The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

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

The roll was called and the following members were present:

Abeler
Abrams
Anderson, B.
Anderson, I.
Bakk
Bernardy
Biernat
Bishop
Blaine
Boudreau
Bradley
Buesgens
Carlson
Cassell
Clark, J.
Clark, K.
Daggett
Davids
Davnie
Dawkins
Dehler
Dempsey

Dibble
Dorn
Dorlond
Entenza
Erhardt
Erickson
Evans
Finseth
Folliard
Fuller
Gerlach
Gleason
Goodno
Goodwin
Gray
Greiling
Gunther
Haas
Hackbarth
Harder
Hausman

Hilstrom
Holberg
Holsten
Howes
Huntley
Jacobson
Jars
Jennings
Johnson, J.
Johnson, R.
Johnson, S.
Juhke
Kalis
Kellerher
Kielkucki
Knoblach
Koskinen
Krinke
Kubly
Kuisle
Larsn
Leighton
Leppik
Liedor
Lindner
Lipman
Mahoney
Mares
Mariani
Marko
Marquart
McElroy
McGuire
Milbert
Molnau
Mulder
Mullery
Murphy
Ness
Nornes
Olson
Opatz
Lechzewski
Lepnik
Liedor
Paulsen
Pawlenty
Paymar
Pelowski
Pelas
Petersen
Pugh
Rhodes
Rifenburg
Rukavina
Ruthe
Schumacher
Seagren
Seifert
Sertich
Skoe
Skoglund
Slawik

Osskopp
Osthoff
Otremba
Ozment
Paulsen
Pawlenty
Paymar
Pelowski
Pelas
Petersen
Pugh
Rhodes
Rifenburg
Rukavina
Ruthe
Schumacher
Seagren
Seifert
Sertich
Skoe
Skoglund
Slawik

Smith
Solberg
Stanek
Stang
Swapinski
Swenson
Sykora
Thompson
Tingelstad
Tuma
Vandeveer
Wagenius
Walker
Walz
Westerberg
Westrom
Wilkin
Winter
Wolf
Workman

A quorum was present.

Kahn and Wasiluk were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Fuller moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.
Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

February 25, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives
463 State Office Building
Saint Paul, Minnesota 55155

Dear Speaker Sviggum:

I have vetoed and am returning Chapter No. 220, House File No. 351, a bill relating to the omnibus budget and appropriations.

I am vetoing this bill because it does little to address the basic problem that the recession has caused: there is less money coming in than going out, both in the current budget and the next. Legislative leaders have assured me that more fixes are forthcoming, but I have no reason to believe that they will be able to bridge their differences and produce a responsible budget package.

The solution sitting before me relies heavily on one-time funds to plug the deficit in FY 2002-03 and wishes away inflation in FY 2004-05. Although this bill is a first step, without a more comprehensive package that balances revenues and expenditures and replenishes the state’s reserves, the state’s credit rating will be at risk and state programs will be in jeopardy.

Some legislators have recognized the critical need for a more stable and complete funding package. They are right to insist on a budget deal that relies less on one-time money and avoids disruptive budget cuts in the future. We cannot pretend that pain deferred is pain avoided.

I appreciate the speed and attention that legislators have given to putting this bill together. H. F. No. 351, however, fails to meet even the legislature’s own goal for balancing state revenues and expenditures. The degree to which this bill leans on the use of one-time reserves is simply irresponsible. Not only does it use all available reserves, it lacks any plan to restore them and already acknowledges that there will be a big gap between state revenues and state obligations next year.
The pain of state budget shortfalls should be dealt with equitably, as well as quickly. My budget recommended significant cuts to state operations because I believed that it was fair to spread the pain of a budget shortfall to all. My plan also recognized that the same partners that benefit from state funding – namely cities, counties and schools – should also share in solving the budget deficit. Instead, H. F. No. 351 places the great majority of the responsibility for resolving the deficit onto state government.

On top of these reductions for state operations, the bill cuts an additional $75 million from state operations by imposing a $40 million hiring freeze and a $35 million cut in professional and technical contracts. These provisions are unacceptably vague. Each potential employee not hired and each contract not signed means that some work currently done by a state agency will go undone. We might even agree on some of those service and program reductions, but the bill doesn’t specify what they are. The unspecified cuts place state agencies in the impossible role of having to manage their operations, without hiring people, without signing contracts, yet pretending they can meet the same expectations as today.

The specific budget cuts to agency operations combined with these non-specific budget “plugs” are likely to lead to the following consequences. Cuts to prison funding will put employees and the public at risk. We will be less able to prevent and respond to future disease outbreaks and protect our food supply. Even our ability to track down people who don’t pay their taxes will be diminished, further worsening the state’s deficit by another $21 million.

I’ve heard claims that this bill removes automatic spending growth, apparently by removing inflation in the numbers used to plan the next budget. Removing estimated inflation from our state forecast simply lowers our financial management standards but it doesn’t mean that inflation won’t happen. What it does mean is that those who put together the next budget will have to make budget cuts or raise taxes just to maintain current service levels. The result is that H. F. No. 351 ensures risk and instability to the very cities, counties, and schools that the legislature is trying to protect.

Balancing the state’s budget and managing it responsibly is a difficult task. Yet this is the kind of challenge that each of us agreed to take on when we took the oath of office. Minnesota is part of an elite circle of states that has held itself to the highest financial standards. I am proud of that record, as each Minnesotan should be. I am also committed to maintaining that record, even through these difficult times.

My concern about managing the risk of current budget deficits should not be interpreted as a lack of concern for quality K-12 education or local government services. Rather, the issue is whether we are putting these very services in greater peril by leaving a deficit for future years just so that we can push off tough decisions to a more convenient time.

Though this bill, by itself, fails to meet this test, I remain dedicated to working with the legislature until a balanced agreement is reached.

For these reasons, I am vetoing this bill.

