidy to each recipient that signs a subsidy agreement. The proportion assessed to each recipient must reflect a reasonable estimate of the recipient's share of the total benefits of the project.

(d) The state or local government agency and the recipient must both sign the subsidy agreement and, if the grantor is a local government agency, the agreement must be approved by the local elected governing body.

Subd. 4. [WAGE AND JOB GOALS.] The subsidy agreement, in addition to any other goals, must include goals for the number of jobs created, which may include: (1) separate goals for the number of part-time or full-time jobs, or, in cases where job loss is imminent and demonstrable, goals for the number of jobs retained; and (2) wage goals for the jobs created or retained.

In addition to other specific goal time frames, the wage and job goals must contain specific goals to be attained within two years of the benefit date.

Subd. 5. [PUBLIC NOTICE AND HEARING.] (a) Before granting a business subsidy that exceeds \$500,000 for a state government grantor and \$100,000 for a local government grantor, the grantor must provide public notice and a hearing on the subsidy. A public hearing and notice pursuant to this subdivision is not required if a hearing and notice on the subsidy is otherwise required by law.

(b) Public notice of a proposed subsidy must be published in a local newspaper of general circulation and must identify the location at which information about the business subsidy, including a copy of the subsidy agreement, is available. Published notice should be sufficiently conspicuous in size and placement to distinguish the notice from the surrounding text. The grantor must make the information available in printed paper copies and, if possible, on the Internet. The government agency must provide at least a ten-day notice for the public hearing.

(c) The public notice must include the date, time, and place of the hearing.

Subd. 6. [FAILURE TO MEET GOALS.] The subsidy agreement must specify the recipient's obligation if the recipient does not fulfill the agreement. At a minimum, the agreement must require a recipient failing to meet subsidy agreement goals to pay back the assistance plus interest provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at the implicit price deflator defined under section 275.70, subdivision 2. The grantor, after a public hearing, may extend for up to one year the period for meeting the goals provided in a subsidy agreement.

A recipient that fails to meet the terms of a subsidy agreement may not receive a business subsidy from any grantor for a period of five years from the date of failure or until a recipient satisfies its repayment obligation under this subdivision, whichever occurs first.

The commissioner of economic security must maintain a list of recipients forwarded to the commissioner by the commissioner of trade and economic development that are ineligible to receive business subsidies. Before a grantor signs a business subsidy agreement, the grantor must check with the commissioner of economic security to determine if the recipient is eligible to receive a business subsidy.

Subd. 7. [REPORTS BY RECIPIENTS TO GRANTORS.] (a) A business subsidy grantor must monitor the progress by the recipient in achieving agreement goals.

(b) A recipient must provide information regarding goals and results for two years after the benefit date or until the goals are met, whichever is later. If the goals are not met, the recipient must continue to provide information on the subsidy until the subsidy is repaid. The information must be filed on forms developed by the commissioner in cooperation with representatives of local government. Copies of the completed forms must be sent to the commissioner and the local government agency that provided the business subsidy. The report must include:

- (1) the type, public purpose, and amount of subsidies;
- (2) the hourly wage of each job created with separate bands of wages;
- (3) the sum of the hourly wages and cost of health insurance provided by the employer with separate bands of wages;
- (4) the date the job and wage goals will be reached;
- (5) a statement of goals identified in the subsidy agreement and an update on achievement of those goals;
- (6) the location of the recipient prior to receiving the business subsidy;
- (7) why the recipient did not complete the project outlined in the subsidy agreement at their previous location, if the recipient was previously located at another site in Minnesota;
- (8) the name and address of the parent corporation of the recipient, if any;
- (9) a list of all financial assistance by all grantors for the project; and
- (10) other information the commissioner may request.

A report must be filed no later than March 1 of each year for the previous year and within 30 days after the deadline for meeting the job and wage goals. A local government agency must, by March 1 of each year, report in a form approved by the commissioner a summary of the business subsidy reports submitted that year. The local government agency must include a list of recipients that did not complete the report and of recipients that have not met their job and wage goals within two years and what steps are being taken to bring them into compliance or to recoup the subsidy. The commissioner, by July 1 of each year, must provide to the legislature a summary of the reports submitted to the department.

(c) Financial assistance that is excluded from the definition of "business subsidy" by subdivision 3, clauses (3), (4), (7), and (9), is subject to the reporting requirements of this subdivision, except that the report of the recipient must include:

- (1) the type, public purpose, and amount of the financial assistance;
- (2) progress towards meeting goals stated in the subsidy agreement and the public purpose of the assistance;
- (3) the hourly wage of each job created with separate bands of wages;
- (4) the sum of the hourly wages and cost of health insurance provided by the employer with separate bands of wages;
- (5) the location of the recipient prior to receiving the assistance; and
- (6) other information the grantor requests.

(d) If the recipient does not submit its report, the local government agency must mail the recipient a warning within one week of the required filing date. If, after 14 days of the postmarked day of the warning, the recipient fails to provide a report, then a penalty of \$100 per day, payable to the grantor, applies until the report is filed.

Subd. 8. [GOVERNMENT REPORTS.] (a) The commissioner of trade and economic development must coordinate the production of reports so that useful comparisons across time periods and across grantors can be made. The commissioner may add other information to the report as the commissioner deems necessary to evaluate business subsidies.

(b) State and local government agencies, regardless of whether they awarded any business subsidies, must file the report required by this subdivision by March 1 of each year with the commissioner. If the commissioner has not received the report by that date, the commissioner shall issue a warning to the government agency. If the commissioner has not received a report by June 1 of the same year, then the government agency may not grant any business subsidy until it files the report.

(c) The commissioner of trade and economic development must provide information and training on reporting requirements to state and local government agencies.

Subd. 9. [COMPILATION AND SUMMARY REPORT.] The department of trade and economic development must publish a compilation and summary of the results of the reports for the previous calendar year by July 1 of each year. The reports of the government agencies to the department and the compilation and summary report of the department must be made available to the public.

Among the information in the summary and compilation report, the commissioner must include:

- (1) total amount of subsidies awarded in each development region of the state;
- (2) distribution of business subsidy amounts by size of the business subsidy;

- (3) distribution of business subsidy amounts by time category, such as monthly or quarterly;
- (4) distribution of subsidies by type and by public purpose;
- (5) percent of all business subsidies that reached their goals;
- (6) percent of business subsidies that did not reach their goals by two years from the benefit date;
- (7) total dollar amount of business subsidies that did not meet their goals after two years from the benefit date;
- (8) percent of subsidies that did not meet their goals and that did not receive repayment;
- (9) number of part-time and full-time jobs within separate bands of wages; and
- (10) benefits paid within separate bands of wages.

Sec. 3. [116J.995] [ECONOMIC GRANTS.]

An appropriation rider in an appropriation to the department of trade and economic development that specifies that the appropriation be granted to a particular business or class of businesses must contain a statement of the expected benefits associated with the grant. At a minimum, the statement must include goals for the number of jobs created, wages paid, and the tax revenue increases due to the grant.

Sec. 4. [REPEALER.]

Minnesota Statutes 1998, section 116J.991, is repealed."

Delete the title and insert:

"A bill for an act relating to community development; regulating business subsidies; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1998, section 116J.991."

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

The report was adopted.

Davids from the Committee on Commerce to which was referred:

H. F. No. 793, A bill for an act relating to liens; creating a lien and right of detainer; amending Minnesota Statutes 1998, section 514.19.

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. 1008, A bill for an act relating to creditors' remedies; providing that Roth IRAs will be treated identically to other retirement accounts; amending Minnesota Statutes 1998, section 550.37, subdivision 24.

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

The report was adopted.

Dauids from the Committee on Commerce to which was referred:

H. F. No. 1052, A bill for an act relating to agriculture; regulating security interests in agricultural crops; modifying the treatment of certain collateral; amending Minnesota Statutes 1998, sections 336.9-203; 336.9-401; and 336.9-402.

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. 1124, A bill for an act relating to public safety; requiring bleacher safety; providing penalties; appropriating money; amending Minnesota Statutes 1998, sections 16B.72; and 16B.73; proposing coding for new law in Minnesota Statutes, chapters 16B; and 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16B.616] [BLEACHER SAFETY.]

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

(b) "Place of public accommodation" means a public or privately owned sports or entertainment arena, gymnasium, auditorium, stadium, hall, special event center in a public park, or other facility for public assembly.

(c) "Bleacher" refers to any tiered or stepped seating facility, whether temporary or permanent, used in a place of public accommodation for the seating of its occupants.

Subd. 2. [APPLICATION.] All places of public accommodation must comply with the provisions of this section.

Subd. 3. [SAFETY REQUIREMENTS.] In places of public accommodation using bleacher seating, all bleachers or bleacher open spaces over 30 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;

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

(3) bleachers already in existence as of the effective date of this act must comply with the structural provisions of the 1998 State Building Code. All new bleachers manufactured, installed, sold, or distributed after the effective date of this act must comply with the State Building Code in effect and clauses (1) and (2).

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 which 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 which 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, shall provide a signed certificate of compliance to the commissioner by the effective date of this section. The signed certificate 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.

Subd. 5. [PENALTIES.] The commissioner, in addition to other remedies provided for violations of this chapter, shall forbid use of bleachers not in compliance with this section consistent with priorities established in rule.

Subd. 6. [RULES.] The commissioner shall adopt rules to set standards relating to safety nets, climbability, and grant administration, and must provide for periodic inspections of places of public accommodation. Inspections can be completed in the same manner as provided in subdivision 4. The rules adopted pursuant to this section shall be stated in simple and nontechnical language. The rules adopted to implement this section may not impose fees.

Sec. 2. Minnesota Statutes 1998, section 16B.72, is amended to read:

16B.72 [REFERENDA ON STATE BUILDING CODE IN NONMETROPOLITAN COUNTIES.]

Notwithstanding any other provision of law to the contrary, a county that is not a metropolitan county as defined by section 473.121, subdivision 4, may provide, by a vote of the majority of its electors residing outside of municipalities that have adopted the State Building Code before January 1, 1977, that no part of the State Building Code except the building requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety applies within its jurisdiction.

The county board may submit to the voters at a regular or special election the question of adopting the building code. The county board shall submit the question to the voters if it receives a petition for the question signed by a number of voters equal to at least five percent of those voting in the last general election. The question on the ballot must be stated substantially as follows:

"Shall the State Building Code be adopted in County?"

If the majority of the votes cast on the proposition is in the negative, the State Building Code does not apply in the subject county, outside home rule charter or statutory cities or towns that adopted the building code before January 1, 1977, except the building requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety do apply.

Nothing in this section precludes a municipality or town that has not adopted the State Building Code from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

Sec. 3. Minnesota Statutes 1998, section 16B.73, is amended to read:

16B.73 [STATE BUILDING CODE IN MUNICIPALITIES UNDER 2,500; LOCAL OPTION.]

The governing body of a municipality whose population is less than 2,500 may provide that the State Building Code, except the requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety, will not apply within the jurisdiction of the municipality, if the municipality is located in whole or in part within a county exempted from its application under section 16B.72. If more than one municipality has jurisdiction over an area, the State Building Code continues to apply unless all municipalities having jurisdiction over the area have provided that the State Building Code, except the requirements for handicapped persons, the requirements for bleacher safety, and the requirements for elevator safety, does not apply within their respective jurisdictions. Nothing in this section precludes a municipality or town from adopting and enforcing by ordinance or other legal means the State Building Code within its jurisdiction.

Sec. 4. Minnesota Statutes 1998, section 240A.09, is amended to read:

240A.09 [PLAN DEVELOPMENT; CRITERIA.]

The Minnesota amateur sports commission shall develop a plan to promote the development of proposals for new statewide public ice facilities including proposals for ice centers and matching grants based on the criteria in this section.

(a) For ice center proposals, the commission will give priority to proposals that come from more than one local government unit.

(b) In the metropolitan area as defined in section 473.121, subdivision 2, the commission is encouraged to give priority to the following proposals:

- (1) proposals for construction of two or more ice sheets in a single new facility;
- (2) proposals for construction of an additional sheet of ice at an existing ice center;
- (3) proposals for construction of a new, single sheet of ice as part of a sports complex with multiple sports facilities; and
- (4) proposals for construction of a new, single sheet of ice that will be expanded to a two-sheet facility in the future.

(c) The commission shall administer a site selection process for the ice centers. The commission shall invite proposals from cities or counties or consortia of cities. A proposal for an ice center must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(d) Proposals for ice centers and matching grants must provide for meeting the demand for ice time for female groups by offering up to 50 percent of prime ice time, as needed, to female groups. For purposes of this section, prime ice time means the hours of 4:00 p.m. to 10:00 p.m. Monday to Friday and 9:00 a.m. to 8:00 p.m. on Saturdays and Sundays.

(e) The location for all proposed facilities must be in areas of maximum demonstrated interest and must maximize accessibility to an arterial highway.

(f) To the extent possible, all proposed facilities must be dispersed equitably, must be located to maximize potential for full utilization and profitable operation, and must accommodate noncompetitive family and community skating for all ages.

(g) The commission may also use the funds to upgrade current facilities, purchase girls' ice time, or conduct amateur women's hockey and other ice sport tournaments.

(h) To the extent possible, 50 percent of all grants must be awarded to communities in greater Minnesota.

(i) To the extent possible, technical assistance shall be provided to Minnesota communities by the commission on ice arena planning, design, and operation, including the marketing of ice time.

(j) The commission may use funds for rehabilitation and renovation grants. Priority must be given to grant applications for indoor air quality improvements, including zero emission ice resurfacing equipment.

(k) Grant funds may be used for ice centers designed for sports other than hockey.

(l) Grant funds may be used to upgrade current facilities so they are in compliance with the bleacher safety requirements of section 16B.616.

Sec. 5. [325F.015] [UNSAFE BLEACHERS.]

Subdivision 1. [BLEACHER BAN.] No person shall manufacture, sell, distribute, or install bleachers within Minnesota that are not in compliance with section 16B.616. For purposes of this section, "person" means an individual, public or private entity, however organized, or a unit of state or local government.

Subd. 2. [PENALTY.] Any person who violates this section shall be subject to a civil penalty of \$500 for each violation.

Sec. 6. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of administration for the purpose of making grants to places of public accommodation to assist them in achieving compliance with the bleacher safety requirements of section 1. State grants are available when the commissioner of administration has determined matching funds in an amount equal to the grant have been committed. This appropriation is available until June 30, 2001.

Sec. 7. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 5 are effective January 1, 2001, except the rulemaking provisions in section 1 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public safety; requiring bleacher safety; providing penalties; appropriating money; amending Minnesota Statutes 1998, sections 16B.72; 16B.73; and 240A.09; proposing coding for new law in Minnesota Statutes, chapters 16B; and 325F."

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. 1147, A bill for an act relating to education; modifying provisions relating to medical assistance reimbursement for special education services; amending Minnesota Statutes 1998, sections 13.46, subdivision 2; 122A.09, subdivision 4; 125A.08; 125A.21, subdivision 1; 125A.74, subdivisions 1 and 2; 125A.744, subdivision 3; 125A.76, subdivision 2; 256B.0625, subdivision 26; and 256B.69, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 127A; and 214.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 122A.09, subdivision 4, is amended to read:

Subd. 4. [LICENSE AND RULES.] (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board, but not later than July 1, 1999.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

Sec. 2. Minnesota Statutes 1998, section 125A.08, is amended to read:

125A.08 [SCHOOL DISTRICT OBLIGATIONS.]

(a) As defined in this section, to the extent required by federal law as of July 1, ~~1999~~ 2000, every district must ensure the following:

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individual education plan team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individual education plan. The individual education plan team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individual education plan. The plan must address the student's need to develop skills to live and work as independently as possible within the community. By grade 9 or age 14, the plan must address the student's needs for transition from secondary services to post-secondary education and training, employment, community participation, recreation, and leisure and home living. In developing the plan, districts must inform parents of the full range of transitional goals and related services that should be considered. The plan must include a statement of the needed transition services, including a statement of the interagency responsibilities or linkages or both before secondary services are concluded;

(2) children with a disability under age five and their families are provided special instruction and services appropriate to the child's level of functioning and needs;

(3) children with a disability and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment including assistive technology assessment, and educational placement of children with a disability;

(4) eligibility and needs of children with a disability are determined by an initial assessment or reassessment, which may be completed using existing data under United States Code, title 20, section 33, et seq.;

(5) to the maximum extent appropriate, children with a disability, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with a disability from the regular educational environment occurs only when and to the extent that the nature or severity of the disability is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

(6) in accordance with recognized professional standards, testing and evaluation materials, and procedures used for the purposes of classification and placement of children with a disability are selected and administered so as not to be racially or culturally discriminatory; and

(7) the rights of the child are protected when the parents or guardians are not known or not available, or the child is a ward of the state.

(b) For paraprofessionals employed to work in programs for students with disabilities, the school board in each district shall ensure that:

(1) before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works;

(2) annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and

(3) a districtwide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

Sec. 3. Minnesota Statutes 1998, section 125A.21, subdivision 1, is amended to read:

Subdivision 1. [OBLIGATION TO PAY.] Nothing in sections 125A.03 to 125A.24 and 125A.65 relieves an insurer or similar third party from an otherwise valid obligation to pay, or changes the validity of an obligation to pay, for services rendered to a child with a disability, and the child's family. A school district shall pay the nonfederal share of medical assistance services provided according to section 256B.0625, subdivision 26. Eligible expenditures must not be made from federal funds or funds used to match other federal funds. Any federal disallowances are the responsibility of the school district. A school district may pay or reimburse copayments, coinsurance, deductibles, and other enrollee cost-sharing amounts, on behalf of the student or family, in connection with health and related services provided under an individual educational plan.

Sec. 4. Minnesota Statutes 1998, section 125A.74, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] A district may enroll as a provider in the medical assistance program and receive medical assistance payments for covered special education services provided to persons eligible for medical assistance under chapter 256B. To receive medical assistance payments, the district must pay the nonfederal share of medical assistance services provided according to section 256B.0625, subdivision 26, and comply with relevant provisions of state and federal statutes and regulations governing the medical assistance program.

Sec. 5. Minnesota Statutes 1998, section 125A.74, subdivision 2, is amended to read:

Subd. 2. [FUNDING.] A district that provides a covered service to an eligible person and complies with relevant requirements of the medical assistance program is entitled to receive payment for the service provided, including that portion of the payment services that will subsequently be reimbursed by the federal government, in the same manner as other medical assistance providers. ~~The school district is not required to provide matching funds or pay part of the costs of the service, as long as the rate charged for the service does not exceed medical assistance limits that apply to all medical assistance providers.~~

Sec. 6. Minnesota Statutes 1998, section 125A.744, subdivision 3, is amended to read:

Subd. 3. [IMPLEMENTATION.] Consistent with section 256B.0625, subdivision 26, school districts may enroll as medical assistance providers or subcontractors and bill the department of human services under the medical assistance fee for service claims processing system for special education services which are covered services under chapter 256B, which are provided in the school setting for a medical assistance recipient, and for whom the district has secured informed consent consistent with section 13.05, subdivision 4, paragraph (d), and section 256B.77, subdivision 2, paragraph (p), to bill for each type of covered service. School districts shall be reimbursed by the commissioner for the federal share of individual education plan health-related services that qualify for reimbursement by medical assistance, minus five percent retained by the commissioner for administrative costs. A school district is not eligible to enroll as a home care provider or a personal care provider organization for purposes of billing home care services under section 256B.0627 until the commissioner of human services issues a bulletin instructing county public health nurses on how to assess for the needs of eligible recipients during school hours. To use private duty nursing services or personal care services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school. ~~Medical assistance services for those enrolled in a prepaid health plan shall remain the responsibility of the contracted health plan subject to their network, credentialing, prior authorization, and determination of medical necessity criteria. The commissioner of human services shall adjust payments to health plans to reflect increased costs incurred by health plans due to increased payments made to school districts or new payment or delivery arrangements developed by health plans in cooperation with school districts.~~

Sec. 7. Minnesota Statutes 1998, section 125A.76, subdivision 2, is amended to read:

Subd. 2. [SPECIAL EDUCATION BASE REVENUE.] (a) The special education base revenue equals the sum of the following amounts computed using base year data:

(1) 68 percent of the salary of each essential person employed in the district's program for children with a disability during the fiscal year, not including the share of salaries for personnel providing health-related services counted in clause (8), whether the person is employed by one or more districts or a Minnesota correctional facility operating on a fee-for-service basis;

(2) for the Minnesota state academy for the deaf or the Minnesota state academy for the blind, 68 percent of the salary of each instructional aide assigned to a child attending the academy, if that aide is required by the child's individual education plan;

(3) for special instruction and services provided to any pupil by contracting with public, private, or voluntary agencies other than school districts, in place of special instruction and services provided by the district, 52 percent of the difference between the amount of the contract and the basic revenue of the district for that pupil for the fraction of the school day the pupil receives services under the contract;

(4) for special instruction and services provided to any pupil by contracting for services with public, private, or voluntary agencies other than school districts, that are supplementary to a full educational program provided by the school district, 52 percent of the amount of the contract for that pupil;

(5) for supplies and equipment purchased or rented for use in the instruction of children with a disability, not including the portion of the expenses for supplies and equipment used to provide health-related services counted in clause (8), an amount equal to 47 percent of the sum actually expended by the district, or a Minnesota correctional facility operating on a fee-for-service basis, but not to exceed an average of \$47 in any one school year for each child with a disability receiving instruction;

(6) for fiscal years 1997 and later, special education base revenue shall include amounts under clauses (1) to (5) for special education summer programs provided during the base year for that fiscal year; ~~and~~

(7) for fiscal years 1999 and later, the cost of providing transportation services for children with disabilities under section 123B.92, subdivision 1, paragraph (b), clause (4); and

(8) for fiscal years 2001 and later the cost of salaries, supplies and equipment, and other related costs actually expended by the district for the nonfederal share of medical assistance services according to section 256B.0625, subdivision 26.