Sincerely,

JESSE VENTURA
Governor

MOTION TO OVERRIDE VETO

Bishop moved that H. F. No. 351, Chapter No. 220, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.
CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler  
Abrams  
Anderson, B.  
Anderson, I.  
Bakk  
Bernardy  
Bishop  
Blaine  
Boudreau  
Bradley  
Buesgens  
Daggett  
Dempsey  
Dibble  
Dorman  
Dorn  
Eastlund  
Entenza  
Evans  
Finseth  
Folliard  
Fuller  
Gerlach  
Goodno  
Goodwin  
Gray  
Greiling  
Gunther  
Haas  
Hackbarth  
Harder  
Hausman  
Hilstrom  
Hilty  
Holberg  
Holsten  
Jacobson  
Jaros  
Jennings  
Johnson, J.  
Johnson, R.  
Johnson, S.  
Juhnke  
Kalis  
Kelliker  
Kielkucki  
Knobach  
Knoblenz  
Kubly  
Kuisle  
Larson  
Leighton  
Lenczewski  
Leppik  
Lieder  
Lindner  
Lipman  
Marko  
Marquart  
McElroy  
McGuire  
Milbert  
Molnau  
Ruth  
Mullery  
Murphy  
Ness  
Nornes  
Olson  
Opatz  
Oskopp  
Osthoff  
Otremba  
Ozment  
Paulsen  
Pawlenty  
Paymar  
Pelowski  
Penas  
Peterson  
Pugh  
Rhodes  
Rifenburg  
Rukavina  
Ruth  
Schumacher  
Seagren  
Seifert  
Sertich  
Skoe  
Skoglund  
Smith  
Solberg  
Stanek  
Stang  
Swapaniski  
Swenson  
Sykora  
Thompson  
Tingelstad  
Tuma  
Vandeveer  
Wagenius  
Walz  
Westerberg  
Westrom  
Wilkin  
Wolfgang  
Workman  
Sp. Sviggum  

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Bishop motion to reconsider and repass H. F. No. 351, Chapter No. 220, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota and the roll was called.

There were 87 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler  
Abrams  
Anderson, B.  
Anderson, I.  
Bakk  
Bishop  
Blaine  
Boudreau  
Bradley  
Buesgens  
Cassell  
Clark, J.  
Daggett  
Davids  
Dehler  
Dempsey  
Dibble  
Dorman  
Dorn  
Eastlund  
Entenza  
Evans  
Finseth  
Folliard  
Fuller  
Gerlach  
Goodno  
Goodwin  
Gray  
Greiling  
Gunther  
Haas  
Hackbarth  
Harder  
Hausman  
Hilstrom  
Hilty  
Holberg  
Holsten  
Jacobson  
Jaros  
Jennings  
Johnson, J.  
Johnson, R.  
Johnson, S.  
Juhnke  
Kalis  
Kelliker  
Kielkucki  
Knobach  
Knoblenz  
Kubly  
Kuisle  
Larson  
Leighton  
Lenczewski  
Leppik  
Lieder  
Lindner  
Lipman  
Marko  
Marquart  
McElroy  
McGuire  
Milbert  
Molnau  
Ruth  
Mullery  
Murphy  
Ness  
Nornes  
Olson  
Opatz  
Oskopp  
Osthoff  
Otremba  
Ozment  
Paulsen  
Pawlenty  
Paymar  
Pelowski  
Penas  
Peterson  
Pugh  
Rhodes  
Rifenburg  
Rukavina  
Ruth  
Schumacher  
Seagren  
Seifert  
Sertich  
Skoe  
Skoglund  
Smith  
Solberg  
Stanek  
Stang  
Sykora  
Tingelstad  
Tuma  
Vandeveer  
Wagenius  
Walz  
Westerberg  
Westrom  
Wilkin  
Wolfgang  
Workman  
Sp. Sviggum
Those who voted in the negative were:

Bernardy  Evans  Huntley  Marko  Otremba  Thompson
Biernat  Folliard  Jennings  McGuire  Paymar  Wagenius
Carlson  Gleason  Johnson, S.  Milbert  Peterson  Walker
Clark, K.  Gray  Kelliher  Mulder  Mullery  Schumacher
Davnie  Greiling  Koskinen  Paymar  Skoglund  Winter
Dawkins  Hausman  Leighton  Murphy  Skoglund  Slawik
Dibble  Hilstrom  Mahoney  Olson  Swepinski
Entenza  Hilty  Mariani  Opatz  Thompson

Not having received the constitutionally required two-thirds vote, the bill was not reconsidered and repassed, the objections of the Governor notwithstanding.

MOTION TO FIX TIME TO CONVENE

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Wednesday, February 27, 2002.

A roll call was requested and properly seconded.

The question was taken on the Pawlenty motion and the roll was called.

Pawlenty moved that those not voting be excused from voting. The motion prevailed.

There were 115 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Abeler  Dibble  Holberg  Leppik  Otremba  Stang
Abrams  Dorn  Holsten  Lieder  Ozment  Swapinski
Anderson, B.  Dorn  Howes  Lindner  Paulsen  Swenson
Anderson, I.  Eastlund  Huntley  Lipman  Pawlenty  Sykora
Bakk  Erhardt  Jacobson  Mahoney  Paymar  Tingelstad
Bishop  Erickson  Jaros  Mares  Pelowski  Tuma
Blaine  Finseth  Jennings  Mariani  Penas  Vandeveer
Boudreau  Folliard  Johnson, J.  Marko  Pugh  Walz
Bradley  Fuller  Johnson, R.  Marquart  Rhodes  Westerberg
Buesgens  Gerlach  Kalis  McElroy  Rifenberg  Westrom
Carlson  Goodno  Kellher  Milbert  Rukavina  Wilkin
Cassell  Goodwin  Kielkucki  Molnau  Ruth  Winter
Clark, J.  Gray  Knoblach  Mulder  Seagren  Wolf
Clark, K.  Gunther  Koskinen  Murphy  Seifert  Workman
Daggett  Haas  Krickie  Ness  Sertich  Spk. Sviggum
Davids  Hack Barth  Kubly  Nornes  Skoe  Spkie
Davnie  Harder  Kuisele  Olson  Skoglund  Stanek
Dawkins  Hausman  Larson  Opitz  Smith  Stanek
Dehler  Hilstrom  Leighton  Osskopp  Solberg  Stanek
Dempsey  Hilty  Lenczewski  Osthoff  Stanek
Those who voted in the negative were:

Bernardy  Biernat  Entenza  Evans  Gleason  Greiling  Johnson, S.  Juhnke  McGuire  Mullery  Peterson  Slawik  Thompson  Walker

The motion prevailed.