(b) If requested by a school district operating a special education program during the base year for less than the full fiscal year, or a school district in which is located a Minnesota correctional facility operating on a fee-for-service basis for less than the full fiscal year, the commissioner may adjust the base revenue to reflect the expenditures that would have occurred during the base year had the program been operated for the full fiscal year.

(c) Notwithstanding paragraphs (a) and (b), the portion of a school district's base revenue attributable to a Minnesota correctional facility operating on a fee-for-service basis during the facility's first year of operating on a fee-for-service basis shall be computed using current year data.

Sec. 8. [127A.11] [MONITOR MEDICAL ASSISTANCE SERVICES FOR DISABLED STUDENTS.]

The commissioner of children, families, and learning, in cooperation with the commissioner of human services, shall monitor the costs of health-related, special education services provided by public schools.

Sec. 9. [214.045] [COORDINATION WITH BOARD OF TEACHING.]

The commissioner of health and the health-related licensing boards must coordinate with the board of teaching when modifying licensure requirements for regulated persons in order to have consistent regulatory requirements for personnel who perform services in schools.

Sec. 10. Minnesota Statutes 1998, section 256B.0625, subdivision 26, is amended to read:

Subd. 26. [SPECIAL EDUCATION SERVICES.] (a) Medical assistance covers medical services identified in a recipient's individualized education plan and covered under the medical assistance state plan. Covered services include occupational therapy, physical therapy, speech-language therapy, clinical psychological services, nursing services, school psychological services, school social work services, personal care assistants serving as management aides, assistive technology devices, transportation services, and other services covered under the medical assistance state plan. The services may be provided by a Minnesota school district that is enrolled as a medical assistance provider or its subcontractor, and only if the services meet all the requirements otherwise applicable if the service had been provided by a provider other than a school district, in the following areas: medical necessity, physician's orders, documentation, personnel qualifications, and prior authorization requirements. The nonfederal share of costs for services provided under this subdivision is the responsibility of the local school district as provided in section 125A.74. Services listed in a child's individual education plan are eligible for medical assistance reimbursement only if those services meet criteria for federal financial participation under the Medicaid program.

(b) Approval of health-related services for inclusion in the individual education plan does not require prior authorization for purposes of reimbursement under this chapter. The commissioner may require physician review and approval of the plan not more than once annually or upon any modification of the individual education plan that reflects a change in health-related services.

(c) Services of a speech-language pathologist provided under this section are covered notwithstanding Minnesota Rules, part 9505.0390, subpart 1, item L, if the person:

(1) holds a masters degree in speech-language pathology;

(2) is licensed by the Minnesota board of teaching as an educational speech-language pathologist; and

(3) either has a certificate of clinical competence from the American Speech and Hearing Association, has completed the equivalent educational requirements and work experience necessary for the certificate or has completed the academic program and is acquiring supervised work experience to qualify for the certificate.

(d) Medical assistance coverage for medically necessary services provided under other subdivisions in this section may not be denied solely on the basis that the same or similar services are covered under this subdivision.

(e) The commissioner shall develop and implement package rates, bundled rates, or per diem rates for special education services under which separately covered services are grouped together and billed as a unit in order to reduce administrative complexity.

(f) The commissioner shall develop a cost-based payment structure for payment of these services.

(g) Effective July 1, 2000, medical assistance services provided under an individual education plan or an individual family service plan by local school districts shall not count against medical assistance authorization thresholds for that child.

Sec. 11. Minnesota Statutes 1998, section 256B.69, is amended by adding a subdivision to read:

Subd. 4b. [INDIVIDUAL EDUCATION PLAN AND INDIVIDUALIZED FAMILY SERVICE PLAN SERVICES.] The commissioner shall amend the federal waiver allowing the state to separate out individual education plan and individualized family service plan services for children enrolled in the prepaid medical assistance program and the MinnesotaCare program. Effective July 1, 1999, or upon federal approval, medical assistance coverage of eligible individual education plan and individualized family service plan services shall not be included in the capitated services for children enrolled in health plans through the prepaid medical assistance program and the MinnesotaCare program. Upon federal approval, local school districts shall bill the commissioner for these services, and claims shall be paid on a fee-for-service basis.

Sec. 12. [EXPANSION OF SPECIAL EDUCATION SERVICES.]

The commissioner shall examine opportunities to expand the scope of providers eligible for reimbursement for medical assistance services listed in a child's individual education plan, based on state and federal requirements for provider qualifications. The commissioner shall complete these activities, in consultation with the commissioner of children, families, and learning, by December 1999 and seek necessary federal approval.

Sec. 13. [EFFECTIVE DATE.]

Sections 2 to 7 and 10, are effective July 1, 2000."

Delete the title and insert:

"A bill for an act relating to education; modifying provisions relating to medical assistance reimbursement for special education services; amending Minnesota Statutes 1998, sections 122A.09, subdivision 4; 125A.08; 125A.21, subdivision 1; 125A.74, subdivisions 1 and 2; 125A.744, subdivision 3; 125A.76, subdivision 2; 256B.0625, subdivision 26; and 256B.69, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 127A; and 214."

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.

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

H. F. No. 1403, A bill for an act relating to water; approving the granting of a permit for the consumptive use of groundwater pursuant to Minnesota Statutes, section 103G.265, subdivision 3.

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. 1728, A bill for an act relating to professions; modifying provisions of the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design relating to fees and continuing education; increasing penalties; amending Minnesota Statutes 1998, section 326.111, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Rules, part 1800.0500, subpart 3.

Reported the same back with the following amendments:

Page 2, line 27, delete "30" and insert "24"

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

The report was adopted.

Lindner from the Committee on Jobs and Economic Development Policy to which was referred:

H. F. No. 1790, A bill for an act relating to economic development; providing for a challenge grant for construction of a steel mill; appropriating money.

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

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 1848, A bill for an act relating to crime prevention; repealing provisions and striking language related to the enhanced gross misdemeanor DWI crime; expanding the gross misdemeanor DWI crime and mandatory sentencing provisions; amending Minnesota Statutes 1998, sections 169.121, subdivisions 3 and 3d; 169.129, subdivision 1; 609.02, subdivision 2; 609.105, subdivisions 1 and 3; 609.135, subdivision 2; and 609.15, subdivision 2; repealing Minnesota Statutes 1998, sections 169.121, subdivision 3e; 169.129, subdivision 2; and 609.02, subdivision 2a.

Reported the same back with the following amendments:

Page 4, after line 25, insert:

"(i) The court shall impose consecutive sentences for a violation of this section or section 169.129 and an offense listed in section 609.035, subdivision 2, paragraph (f), arising out of the same course of conduct, as required by section 609.035, subdivision 2, paragraph (g)."

Page 4, lines 26 and 31, delete the new language and reinstate the stricken language

Page 8, after line 15, insert:

"Sec. 5. Minnesota Statutes 1998, section 609.035, subdivision 2, is amended to read:

Subd. 2. (a) When a person is being sentenced for a violation of a provision listed in paragraph (f), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (f), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), ~~and~~ (d), and (g) of this subdivision.

(b) When a person is being sentenced for a violation of section 169.129 the court may not impose a consecutive sentence for a violation of a provision of section 169.121, subdivision 1, or for a violation of a provision of section 171.20, 171.24, or 171.30.

(c) When a person is being sentenced for a violation of section 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(d) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(e) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(f) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169.121, subdivision 3:

- (1) section 169.121, subdivision 1, driving while intoxicated;
- (2) section 169.121, subdivision 1a, testing refusal;
- (3) section 169.129, aggravated driving while intoxicated;
- (4) section 169.791, failure to provide proof of insurance;
- (5) section 169.797, failure to provide vehicle insurance;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- (7) section 171.24, driving without valid license;
- (8) section 171.30, violation of condition of limited license; and
- (9) section 609.487, fleeing a peace officer.

(g) When a court is sentencing an offender for a violation of section 169.121 or 169.129 and a violation of an offense listed in paragraph (f), and the offender has five or more prior impaired driving convictions, five or more prior license revocations, or a combination of the two, within the person's lifetime, the court shall sentence the offender to serve consecutive sentences for the offenses, notwithstanding the fact that the offenses arose out of the same course of conduct."

Page 9, line 6, strike "four" and insert "six"

Page 10, line 29, delete "9" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "crime" insert ", probationary period," and after the semicolon, insert "requiring mandatory consecutive sentences for certain DWI-related offenses;"

Page 1, line 8, after the first semicolon, insert "609.035, subdivision 2;"

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. 1905, A bill for an act relating to state government; rulemaking; authorizing the governor to veto certain rules; amending Minnesota Statutes 1998, sections 14.05, by adding a subdivision; 14.16, subdivision 3; 14.26, subdivision 3; 14.386; and 14.389, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 20, after "legislature" insert "beginning after the veto"

Page 1, line 22, delete "that year's" and insert "the next" and after "session" insert "beginning after the veto"

With the recommendation that when so amended the bill pass.

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 1986, A bill for an act relating to highways; designating Otter Tail Veterans Memorial Drive; amending Minnesota Statutes 1998, section 161.14, 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 161.14, is amended by adding a subdivision to read:

Subd. 44. [ALL VETERANS MEMORIAL DRIVE.] Those portions of marked trunk highway No. 59 from its intersection with Otter Tail county highway No. 3 to its intersection with Otter Tail county highway No. 4, and between its intersections with Otter Tail county highway No. 82, are designated "All Veterans Memorial Drive." The commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs, subject to the provisions of section 161.139."

Amend the title as follows:

Page 1, line 2, delete "Otter Tail" and insert "All"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2058, A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private and nonpublic; proposing coding for new law in Minnesota Statutes 1998, chapter 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 13.03, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR ACCESS TO DATA.] (a) Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and places, and, upon request, shall be informed of the data's meaning. If a person requests access for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee to inspect data.

(b) For purposes of this section, "inspection" includes, but is not limited to, the visual inspection of paper and similar types of government data. Inspection does not include the printing of copies by the government entity, unless printing a copy is the only method to provide for inspection of the data. In the case of data stored in electronic form and made available in electronic form on a remote access basis to the public by the government entity, "inspection" includes remote access to the data by the public and the ability to print copies of or download the data on the public's own computer equipment. Nothing in this section prohibits a government entity from charging reasonable fees for remote access to data under a specific statutory grant of authority. The responsible authority or designee shall provide copies of public data upon request. If a person requests copies or electronic transmittal of the data to the person, the responsible authority may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data or the data, but may not charge for separating public from not public data. If the responsible authority or designee is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

When a request under this subdivision involves any person's receipt of copies of public government data that has commercial value and is a substantial and discrete portion of or an entire formula, pattern, compilation, program, device, method, technique, process, database, or system developed with a significant expenditure of public funds by the agency, the responsible authority may charge a reasonable fee for the information in addition to the costs of making, certifying, and compiling the copies. Any fee charged must be clearly demonstrated by the agency to relate to the actual development costs of the information. The responsible authority, upon the request of any person, shall provide sufficient documentation to explain and justify the fee being charged.

If the responsible authority or designee determines that the requested data is classified so as to deny the requesting person access, the responsible authority or designee shall inform the requesting person of the determination either orally at the time of the request, or in writing as soon after that time as possible, and shall cite the specific statutory section, temporary classification, or specific provision of federal law on which the determination is based. Upon the request of any person denied access to data, the responsible authority or designee shall certify in writing that the request has been denied and cite the specific statutory section, temporary classification, or specific provision of federal law upon which the denial was based.

Sec. 2. Minnesota Statutes 1998, section 13.04, subdivision 2, is amended to read:

Subd. 2. [INFORMATION REQUIRED TO BE GIVEN INDIVIDUAL.] (a) An individual asked to supply private or confidential data concerning the individual shall be informed of:

(a) (1) the purpose and intended use of the requested data within the collecting state agency, political subdivision, or statewide system;

(b) (2) whether the individual may refuse or is legally required to supply the requested data;

(c) (3) any known consequence arising from supplying or refusing to supply private or confidential data; and

(d) (4) the identity of other persons or entities authorized by state or federal law to receive the data. This requirement shall not apply when an individual is asked to supply investigative data, pursuant to section 13.82, subdivision 5, to a law enforcement officer.

(b) When an individual is asked to supply educational data as defined in section 13.32, the requirement of paragraph (a) is met if, when a student first enrolls at a school and at the beginning of each academic year, the responsible authority provides to the individual a complete notice as provided in paragraph (a) that covers the possible data collection instances that may occur during the academic year.

Sec. 3. Minnesota Statutes 1998, section 13.04, subdivision 3, is amended to read:

Subd. 3. [ACCESS TO DATA BY INDIVIDUAL.] Upon request to a responsible authority, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority may require the requesting person to pay the actual costs of making, certifying, and compiling the copies.

The responsible authority shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ~~five ten~~ days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible. ~~If unable to comply with the request within that time, the responsible authority shall so inform the individual, and may have an additional five days within which to comply with the request, excluding Saturdays, Sundays and legal holidays.~~

Sec. 4. Minnesota Statutes 1998, section 13.32, subdivision 2, is amended to read:

Subd. 2. [STUDENT HEALTH AND CENSUS DATA; DATA ON PARENTS.] (a) Health data concerning students, including but not limited to, data concerning immunizations, notations of special physical or mental problems and records of school nurses are educational data. Access by parents to student health data shall be pursuant to section 13.02, subdivision 8.

(b) Pupil census data, including emergency information; and family information; ~~and data concerning parents~~ are educational data.

(c) Data concerning parents are private data on individuals but may be treated as directory information if the same procedures that are used by a school district to designate student data as directory information under subdivision 5 are followed.

Sec. 5. Minnesota Statutes 1998, section 13.43, is amended by adding a subdivision to read:

Subd. 13. [DISSEMINATION OF DATA TO DEPARTMENT OF ECONOMIC SECURITY.] Private personnel data must be disclosed to the department of economic security for the purpose of processing claims for unemployment benefits under chapter 268.

Sec. 6. [13.442] [BUILDING CODE VIOLATIONS.]

All code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on it that are kept by any state, county, or city agency charged by the governing body of the appropriate political subdivision with the responsibility for enforcing a state, county, or city health, housing, building, fire prevention, or housing maintenance code are public data; except as otherwise provided by section 13.39, subdivision 2; 13.44; or 13.82, subdivision 5.

Sec. 7. [13.491] [RIDESHARE DATA.]

The following data on participants, collected by the Minnesota department of transportation and the metropolitan council to administer rideshare programs, are classified as private under section 13.02, subdivision 12: residential address and telephone number; beginning and ending work hours; current mode of commuting to and from work; and type of rideshare service information requested.

Sec. 8. [13.612] [UTILITY CUSTOMER DATA.]

All data that identifies customers of municipal utilities are classified as private data on individuals as defined in section 13.02, subdivision 12, or nonpublic data as defined in section 13.02, subdivision 9.

Sec. 9. [13.772] [MINNESOTA POLLUTION CONTROL AGENCY DATA.]

Data that identify specific locations within the state where intensive and global survey site investigations are under way, or are determined by the Minnesota pollution control agency as appropriate for studying the cause of malformations in frogs, are nonpublic data until the agency determines that it will not investigate or has completed its scientific investigation at the reported abnormal frog site.

Sec. 10. Minnesota Statutes 1998, section 15.17, subdivision 1, is amended to read:

Subdivision 1. [MUST BE KEPT.] All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. Every public officer is empowered to reproduce records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section 138.17. The public officer is empowered to reproduce these records by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. If a record is deemed to be of permanent or archival value, any reproduction of the record must meet archival standards specified by the Minnesota historical society provided, however, that this section does not prohibit the use of nonerasable optical imaging systems for the preservation of archival records without the preservation of paper or microfilm copies. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, in accordance with the disposition requirements of section 138.17. Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Sec. 11. Minnesota Statutes 1998, section 15.17, subdivision 2, is amended to read:

Subd. 2. [RESPONSIBILITY FOR RECORDS.] The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Sec. 12. Minnesota Statutes 1998, section 141.30, is amended to read:

141.30 [INSPECTION.]

(a) The office or a delegate may inspect the instructional books and records, classrooms, dormitories, tools, equipment and classes of any school or applicant for license at any reasonable time. The office may require the submission of a certified public audit, or if there is no such audit available the office or a delegate may inspect the financial books and records of the school. In no event shall such financial information be used by the office to regulate or set the tuition or fees charged by the school.

~~(b) No agent or employee of the state of Minnesota shall divulge to any person other than a member of the office, or duly constituted law enforcement official, any data obtained from an inspection of the financial records of a school, except in connection with a legal or administrative proceeding commenced to enforce a requirement of law. Data obtained from an inspection of the financial records of a school are nonpublic data as defined in section 13.02, subdivision 9. Data obtained from inspections may be disclosed to other members of the office, to law enforcement officials, or in connection with a legal or administrative proceeding commenced to enforce a requirement of law.~~

Sec. 13. Minnesota Statutes 1998, section 181.932, subdivision 2, is amended to read:

Subd. 2. [DISCLOSURE OF IDENTITY.] ~~No public official or law enforcement official shall disclose, or cause to disclose, the identity of any employee making a report or providing information to a governmental body or law enforcement official under subdivision 1 without the employee's consent unless the investigator determines that disclosure is necessary for prosecution. If the disclosure is necessary for prosecution, the employee shall be informed prior to the disclosure.~~ clause (a) or (d), is private data on individuals as defined in section 13.02. The identity of an employee providing information under subdivision 1, clause (b), is private data on individuals if:

(1) the employee would not have provided the information without an assurance that the employee's identity would remain private, because of a concern that the employer would commit an action prohibited under subdivision 1 or that the employee would be subject to some other form of retaliation; or

(2) the state agency, statewide system, or political subdivision reasonably believes that the employee would not have provided the data because of that concern.

Sec. 14. Minnesota Statutes 1998, section 270B.14, subdivision 1, is amended to read:

Subdivision 1. [DISCLOSURE TO COMMISSIONER OF HUMAN SERVICES.] (a) On the request of the commissioner of human services, the commissioner shall disclose return information regarding taxes imposed by chapter 290, and claims for refunds under chapter 290A, to the extent provided in paragraph (b) and for the purposes set forth in paragraph (c).

(b) Data that may be disclosed are limited to data relating to the identity, whereabouts, employment, income, and property of a person owing or alleged to be owing an obligation of child support.

(c) The commissioner of human services may request data only for the purposes of carrying out the child support enforcement program and to assist in the location of parents who have, or appear to have, deserted their children. Data received may be used only as set forth in section 256.978.

(d) The commissioner shall provide the records and information necessary to administer the supplemental housing allowance to the commissioner of human services.

(e) At the request of the commissioner of human services, the commissioner of revenue shall electronically match the social security numbers and names of participants in the telephone assistance plan operated under sections 237.69 to 237.711, with those of property tax refund filers, and determine whether each participant's household income is within the eligibility standards for the telephone assistance plan.

(f) The commissioner may provide records and information collected under sections 295.50 to 295.59 to the commissioner of human services for purposes of the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991, Public Law Number 102-234. Upon the written agreement by the United States Department of Health and Human Services to maintain the confidentiality of the data, the commissioner may provide records and information collected under sections 295.50 to 295.59 to the Health Care Financing Administration section of the United States Department of Health and Human Services for purposes of meeting federal reporting requirements.

(g) The commissioner may provide records and information to the commissioner of human services as necessary to administer the early refund of refundable tax credits.

(h) The commissioner may disclose information to the commissioner of human services necessary to verify income for eligibility and premium payment under the MinnesotaCare program, under section 256L.05, subdivision 2.

(i) The commissioner may disclose information to the commissioner of human services necessary to verify whether applicants or recipients for the Minnesota family investment program, general assistance, food stamps, and Minnesota supplemental aid program have claimed refundable tax credits under chapter 290 and the property tax refund under chapter 290A, and the amounts of the credits.

Sec. 15. Minnesota Statutes 1998, section 273.124, subdivision 13, is amended to read:

Subd. 13. [HOMESTEAD APPLICATION.] (a) A person who meets the homestead requirements under subdivision 1 must file a homestead application with the county assessor to initially obtain homestead classification.

(b) On or before January 2, 1993, each county assessor shall mail a homestead application to the owner of each parcel of property within the county which was classified as homestead for the 1992 assessment year. The format and contents of a uniform homestead application shall be prescribed by the commissioner of revenue. The commissioner shall consult with the chairs of the house and senate tax committees on the contents of the homestead application form. The application must clearly inform the taxpayer that this application must be signed by all owners who occupy the property or by the qualifying relative and returned to the county assessor in order for the property to continue receiving homestead treatment. The envelope containing the homestead application shall clearly identify its contents and alert the taxpayer of its necessary immediate response.

(c) Every property owner applying for homestead classification must furnish to the county assessor the social security number of each occupant who is listed as an owner of the property on the deed of record, the name and address of each owner who does not occupy the property, and the name and social security number of each owner's spouse who occupies the property. The application must be signed by each owner who occupies the property and by each owner's spouse who occupies the property, or, in the case of property that qualifies as a homestead under subdivision 1, paragraph (c), by the qualifying relative.

If a property owner occupies a homestead, the property owner's spouse may not claim another property as a homestead unless the property owner and the property owner's spouse file with the assessor an affidavit or other proof required by the assessor stating that the property qualifies as a homestead under subdivision 1, paragraph (e).

Owners or spouses occupying residences owned by their spouses and previously occupied with the other spouse, either of whom fail to include the other spouse's name and social security number on the homestead application or provide the affidavits or other proof requested, will be deemed to have elected to receive only partial homestead treatment of their residence. The remainder of the residence will be classified as nonhomestead residential. When an owner or spouse's name and social security number appear on homestead applications for two separate residences and only one application is signed, the owner or spouse will be deemed to have elected to homestead the residence for which the application was signed.

The social security numbers or affidavits or other proofs of the property owners and spouses are private data on individuals as defined by section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed to the commissioner of revenue, or, for purposes of proceeding under the Revenue Recapture Act to recover personal property taxes owing, to the county treasurer.