REPORTS OF STANDING COMMITTEES

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

H. F. No. 2232, A bill for an act relating to school buses; authorizing the commissioner of public safety to cancel the school bus driver's endorsement of a person who has been convicted of a gross misdemeanor or of multiple violations that show evidence of a risk to public safety; proposing coding for new law in Minnesota Statutes, chapter 171.

Reported the same back with the following amendments:

Page 1, line 13, delete everything after "has"
Page 1, line 14, delete everything before "been"
Page 1, line 15, delete "violations" and insert "offenses" and after "law" insert ", or of a single gross misdemeanor offense."

Amend the title as follows:

Page 1, line 5, delete "gross misdemeanor or of multiple" and insert "violation or"

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. 2252, A bill for an act relating to local government; providing for the appointment of supervisors for the Hennepin county soil and water conservation district; providing for the transition from an elected to an appointed board; amending Minnesota Statutes 2000, sections 103C.311, by adding a subdivision; 103C.315, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [383B.82] [SOIL AND WATER CONSERVATION DISTRICT; APPOINTMENT OF SUPERVISORS.]

Subdivision 1. [SUPERVISORS APPOINTED BY COUNTY BOARD.] Notwithstanding the provisions of sections 103C.305, 103C.311, and 103C.315, the board of commissioners of Hennepin county may appoint the board of supervisors of the Hennepin soil and water conservation district as specified in this section."
Subd. 2. [STATE BOARD.] For purposes of this section, "state board" means the Minnesota board of water and soil resources.

Subd. 3. [SUPERVISOR DISTRICTS.] (a) The Hennepin county board of commissioners shall, subject to the approval of the Minnesota board of water and soil resources, divide the county into five districts. After establishing the boundaries of the five districts, the chair of the Hennepin county board of commissioners shall promptly file with the state board a certified copy of the resolution establishing the districts.

(b) The boundaries of the districts may be amended by the county board of commissioners, subject to the approval of the state board. The boundaries of the districts shall be reviewed by the county board of commissioners and submitted to the state board for approval at least once every ten years.

Subd. 4. [APPOINTMENT OF BOARD OF SUPERVISORS.] (a) The district board shall consist of five supervisors with one supervisor appointed to represent each district.

(b) The term of office for a district supervisor shall be four years. The terms of office for the supervisors shall be staggered. When a vacancy in the office of supervisor occurs before the expiration of the term of office, the county board shall appoint a replacement to serve the remainder of the term.

(c) When filling vacancies on the board of supervisors, the Hennepin county board of commissioners shall publish a notice of all vacancies on the district board and solicit applications pursuant to the Hennepin county open appointments policy. The application period shall end not less than 30 days from the date the vacancy is first published.

(d) To be eligible to serve as a supervisor for a district, a person must be an eligible voter residing in such district and be knowledgeable of soil and water conservation issues.

Subd. 5. [TRANSITION RULE.] The appointment of supervisors under subdivision 4 begins after the expiration of the terms of the supervisors in office on January 1, 2002, or to fill any vacancies occurring before that time.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following approval by the Hennepin county board of commissioners and the board of supervisors of the Hennepin county soil and water conservation district and after compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to local government; providing for the appointment of supervisors for the Hennepin county soil and water conservation district; providing for the transition from an elected to an appointed board; proposing coding for new law in Minnesota Statutes, chapter 383B."

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

The report was adopted.
Smith from the Committee on Civil Law to which was referred:

H. F. No. 2525, A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

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. 2587, A bill for an act relating to state government; providing a process for community ownership of the Minnesota Twins; proposing coding for new law as Minnesota Statutes, chapter 4B.

Reported the same back with the following amendments:

Page 2, line 23, after "franchise" insert "Class B shares must not be marketed to pension funds, or to individuals for purpose of holding the shares in individual retirement accounts or other retirement savings accounts”.

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2835, A bill for an act relating to education; authorizing the Minnesota commission on national and community service to create and delegate duties to a private, nonprofit corporation; amending Minnesota Statutes 2000, section 124D.385, subdivision 3, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, after line 11, insert:

"Sec. 3. [APPROPRIATION TRANSFER.]

The unspent and unencumbered portion of the appropriation in Laws 2001, First Special Session chapter 6, article 2, section 77, subdivision 22, is transferred from the commissioner of children, families, and learning to the administrative entity approved by the Corporation for National and Community Service to carry out the National and Community Service Trust Act. In the presentation of the governor's proposed budget for fiscal years 2004 and 2005, the amount appropriated in Laws 2001, First Special Session chapter 6, article 2, section 77, subdivision 22, adjusted for any changes enacted in 2002, must be shown as part of the base budget. However, any proposed future appropriation for this purpose must be shown as a pass-through grant to the commission or to the nonprofit corporation created by the commission to carry out the National and Community Service Trust Act.

[EFFECTIVE DATE.] This section is effective the day after the commission certifies to the commissioner of finance that it has created a nonprofit corporation under section 2, that the corporation has been approved by the Corporation for National and Community Service to carry out the National and Community Service Trust Act, and that the commission has delegated duties to administer Minnesota Statutes, sections 124D.37 to 124D.45, to the corporation."
Page 3, line 12, delete "4" and insert "3"

Page 3, delete lines 13 to 18

Page 3, line 19, delete everything before the comma and insert:
"On the effective date of section 3"

Page 3, line 22, before "section" insert "Minnesota Statutes."

Page 3, line 23, before "section" insert "Minnesota Statutes."

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "transferring certain appropriations;"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2840, A bill for an act relating to crimes; providing that certain license revocation hearings do not give rise to an estoppel on any issues in criminal prosecutions; providing for jurisdiction over persons found to have caused a delinquent act or charged by a juvenile petition; making it child endangerment to permit a child to be present when a person possesses certain chemical substances used to manufacture controlled substances; prescribing penalties for persons who escape from electronic monitoring; amending Minnesota Statutes 2000, sections 169A.53, subdivision 3; 260B.193, subdivision 5; 609.378, subdivision 1; 609.485, subdivisions 3, 4; 634.20.

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

The report was adopted.