(d) If residential real estate is occupied and used for purposes of a homestead by a relative of the owner and qualifies for a homestead under subdivision 1, paragraph (c), in order for the property to receive homestead status, a homestead application must be filed with the assessor. The social security number of each relative occupying the property and the social security number of each owner who is related to an occupant of the property shall be required on the homestead application filed under this subdivision. If a different relative of the owner subsequently occupies the property, the owner of the property must notify the assessor within 30 days of the change in occupancy. The social security number of a relative occupying the property is private data on individuals as defined by section 13.02, subdivision 12, but may be disclosed to the commissioner of revenue.

(e) The homestead application shall also notify the property owners that the application filed under this section will not be mailed annually and that if the property is granted homestead status for the 1993 assessment, or any assessment year thereafter, that same property shall remain classified as homestead until the property is sold or transferred to another person, or the owners, the spouse of the owner, or the relatives no longer use the property as their homestead. Upon the sale or transfer of the homestead property, a certificate of value must be timely filed with the county auditor as provided under section 272.115. Failure to notify the assessor within 30 days that the property has been sold, transferred, or that the owner, the spouse of the owner, or the relative is no longer occupying the property as a homestead, shall result in the penalty provided under this subdivision and the property will lose its current homestead status.

(f) If the homestead application is not returned within 30 days, the county will send a second application to the present owners of record. The notice of proposed property taxes prepared under section 275.065, subdivision 3, shall reflect the property's classification. Beginning with assessment year 1993 for all properties, if a homestead application has not been filed with the county by December 15, the assessor shall classify the property as nonhomestead for the current assessment year for taxes payable in the following year, provided that the owner may be entitled to receive the homestead classification by proper application under section 375.192.

(g) At the request of the commissioner, each county must give the commissioner a list that includes the name and social security number of each property owner and the property owner's spouse occupying the property, or relative of a property owner, applying for homestead classification under this subdivision. The commissioner shall use the information provided on the lists as appropriate under the law, including for the detection of improper claims by owners, or relatives of owners, under chapter 290A.

(h) If the commissioner finds that a property owner may be claiming a fraudulent homestead, the commissioner shall notify the appropriate counties. Within 90 days of the notification, the county assessor shall investigate to determine if the homestead classification was properly claimed. If the property owner does not qualify, the county assessor shall notify the county auditor who will determine the amount of homestead benefits that had been improperly allowed. For the purpose of this section, "homestead benefits" means the tax reduction resulting from the classification as a homestead under section 273.13, the taconite homestead credit under section 273.135, and the supplemental homestead credit under section 273.1391.

The county auditor shall send a notice to the person who owned the affected property at the time the homestead application related to the improper homestead was filed, demanding reimbursement of the homestead benefits plus a penalty equal to 100 percent of the homestead benefits. The person notified may appeal the county's determination by serving copies of a petition for review with county officials as provided in section 278.01 and filing proof of service as provided in section 278.01 with the Minnesota tax court within 60 days of the date of the notice from the county. Procedurally, the appeal is governed by the provisions in chapter 271 which apply to the appeal of a property tax assessment or levy, but without requiring any prepayment of the amount in controversy. If the amount of homestead benefits and penalty is not paid within 60 days, and if no appeal has been filed, the county auditor shall certify the amount of taxes and penalty to the county treasurer. The county treasurer will add interest to the unpaid homestead benefits and penalty amounts at the rate provided in section 279.03 for real property taxes becoming delinquent in the calendar year during which the amount remains unpaid. Interest may be assessed for the period beginning 60 days after demand for payment was made.

If the person notified is the current owner of the property, the treasurer may add the total amount of benefits, penalty, interest, and costs to the ad valorem taxes otherwise payable on the property by including the amounts on the property tax statements under section 276.04, subdivision 3. The amounts added under this paragraph to the ad valorem taxes shall include interest accrued through December 31 of the year preceding the taxes payable year for which the amounts are first added. These amounts, when added to the property tax statement, become subject to all the laws for the enforcement of real or personal property taxes for that year, and for any subsequent year.

If the person notified is not the current owner of the property, the treasurer may collect the amounts due under the Revenue Recapture Act in chapter 270A, or use any of the powers granted in sections 277.20 and 277.21 without exclusion, to enforce payment of the benefits, penalty, interest, and costs, as if those amounts were delinquent tax obligations of the person who owned the property at the time the application related to the improperly allowed homestead was filed. The treasurer may relieve a prior owner of personal liability for the benefits, penalty, interest, and costs, and instead extend those amounts on the tax lists against the property as provided in this paragraph to the extent that the current owner agrees in writing. On all demands, billings, property tax statements, and related correspondence, the county must list and state separately the amounts of homestead benefits, penalty, interest and costs being demanded, billed or assessed.

(i) Any amount of homestead benefits recovered by the county from the property owner shall be distributed to the county, city or town, and school district where the property is located in the same proportion that each taxing district's levy was to the total of the three taxing districts' levy for the current year. Any amount recovered attributable to taconite homestead credit shall be transmitted to the St. Louis county auditor to be deposited in the taconite property tax relief account. Any amount recovered that is attributable to supplemental homestead credit is to be transmitted to the commissioner of revenue for deposit in the general fund of the state treasury. The total amount of penalty collected must be deposited in the county general fund.

(j) If a property owner has applied for more than one homestead and the county assessors cannot determine which property should be classified as homestead, the county assessors will refer the information to the commissioner. The commissioner shall make the determination and notify the counties within 60 days.

(k) In addition to lists of homestead properties, the commissioner may ask the counties to furnish lists of all properties and the record owners. Social security numbers and federal identification numbers maintained by a county or city assessor for property tax administration purposes, that may appear on the lists, may be used by the county auditor or treasurer of the same county for the purpose of assisting the commissioner in the preparation of microdata samples under section 270.0681.

Sec. 16. Minnesota Statutes 1998, section 504.23, is amended to read:

504.23 [CODE VIOLATIONS, DISCLOSURE.]

All code violation records pertaining to a particular parcel of real property and the buildings, improvements and dwelling units located thereon kept by any state, county or city agency charged by the governing body of the appropriate political subdivision with the responsibility for enforcing a state, county or city health, housing, building,

fire prevention or housing maintenance code shall be available to all persons having a reasonable need for the information contained in the records relating to the premises, at reasonable times and upon reasonable notice to the custodian of the records, for inspection, examination, abstracting or copying at the expense of the person obtaining the information. The persons to whom the records shall be available under this section include but are not limited to the following persons and their representatives:

- (a) any person having any legal or beneficial interest in the premises, including a tenant;
- (b) any person considering in good faith the lease or purchase of the premises;
- (c) any person authorized to request an inspection under section 566.19; and
- (d) a party to any action related to the premises, including actions maintained pursuant to sections 504.18 and 566.18 to 566.33 are public data under section 13.442.

Sec. 17. [REPORT OF DATA PRACTICES LAWS.]

The responsible authority of each state agency shall prepare a list that identifies all data practices laws codified outside Minnesota Statutes, chapter 13, that are not referenced in Minnesota Statutes, section 13.99. The list must be submitted to the office of the revisor of statutes no later than September 1, 1999, so that the revisor can complete the data practices law recodification required in section 18.

Sec. 18. [REVISOR INSTRUCTION; DATA PRACTICES LAW RECODIFICATION.]

The revisor of statutes shall reorganize Minnesota Statutes, chapter 13, to create a structure that provides users with quick access to the data practices laws codified in chapter 13, and locates references to data practices laws codified outside chapter 13 adjacent to their particular service area codified in chapter 13. For purposes of this section, "data practice laws codified outside chapter 13" includes both laws that place restrictions on access to data and laws involving data sharing. Service areas may include government entities such as state agencies, cities, or school districts, or functional areas such as education, law enforcement, human services, or child protection. If there is no appropriate service area in chapter 13, the revisor shall recodify the provision in another logical and appropriate place in chapter 13. The revisor shall consult with the chairs of the data practices subcommittees in the house of representatives and senate, and legislative staff. The revisor shall include the data practices recodification in the 2000 edition of Minnesota Statutes.

Sec. 19. [REPEALER.]

Minnesota Statutes 1998, section 13.72, subdivision 2, is repealed.

Sec. 20. [EFFECTIVE DATE.]

Sections 17 and 18 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to government data; providing for access to, and cost of access to, on-line data; classifying data; clarifying the status of data on parents held by educational entities; eliminating inconsistent language; authorizing dissemination of personnel data; authorizing sharing of certain data for tax administration purposes; modifying notice requirements for students; requiring the revisor of statutes to reorganize and recodify data practices law; amending Minnesota Statutes 1998, sections 13.03, subdivision 3; 13.04, subdivisions 2 and 3; 13.32, subdivision 2; 13.43, by adding a subdivision; 15.17, subdivisions 1 and 2; 141.30; 181.932, subdivision 2; 270B.14, subdivision 1; 273.124, subdivision 13; and 504.23; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1998, section 13.72, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on K-12 Education Finance.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

S. F. No. 184, A bill for an act relating to juvenile justice; recodifying, clarifying, and relocating provisions relating to juvenile delinquency and child protection; providing separate areas of law dealing with child protection and delinquency; amending Minnesota Statutes 1998, section 260.011, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260; proposing coding for new law as Minnesota Statutes, chapters 260B; and 260C; repealing Minnesota Statutes 1998, sections 257.069; 257.071; 257.0711; 257.072; 257.35; 257.351; 257.352; 257.353; 257.354; 257.355; 257.356; 257.3571; 257.3572; 257.3573; 257.3574; 257.3575; 257.3576; 257.3577; 257.3578; 257.3579; 257.40; 257.41; 257.42; 257.43; 257.44; 257.45; 257.46; 257.47; 257.48; 260.011, subdivision 2; 260.013; 260.015; 260.092; 260.094; 260.096; 260.101; 260.111; 260.115; 260.121; 260.125; 260.126; 260.131; 260.132; 260.133; 260.135; 260.141; 260.145; 260.151; 260.155; 260.157; 260.161; 260.162; 260.165; 260.171; 260.172; 260.173; 260.1735; 260.174; 260.181; 260.185; 260.191; 260.192; 260.193; 260.195; 260.211; 260.215; 260.221; 260.241; 260.242; 260.245; 260.251; 260.255; 260.261; 260.271; 260.281; 260.291; 260.301; 260.315; 260.35; 260.36; 260.39; and 260.40.

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

The report was adopted.

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

S. F. No. 194, A bill for an act relating to health; eliminating the application deadline for essential community provider status; amending Minnesota Statutes 1998, section 62Q.19, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 62Q.19, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] (a) Any provider may apply to the commissioner for designation as an essential community provider by submitting an application form developed by the commissioner. ~~Applications must be accepted within two years after the effective date of the rules adopted by the commissioner to implement this section.~~

(b) Each application submitted must be accompanied by an application fee in an amount determined by the commissioner. The fee shall be no more than what is needed to cover the administrative costs of processing the application.

(c) The name, address, contact person, and the date by which the commissioner's decision is expected to be made shall be classified as public data under section 13.41. All other information contained in the application form shall be classified as private data under section 13.41 until the application has been approved, approved as modified, or denied by the commissioner. Once the decision has been made, all information shall be classified as public data unless the applicant designates and the commissioner determines that the information contains trade secret information.

Sec. 2. Minnesota Statutes 1998, section 62Q.19, subdivision 6, is amended to read:

Subd. 6. [TERMINATION OR RENEWAL OF DESIGNATION; COMMISSIONER REVIEW.] The designation as an essential community provider ~~terminates~~ shall be valid for a five-year period from the date of designation. Five years after ~~it the designation of essential community provider is granted, or when universal coverage as defined under section 62Q.165 is achieved, whichever is later~~ to a provider, the commissioner shall review the need for and appropriateness of continuing the designation for that provider. The commissioner may require a provider whose designation is to be reviewed to submit an application to the commissioner for renewal of the designation, and may

require an application fee to be submitted with the application to cover the administrative costs of processing the application. Based on that review, the commissioner may renew a provider's essential community provider designation for an additional five-year period or terminate the designation. Once the designation terminates, the former essential community provider has no rights or privileges beyond those of any other health care provider. ~~The commissioner shall make a recommendation to the legislature on whether an essential community provider designation should be longer than five years.~~

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying termination and renewal of designation;"

Page 1, line 5, delete "subdivision 2" and insert "subdivisions 2 and 6"

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.

Dauids from the Committee on Commerce to which was referred:

S. F. No. 794, A bill for an act relating to utilities; modifying provisions of the one call excavation notice system; amending Minnesota Statutes 1998, section 216D.06, subdivision 1.

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

The report was adopted.

Workman from the Committee on Transportation Policy to which was referred:

S. F. No. 1150, A bill for an act relating to traffic regulations; fixing speed limit in rural residential districts; amending Minnesota Statutes 1998, section 169.14, subdivision 2.

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

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

S. F. No. 1180, A bill for an act relating to juveniles; extending juvenile court jurisdiction over children who are habitual truants; amending Minnesota Statutes 1998, section 260.181, subdivision 4.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 566, 793, 1008, 1052, 1403, 1848, 1905 and 1986 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 303, 346, 626, 727, 836, 1012, 184, 794, 1150 and 1180 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Osthoff introduced:

H. F. No. 2278, A bill for an act relating to county property tax levies; deleting a sheriff's authority to appeal budget and salary decisions; repealing Minnesota Statutes 1998, section 387.20, subdivision 7.

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

Howes introduced:

H. F. No. 2279, A bill for an act relating to crimes; amending the definition of harassment for purposes of the harassment restraining order law; authorizing the court to find a hearing is unnecessary in certain harassment cases; authorizing indigent parties to perform alternative community service work in lieu of paying filing fees; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, and 3a.

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

Howes introduced:

H. F. No. 2280, A bill for an act relating to community development; providing financial assistance to the city of Backus for its waterfront improvement project and related roadway improvements; appropriating money.

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

Holberg, Milbert and Pugh introduced:

H. F. No. 2281, A bill for an act relating to taxation; sales and use; exempting construction materials used in certain library constructions and improvements; 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.

Mahoney, McCollum and Broecker introduced:

H. F. No. 2282, A bill for an act relating to corrections; requiring all counties to be charged for the actual costs of confinement of juvenile females at the Minnesota correctional facility-Sauk Centre; amending Minnesota Statutes 1998, section 242.192.

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

Howes and Wenzel introduced:

H. F. No. 2283, A bill for an act relating to education; authorizing a technology grant for independent school district No. 116, Pillager; appropriating money.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Daggett introduced:

H. F. No. 2284, A bill for an act relating to education; authorizing a technology grant for independent school district No. 23, Frazee; appropriating money.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Kalis, Smith, Mares, Murphy and Wenzel introduced:

H. F. No. 2285, A bill for an act relating to retirement; teachers retirement association; permitting certain retiring teachers to elect the improved money purchase benefit plan in lieu of the formula benefit plan; amending Minnesota Statutes 1998, section 354.55, subdivision 17.

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

Erhardt introduced:

H. F. No. 2286, A bill for an act relating to education; authorizing funding for voluntary integration programs; appropriating money; amending Minnesota Statutes 1998, sections 123B.57, by adding a subdivision; 123B.59, by adding a subdivision; 124D.86, subdivision 3; 124D.87; 124D.88, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Solberg, Davids, Dempsey and Osthoff introduced:

H. F. No. 2287, A bill for an act relating to recreational vehicles; requiring a title for certain recreational vehicles; providing criminal penalties; amending Minnesota Statutes 1998, sections 84.79; 84.80, subdivision 1; 84.86, subdivision 1; and 84.924, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

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

Seagren, Greiling, Erhardt, Mares and Sykora introduced:

H. F. No. 2288, A bill for an act relating to education; authorizing funding for voluntary integration programs; appropriating money; amending Minnesota Statutes 1998, sections 123B.57, by adding a subdivision; 123B.59, by adding a subdivision; 124D.86, subdivision 3; 124D.87; 124D.88, subdivision 3, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on K-12 Education Finance.

Carlson introduced:

H. F. No. 2289, A bill for an act relating to retirement; Minneapolis teachers retirement fund association; authorizing the purchase of service credit for various periods of prior teaching service.

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

Tomassoni introduced:

H. F. No. 2290, A bill for an act relating to appropriations; appropriating wastewater funding for the city of Hibbing; authorizing the sale of state bonds.

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

McElroy and Gunther introduced:

H. F. No. 2291, A bill for an act relating to agriculture; repealing the weather modification regulatory laws; repealing Minnesota Statutes 1998, sections 42.01; 42.02; 42.03; 42.04; 42.05; 42.06; 42.07; 42.08; 42.09; 42.10; 42.11; 42.12; 42.13; and 42.14.

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

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 Files, herewith returned:

H. F. No. 1305, A bill for an act relating to highways; requiring commissioner of transportation to transfer excess highway easements to city of Kenyon.

H. F. No. 475, A bill for an act relating to local government; providing for reimbursement to officers and employees for costs and legal fees to defend criminal charges in certain cases; amending Minnesota Statutes 1998, section 465.76.

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. 379, A bill for an act relating to mortgage registry and deed taxes; making technical and clarifying changes; defining terms; amending Minnesota Statutes 1998, sections 287.01; 287.03; 287.04; 287.05; 287.08; 287.10; 287.11; 287.12; 287.13, subdivision 1; 287.21, subdivision 1; 287.22; 287.23; 287.24; 287.241; 287.29, subdivision 1; 287.30; 287.31; and 287.33; proposing coding for new law in Minnesota Statutes, chapter 287; repealing Minnesota Statutes 1998, sections 287.06; 287.07; 287.09; 287.21, subdivisions 2 and 4; 287.34; 287.35; and 287.36.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Erhardt moved that the House concur in the Senate amendments to H. F. No. 379 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 379, A bill for an act relating to mortgage registry and deed taxes; making technical and clarifying changes; defining terms; amending Minnesota Statutes 1998, sections 287.01; 287.03; 287.04; 287.05; 287.08; 287.10; 287.11; 287.12; 287.13, subdivision 1; 287.21, subdivision 1; 287.22; 287.23; 287.24; 287.241; 287.29, subdivision 1; 287.30; 287.31; and 287.33; proposing coding for new law in Minnesota Statutes, chapter 287; repealing Minnesota Statutes 1998, sections 287.06; 287.07; 287.09; 287.21, subdivisions 2 and 4; 287.34; 287.35; and 287.36.

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

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 174, A bill for an act relating to crime prevention; requiring certain persons committed as mentally ill and dangerous to the public to register as predatory sex offenders and to be subject to the community notification law; amending Minnesota Statutes 1998, sections 243.166, subdivisions 1, 2, and 6; and 244.052, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Ranum, Betzold and Neuville.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 174. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 333, A bill for an act relating to crime prevention; requiring disclosure to consumer of consumer report recipients; providing criminal penalties and forfeiture sanctions for persons who transfer, possess, or use the identity of another with intent to commit or aid in the commission of certain unlawful activity; amending Minnesota Statutes 1998, sections 609.531, subdivision 1; and 609.902, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 13C; and 609.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Kelly, R. C.; Limmer and Ten Eyck.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Bishop moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 333. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 552, 1463, 1660, 1017, 973, 376, 1888 and 1562.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 552, A bill for an act relating to government data practices; requiring the revisor of statutes to reorganize and recodify the data practices law; requiring responsible authorities of state agencies to provide the revisor of statutes with lists of statutes pertaining to data practices codified outside chapter 13.

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

S. F. No. 1463, A bill for an act relating to townships; authorizing creation of a capital reserve fund; amending Minnesota Statutes 1998, section 365.10, by adding a subdivision.

The bill was read for the first time.

Vandevier moved that S. F. No. 1463 and H. F. No. 1538, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1660, A bill for an act relating to the board of government innovation and cooperation; extending exemptions from enforcement of law granted by the board during calendar years 1996 and 1998; amending Minnesota Statutes 1998, section 465.797, subdivision 5a.

The bill was read for the first time.

Seifert, J., moved that S. F. No. 1660 and H. F. No. 2024, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1017, A bill for an act relating to civil actions; requiring the summons to include notice of the alternative dispute resolution process; amending Minnesota Statutes 1998, section 518.091; proposing coding for new law in Minnesota Statutes, chapter 543.

The bill was read for the first time.

Larsen, P., moved that S. F. No. 1017 and H. F. No. 1035, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 973, A bill for an act relating to courts; requesting the supreme court to study and make recommendations regarding juror compensation.

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

S. F. No. 376, A bill for an act relating to the Western Lake Superior sanitary district and the Moose Lake-Windemere sanitary sewer district; modifying board members' compensation; amending Minnesota Statutes 1998, section 458D.03, subdivision 9; Laws 1974, chapter 400, section 4, subdivision 9, as amended.

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

S. F. No. 1888, A bill for an act relating to highways; designating Otter Tail Veterans Memorial Drive; amending Minnesota Statutes 1998, section 161.14, by adding a subdivision.

The bill was read for the first time.

Nornes moved that S. F. No. 1888 and H. F. No. 1986, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1562, A bill for an act relating to planning; repealing a firearm report requirement; repealing Minnesota Statutes 1998, section 4A.06.

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

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 preceding the remaining bills on the Calendar for the Day, for Thursday, March 25, 1999:

H. F. Nos. 14, 1707, 839 and 1120; S. F. No. 117; and H. F. Nos. 621, 142, 1128, 868, 143, 1125, 172 and 1359.

The Speaker called Ozment to the Chair.

CALENDAR FOR THE DAY

H. F. No. 14 was reported to the House.

Entenza offered an amendment to H. F. No. 14, the first engrossment.

McElroy requested a division of the Entenza amendment to H. F. No. 14, the first engrossment.

The first portion of the Entenza amendment to H. F. No. 14, the first engrossment, reads as follows:

Page 2, after line 10, insert:

"(c) A person whose license to teach has been revoked, not issued, or not renewed under paragraph (b), may petition the board to reconsider the licensing action if the person's conviction for child abuse or sexual abuse is reversed by a final decision of the court of appeals or the supreme court. The petitioner shall attach a certified copy

of the appellate court's final decision to the petition. Upon receiving the petition and its attachment, the board shall schedule and hold a disciplinary hearing on the matter under section 214.10, subdivision 2. If the board finds at the hearing that, notwithstanding the reversal of the petitioner's criminal conviction, the petitioner is disqualified from teaching under paragraph (a), clause (1), the board shall affirm its previous licensing action. If the board finds that the petitioner is not disqualified from teaching under paragraph (a), clause (1), it shall reverse its previous licensing action."