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

H. F. No. 2932, A bill for an act relating to foster care; requiring disclosure of an individual's communicable disease to a foster care provider; amending Minnesota Statutes 2001 Supplement, section 260C.212, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A.

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

The report was adopted.

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

H. F. No. 2987, A bill for an act relating to Cook county; authorizing the county to convey the Mineral Center cemetery to the Grand Portage Reservation.

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

The report was adopted.
Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2988. A bill for an act relating to insurance; regulating certain licenses, fees, and coverages; amending Minnesota Statutes 2000, sections 62A.25, subdivision 2; 62A.31, subdivision 1h; 62E.14, subdivisions 4, 5, 6; 62L.02, subdivision 13a; 62L.03, subdivisions 1, 5; 62Q.185; 79A.04, subdivision 9; Minnesota Statutes 2001 Supplement, sections 60A.14, subdivision 1; 60K.56, subdivisions 6, 8, 9; 62M.03, subdivision 2; Laws 2001, chapter 117, article 1, section 29.

Reported the same back with the following amendments:

Page 3, line 10, after "one-half" insert "of the"

Page 4, after line 20, insert:

"Sec. 5. Minnesota Statutes 2000, section 61A.092, subdivision 6, is amended to read:

Subd. 6. [APPLICATION.] This section applies to a policy, certificate of insurance, or similar evidence of coverage issued to a Minnesota resident or issued to provide coverage to a Minnesota resident. This section does not apply to: (1) a certificate of insurance or similar evidence of coverage that meets the conditions of section 61A.093, subdivision 2; or (2) a group life insurance policy that contains a provision permitting the certificate holder, upon termination or layoff from employment, to retain the coverage provided under the group policy by paying premiums directly to the insurer, provided that the employer shall give the employee notice of the employee’s and each related certificate holder’s right to continue the insurance by paying premiums directly to the insurer. The insurer may reserve the right to increase premium rates after the first 18 months of continued coverage provided for under clause (2). A related certificate holder is an insured spouse or dependent child of the employee. Upon termination of this group policy or at the option of the insured who has continued coverage under clause (2), each covered employee, spouse, and dependent child is entitled to have issued to them a life conversion policy as prescribed in section 61A.09, subdivision 1, paragraph (h)."

Page 4, line 23, before "Every" insert "(a)"

Page 4, line 30, after the period, insert:

"(b) The coverage limitations on reconstructive surgery in paragraph (a) do not apply to reconstructive breast surgery following mastectomies. In such cases, coverage for reconstructive surgery must be provided if the mastectomy is medically necessary as determined by the attending physician.

(c)"

Page 5, line 16, delete everything after the period

Page 5, delete lines 17 to 19

Page 6, after line 18, insert:

"Sec. 8. Minnesota Statutes 2000, section 62E.11, subdivision 6, is amended to read:

Subd. 6. [MEMBER ASSESSMENTS.] The association shall make an annual determination of each contributing member's liability, if any, and may make an annual fiscal year end assessment if necessary. The association may also, subject to the approval of the commissioner, provide for interim assessments against the contributing members whose aggregate assessments comprised a minimum of 90 percent of the most recent prior annual assessment, in the event that the association deems that methodology to be the most administratively efficient and cost effective means of assessment, and as may be necessary to assure the financial capability of the association in meeting the incurred or estimated claims expenses of the state plan and operating and administrative expenses of the association.
until the association’s next annual fiscal year end assessment. Payment of an assessment shall be due within 30 days of receipt by a contributing member of a written notice of a fiscal year end or interim assessment. Failure by a contributing member to tender to the association the assessment within 30 days shall be grounds for termination of the contributing member’s membership. A contributing member which ceases to do accident and health insurance business within the state shall remain liable for assessments through the calendar year during which accident and health insurance business ceased. The association may decline to levy an assessment against a contributing member if the assessment, as determined herein, would not exceed ten dollars.”

Page 8, delete section 10 and insert:

"Sec. 12. Minnesota Statutes 2000, section 62J.51, subdivision 19, is amended to read:

Subd. 19. [UNIFORM DENTAL BILLING FORM. ] "Uniform dental billing form" means the most current version uniform dental claim form developed by the American Dental Association.

Sec. 13. Minnesota Statutes 2000, section 62J.535, is amended by adding a subdivision to read:

Subd. 1a. [ELECTRONIC CLAIM TRANSACTIONS.] Group purchasers, including government programs, not defined as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections, that voluntarily agree with providers to accept electronic claim transactions, must accept them in the ANSI X12N 837 standard electronic format as established by federal law. Nothing in this section requires acceptance of electronic claim transactions by entities not covered under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections. Notwithstanding the above, nothing in this section or other state law prohibits group purchasers not defined as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections, from requiring, as authorized by Minnesota law or rule, additional information associated with a claim submitted by a provider.

Sec. 14. Minnesota Statutes 2000, section 62J.535, is amended by adding a subdivision to read:

Subd. 1b. [PAPER CLAIM TRANSACTIONS.] All group purchasers that accept paper claim transactions must accept, and health care providers submitting paper claim transactions must submit, such transactions with use of the applicable medical and nonmedical data code sets specified in the federal electronic claim transaction standards adopted under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections. The paper claim transaction must also be conducted using the uniform billing forms as specified in section 62J.52 and the identifiers specified in section 62J.54. on and after the compliance date required by law. Notwithstanding the above, nothing in this section or other state law prohibits group purchasers not defined as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections, from requiring, as authorized by Minnesota law or rule, additional information associated with a claim submitted by a provider.

Sec. 15. Minnesota Statutes 2000, section 62J.535, subdivision 2, is amended to read:

Subd. 2. [COMPLIANCE.] (a) Subdivision 1a is effective concurrent with the date of required compliance for covered entities established under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, for uniform electronic billing standards, all health care providers must conform to the uniform billing standards developed under subdivision 1.

(b) Notwithstanding paragraph (a), the requirements for the uniform remittance advice report shall be effective 12 months after the date of the required compliance of the standards for the electronic remittance advice transaction are effective under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time.
Sec. 16. Minnesota Statutes 2000, section 62J.581, is amended to read:

62J.581 [STANDARDS FOR MINNESOTA UNIFORM HEALTH CARE REIMBURSEMENT DOCUMENTS.]

Subdivision 1. [MINNESOTA UNIFORM REMITTANCE ADVICE REPORT.] (a) All group purchasers and payers shall provide a uniform remittance advice report to health care providers when a claim is adjudicated. The uniform remittance advice report shall comply with the standards prescribed in this section.

(b) Notwithstanding paragraph (a), this section does not apply to group purchasers not included as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections.

Subd. 2. [MINNESOTA UNIFORM EXPLANATION OF BENEFITS DOCUMENT.] (a) All group purchasers and payers shall provide a uniform explanation of benefits document to health care patients when a claim is adjudicated and an explanation of benefits document is provided as otherwise required or permitted by law. The uniform explanation of benefits document shall comply with the standards prescribed in this section.

(b) Notwithstanding paragraph (a), this section does not apply to group purchasers not included as covered entities under United States Code, title 42, sections 1320d to 1320d-8, as amended from time to time, and the regulations promulgated under those sections.

Subd. 3. [SCOPE.] For purposes of sections 62J.50 to 62J.61, the uniform remittance advice report and the uniform explanation of benefits document format specified in subdivision 4 shall apply to all health care services delivered by a health care provider or health care provider organization in Minnesota, regardless of the location of the payer. Health care services not paid on an individual claims basis, such as capitated payments, are not included in this section. A health plan company is excluded from the requirements in subdivisions 1 and 2 if they comply with section 62A.01, subdivisions 2 and 3.

Subd. 4. [SPECIFICATIONS.] The uniform remittance advice report and the uniform explanation of benefits document shall be provided by use of a paper document conforming to the specifications in this section or by use of the ANSI X12N 835 standard electronic format as established under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time for the remittance advice. The commissioner, after consulting with the administrative uniformity committee, shall specify the data elements and definitions for the uniform remittance advice report and the uniform explanation of benefits document. The commissioner and the administrative uniformity committee must consult with the Minnesota Dental Association and Delta Dental Plan of Minnesota before requiring under this section the use of a paper document for the uniform explanation of benefits document or the uniform remittance advice report for dental care services.

Subd. 5. [EFFECTIVE DATE.] The requirements in subdivisions 1 and 2 are effective 12 months after the date of required compliance with the standards for the electronic remittance advice transaction under United States Code, title 42, sections 1320d to 1320d-8, and as amended from time to time October 16, 2004. The requirements in subdivisions 1 and 2 apply regardless of when the health care service was provided to the patient.”

Page 8, line 31, delete everything after “for” and insert “12 months from the date the group changes to one.”

Page 8, delete line 32

Page 10, lines 24 to 26, reinstate the stricken language

Page 10, line 26, before the period, insert “, except as provided in subdivision 1, paragraphs (b) and (c)”
Sec. 21. Minnesota Statutes 2000, section 62Q.68, subdivision 1, is amended to read:

Subdivision 1. [APPLICATION.] For purposes of sections 62Q.68 to 62Q.72, the terms defined in this section have the meanings given them. For purposes of sections 62Q.69 and 62Q.70, the term "health plan company" does not include an insurance company licensed under chapter 60A to offer, sell, or issue a policy of accident and sickness insurance as defined in section 62A.01 or a nonprofit health service plan corporation regulated under chapter 62C that only provides dental coverage or vision coverage. For purposes of sections 62Q.69 through 62Q.73, the term "health plan company" does not include the comprehensive health association created under chapter 62E.

Sec. 22. [62Q.731] [EXTERNAL REVIEW OF ADVERSE DETERMINATION FROM COMPREHENSIVE HEALTH ASSOCIATION.]

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

(b) "Enrollee" means an eligible person as defined in section 62E.02, subdivision 13, and who meets the eligibility criteria established in section 62E.14.

(c) "Board" means the board of directors of the comprehensive health association, as described in section 62E.10, subdivision 2.

Subd. 2. [APPEAL TO EXTERNAL REVIEW ENTITY.] If an enrollee receives an adverse determination as a result of the comprehensive health association's internal appeal process, by which an established enrollee appeal committee renders an adverse determination, the enrollee then has the option of:

(1) appealing the adverse determination to the external review entity under section 62Q.73, which shall constitute a final determination subject to the conditions specified in section 62Q.73; or

(2) appealing to the commissioner of commerce from an adverse determination as provided by the operating rules of the comprehensive health association, in which case the commissioner has the option of making a determination regarding the appeal, or submitting the appeal to the external review entity retained under section 62Q.73.

Sec. 23. Minnesota Statutes 2000, section 79.251, subdivision 1, is amended to read:

Subdivision 1. [ASSIGNED RISK PLAN REVIEW BOARD GENERAL DUTIES OF COMMISSIONER.] (1) An assigned risk plan review board is created for the purposes of review of the operation of section 79.252 and this section. The board commissioner shall have all the usual powers and authorities necessary for the discharge of its duties under this section and may contract with individuals in discharge of those duties.

(2) The board shall consist of six members to be appointed by the commissioner of commerce. Three members shall be insured holding policies or contracts of coverage issued pursuant to subdivision 4. Two members shall be insurers licensed pursuant to section 60A.06, subdivision 1, clause (5), paragraph (b). The commissioner shall be the sixth member and shall vote.

Initial appointments shall be made by September 1, 1981, and terms shall be for three years duration. Removal, the filling of vacancies and compensation of the members other than the commissioner shall be as provided in section 15.059.

(3) The assigned risk plan review board commissioner shall audit the reserves established (a) for individual cases arising under policies and contracts of coverage issued under subdivision 4 and (b) for the total book of business issued under subdivision 4.
The assigned risk plan review board commissioner shall monitor the operations of section 79.252 and this section and shall periodically make recommendations to the commissioner and to the governor and legislature when appropriate, for improvement in the operation of those sections.

All insurers and self-insurance administrators issuing policies or contracts under subdivision 4 shall pay to the commissioner a .25 percent assessment on premiums for policies and contracts of coverage issued under subdivision 4 for the purpose of defraying the costs of the assigned risk plan review board performing the duties under clauses (1) and (2). Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.

The assigned risk plan and the assigned risk plan review board shall not be deemed a state agency.