Page 2, line 11, delete "(c)" and insert "(d)"

The motion prevailed and the first portion of the Entenza amendment was adopted.

The second portion of the Entenza amendment to H. F. No. 14, the first engrossment, as amended, reads as follows:

Page 2, line 5, delete "criminal sexual conduct" and insert "child abuse, as defined in section 609.185, or sexual abuse"

Page 3, lines 14 to 15, delete "criminal sexual conduct" and insert "child abuse or sexual abuse"

Page 4, lines 14 to 15, delete "criminal sexual conduct" and insert "child abuse or sexual abuse"

Page 5, lines 5 to 6, delete "criminal sexual conduct" and insert "child abuse or sexual abuse"

Page 5, line 10, delete "criminal sexual conduct" and insert "child abuse, as defined in section 609.185, or sexual abuse"

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Entenza amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Haas	Koskinen	Milbert	Pugh
Abrams	Dehler	Hackbarth	Krinkie	Molnau	Rest
Anderson, B.	Dempsey	Harder	Kubly	Mulder	Reuter
Anderson, I.	Dorman	Hasskamp	Kuisle	Mullery	Rhodes
Bakk	Dorn	Hausman	Larsen, P.	Murphy	Rifenberg
Biernat	Entenza	Hilty	Larson, D.	Ness	Rostberg
Bishop	Erhardt	Holberg	Leighton	Nornes	Rukavina
Boudreau	Erickson	Holsten	Lenczewski	Olson	Schumacher
Bradley	Finseth	Howes	Leppik	Opatz	Seagren
Broecker	Folliard	Huntley	Lieder	Orfield	Seifert, J.
Buesgens	Fuller	Jaros	Lindner	Osskopp	Seifert, M.
Carlson	Gerlach	Jennings	Luther	Osthoff	Skoe
Carruthers	Gleason	Johnson	Mahoney	Otremba	Skoglund
Cassell	Goodno	Juhnke	Mares	Ozment	Smith
Chaudhary	Gray	Kahn	Mariani	Paulsen	Solberg
Clark, J.	Greenfield	Kalis	Marko	Pawlenty	Stanek
Clark, K.	Greiling	Kelliher	McCollum	Paymar	Stang
Daggett	Gunther	Kielkucki	McElroy	Pelowski	Storm
Davids	Haake	Knoblach	McGuire	Peterson	Swenson

Sykora	Trimble	Van Dellen	Wejcman	Westfall	Wolf
Tingelstad	Tuma	Vandever	Wenzel	Westrom	Workman
Tomassoni	Tunheim	Wagenius	Westerberg	Wilkin	Spk. Sviggum

The motion prevailed and the second portion of the Entenza amendment was adopted.

H. F. No. 14, A bill for an act relating to education; providing that a person convicted of child abuse or sexual abuse is ineligible to be licensed as a teacher; providing for reconsideration in cases of reversal by a court; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dawkins	Hausman	Jaros	Kahn	Rukavina
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1707 was reported to the House.

Haake, Bishop and Stanek moved to amend H. F. No. 1707 as follows:

Page 1, lines 14 to 15, delete the new language and insert "The court may not modify the person's duty to register in the pronounced sentence or disposition order."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon, and insert "prohibiting courts from modifying statutory sex offender registration requirements in criminal sentences and juvenile disposition orders"

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon

The motion prevailed and the amendment was adopted.

H. F. No. 1707, A bill for an act relating to public safety; prohibiting courts from modifying statutory sex offender registration requirements in criminal sentences and juvenile disposition orders; amending Minnesota Statutes 1998, section 243.166, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dawkins Jaros

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

H. F. No. 839 was reported to the House.

Skoglund offered an amendment to H. F. No. 839, the first engrossment.

Pawlenty requested a division of the Skoglund amendment to H. F. No. 839, the first engrossment.

The first portion of the Skoglund amendment to H. F. No. 839, the first engrossment, reads as follows:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 1998, section 609.06, subdivision 2, is amended to read:

Subd. 2. [DEADLY FORCE USED AGAINST PEACE OFFICERS.] Deadly force may not be used against peace officers who have announced their presence and are: (1) executing a search warrant or an arrest warrant; or (2) performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the first portion of the Skoglund amendment was adopted.

The second portion of the Skoglund amendment to H. F. No. 839, the first engrossment, as amended, reads as follows:

Page 1, line 20, delete "the actor reasonably believes" and insert "a reasonable person under the circumstances would believe"

A roll call was requested and properly seconded.

The question was taken on the second portion of the Skoglund amendment and the roll was called. There were 35 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Carruthers	Gray	Jaros	Koskinen	Mullery	Skoglund
Clark, K.	Greenfield	Jennings	Kubly	Orfield	Trimble
Dawkins	Greiling	Johnson	Leighton	Osthoff	Wagenius
Entenza	Hausman	Juhnke	Mariani	Paymar	Wejzman
Folliard	Hilty	Kahn	McCollum	Pugh	Winter
Gleason	Huntley	Kelliher	McGuire	Schumacher	

Those who voted in the negative were:

Abeler	Anderson, I.	Boudreau	Buesgens	Chaudhary	Davids
Abrams	Bakk	Bradley	Carlson	Clark, J.	Dehler
Anderson, B.	Biernat	Broecker	Cassell	Daggett	Dempsey

Dorman	Holberg	Luther	Otremba	Seifert, M.	Vandev eer
Dorn	Holsten	Mahoney	Ozment	Skoe	Wenzel
Erhardt	Howes	Mares	Paulsen	Smith	Westerberg
Erickson	Kalis	Marko	Pawlenty	Solberg	Westfall
Finseth	Kielkucki	McElroy	Pelowski	Stanek	Westrom
Fuller	Knoblach	Milbert	Peterson	Stang	Wilkin
Gerlach	Krinkie	Molnau	Rest	Storm	Wolf
Goodno	Kuisle	Mulder	Reuter	Swenson	Workman
Gunther	Larsen, P.	Murphy	Rhodes	Sykora	Spk. Sviggum
Haake	Larson, D.	Ness	Rifenberg	Tingelstad	
Haas	Lenczewski	Nornes	Rostberg	Tomassoni	
Hackbarth	Leppik	Olson	Rukavina	Tuma	
Harder	Lieder	Opatz	Seagren	Tunheim	
Hasskamp	Lindner	Osskopp	Seifert, J.	Van Dellen	

The motion did not prevail and the second portion of the Skoglund amendment was not adopted.

H. F. No. 839, A bill for an act relating to crime; clarifying that the "defense of dwelling" defense does not include the duty to retreat before using deadly force; amending Minnesota Statutes 1998, sections 609.06, subdivision 2; and 609.065.

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

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

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	McCollum	Peterson	Tomassoni
Abrams	Entenza	Jennings	McElroy	Pugh	Trimble
Anderson, B.	Erhardt	Johnson	McGuire	Rest	Tuma
Anderson, I.	Erickson	Juhnke	Milbert	Reuter	Tunheim
Bakk	Finseth	Kalis	Molnau	Rhodes	Van Dellen
Biernat	Folliard	Kielkucki	Mulder	Rifenberg	Vandev eer
Bishop	Fuller	Knoblach	Mullery	Rostberg	Wagenius
Boudreau	Gerlach	Koskinen	Murphy	Rukavina	Wenzel
Bradley	Gleason	Krinkie	Ness	Schumacher	Westerberg
Broecker	Goodno	Kubly	Nornes	Seagren	Westfall
Buesgens	Greiling	Kuisle	Olson	Seifert, J.	Westrom
Carlson	Gunther	Larsen, P.	Opatz	Seifert, M.	Wilkin
Carruthers	Haake	Larson, D.	Orfield	Skoe	Winter
Cassell	Haas	Lenczewski	Osskopp	Smith	Wolf
Chaudhary	Hackbarth	Leppik	Ostho ff	Solberg	Workman
Clark, J.	Harder	Lieder	Otremba	Stanek	Spk. Sviggum
Daggett	Hasskamp	Lindner	Ozment	Stang	
Davids	Hilty	Luther	Paulsen	Storm	
Dehler	Holberg	Mahoney	Pawlenty	Swenson	
Dempsey	Holsten	Mares	Paymar	Sykora	
Dorman	Howes	Marko	Pelowski	Tingelstad	

Those who voted in the negative were:

Clark, K.	Gray	Hausman	Kahn	Leighton	Skoglund
Dawkins	Greenfield	Jaros	Kelliher	Mariani	Wejzman

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

H. F. No. 1120 was reported to the House.

Skoglund moved to amend H. F. No. 1120 as follows:

Page 1, line 10, after "on" strike "a", and after "railroad" strike "track" and insert "property that is posted as no trespassing"

Page 1, after line 11, insert "For the purpose of this subdivision, property is posted as no trespassing if it contains a conspicuous sign that states "no trespassing" or similar terms, displaying letters at least two inches high and placed at 1000 foot intervals or less on property located outside the boundaries of any city or placed at 200 foot intervals or less for property located inside the boundaries of any city."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Skoglund amendment and the roll was called. There were 76 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Huntley	Lenczewski	Osthoff	Skoglund
Abrams	Erhardt	Jaros	Leppik	Otremba	Solberg
Anderson, I.	Folliard	Jennings	Lieder	Paulsen	Sykora
Bakk	Gerlach	Johnson	Luther	Paymar	Tingelstad
Biernat	Gleason	Juhnke	Mahoney	Pelowski	Tomassoni
Buesgens	Gray	Kahn	Mariani	Peterson	Trimble
Carlson	Greenfield	Kalis	Marko	Pugh	Tunheim
Carruthers	Greiling	Kelliher	McCollum	Rest	Wagenius
Cassell	Haake	Koskinen	Milbert	Rhodes	Wejcmán
Chaudhary	Harder	Krinkie	Mulder	Rukavina	Winter
Clark, K.	Hasskamp	Kubly	Mullery	Schumacher	Wolf
Dawkins	Hausman	Larson, D.	Murphy	Seagren	
Dorn	Hilty	Leighton	Opatz	Skoe	

Those who voted in the negative were:

Anderson, B.	Dorman	Howes	Ness	Seifert, M.	Westerberg
Bishop	Erickson	Kielkucki	Nornes	Smith	Westfall
Boudreau	Finseth	Knoblach	Olson	Stanek	Westrom
Bradley	Fuller	Kuisele	Osskopp	Stang	Wilkin
Broecker	Goodno	Larsen, P.	Ozment	Storm	Workman
Clark, J.	Gunther	Lindner	Pawlenty	Swenson	Spk. Sviggum
Daggett	Haas	Mares	Reuter	Tuma	
Davids	Hackbarth	McElroy	Rifenberg	Van Dellen	
Dehler	Holberg	McGuire	Rostberg	Vandever	
Dempsey	Holsten	Molnau	Seifert, J.	Wenzel	

The motion prevailed and the amendment was adopted.