Sec. 3. [COVERAGE.] (a) Policies and contracts of coverage issued pursuant to section 79.251, subdivision 4, shall contain the usual and customary provisions of workers' compensation insurance policies, and shall be deemed to meet the mandatory workers' compensation insurance requirements of section 176.181, subdivision 2.

(b) Policies issued by the assigned risk plan pursuant to this chapter may also provide workers' compensation coverage required under the laws of states other than Minnesota, including coverages commonly known as "all states coverage." The assigned risk plan review board commissioner may apply for and obtain any licensure required in any other state to issue that coverage.

Page 14, after line 13, insert:

"Sec. 27. [INTENT OF AMENDMENTS.] The legislature intends the amendments in sections 23 and 24 to be technical clarifications necessitated by the expiration of the assigned risk plan review board on June 30, 1997, according to the terms of Minnesota Statutes, section 15.059.

Sec. 28. [REVISOR INSTRUCTION.] The revisor of statutes is instructed to amend the headnote of Minnesota Statutes, section 62J.535, to read "Uniform Billing Requirements for Claim Transactions."

Sec. 29. [REPEALER.] Minnesota Statutes 2000, section 62J.535, subdivision 1, is repealed.

Sec. 30. [EFFECTIVE DATE.] Section 5 is effective the day following final enactment."

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to insurance; regulating certain licenses, fees, and coverages; providing for health care administrative simplification; making certain technical changes; amending Minnesota Statutes 2000, sections 61A.092, subdivision 6; 62A.25, subdivision 2; 62A.31, subdivision 1h; 62E.11, subdivision 6; 62E.14, subdivisions 4, 5, 6; 62J.51, subdivision 19; 62J.535, subdivision 2, by adding subdivisions; 62J.581; 62L.03, subdivisions 1, 5; 62Q.185; 62Q.68, subdivision 1; 79.251, subdivision 1; 79.252, subdivision 3; 79A.04,
subdivision 9; Minnesota Statutes 2001 Supplement, sections 60A.14, subdivision 1; 60K.56, subdivisions 6, 8, 9; 62M.03, subdivision 2; Laws 2001, chapter 117, article 1, section 29; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 2000, section 62J.535, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3080, A bill for an act relating to the metropolitan council; extending pension coverage to part-time metropolitan transit police officers; clarifying the jurisdiction of the metropolitan transit police; removing a restriction on the employment of metropolitan transit police officers on a part-time basis; authorizing metropolitan transit police officers to apply for and execute search warrants; amending Minnesota Statutes 2000, sections 353.64, subdivision 7a; 473.407, subdivisions 1, 2, 3, 4; 626.05, subdivision 2; Minnesota Statutes 2001 Supplement, sections 626.11; 626.13; repealing Minnesota Statutes 2000, section 473.407, subdivision 4a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 84.029, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT, DEVELOPMENT, MAINTENANCE AND OPERATION.] In addition to other lawful authority, the commissioner of natural resources may establish, develop, maintain, and operate recreational areas, including but not limited to trails and canoe routes, for the use and enjoyment of the public on any state-owned or leased land under the commissioner's jurisdiction. Each employee of the department of natural resources, while engaged in employment in connection with such recreational areas, has and possesses the authority and power of a peace officer when so designated by the commissioner.

Sec. 2. Minnesota Statutes 2000, section 84A.55, subdivision 8, is amended to read:

Subd. 8. [POLICING.] The commissioner may police the game preserves, areas, and projects as necessary to carry out this section. Persons assigned to the policing have the powers of police officers while so engaged.

Sec. 3. Minnesota Statutes 2000, section 473.407, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] The council may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (h), known as the metropolitan transit police, to police its transit property and routes, to carry out investigations, and to make arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to offenses relating to council transit property, equipment, employees, and passengers.

Sec. 4. Minnesota Statutes 2000, section 473.407, subdivision 2, is amended to read:

Subd. 2. [LIMITATIONS, ARRESTS AND SUBSEQUENT INVESTIGATIONS.] The initial processing of a person arrested by the transit police for an offense within the agency's jurisdiction is the responsibility of the transit police unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction in which the crime was committed unless the law enforcement agency authorizes the transit police to assume the subsequent investigation. The transit police are not authorized to apply for a search warrant as prescribed in section 626.05. At the request
of the primary jurisdiction, the transit police may assist in a subsequent investigation being carried out by the primary jurisdiction. Persons arrested for violations which the transit police determine are not within the agency's jurisdiction must be referred to the appropriate local law enforcement agency for further investigation or disposition.

Sec. 5. Minnesota Statutes 2000, section 473.407, subdivision 3, is amended to read:

Subd. 3. [POLICIES POLICY FOR NOTICE OF INVESTIGATIONS.] Before the council begins to operate its law enforcement agency within a city or county with an existing law enforcement agency, the transit police shall develop, in conjunction with the law enforcement agencies, written policies that describe how the issues of joint jurisdiction will be resolved. The policies must also address the operation of emergency vehicles by transit police responding to transit emergencies. These policies must be filed with the board of peace officer standards and training by August 1, 1993. Revisions of any of these policies must be filed with the board within ten days of the effective date of the revision. The transit police must develop a policy for notifying the law enforcement agency with primary jurisdiction when it has initiated surveillance or investigation of any person within the jurisdiction of that agency. The council shall train all of its peace officers regarding the application of these policies this policy.

Sec. 6. Minnesota Statutes 2000, section 626.05, subdivision 2, is amended to read:

Subd. 2. [PEACEOFFICER.] The term "peace officer," as used in sections 626.04 to 626.17, means a person who is licensed as a peace officer in accordance with section 626.84, subdivision 1, and who serves as a sheriff, deputy sheriff, police officer, constable, conservation officer, agent of the bureau of criminal apprehension, agent of the division of alcohol and gambling enforcement, University of Minnesota peace officer, metropolitan transit police officer, or state patrol trooper as authorized by section 299D.03.

Sec. 7. Minnesota Statutes 2001 Supplement, section 626.11, is amended to read:

626.11 [ISSUANCE OF WARRANT.] If the judge is satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, the judge must issue a signed search warrant, naming the judge's judicial office, to a peace officer having jurisdiction in the area where the place to be searched is located, to an agent of the bureau of criminal apprehension, to an officer of the metropolitan transit police, or to an agent of the division of alcohol and gambling enforcement who is a licensed peace officer as defined in section 626.84, subdivision 1, paragraph (c). The warrant shall direct the officer or agent to search the person or place named for the property or things specified, and to retain the property or things in the officer's or agent's custody subject to order of the court issuing the warrant.

Sec. 8. Minnesota Statutes 2001 Supplement, section 626.13, is amended to read:

626.13 [SERVICE; PERSONS MAKING.] A search warrant may in all cases be served anywhere within the issuing judge's jurisdiction by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on the officer's requiring it, the officer being present and acting in its execution. If the warrant is to be served by an agent of the bureau of criminal apprehension, an agent of the division of alcohol and gambling enforcement, a state patrol trooper, a metropolitan transit police officer, or a conservation officer, the agent, state patrol trooper, police officer, or conservation officer shall notify the chief of police of an organized full-time police department of the municipality or, if there is no such local chief of police, the sheriff or a deputy sheriff of the county in which service is to be made prior to execution.

Sec. 9. [APPLICATION.] Sections 3 to 5 and the repeal in section 10 of Minnesota Statutes 2000, section 473.407, subdivision 4a, apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.
Sec. 10. [REPEALER.]

Minnesota Statutes 2000, sections 85.04; and 473.407, subdivision 4a, are repealed.

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 10 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public safety; clarifying the jurisdiction of the metropolitan transit police; removing an exception to a restriction on the employment of metropolitan transit police officers on a part-time basis; authorizing metropolitan transit police officers to apply for and execute search warrants; removing certain authority of natural resources department employees to act as peace officers or police officers; amending Minnesota Statutes 2000, sections 84.029, subdivision 1; 84A.55, subdivision 8; 473.407, subdivisions 1, 2, 3; 626.05, subdivision 2; Minnesota Statutes 2001 Supplement, sections 626.11; 626.13; repealing Minnesota Statutes 2000, sections 85.04; 473.407, subdivision 4a."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3118, A bill for an act relating to education; providing an additional method for school districts to form and sponsor a charter school; amending Minnesota Statutes 2000, section 124D.10, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 6, after the period, insert "Immunity provisions of subdivision 25 shall be applicable to these review and comment activities."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3169, A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 462.358, is amended by adding a subdivision to read:

Subd. 11. [AFFORDABLE HOUSING.] For the purposes of this subdivision, a "development application" means subdivision, planned unit development, site plan, or other similar type action. If a municipality, in approving a development application that provides all or a portion of the units for persons and families of low and moderate
income, so proposes, the applicant may request that provisions authorized by clauses (1) to (3) will apply to housing for persons of low and moderate income, subject to agreement between the municipality and the applicant:

(1) establishing sales prices or rents for housing affordable to low- and moderate-income households;

(2) establishing maximum income limits for initial and subsequent purchasers or renters of the affordable units; and

(3) establishing means, including, but not limited to, land trusts, equity sharing, or similar activities, to maintain the long-term affordability of the affordable units.

Clauses (1) to (3) shall not apply for more than 20 years from the date of initial occupancy.

Sec. 2. [462.3612] [HOUSING FISCAL IMPACT NOTES.]

Subdivision 1. [DEFINITION.] "Housing fiscal impact" means increased or decreased costs that a housing development would incur as a result of an official control adopted or amended by a municipality after August 1, 2002, that adds to or changes the regulation of the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, percentage of the lot occupied, size of yards and other open spaces, density and distribution of population, uses of buildings, or design of residential housing.

Subd. 2. [CONDITIONS; CONTENTS.] (a) When there is the potential for a housing fiscal impact resulting from the adoption or amendment of an official control, the responsible municipality must prepare a housing fiscal impact note prior to the public hearing on the proposed adoption or amendment of an official control.

(b) The housing fiscal impact note shall:

(1) estimate in dollar amounts the increase or decrease in the costs as a result of the municipal proposed action;

(2) specify long-range implications of the proposed action;

(3) describe appropriate alternatives to the proposed action; and

(4) discuss the rationale for the proposed change."

Delete the title and insert:

"A bill for an act relating to housing; specifying certain discretionary municipal subdivision authority; providing for housing fiscal impact notes; amending Minnesota Statutes 2000, section 462.358, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462."

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

The report was adopted.

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

H. F. No. 3190, A bill for an act relating to corrections; requiring the juvenile court to send data relating to juvenile petitions to the statewide supervision system; amending Minnesota Statutes 2000, sections 260B.171, subdivision 2; 299C.09; 299C.147, subdivisions 3, 4; Minnesota Statutes 2001 Supplement, section 299C.147, subdivision 2.

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

The report was adopted.
Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3202, A bill for an act relating to the city of Delano; increasing its public utilities commission from three to five members.

Reported the same back with the recommendation that 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. 3205, A bill for an act relating to contracts; regulating public works contracts; proposing coding for new law in Minnesota Statutes, chapter 15.

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

The report was adopted.

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

H. F. No. 3226, A bill for an act relating to traffic regulations; allowing motorcyclist to run red light under certain circumstances; amending Minnesota Statutes 2000, section 169.06, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete "EXCEPTION FOR" and insert "AFFIRMATIVE DEFENSE RELATING TO"

Page 1, line 10, after the headnote, insert "(a)" and delete everything after "motorcycle" and insert "who violates subdivision 4 by entering or crossing an intersection controlled by a traffic-control signal against a red light has an affirmative defense to that charge if the person establishes all of the following conditions:

Page 1, delete lines 11 and 12

Page 1, line 20, after "vehicle" insert "or person"

Page 1, after line 22, insert:

"(b) The affirmative defense in this subdivision applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action."

Amend the title as follows:

Page 1, line 2, delete "allowing motorcyclist" and insert "establishing an affirmative defense for motorcyclists who"

Page 1, line 3, delete "to" and delete "light" and insert "lights"

With the recommendation that when so amended the bill pass.

The report was adopted.
Dempsey from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3282, A bill for an act relating to local government; allowing a city to establish cartways; amending Minnesota Statutes 2000, section 415.01.

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

The report was adopted.

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

H. F. No. 3296, A bill for an act relating to state employment; shifting social security administrative duties from the department of employee relations to the public employees retirement association; classifying data on employee's dependents as private; amending Minnesota Statutes 2000, sections 13.43, subdivision 4; 355.01, subdivision 5.

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

The report was adopted.

Wolf from the Committee on Regulated Industries to which was referred:

H. F. No. 3340, A bill for an act relating to energy; requiring prevailing wage to be paid on certain energy projects; proposing coding for new law in Minnesota Statutes, chapter 177.

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

The report was adopted.

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

H. F. No. 3404, A bill for an act relating to motor vehicles; requiring security interest on vehicle subject to DWI-related forfeiture to be perfected in order to protect interest of secured party; amending Minnesota Statutes 2001 Supplement, section 169A.63, subdivision 7.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2001 Supplement, section 169A.63, subdivision 1, is amended to read:

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

(b) "Appropriate agency" means a law enforcement agency that has the authority to make an arrest for a violation of a designated offense or to require a test under section 169A.51 (chemical tests for intoxication).

(c) "Designated license revocation" includes a license revocation under section 169A.52 (license revocation for test failure or refusal) or a license disqualification under section 171.165 (commercial driver’s license disqualification) resulting from a violation of section 169A.52; within ten years of the first of two or more qualified prior impaired driving incidents."
(d) "Designated offense" includes:

(1) a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree driving while impaired); or

(2) a violation of section 169A.20 or an ordinance in conformity with it:

(i) by a person whose driver's license or driving privileges have been canceled as inimical to public safety under section 171.04, subdivision 1, clause (10); or

(ii) by a person who is subject to a restriction on the person's driver's license under section 171.09 (commissioner's license restrictions), which provides that the person may not use or consume any amount of alcohol or a controlled substance.

(e) "Motor vehicle" and "vehicle" do not include a vehicle which is stolen or taken in violation of the law.

(f) "Owner" means the registered owner of the motor vehicle according to records of the department of public safety and includes a person legally entitled to possession, use, and control of a motor vehicle, including a lessee of a motor vehicle if the lease agreement has a term of 180 days or more. There is a rebuttable assumption that a person registered as the owner of a motor vehicle according to the records of the department of public safety is the legal owner. For purposes of this section, if a motor vehicle is owned jointly by two or more people, each owner's interest extends to the whole of the vehicle and is not subject to apportionment.

(g) "Prosecuting authority" means the attorney in the jurisdiction in which the designated offense occurred who is responsible for prosecuting violations of a designated offense or a designee. If a state agency initiated the forfeiture, and the attorney responsible for prosecuting the designated offense declines to pursue forfeiture, the attorney general's office or its designee may initiate forfeiture under this section."

Renumber the sections in sequence

Amend the title as follows:

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 3464, A bill for an act relating to commerce; creating a small business category under the Money Transmitter Act; modifying regulations; amending Minnesota Statutes 2001 Supplement, sections 53B.05, subdivision 1; 53B.08, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 10, after the headnote, insert "Each licensee engaging in money transmission at six or fewer locations in the state, either directly or through authorized delegates, must have a net worth of at least $50,000."

Page 1, line 14, after "state" insert ", either directly"

Page 1, line 15, after "delegates" insert a comma

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. 3598, A bill for an act relating to licensed gambling distributors; regulating sale of certain gambling devices; amending Minnesota Statutes 2000, section 299L.07, subdivision 2.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2232, 2525, 2587, 2835, 2840, 2932, 2987, 2988, 3080, 3118, 3190, 3202, 3205, 3226, 3296, 3404, 3464 and 3598 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Stanek introduced:

H. F. No. 3634, A bill for an act relating to capital improvements; for grants to local governments in the metropolitan area for public safety radio communications capital improvements; authorizing issuance of bonds; appropriating money.

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

Stanek introduced:

H. F. No. 3635, A bill for an act relating to child advocacy centers; establishing grants for child advocacy centers that provide certain core functions; appropriating money.

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

Sertich introduced:

H. F. No. 3636, A bill for an act relating to local government; extending the possible time for payment of certain certificates of indebtedness and capital notes issued by statutory cities; amending Minnesota Statutes 2000, section 412.301.

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

Sertich introduced:

H. F. No. 3637, A bill for an act relating to municipalities; extending the terms for which certain certificates of indebtedness may be issued; amending Minnesota Statutes 2000, section 412.301.

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

H. F. No. 3638, A bill for an act relating to education; working to improve students’ access to needed services.

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

Goodno introduced:

H. F. No. 3639, A bill for an act relating to taxation; authorizing the city of Moorhead to impose a tax levy for payment of certain obligations to which tax increments are pledged.

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

Opatz introduced:

H. F. No. 3640, A bill for an act relating to appropriations; authorizing state bonds; appropriating money for a grant for parks and trails to the St. Cloud area regional parks and trails coordinating board.

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

Huntley, Swapinski and Jaros introduced:

H. F. No. 3641, A bill for an act relating to capital improvements; authorizing the issuance of state bonds for the construction of a visitor’s center in Duluth; appropriating money.

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

CONSENT CALENDAR

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

MOTIONS AND RESOLUTIONS

Tuma moved that the names of Ostoff and Ozment be added as authors on H. F. No. 2617. The motion prevailed.

Paymar moved that his name be stricken as an author on H. F. No. 2752. The motion prevailed.

Schumacher moved that her name be stricken as an author on H. F. No. 3007. The motion prevailed.

Evans moved that the name of Bernardy be added as an author on H. F. No. 3126. The motion prevailed.

Clark, J., moved that the name of Paymar be shown as chief author on H. F. No. 3563. The motion prevailed.

Kielkucki moved that the name of Erickson be added as an author on H. F. No. 3624. The motion prevailed.
Mares moved that H. F. No. 2513 be recalled from the Committee on Capital Investment and be re-referred to the Committee on Taxes. The motion prevailed.

Mulder moved that H. F. No. 3031 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Civil Law. The motion prevailed.

Goodno moved that H. F. No. 3236 be recalled from the Committee on Health and Human Services Finance and be re-referred to the Committee on Health and Human Services Policy. The motion prevailed.

ADJOURNMENT

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Wednesday, February 27, 2002.

Edward A. Burdick, Chief Clerk, House of Representatives