H. F. No. 1120, A bill for an act relating to crime; providing criminal penalties for trespassing on railroad tracks; amending Minnesota Statutes 1998, section 609.85, subdivision 6.

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

The question was taken on the passage of the bill and the roll was called. There were 17 yeas and 114 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dehler	Goodno	Lindner	Seifert, J.	Tuma
Broecker	Dorman	Kuisle	Olson	Smith	Spk. Sviggum
Davids	Erhardt	Larsen, P.	Osskopp	Stanek	

Those who voted in the negative were:

Abeler	Entenza	Holsten	Lieder	Paulsen	Storm
Abrams	Erickson	Howes	Luther	Pawlenty	Swenson
Anderson, I.	Finseth	Huntley	Mahoney	Paymar	Sykora
Bakk	Folliard	Jaros	Mares	Pelowski	Tingelstad
Biernat	Fuller	Jennings	Mariani	Peterson	Tomassoni
Bishop	Gerlach	Johnson	Marko	Pugh	Trimble
Boudreau	Gleason	Juhnke	McCollum	Rest	Tunheim
Bradley	Gray	Kahn	McElroy	Reuter	Van Dellen
Buesgens	Greenfield	Kalis	Milbert	Rhodes	Vandever
Carlson	Greiling	Kelliher	Molnau	Rifenberg	Wagenius
Carruthers	Gunther	Kielkucki	Mulder	Rostberg	Wejcman
Cassell	Haake	Knoblach	Mullery	Rukavina	Wenzel
Chaudhary	Haas	Koskinen	Ness	Schumacher	Westerberg
Clark, J.	Hackbarth	Krinkie	Nornes	Seagren	Westfall
Clark, K.	Harder	Kubly	Opatz	Seifert, M.	Westrom
Daggett	Hasskamp	Larson, D.	Orfield	Skoe	Wilkin
Dawkins	Hausman	Leighton	Osthoff	Skoglund	Winter
Dempsey	Hilty	Lenczewski	Otremba	Solberg	Wolf
Dorn	Holberg	Leppik	Ozment	Stang	Workman

The bill was not passed, as amended.

MOTION FOR RECONSIDERATION

Abrams moved that the vote whereby H. F. No. 1120, as amended, was not passed be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Abrams motion and the roll was called. There were 102 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeler	Dehler	Howes	Mariani	Pelowski	Storm
Abrams	Dempsey	Jennings	Marko	Peterson	Swenson
Anderson, B.	Dorman	Johnson	McCollum	Rest	Sykora
Bakk	Dorn	Juhnke	McElroy	Reuter	Tingelstad
Bishop	Erhardt	Kalis	McGuire	Rhodes	Trimble
Boudreau	Erickson	Kelliher	Molnau	Rifenberg	Tuma
Bradley	Finseth	Kielkucki	Mulder	Rostberg	Van Dellen
Broecker	Fuller	Knoblach	Mullery	Schumacher	Vandever
Buesgens	Gerlach	Kubly	Murphy	Seagren	Wenzel
Carlson	Goodno	Kuisle	Ness	Seifert, J.	Westerberg
Carruthers	Gray	Larsen, P.	Nornes	Seifert, M.	Westfall
Cassell	Gunther	Lenczewski	Olson	Skoe	Westrom
Chaudhary	Haas	Leppik	Opatz	Skoglund	Wilkin
Clark, J.	Hackbarth	Lindner	Osskopp	Smith	Winter
Clark, K.	Harder	Luther	Ozment	Solberg	Wolf
Daggett	Holberg	Mahoney	Paulsen	Stanek	Workman
Davids	Holsten	Mares	Pawlenty	Stang	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Gleason	Hilty	Krinkie	Orfield	Rukavina
Biernat	Greenfield	Huntley	Larson, D.	Osthoff	Tomassoni
Dawkins	Greiling	Jaros	Leighton	Otremba	Tunheim
Entenza	Haake	Kahn	Lieder	Paymar	Wagenius
Folliard	Hausman	Koskinen	Milbert	Pugh	

The motion prevailed.

H. F. No. 1120 was reported to the House.

LAY ON THE TABLE

Abrams moved that H. F. No. 1120, as amended, be laid on the table. The motion prevailed and H. F. No. 1120, as amended, was laid on the table.

The Speaker resumed the Chair.

S. F. No. 117, A bill for an act relating to crime; limiting the time period during which a defendant may challenge a restitution request; amending Minnesota Statutes 1998, section 61 1A.045, subdivision 3.

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 126 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dawkins	Greiling	Hausman	Jaros	Kahn	Wejcmán
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The bill was passed and its title agreed to.

H. F. No. 621 was reported to the House.

Fuller moved to amend H. F. No. 621, the first engrossment, as follows:

Page 2, line 32, after the period, insert "This section does not apply if the student uses the device in a manner authorized by the school."

Page 2, line 33, delete "subdivision" and insert "section"

The motion prevailed and the amendment was adopted.

Pawlenty moved to amend H. F. No. 621, the first engrossment, as amended, as follows:

Page 2, line 31, delete "a fire is likely to occur" and insert "there is an obvious risk of fire"

The motion prevailed and the amendment was adopted.

Paymar moved to amend H. F. No. 621, the first engrossment, as amended, as follows:

Page 2, delete section 3

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Paymar amendment and the roll was called. There were 38 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Bakk	Folliard	Jaros	Leighton	Osthoff	Tunheim
Biernat	Gleason	Jennings	Mahoney	Paymar	Van Dellen
Chaudhary	Greenfield	Juhnke	Mariani	Pugh	Wagenius
Clark, K.	Greiling	Kahn	Marko	Rukavina	
Dawkins	Hausman	Kelliher	Milbert	Skoe	
Dorn	Hilty	Koskinen	Mullery	Tomassoni	
Entenza	Huntley	Krinkie	Orfield	Trimble	

Those who voted in the negative were:

Abeler	Dempsey	Howes	McGuire	Reuter	Tuma
Abrams	Dorman	Johnson	Molnau	Rhodes	Vandever
Anderson, B.	Erhardt	Kalis	Mulder	Rifenberg	Wejcman
Anderson, I.	Erickson	Kielkucki	Murphy	Rostberg	Wenzel
Bishop	Finseth	Knoblach	Ness	Schumacher	Westerberg
Boudreau	Fuller	Kubly	Nornes	Seagren	Westfall
Bradley	Gerlach	Kuisle	Olson	Seifert, J.	Westrom
Broecker	Goodno	Larsen, P.	Opatz	Seifert, M.	Wilkin
Buesgens	Gunther	Larson, D.	Osskopp	Skoglund	Winter
Carlson	Haake	Lenczewski	Otremba	Smith	Wolf
Carruthers	Haas	Leppik	Ozment	Stanek	Workman
Cassell	Hackbarth	Lieder	Paulsen	Stang	Spk. Sviggum
Clark, J.	Harder	Lindner	Pawlenty	Storm	
Daggett	Hasskamp	Luther	Pelowski	Swenson	
Davids	Holberg	Mares	Peterson	Sykora	
Dehler	Holsten	McElroy	Rest	Tingelstad	

The motion did not prevail and the amendment was not adopted.

H. F. No. 621, A bill for an act relating to public safety; adding various arson definitions relating to flammability; imposing penalties on students who use ignition devices inside educational buildings; amending Minnesota Statutes 1998, sections 609.561, subdivision 3; and 609.5631, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Huntley	Mahoney	Paulsen	Storm
Abrams	Dorn	Jennings	Mares	Pawlenty	Swenson
Anderson, B.	Erhardt	Johnson	Marko	Pelowski	Sykora
Anderson, I.	Erickson	Juhnke	McCollum	Peterson	Tingelstad
Bakk	Finseth	Kalis	McElroy	Pugh	Trimble
Bishop	Fuller	Kelliher	McGuire	Rest	Tuma
Boudreau	Gerlach	Kielkucki	Milbert	Reuter	Tunheim
Bradley	Gleason	Knoblach	Molnau	Rhodes	Van Dellen
Broecker	Goodno	Koskinen	Mulder	Rifenberg	Vandever
Buesgens	Gunther	Kubly	Mullery	Rostberg	Wagenius
Carlson	Haake	Kuisle	Murphy	Schumacher	Wenzel
Carruthers	Haas	Larsen, P.	Ness	Seagren	Westerberg
Cassell	Hackbarth	Larsen, D.	Nornes	Seifert, J.	Westfall
Chaudhary	Harder	Leighton	Olson	Seifert, M.	Westrom
Clark, J.	Hasskamp	Lenczewski	Opatz	Skoglund	Wilkin
Daggett	Hilty	Leppik	Osskopp	Smith	Winter
Davids	Holberg	Lieder	Osthoff	Solberg	Wolf
Dehler	Holsten	Lindner	Otremba	Stanek	Workman
Dempsey	Howes	Luther	Ozment	Stang	Spk. Sviggum

Those who voted in the negative were:

Biernat	Gray	Hausman	Krinkie	Paymar	Tomassoni
Dawkins	Greenfield	Jaros	Mariani	Rukavina	Wejcmn
Folliard	Greiling	Kahn	Orfield	Skoe	

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

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

MOTIONS AND RESOLUTIONS

Rest moved that her name be stricken as an author on H. F. No. 320. The motion prevailed.

Gray moved that his name be stricken and the name of Leighton be added as an author on H. F. No. 1122. The motion prevailed.

Dawkins moved that the names of Ness and Gunther be added as authors on H. F. No. 1773. The motion prevailed.

Knoblach moved that his name be stricken as an author on H. F. No. 1811. The motion prevailed.

Abrams moved that the name of Buesgens be added as an author on H. F. No. 2240. The motion prevailed.

Kalis moved that the name of Gunther be added as an author on H. F. No. 2268. The motion prevailed.

Sykora moved that H. F. No. 449 be recalled from the Committee on Judiciary Finance and be re-referred to the Committee on Family and Early Childhood Education Finance. The motion prevailed.

Smith moved that H. F. No. 906, now on the General Register, be re-referred to the Committee on Civil Law. The motion prevailed.

Abrams moved that H. F. No. 1022 be recalled from the Committee on Ways and Means and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

McCollum moved that H. F. No. 1123 be recalled from the Committee on Jobs and Economic Development Finance and be re-referred to the Committee on Capital Investment. The motion prevailed.

Anderson, I., moved that H. F. No. 1388 be recalled from the Committee on Governmental Operations and Veterans Affairs Policy and be re-referred to the Committee on Capital Investment. The motion prevailed.

Dawkins moved that H. F. No. 1921 be recalled from the Committee on Civil Law and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

McElroy moved that H. F. No. 2291 be recalled from the Committee on Agriculture Policy and be re-referred to the Committee on Agriculture and Rural Development Finance. The motion prevailed.

Wolf moved that S. F. No. 685, now on the General Register, be re-referred to the Committee on Jobs and Economic Development Finance. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 174:

Bishop, Haake and Skoglund.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 333:

Bishop; Seifert, J., and Skoglund.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 2:30 p.m., Monday, March 29, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Monday, March 29, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives